

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	07 02 2018
<b>Subject:</b> Gambling Act 2005: Review of Statement of Licensing Principles	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

### Summary

The Gambling Act 2005 requires all licensing authorities to produce and publish a Statement of Licensing Principles ('policy'). The City Corporation produced its first such statement, as prescribed by the statutory timetable, at the time the Act came into force in January 2007.

The legislation requires that all authorities review their policy at least every three years. This report was last reviewed in January 2016 and therefore is required to be reviewed by January 2019.

The City Corporation has now completed its work on producing a Local Area Profile in order that licensees can fully assess the local risk to the licensing objectives posed by their gambling operations. The Policy is therefore being reviewed earlier than statutorily required to include this work.

It is proposed that this updated Policy (Appendix 1) and the two documents 'Local Area Profile' (Appendix 2) and the 'Guidance on Undertaking Risk Assessments' (Appendix 3) form the basis of the proposals sent for consultation.

### Recommendation(s)

Members are asked to:

1. Agree for consultation the draft Statement of Licensing Principles (Appendix 1), The Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3) .
2. Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles as stated in paragraphs 11 to 16.

## **Main Report**

### **Background**

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. In order to comply with the statutory process, the City Corporation must consult with the following:
  - The Chief Officer of Police for the City of London
  - Persons representing the interests of persons carrying on gambling businesses within the City of London
  - Persons representing the interests of persons who may be affected by the City Corporation exercising its functions under the Act
3. The Gambling Commission has produced a Guidance to Licensing Authorities 5<sup>th</sup> Edition (the 'Guidance') and a document entitled 'Licence Conditions and Codes of Practice' (LCCP). The latest LCCP contained:
  - A new social responsibility code provision relating to the assessment of local risk.
  - A new ordinary code provision relating to shared risk assessments.
4. The social responsibility code provision requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. In making these assessments, licensees must take into account relevant matters identified in the corporation's licensing policy.
5. The new ordinary code provision requires operators to share their risk assessment with licensing authorities when applying for a premises licence or a variation, or otherwise on request. The effect of this is that when an application is submitted, the authority can expect to see how risks which it has identified in its policy are to be mitigated.
6. The City's current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the City Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.

7. However, following the release of the LCCP the Gambling Commission published a special bulletin making it clear that the national templates (from which the Policy was drafted) were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape. This in turn would mean that licensees would not have sufficient information on which to base their newly required risk assessments.
8. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino and has no Bingo establishments or Adult Gaming Centres.

Premises licensed within the City are currently as follows:

• Betting Shops	36
• Gaming Machine Permits (2 or less)	2
• Gaming Machine Permits (3 or more)	17

### **Current Position**

9. The Licensing Service has undertaken an in-depth local area 'socio-economic' profile to take account of such risk and features which may affect the licensing objectives. This has resulted in the production of two documents:
  - The Gambling Local Area Profile – Spatial Analysis Report
  - Guidance on Undertaking Local Gambling Risk Assessments
10. The above documents can be seen as Appendix 2 and Appendix 3 respectively. The new Policy can be seen as Appendix 1.

### **Proposals**

11. It is proposed that the draft document at Appendices 1,2 and 3 form the basis of the paper that will be forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. It is proposed that the consultation period run for six weeks from Monday 19 February 2018 to Monday 2 April 2018.
12. It is intended to consult the following persons representing the interests of persons carrying on businesses in the City of London:
  - All licensees.
13. It is intended to consult the following persons representing the interests of persons who may be affected by the City exercising its functions under the Act:
  - Local Members
  - Director of Community and Children's Services
  - GambleAware
  - Gamcare

- Other responsible authorities
14. The remaining statutory consultee, The Chief Officer of Police for the City of London, will also be consulted.
  15. Once the consultation is complete the responses will be considered, and the Policy further amended where considered appropriate. A final version of the consulted upon Policy will come before this Committee on 25 April 2018.
  16. The final report will then be formally adopted by the Court of Common Council in May 2018. This is a mandatory process to comply with statutory requirements.

### **Corporate & Strategic Implications**

17. The proposals within this report will help to meet one of the overriding aims contained within the service's business plan to meet legal requirements of relevant legislation.

### **Implications**

18. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.

### **Appendices**

- Appendix 1 – Statement of Licensing Principles 2018
- Appendix 2 - The Gambling Local Area Profile
- Appendix 3 - Guidance on Undertaking Local Gambling Risk Assessments

### **Background Papers**

Guidance to Licensing Authorities 5<sup>th</sup> Edition – September 2015 (Gambling Commission)

Licence Conditions and Codes of Practice – April 2015 (Gambling Commission)

### **Peter Davenport**

Licensing Manager

T: 020 7332 3227

E: [peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk)