



**Sandwell**  
Metropolitan Borough Council

## **Gambling Act 2005 – Statement of Principles**

**Approved by Full Council on the XXXXXXXX.**

**Implemented on the XXXXXXXXXX.**

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### 1. Gambling Act 2005 – Statement of Principles

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## 1.1 Introduction

Sandwell is one of the larger metropolitan boroughs located at the centre of the West Midlands and is predominantly urban in character. The Borough is composed principally of six towns rather than a single, dominant centre and these form the basis of the Council's community focus. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich. At the last count, the population of the Borough was just under 320,000.

As far as the economy is concerned, Sandwell is still heavily reliant on manufacturing, although service industries now form almost 60% of total employment within the Borough. Sandwell is also a densely-populated area and has the highest number of residents per unit of residential land in the West Midlands. In contrast, the Borough also has the highest proportion of parks and open spaces amongst the seven metropolitan districts in the area.

Sandwell has high levels of deprivation and is ranked the 13<sup>th</sup> most deprived local authority area out of 326 (Indices of Multiple Deprivation 2015). Deprivation in Sandwell is not concentrated in pockets, but more widespread across the borough than in other areas, with the worst areas of deprivation following Sandwell's industrial belt, running from the northwest to the southeast of the Borough. 28.3% of children in Sandwell are classed as living in poverty with relatively high volumes of adults experiencing income and employment deprivation.

The Gambling and betting industry is a key contributor to the UK economy, directly generating an average of £2.3 billion towards the UK GDP. However, it is also recognised that such entertainment can lead to negative impacts on the individual gambler, their family and the wider community. Such negative impacts include financial problems, mental and physical health issues, job loss and absenteeism, criminality, and the well-being of children and carers.

According to the British Gambling Prevalence Survey 2010, 0.9% of adults in the UK meet the clinical criteria to be considered pathological Gamblers – for Sandwell this would equate to 2,186 adults. Furthermore, there is evidence that gambling is a particular issue for adolescents, with one survey of British teenagers aged 11-15 years finding that 1.9% met the clinical criteria for pathological gambling. This highlights the particular risks of problem gambling for young people.

Problematic gambling is also associated with a number of risk factors such as being unemployed, having poor health, being younger, male, binge drinking – factors which affect many of our local residents and therefore increase the propensity towards problematic gambling.

The Licensing Authority wishes to minimise any negative impact from licensed gambling.

The policy has a key role in ensuring the Council delivers on its Vision 2030 commitments including;

- Ambition 1 – “Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.
- Ambition 5 - “Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods “and
- Ambition 8 “Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families”

## 1.2 List of Consultees

In preparing this policy, the following key organisations and agencies were consulted in accordance with Section 349(3) of the Act.

### 1.2A West Midlands Police

Chief Constable, West Midlands Police Headquarters, Lloyd House, Birmingham

### 1.2B Other Key Agencies / Responsible Authorities

West Midlands Fire and Rescue Service  
 Planning and Development Services  
 Local Safeguarding Children Board (SSCB)  
 Director of Public Health  
 Environmental Health (incl. Air Pollution / Noise Control)  
 Health and Safety  
 HM Revenue and Customs  
 Safer Sandwell Partnership

### 1.2C Persons / Bodies Representative of the interests of persons carrying gambling businesses in Sandwell

Chamber of Commerce  
 Licensing Solicitors  
 British Beer & Pub Association  
 Association of British Bookmakers  
 General Secretary Casino Operators Association of the UK  
 National Casino Industry Forum  
 British Amusement Catering Trade Association (BACTA)  
 Responsibility in Gambling Trust  
 Gamcare  
 The Gambling Commission  
 The Bingo Association

The British Casino Association  
Business in Sport & Leisure  
British Beer and Pub Association BBPA Midland Counties  
Breweries  
Gaming Machine Companies  
Operators of Gambling Premises in Sandwell  
Amusement Arcades  
Bingo Halls  
Casinos  
Betting Offices and/or their Registered Offices

**1.2D Persons representative of the interests of the local community, residents and others likely to be affected by the exercise of the Council's functions:**

All Members of the Council (Councillors)  
Members of Parliament for the Sandwell area  
MEP's for the Sandwell area

Consultation was carried out during 2019 in accordance with Section 349 of the Gambling Act 2005

The full list of comments made and the consideration by the Licensing Authority of those comments is available by request to the Licensing Team on 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

**2. Gambling Act 2005**

2.1 This Statement of Principles is intended to meet the Licensing Authority's obligations under Section 349 of the Gambling Act 2005 (referred to in this Statement as "the Act").

2.2 In carrying out its licensing functions under the Act, the Licensing Authority will act in accordance with the relevant legislation, adopt the principles of better regulation, regulate gambling in the public interest and aim to permit the use of premises for gambling as it thinks fit so long as it is:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

2.3 There are 3 licensing objectives which are central to the regulatory regime created by the Act. These are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

2.4 The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

The Licensing Authority is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences.

## 2.5 Declaration

In producing this Statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, any guidance issued by the Gambling Commission, and any responses received from those consulted prior to the preparation of this Statement.

## 3. The Gambling Commission

3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling:

- by ensuring that gambling is conducted fairly and openly
- by protecting children and vulnerable people

3.2 The Commission provides independent advice to the government about the way gambling is carried out, the effects of gambling and the regulation of gambling generally.

3.3 The Commission has issued Guidance under Section 25 of the Act regarding the way local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

3.4 The Commission has issued several codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, including the advertising of gambling facilities.

The Gambling Commission can be contacted at:

[mailto: info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk) or by going to their website which can be found at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## 4 Authorised Activities

4.1 “Gambling” is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or other event or process; the likelihood of anything occurring or not occurring, or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

4.2 The main functions of the Licensing Authority are to:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Conduct Authority.

Remote Gambling is regulated by the Gambling Commission.

The National Lottery is regulated by the National Lottery Commission.

## **5 General Statement of Principles**

5.1 The Licensing Authority recognises the wide variety of premises which require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

5.2 In carrying out its licensing functions, the Licensing Authority will have regard to any guidance issued by the Gambling Commission from time to time.

5.3 It is recognised that the statutory principles of good regulation and the Regulator's Code apply to Local Authorities and as such the Licensing Authority will have regard to them when fulfilling its regulatory functions under the Act.

5.4 The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

5.5 To ensure the licensing objectives are met, the Licensing Authority has established a good working relationship with the Gambling Commission and will continue to conduct joint inspection visits with the Commission and other responsible authorities as appropriate.

- 5.6 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.
- 5.7 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 5.8 However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits.

## **6 Preventing gambling from being a source of crime or disorder**

- 6.1 The Gambling Commission plays the leading role in preventing gambling from being a source of crime and maintains rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 6.2 Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, (unless the premises is a “track” for which an operating licence is not necessary). Therefore, the Licensing Authority is not generally concerned with the suitability of an applicant and where concerns about a person’s suitability arise, the Licensing Authority will bring those concerns to the attention of the Commission.
- 6.3 If an application for a licence or a permit is received in relation to premises which are in an area noted for problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors, although this would only be considered in cases where there is clear evidence that the premises in question are not being adequately supervised and door supervision is considered both necessary and proportionate.
- 6.4 As far as nuisance is concerned, there are already powers in existing anti-social behaviour and other licensing legislation to deal with measures designed to prevent nuisance, whether it arises because of noise from a building or from general disturbance once people have left a building. The Licensing Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.
- 6.5 Issues of disorder would normally only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could



see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

## **7 Ensuring gambling is conducted in a fair and open way**

7.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues are adequately addressed by the Commission through the operating and personal licensing regime.

7.2 Because betting track operators do not need an operating licence from the Commission, the Licensing Authority may, if the circumstances warrant it, require conditions to be applied to the licence relating to the suitability of the environment in which the betting activity takes place.

## **8 Protecting children and other vulnerable people from gambling**

8.1 With limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.

8.2 In practice, steps are generally taken to prevent children from taking part in, or being in close proximity to gambling, especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be some restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

8.3 When considering whether to grant a premises licence or a permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs, betting tracks etc.

8.4 The Act seeks to protect what are termed as “vulnerable people”. Although there is no specific definition of this term the Licensing Authority includes in this description, among others, people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

8.5 The Local Authority is required by Regulations to state the principles it has applied in exercising its powers under Section 157(h) of the Act to designate, in writing a body which is competent to advise the Local Authority about the protection of children from harm. These principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority’s area and;
- the need for the body to be answerable to democratically elected persons rather than any particular vested interest group

8.6 The Local Authority has therefore designated the Local Safeguarding Children Board for this purpose. The Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

8.7 Businesses, particularly licensed businesses, can play a vital and positive role in helping to identify and protect those that are vulnerable to exploitation and abuse whether they are children, young persons or adults and preventing such exploitation and abuse from occurring by doing the right thing and sharing any suspicious information that sexual exploitation or abuse of children and vulnerable persons is taking place with the relevant authorities or agencies.

8.8 More information about Child Sexual Exploitation, including learning resources, can be found at <http://www.sandwellscb.org.uk/>

8.9 If you are worried a child may be suffering significant harm, or if you are concerned a child has suffered harm, neglect or abuse, please follow the advice below:

- If you believe a child or young person is at immediate risk of harm, you should contact the police by dialling 999.

If you have concerns about a child or young person but believe they are not at immediate risk you can:

- Contact the Sandwell Safeguarding Team on 0121 569 3100
- Contact the NSPCC on **0808 800 5000** (free service, lines open 24 hours a day). They will listen to your concerns, offer advice and support and can take action on your behalf if a child is in danger. You can also report concerns anonymously. For further information or to report your concerns online visit: [www.nspcc.org.uk/what-you-can-do/report-abuse/](http://www.nspcc.org.uk/what-you-can-do/report-abuse/)

## 9 Premises licences

9.1 A premises licence can authorise the provision of gambling facilities at the following:

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

9.2 Premises can be “any place” but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate “premises”. It is recommended that applicants

familiarise themselves with paragraphs 7.5 to 7.11 of the Commission’s Guidance in this respect. With regard to “splitting” premises the Licensing Authority has particular regard to paragraphs 7.31 and 7.39 of the Commission’s Guidance. Applicants will need to satisfy the Licensing Authority that premises are genuinely “different” and “separate” in each case.

9.3 Any entrances and exits from parts of a building covered by one or more licences need to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to “drift” accidentally into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

9.4 The relevant access provisions for each premises type is as follows:

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> <li>• The principal entrance to the premises must be from the “street”</li> <li>• No entrance to a casino must be made from premises that are used wholly or mainly by children and/or young persons</li> <li>• No customer must be able to enter a casino directly from any other premises which holds a gambling licence</li> </ul>
AGCs	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from any other licensed gambling premises</li> </ul>
Betting Shops	<ul style="list-style-type: none"> <li>• Access must be from a “street” or from other premises with a betting license</li> <li>• No direct access from a betting shop to another premise used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino or AGC.</li> </ul>
Bingo Premises	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino, an AGC or a betting premises other than a track</li> </ul>
FECs	<ul style="list-style-type: none"> <li>• No customer must be able to access the premises directly from a casino, an AGC or a betting premises other than a track</li> </ul>

9.5 Other than an application for a betting premises licence in respect of a track, the Licensing Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

9.6 When considering applications for premises licences the Licensing Authority will consider each case on its own individual merits without regard to demand. With regard to primary gambling activity issues, the Licensing Authority will take into account any representations made by the Commission.

9.7 The Licensing Authority will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Team on 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## 10 Responsible Authorities

10.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if those representations are relevant to the licensing objectives.

10.2 Section 157 of the Act defines those authorities; for our purposes they are as follows:-

- The Gambling Commission
- The Chief Officer of Police
- West Midlands Fire and Rescue Service
- The Local Planning Authority
- Environmental Health
- Local Safeguarding Children Board
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated

10.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be considered unless they are relevant to the application itself and to the licensing objectives. In this regard, the Licensing Authority will not generally consider representations which are deemed to be irrelevant, e.g.

- there are too many gambling premises in the locality
- planning permission has not been obtained for the premises
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will, however, be considered on its own individual merits.

## 11 Interested Parties

11.1 Interested parties can make representations about licence applications or apply for a review of an existing licence.

11.2 An interested party is someone who:

- lives sufficiently close to the premises likely to be affected by the authorised activities or,
- has business interests that might be affected by the authorised activities or,
- represents persons in either of the two groups above

- 11.3 The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party.
- 11.4 Each case will be determined upon its merits, however, in determining whether someone lives sufficiently close to a particular premise so as to be affected, the Licensing Authority will take into account, among other things:
- the size of the premises
  - the nature of the premises
  - the distance of the premises from the person making the representation
  - the nature of the complaint
  - the potential impact of the premises
- 11.5 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- the size of the premises
  - the catchment area of the premises (how far people travel to visit the premises)
  - whether the person making the representation has business interests in the catchment area that might be affected
- 11.6 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area the Licensing Authority would not normally consider this, unless it is supported by other evidence, as such a representation relates to demand or competition and not to the licensing objectives.
- 11.7 Trade associations, trade unions, residents' and tenants' associations will generally not be viewed as interested parties unless they are representing a specific member who is held to be an interested party in accordance with the provisions of Section 158 of the Act.
- 11.8 A school head or governor will generally not be viewed as an interested party unless they are representing the interests of pupils or parents who are held to be interested parties in accordance with the provisions of Section 158 of the Act.
- 11.9 A community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people who are held to be interested parties in accordance with the provisions of Section 158 of the Act.
- 11.10 Persons who are democratically elected, e.g. Councillors and Members of Parliament, are interested parties. The Council will not require such elected persons to provide evidence that they have been asked to represent any particular person providing the elected person represents the area/location that will be affected by the licence/permit application or review.
- 11.11 The Licensing Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the

circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant
- whether it raises a “relevant” issue or not, or
- whether it raises issues specifically to do with the premises which are the subject to the application

10.12 More detailed information on the making of representations in a separate guidance can be found at Appendix 1. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **12 Local Risk Assessments**

Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises. They are required to have policies, procedures and controls in place to mitigate those risks.

12.1 Operators are required to undertake/update/share (as appropriate in accordance with the Guidance and the Licence Conditions Codes of Practice) a local risk assessment in the following situations: -

- when applying for a new premises licence
- when applying to vary the premises licence
- when significant changes occur in local circumstance (see below)
- when there are significant changes at the premises (see below)
- when requested to do so by the Licensing Authority

In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.

12.2 The risk assessment should be specific to the local area within which the premises is situated and should be sufficiently detailed to enable the Licensing Authority and the operator to consider whether any conditions are required to mitigate the risks.

12.3 When completing the risk assessment, the operator must have regard to the local area profile created by the Licensing Authority and to the Licensing Authority’s Statement of Principles.

12.4 Where appropriate we would expect the applicant to consider the following matters when carrying out their risk assessments. This is not an exhaustive list and there may be other factors which should be considered. A risk assessment should be undertaken for each new application and matters which should be considered will vary.

12.5 Risks associated with Location

- The location of;

- schools, sixth form colleges, youth centres etc.
- banks and other financial institutions
- playgrounds, leisure/community centres and other areas where children will gather
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless
- any gambling or addiction support/treatment centres
- any religious buildings
- any known information about issues with problem gambling in the area including vulnerable groups
- known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in the area

#### 12.6 Risks associated with underage gambling

- Ensuring appropriate staffing levels at different times of the day i.e. when a local school or college closes and the students begin to vacate the grounds.
- Proximity of machines to the entrance door
- The position of gambling machines.
- Using age verification policies including 'Think 21' and 'Think 25' to prevent underage gambling.
- Enhanced staff training where the premises is close to a school or college.

Further data which applicants can access and use when carrying out their risk assessments can be found at <http://www.localhealth.org.uk/#l=en;v=map7> and <https://www.sandwelltrends.info/lisv2/navigation/home.asp>

#### 12.7 Significant changes in local circumstances

The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances. The list is not exhaustive and each premise will be considered on its own merits. Operators must consider whether any change in the locality of their premises is one that may be considered significant

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Local Area Profile
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby

- Any new pay day loan establishment or pawn brokers open in the local area
- Relevant changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises e.g. additional homeless hostels or gambling or mental health care/support facilities in the local area
- A new gambling premises opens in the local area

12.8 Operators must consider what is happening in their local area and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the risk assessments if necessary.

12.9 The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The Licensing Authority will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators.

12.10 Operators must consider what is happening within their premises and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the risk assessment if necessary.

## 13 Local Area Profile

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13.1 The Licensing Authority has produced six profiles based on the Six Towns in the Borough which will assess the local environment and identify local concerns and risks.

13.2 The profile will take account of a wide range of factors, data and information held by the Licensing Authority and its partners. Responsible authorities and other relevant organisations will be invited to take part in the preparation of the profile. The profile will enable operators to clearly identify the risks and concerns in the community when completing their risk assessment.

13.3 The Local Area Profiles can be accessed at <https://www.sandwelltrends.info/sandwell-town-profiles/>

## 14 Conditions of Licence

14.1 The Licensing Authority will not normally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary because of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

14.2 Any conditions imposed by the Licensing Authority will be proportionate to the circumstances they are intended to address, in particular, the Licensing Authority will ensure that any conditions are:

- relevant to the need to make the premises suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects

14.3 Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours, age limits, or keeping children and young person's away from gaming machines.

14.4 The Licensing Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission
- relating to gaming machine categories, numbers or methods of operation
- which specify that membership of a club or other body is required and;
- in relation to stakes, fees, winnings or prizes

Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. The Licensing Authority will only consider imposing conditions in this regard in the light of local circumstances,

especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.

## 15 Casinos

The Licensing Authority has passed a “no casino” resolution on the basis of all material considerations including the responses received during the consultation process and in order to promote the power of wellbeing of the people it represents, to promote the health of the people it represents and to promote the prevention of crime and disorder within the Borough.

Or

The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision will be made by Full Council.

***The no casino policy is currently in place, the Licensing Committee have recommended to Full Council to continue with the resolution.***

- 15.1 Existing casino operators have “grandfather” rights and are entitled to a casino premises licence under the Act issued by the Licensing Authority.
- 15.2 The Licensing Authority will be mindful when considering applications, of section 152 of the Gambling Act 2005 which states that a premises licence may not be issued in respect if a premises licence already has effect.
- 15.3 The Gambling Commission are responsible for issuing codes of practice about access to casino premises by children and young persons, which would mean that no one under 18 would be able to enter casino premises and entrances to the casino or gambling area would be required to be properly supervised.
- 15.4 The Gambling Commission may issue further guidance to local authorities generally regarding licence conditions in respect of casino premises.

## 16 Betting

- 16.1 Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence.
- 16.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines.

- 16.3 The Licensing Authority has powers under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not normally exercise this power unless there is clear evidence that such machines have been, or are likely to be used in a way, which adversely affects the promotion of the licensing objectives. In such cases the Licensing Authority will consider, among other things, the size of the premises, the level of management and supervision especially where children, young persons and vulnerable people are concerned and also the ability of staff to closely monitor the use of such machines.
- 16.4 It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering sufficient facilities for betting. The Gambling Commission and the Licensing Authority take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, “betting” should therefore remain the primary element of the gambling facilities being offered. In this regard, betting may be provided by way of betting terminals or over a counter (i.e. face to face).
- 16.5 If the Licensing Authority receives an application to vary a betting premises licence in order to extend the opening hours, it will need to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.
- 16.6 In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the “primary” purpose of the licence, i.e. to provide betting on the premises.
- 16.7 In all cases, each application will be considered on its own individual merits.

## **17 Tracks**

- 17.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a “track”. A track is a site where races or other sporting events take place.
- 17.2 Track operators are not required to hold an “operator’s licence” granted by the Gambling Commission, therefore premises licences for tracks issued by the Licensing Authority may contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators have an important role to play, for example, in ensuring that betting areas are properly administered and supervised.
- 17.3 Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 17.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Licensing Authority will consider the circumstances of each

individual application and, among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **18 Bingo**

18.1 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

18.2 Commercial bingo halls will require a bingo premises licence from the Licensing Authority.

18.3 It is important that where children are allowed to enter premises licensed for bingo, they are not allowed to participate in any bingo game. When considering applications of this type, the Licensing Authority will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

18.4 A limited number of gaming machines may also be made available at bingo licensed premises.

18.5 Bingo is classed as equal chance gaming and it will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

18.6 As with the previous section in relation to bettering premises, if an application for variation is made to extend the licensing hours of bingo premises, the Licensing Authority will want to establish that the primary purpose of the premises throughout the extended period remains the provision of bingo facilities. Gaming machines may only be made available for use in licensed bingo premises on days when sufficient facilities for playing bingo are also available for use.

18.7 In this regard, in cases where bingo is being offered exclusively by means of electronic bingo terminals (EBTs) there must be more individual player positions made available for bingo than there are gaming machines available for use.

18.8 Where playing is permitted, on the licensed premise, using mobile electronic devices, then it should only be permitted within the licensed area.

## **19 Gaming**

19.1 A gaming machine can cover all types of gambling activity, including betting on “virtual” events.

19.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

19.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

19.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of "chance" imparted by the action of the machine would cause it to be a gaming machine.

19.5 The Licensing Authority will, where appropriate, seek to encourage premises licence holders to adopt and adhere to any codes of practice which may be introduced by the amusement trade industry from time to time.

19.6 The Licensing Authority will treat every application for a permit on its own merits, regardless of the number of machines applied for. Applicants for permits in respect of alcohol licensed premises may, where the number of machines applied for is 3 or more, be asked to provide additional information, for example in the form of a plan, in order to satisfy the Licensing Authority that the premises are suitable for the purpose and will not result in the "primary" use of the premises being changed to one of gambling.

19.7 The Gambling Commission have introduced a Code of Practice for gaming machines in clubs and premises with an alcohol licence which can be accessed by the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

19.8 The code includes sections relating to:

- the location and operation of machines
- access to gambling by children
- a good practice guide for permit holders

19.9 For general information about the issue of permits to relevant premises, including alcohol licensed premises, please direct your enquiries to the Licensing Team by telephone 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## **20 Lotteries**

20.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an "exempt" lottery as defined by the Act. One of those exemptions is in respect of what are termed "small societies lotteries" and the Licensing Authority is responsible for registering these "small" lotteries.

- 20.2 A society will be allowed to register with the Licensing Authority if it is a “non-commercial” lottery, in other words, it is established and conducted:
- for charitable purposes
  - for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
  - for any other non-commercial purpose, other than for private gain
- 20.3 The Licensing Authority maintains a register of small societies lotteries. Please contact the licensing team for further information by telephone 0121 569 6744 or by email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)
- 20.4 The Gambling Commission has strengthened its guidance to licensing authorities as a result of some small society lotteries avoiding applying for an operating licence from the Commission by obtaining 2 or more registrations with the same or different licensing authorities.
- 20.5 A society lottery is a large lottery requiring an operating licence if the arrangements for it are such that its proceeds may exceed £20,000 or the aggregate proceeds in any calendar year exceed £250,000.
- 20.6 If a society has separate branches with different aims and objectives it is acceptable for them to hold more than one Licensing Authority registration.
- 20.7 If the Licensing Authority received more than one registration which appears to come from the same society the applicant may well be asked to provide further information in support of the application so that the Licensing Authority can satisfy itself that the societies are genuinely separate and the aims and objectives are different.
- 20.8 Similar checks may be carried out on societies at the time the annual registration fees are due and if the limits on proceeds are likely to be exceeded, the matter will be referred to the Gambling Commission for further investigation.

## **21. Exchange of Information**

21.1 To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

21.2 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

21.3 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and the Data Protection Regulations 2018. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

21.4 Details of applications and representations which are referred to the Licensing Committee or a Licensing Panel may be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of those making representations may be disclosed to applicants and other parties to a hearing and will normally only be withheld on the grounds of personal safety where the Licensing Authority is specifically requested to do so.

21.5 Freedom of Information Act 2000 also provides the public with a general right of access to information held by public authorities and subject to exemptions, be supplied with a copy of that information. Information about how the authority handles FOIA requests can be found at the Local Authority's website.

21.6 Requests must be submitted to the Local Authority in writing. You can either fill in the online form at <https://my.sandwell.gov.uk/> or send an email or letter stating what information you would like to receive. Emails should be sent to: [info\\_management@sandwell.gov.uk](mailto:info_management@sandwell.gov.uk) and letters should be addressed to:-

Information Management Unit  
Oldbury Council House  
Freeth Street  
Oldbury  
West Midlands  
B69 3DE

21.7 Unless restricted by the Gambling Act, details about applications, licenses and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

21.8 Operators/premises are expected to share relevant information with the Licensing Authority to enable it to develop its understanding about the risk of gambling in its area such as;

- information about test purchasing exercises (subject to primary authority agreements)
- information as the number of self-exclusion and underage attempts to gamble
- details of where a child or young person repeatedly attempts to gamble on their premises, this may provide the Licensing authority with an opportunity to consider safeguarding concerns.
- Information about how will vulnerable people, including those with gambling dependencies be identified and protected

## **22 Enforcement Protocols**

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- 22.1 The Licensing Authority is required by Regulations under the Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act in respect of the inspection of premises and the powers under 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 22.2 The Licensing Authority will have regard to the principles of better regulation and the Regulators' Code. In addition, the Licensing Authority will act in accordance with the relevant legislation, be guided by the Commissions Guidance and will endeavour at all times to be:
- proportionate – the Licensing Authority will only intervene when necessary any remedies will be appropriate to the risk posed and costs identified and minimised
  - accountable – decisions will be justified and subject to public scrutiny
  - consistent – any rules and standards will be joined up and implemented fairly
  - transparent – the Licensing Authority will be open and any licence conditions will be kept simple and user friendly, and
  - targeted – regulation will be focused on the problem with the aim of minimising side effects
- 22.3 We are committed to the objectives of the Black Country Better Business for All initiative which is to;
- Reduce the regulatory burden on businesses.
  - Promote dialogue between businesses and regulatory services.
  - Improve the business perception of regulators.
  - Encourage the right balance between encouragement, education and enforcement.
  - Develop a joint offer of support from regulatory services for businesses.
  - Build trust between regulators and businesses.
- 22.4 The Black Country Regulators Operating Framework that has been approved and adopted by the four Black Country Authorities including Sandwell MBC and includes:
- a. A Regulator and Business Charter
  - b. Service Standards, and
  - c. An Enforcement Policy (which takes into account the requirements of the Regulators Code)

This document will ensure the same regulatory approach, aligned to BBFA principles, is applied across all relevant regulatory services within the Black Country region. The Black Country Operating Framework can be viewed [here](#)

- 22.4 We aim to prioritise and direct our regulatory effort effectively using intelligence and relevant risk assessment schemes.
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- 22.5 Such risk assessments will have regard to all available, relevant and good quality data. We will give due consideration to the combined effect of the potential impact and likelihood of non-compliance; this approach will enable us to focus our resources on the areas that need them most and to ensure that persistent offenders are identified quickly.
- 22.6 In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.
- 22.7 The Licensing Authority will continue to work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained. Inspections will generally be undertaken on a reactive basis. The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against “problem” premises through the review process.
- 22.8 Test purchasing is one method by which the Licensing Authority, in partnership with The Gambling Commission can measure the compliance of licensed operators, or groups of licensed operators, with aspects of the Gambling Act 2005. In conducting test purchasing, we may work in partnership with Gambling Commission which have the primary responsibility for issues related to individual gambling premises. Test purchasing is also a means by which operators themselves can demonstrate the effectiveness of their policies and procedures. When conducting test purchase operations due regard will be given to the Age Restricted Products and Services: A Code of Practice for Regulatory Delivery 2014

## **23 Modern Day Slavery**

- 23.1 Human trafficking and other forms of slavery continue to exist because they are profitable business models which are seen as relatively low risk by criminal groups. The International Labour Organisation estimates that the trade in human beings generates an enormous £150 billion of profit a year for instance.
- 24.2 Licensed premises have a key role to play in preventing the laundering of money generated by illegal activity. The Gambling Commissions guidance for gambling and betting industry can be viewed [here](#) More about the authorities approach to tackling Modern Day Slavery can be found [here](#)
- 24.3 Any concerns should be reported by calling the Police on 101, the [UK Modern Slavery Helpline](#) on 08000 121 700 or the independent charity Crimestoppers anonymously on 0800 555 111.

## **25 The Licensing Process**

- 25.1 The Licensing Authority’s licensing functions under the Act will be carried out by the Licensing Committee, supported by a number of Licensing Panels and by officers acting under the delegated authority of the committee. See Appendix 3

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

25.2 Where there are relevant representations in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence.

25.3 Factors which will be considered when considering applications and reviews include:

- history of premises operation
- compliance history
- attitude of the licence holder
- results of interventions
- consultation with responsible authorities
- the seriousness of non-compliance
- completeness of risk assessments

25.4 Guidance for applicants can be found at Appendix 4

## **26 Policy Review**

26.1 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

26.2 In preparing this Statement, the Licensing Authority has had regard to any guidance issued by the Gambling Commission and has given appropriate weight to any views received as part of the consultation process.

26.3 This Statement will be kept under review from time to time and, in accordance with the Act, will be subject to review every three years.

26.4 Before a statement or revision comes into effect, the licensing authority will publish a notice of their intention to publish a statement or revision. The notice will:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
  - a local newspaper circulating in the area covered by the statement
  - a local newsletter, circular, or similar document circulating in the area covered by the statement
  - a public notice board in or near the principal office of the authority

- a public notice board on the premises of public libraries in the area covered by the statement.

## Appendix 1 Guide to making a representation



Making a  
representation - Guid.

## Appendix 2 Delegations

## Appendix 3 Guidance for applicants



Applying for a  
Premise License - Guid