

Agenda

Licensing Committee

Thursday, 2 December 2021 at 10.00 am
At Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes 5 - 10

To confirm the minutes of the meeting held on 23 September 2021.

4 Review of Statement of Principles under the Gambling Act 2005 11 - 82

To approve a formal consultation on a revised statement of principles as required by the Gambling Act 2005



Kim Bromley-Derry CBE DL
Interim Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allen (Chair)
Councillors Rouf, Mabena, Chidley, Fenton, G Gill, S Gill, Hadley, Hussain,
O Jones, R Jones, K Singh, S Singh, J Webb, and Williams.

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Committee

**Thursday, 23 September 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Rouf (Vice-Chair), Chidley, Fenton and J Webb

Also present: David Elliott (Solicitor); Tracy Hubball (Operations Manager - Licensing, Regulatory Services); Trisha Newton (Senior Democratic Services Officer); Gabrielle Evans (Democratic Services Officer); Connor Robinson (Democratic Services Officer).

6/21 Apologies for Absence

Apologies were received from Councillors G Gill, Z Hussain, R Jones and Williams.

7/21 Declarations of Interest

There were no declarations of interest made.

8/21 Minutes

Resolved that the minutes of the meeting held on 07 June 2021 were approved as a correct record.



Appointment to Licensing Sub Committees 2021-22

The Committee received the Appointment to Licensing Sub Committees Report. Approval was sought to make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment has been made by full Council.

Under the provisions of the Licensing Act 2003, the Licensing Committee could establish one or more Licensing Sub-Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 could also be discharged by those sub-committees.

Further to Minute No. 4/21 (Licensing Committee Meeting on 7 June 2021), at the Council meeting on 26 July 2021, a change to the appointment of members to the Licensing Committee was approved and it had therefore become necessary to revise the appointment to the Licensing Sub Committees. There was also a Vice Chair vacancy and, pending appointment, the Chair would sit over two sub committees. Once a replacement had been approved by full Council, the Vice Chair would oversee Sub Committee 2.

The Council at its meeting on 25 May 2021 had appointed a Licensing Committee comprising 15 members, including one Chair and two vice-chairs. It was proposed that three Sub-Committees, consisting of five members, with a Chair/Vice Chair each sitting on a sub-committee, be appointed for 2021/22. However, in accordance with the provisions of the Act, Sub-Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions would consist of only three members.

The Director - Law and Governance and Monitoring Officer, in consultation with the Chair of the Licensing Committee, was authorised to select members from the Licensing Committee to serve on sub-committees as necessary to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.

Resolved: That the Committee make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment had been made by full Council.

10/21 Department for Transport Statutory Taxi and Private Hire Vehicle Standards

On 21 July 2020, the Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities. The standards were designed to improve consistency in the licensing system and reduce the risk of harm posed to children and vulnerable passengers. The guidance also stated that all passengers would benefit therefore the standards should be implemented unless there was a good reason not to do so.

Licensing authorities were under a legal duty under Section 177 (1) of the Police and Crime Act 2017, to have regard to the Statutory Standards which meant they should be rigorously considered in formulating policy. It was recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it was be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.

On 9 December 2020 Cabinet approved a consultation on the Statutory Taxi and Private Hire Vehicle Standards and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted (Minute Number 118/20). The consultation had been undertaken on the standards that were not currently included in the Council's existing Private Hire and Hackney Carriage Licensing policy. A twelve-week consultation was undertaken between 21 December 2020 and 12 March 2021. Due to COVID-19, the consultation was carried out remotely by means of a questionnaire which was published on the Sandwell Council website. The consultation was promoted through the Council website, in the local press, on the Council's social media accounts and was sent directly to local key interested organisations such as local disability groups, transport

organisations, local women's groups, domestic abuse groups, local traders and the Sandwell Safeguarding Adults Board.

The Licensing Committee considered the outcome of this consultation and determined whether any of the statutory standards that were not already met within Sandwell's current policy should be adopted. The adoption of any additional standards would require amendments to be made to the current Private Hire and Hackney Carriage Licensing Policy.

The areas of the Private Hire and Hackney Carriage Policy that would be affected by the adoption of the Statutory Standards were as follows:

- Administration of the Licensing Regime and this includes, the policy, duration of licences and whistleblowing
- Gathering and Sharing Information including the DBS service and levels and frequencies of checks, subscribing to and updating of the NR3 Register and sharing information with other agencies
- Decision Making including training for Councillors, fit and proper test and convictions and rehabilitation periods
- Driver Licensing including safeguarding and exploitation, criminality checks and language proficiency
- Vehicle licensing including criminality checks for vehicle providers and the use of CCTV in licensed vehicles
- Private Hire Vehicle Operator Licensing including criminality checks for operators and booking and dispatch staff, record keeping and policies on employing ex-offenders
- Enforcing the licensing regime including authorisation of enforcement officers from other licensing authorities and suspension and revocation of driver licences.
- Advice and guidance for passengers on staying safe.

The Committee considered the consultation results analysis, current policy wording and comments raised by consultees. The comments raised made by members included:

- Concerns around additional costs which may be faced by drivers and operators as a result of adoption of the principles.
- Self-reporting should be considered on a case by case basis and should take into account that whilst under arrest drivers may be limited in who they can contact.
- Questions were raised on how the Council communicated any changes in policy with the trade and whether they had been consulted on the policy change. It was confirmed that the council had written to, emailed and text all drivers as part of

the consultation. The topic had also been taken to the Taxi Licensing Forum and had been communicated via WhatsApp groups. The council would use these channels to communicate any changes in policy.

- The Chair highlighted the NR3 register and stated that it would help the committee members make their decisions should the Council subscribe to the register.
- It was highlighted that safeguarding had been considered for adults, but members questioned whether children had been considered. Members noted the ongoing work that was taking place as part of the SEND Review. First aid training and disability awareness were noted as standards that needed to be included in the policy. Safeguarding for children was also highlighted when considering CCTV. However, it was explained that there currently was no proven need for CCTV in Sandwell.
- Language and literacy proficiency requirements should consider functional qualifications and any relevant qualifications that drivers may already have. Members also suggested that the Council Licensing Team should work with organisations such as Sandwell Adult and Family Learning (SAFL) to help provide any necessary qualifications.
- To consider how other authorities had implemented the standards, particularly around drug testing
- The chair noted that a training session for committee member would be required on an updated version of the policy.

An updated report was expected to be finalised by October and would then be submitted to Licensing Committee at a future meeting with policy amendments and an implementation plan for any new standards that are to be adopted. The report would then go on to Cabinet and Council soon after. It was expected that the policy would be implemented as soon as possible in 2022.

Resolved:-

- (1) That Licensing Committee receive the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards as detailed in Appendix 2.
- (2) That Licensing Committee, taking account of the results of the consultation consider approving adoption of the standards identified in Appendix 3 in principle.

- (3) That a further report is submitted to the Licensing Committee with the amendments required to the Sandwell Private Hire and Hackney Carriage Licensing Policy and an implementation plan for the new standards to be included in the Policy.

Meeting ended at 12.01 pm

Contact: democratic_services@sandwell.gov.uk

Report to Licensing Committee

2 December 2021

Subject:	Review of Statement of Principles under the Gambling Act 2005
Director:	Interim Director – Borough Economy Nicholas Austin
Contact Officer:	Service Manager, Regulatory Services Nicola Plant nicola_plant@sandwell.gov.uk

1 Recommendations

- 1.1 That the Licensing Committee approves a formal consultation is commenced on a revised statement of principles as required by the Gambling Act 2005.
- 1.2 That subject to approval to recommendation 1.1, the consultation shall be with all relevant stakeholders for a period of 12 weeks.

2 Reasons for Recommendations

- 2.1 Sandwell's Gambling Act 2005 statement of principles was implemented in May 2020. The Gambling Act 2005 requires Sandwell Council, as the Licensing Authority, to prepare a statement of principles to be applied when exercising the functions under the Act.
- 2.2 Section 349 of the Gambling Act 2005 (referred to in this Statement as "the Act") requires licensing authorities before each successive three year period, prepare a statement of principles that they propose to apply in exercising their functions under the act during that period and to publish the statement.



2.3 Section 349 of the Act requires that having prepared the statement of principles Licensing authorities should consult upon the reviewed document.

3 How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)

	<p>Best start in life for children and young people</p> <p>The licensing objectives of the Gambling Act 2005 are:</p> <ul style="list-style-type: none">• Protecting children and other vulnerable people from being harmed or exploited by gambling.• 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 <p>The licensing authority is responsible for making sure all licensing applications meet these objectives.</p>
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4 Context and Key Issues

4.1 The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation set out in this report.

4.2 Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review their statement and principles and to prepare and publish its statement of principles every three years.

4.3 It is expected that the Licensing Authority will set out its approach to regulation in the statement of principles having taken into account local circumstances.



- 4.4 In exercising the functions under the Act, the licensing authority must have regard to the licensing objectives, namely:
- 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.

- 4.5 The Act provides for 3 categories of licence:
- Operating licences
 - Personal licences
 - Premises licences

The Licensing Authority is responsible under the Gambling Act 2005 for issuing premises licences.

- 4.6 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

- 4.7 The Gambling Commission is responsible under the Gambling Act 2005 for granting operating and personal licences for commercial gambling and people working in the industry as well as. It also regulates certain lottery managers and promoters.

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

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.



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.

4.8 “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

4.9 The table below depicts the current premises licenced under the Councils Gambling Statement of Principles;

Premises type	Number
Automatic entitlements (notifications of up to 2 gaming machines in pubs)	137
Alcohol licensed premises gaming machine permits (3 or more gaming machines in pubs)	32
Club machine permits	8
Adult Gaming Centres	12
Betting Premises Licences	58
Bingo Premises Licences	6
Casino Premises Licences	2
Track Betting Premises Licenses	1
Family Entertainment Centre Premises Licenses	3 Unlicensed FEC*

*Unlicensed family entertainment centres (UFECs) require a permit from the local licensing authority. An **unlicensed** family entertainment centre is only entitled to make category D machines available. This is reflected by the very light touch form of regulation provided by the UFEC permit.



4.10 The updated Gambling Act 2005 statement of principles has been reviewed whilst keeping in view the impact that Gambling has on the borough's population and economy. The full Gambling statement of principles can be found at Appendix 1. The changes to the statement of principles are shown in red typeface within the document.

4.11 A table providing a summary of the proposed changes made to Gambling Act 2005 statement of principles during the review is provided at Appendix 2.

The proposed changes to the Statement of Principles do not fundamentally change the Councils approach to licensing of Gambling premises or have significant impact upon existing or new licensed premises.

4.12 The Licensing Authority is required under Section 349 of the Act to publish its Gambling Act 2005 statement of principles before each successive period of three years.

4.13 Section 349 of the Act requires that having prepared the statement of principles Licensing authorities should consult upon the reviewed document with:

- The Police
- Those representing Gambling Businesses
- Those representing the interests of those "likely to be affected" by the exercise of this function

4.14 Following the 12-week consultation period a final version of the revised statement of principles will be produced and brought back before Committee.

4.15 Permission will be sought at that time based on the outcome of the consultation and impact on the statement of principles to proceed to Full Council recommending implementation and publication.



5 Alternative Options

- 5.1 There are no alternative options given for consideration. Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review its Statement of Principles under the Gambling Act 2005 every three years.

6 Implications

Resources:	There are no direct budget implications from this report. If approved the consultation activity will be undertaken by the General Licensing Team.
Legal and Governance:	<p>Licensing Committee is responsible for the exercising of the powers and duties of the Council, i.e. those matters that are not the responsibility of the Executive/Cabinet, with regards to Gambling, Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review its Statement of Principles under the Gambling Act 2005 every three years.</p> <p>The membership of the Sub Committee is reviewed each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.</p> <p>The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.</p>
Risk:	<p>A risk register has been completed with no significant risks identified. Each risk has identified measures identified to manage the risk.</p> <p>The activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on residents and visitors of the Sandwell borough.</p>
Equality:	An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.



7. Appendices

Appendix 1 – Gambling Statement of Principles – Updated October 2021

Appendix 2 – Gambling Act 2005 – Changes to Policy overview Sept 2021

Appendix 3 -Guidance for Premise Licence Applicants

Appendix 4 - Guidance for Making a Representation

8. Background Papers

No source or background documents are provided.



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Sandwell
Metropolitan Borough Council

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Dates of SOP TBC

Implemented: TBC

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GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

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 Sandwell MBC'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 13th 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 (under 16) in Sandwell are classed as living in poverty with relatively high volumes of adults experiencing income and employment deprivation (National Child and Maternal Health Intelligence Network (CHIMAT) 2012).

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.

Sandwell MBC wishes to minimise any negative impact from licensed gambling.

The Statement of Principles has a key role in ensuring the **Sandwell MBC** 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”

Furthermore, this statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:

- **Best start for children and young adults - By ensuring licensees complete local area risk assessments, it is envisaged that the potential risk of harm from underaged gambling will be reduced whilst maintaining adequate control measures to support addicted gamblers and vulnerable persons. Managing risk is critical as addiction to gambling and associated vulnerabilities can have a negative impact on finances and may contribute to food poverty and in turn the wellbeing of children.**

- Community Resilience - Adequate consultation and transparency on licence applications will enable implementation of a regulatory environment which is balanced in terms of encouraging community participation to tackle concerns, educate communities and for Sandwell MBC to take enforcement action as necessary. The community will be able to be at the forefront of tackling gambling related issues which affect them and their lives by preventing gambling through vigilance and raising concerns with Sandwell MBC to prohibit gambling becoming a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Age well and live well – Research has shown that demographics can have a fundamental negative effect on people’s lives and that health inequalities can result in stress, inappropriate lifestyles which impact on life expectancy. By supporting vulnerable groups and tackling underaged gambling or crime and exploitation, this will help in people making good choices and leading healthier and balanced lifestyles.
- Inclusive Economy – By managing the risk of crime and exploitation of vulnerable groups from gambling, activities relating to licensed premises within the Borough will provide balanced leisure activities for communities and generate sustainable positive economic outputs by existing companies generating income and from the influx of new business to a thriving business environment. This will help with sustainability of employment, the growth in jobs for all including young and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.

1.1 LIST OF CONSULTEES

Sandwell MBC is committed to ensuring that upon reviewing this Statement of Principles, consultation shall be completed in line with Cabinet Office consultation principles guidance. The guidance is available via the following link: [Cabinet Office consultation principles guidance](#).

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

1.2 OTHER KEY AGENCIES / OFFICERS / RESPONSIBLE AUTHORITIES

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

West Midlands Fire and Rescue Service

Planning and Development Services

Local Safeguarding Children Board (SSCB)

Environmental Health (incl. Air Pollution / Noise Control)

Health and Safety

HM Revenue and Customs

Safer Sandwell Partnership

1.3 PERSONS / BODIES REPRESENTATIVE OF THE INTERESTS OF PERSONS CARRYING GAMBLING BUSINESS 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

1.4 PERSONS REPRESENTATIVE OF THE INTERESTS OF THE LOCAL COMMUNITY, RESIDENTS AND OTHERS LIKELY TO BE AFFECTED BY THE EXERCISE OF SANDWELL MBC'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 on the Gambling Act 2005

2 GAMBLING ACT 2005

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").

In carrying out its licensing functions under the Act, **Sandwell MBC** 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 carrying out its licensing functions under the Act, **Sandwell MBC** 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 line with Section 153 of the Act. That 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

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

The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

Sandwell MBC is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences.

2.1 DECLARATION

In preparing this Statement of principles, **Sandwell MBC** declares that it has had regard to the licensing objectives of the Act, any guidance issued by the Gambling Commission including their [Guidance to licensing authorities](#), **codes of practice** and any responses received from those consulted prior to the preparation of this Statement of principles.

2.2 THE GAMBLING COMMISSION

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling **in line with Section 24(2) of the Act:**

- by ensuring that gambling is conducted fairly and openly
- by protecting children and vulnerable people
- **by making assistance available to persons who are or may be affected by problems related to gambling**

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.

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. **The Gambling Commission's guidance can be accessed via the following hyperlink: [Gambling Commission guidance to licensing authorities](#).**

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 as follows:

By telephone on 0121 230 6666 or by going to their website and completing the online form to submit an enquiry – follow link: [Online Form](#).

3 AUTHORISED ACTIVITIES

“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 to one or more members of a class by a process which relies wholly on chance

The main functions of a 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.

4 GENERAL STATEMENT OF PRINCIPLES

Sandwell MBC 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.

In carrying out its licensing functions, **Sandwell MBC** will have regard to any guidance issued by the Gambling Commission from time to time.

It is recognised that the statutory principles of good regulation as outlined in the **Legislative and Regulatory Reform Act 2006** and the Regulator's Codes of Practice apply to Local Authorities and as such **Sandwell MBC** will have regard to them when fulfilling its regulatory functions under the Act.

Sandwell MBC will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, **Sandwell MBC** 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.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, **Sandwell MBC** 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.

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.

However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits.

5 THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT

5.1 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER

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.

Anyone applying to **Sandwell MBC** 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, where concerns arise about a person’s suitability to hold a licence, **Sandwell MBC** will bring those concerns to the attention of the Gambling Commission.

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, **Sandwell MBC** 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.

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. Sandwell MBC 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.

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.

5.2 ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

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.

Because betting track operators do not need an operating licence from the Commission, Sandwell MBC 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.

5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING

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.

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.

When considering whether to grant a premises licence or a permit **Sandwell MBC** 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.

The Act seeks to protect what are termed as “vulnerable people”. Although there is no specific definition of this term, **Sandwell MBC** 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.

Sandwell MBC 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 **Sandwell MBC** 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 **Sandwell MBC's** area and;
- the need for the body to be answerable to democratically elected persons rather than any particular vested interest group

Sandwell MBC has therefore designated the **Sandwell Children's Safeguarding Partnership (SCSP)** for this purpose. **Sandwell MBC** 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.

SCSP consists of statutory partners composing of Sandwell Council, Sandwell Children's Trust, West Midlands Police and Sandwell Clinical Commissioning Group. Other partners include the Voluntary Sector and Education. SCSP provides a means of encouraging engagement with agencies which have a vested interest in the young and vulnerable.

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.

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

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/

If you have concerns for an adult who may be gambling beyond their means or who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs you can:

- Contact Sandwell Adult Safeguarding Team on **0121 569 2266**.
- Contact Gamcare on **0808 8020 133**.

The Act details principal offences in relation to the protection of children and young persons. The offences include:

- Invitation to gamble - Inviting, causing or permitting a child or young person to gamble
- Invitation to enter premises - Inviting or permitting a child or young person to enter premises if a casino premises licence has effect in respect of the premises and the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter
- Gambling - A young person gambles
- Entering premises - A young person enters premises in circumstances where a person would commit an offence if the young person is invited or permitted to enter
- Provision of facilities for gambling - A young person provides facilities for gambling

6 PREMISES LICENCES

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

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 (**Follow link: [Premises to access information](#)**). With regard to “splitting” premises **Sandwell MBC** has particular regard to paragraphs 7.31 and 7.39 of the

Commission’s Guidance (Follow link: [Multiple Activity Premises to access information](#)). Applicants will need to satisfy Sandwell MBC that premises are genuinely “different” and “separate” in each case.

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.

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

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> • The principal entrance to the premises must be from the “street” • No entrance to a casino must be made from premises that are used wholly or mainly by children and/or young persons • No customer must be able to enter a casino directly from any other premises which holds a gambling licence
Adult Gaming Centers	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> • Access must be from a “street” or from other premises with a betting license • 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
Tracks	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino or Adult Gaming Centers.
Bingo Premises	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from a casino, an Adult Gaming Centers or a betting premises other than a track

Family Entertainment Centers	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an Adult Gaming Centers or a betting premises other than a track
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Other than an application for a betting premises licence in respect of a track, **Sandwell MBC** is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

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

Sandwell MBC 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

7 RESPONSIBLE AUTHORITIES / NOTIFICATION OF APPLICATIONS FOR REPRESENTATION

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

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

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.

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

8 INTERESTED PARTIES

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

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

Sandwell MBC 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.

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, **Sandwell MBC** 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

In determining whether a person has a business interest which could be affected **Sandwell MBC** 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

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area then Sandwell MBC 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.

Trade associations, trade unions, residents' and tenants' associations will generally not be viewed as interested parties unless they are representing a specific member or members who are held to be an interested party in accordance with the provisions of Section 158 of the Act.

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.

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. Sandwell MBC is committed and will encourage improved engagement with agencies including the voluntary and community sector partners who have a vested interest in the young and vulnerable to ensure representations about licence applications or a review of an existing licence. Sandwell MBC administers and monitors the voluntary sector support grants budget and therefore has close links with voluntary and community sector groups via grant agreements and agreed monitoring arrangements. The voluntary and community sector provide support to young and vulnerable groups ranging from debt advice, employment and training opportunities as well as victim support.

Persons who are democratically elected, e.g. Councillors and Members of Parliament, are interested parties. Sandwell MBC 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.

Sandwell MBC 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 **Sandwell MBC** 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

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

9 LOCAL RISK ASSESSMENTS

Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises **in order to manage the risk**. They are required to have policies, procedures and controls in place to mitigate those risks. **Operators shall ensure that their local risk assessments are up to date, readily available and retained on a premises.**

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 **Sandwell MBC**

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

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

When completing the risk assessment, the operator must have regard to the local area profile created by **Sandwell MBC** and to **Sandwell MBC's** Statement of Principles.

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.

Examples of actual, potential or future emerging 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
- **the demographics of the area in relation to 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

Examples of actual, potential or future emerging 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.

Local risk assessments shall also:

- Show how vulnerable people, including people with gambling dependencies are protected.
- Include self-exclusion details as a control measure. Self-exclusion being a process when an individual asks a gambling operator to be excluded from gambling with them for a set length of time. In practice, it means the individual will be refused service in the venues where they have self-excluded. By law, this must be provided as an option by gambling operators in Great Britain.
- Include details of how information will be shared with nearby agencies.
- Include control measures to mitigate risks when the footfall is the highest.

Significant changes in local circumstances:

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.

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

The following lists set out some examples of what the Sandwell MBC 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 **Sandwell MBC** 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 **Sandwell MBC. Police reports and call outs shall therefore be considered**
- Any vulnerable group is identified by **Sandwell MBC** 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
- **Attempts to gamble by under 18s**

Sources of information available to assist operators with completing risk assessments:

LOCAL AREA PROFILE

Sandwell MBC has produced six profiles based on the Six Towns in the Borough which will assess the local environment and identify local concerns and risks.

The profile will take account of a wide range of factors, data and information held by Sandwell MBC 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.

The Local Area Profiles can be accessed at:

<https://www.sandwelltrends.info/sandwell-town-profiles/>

CENSUS

The above link for the local area profiles also enables operators to access the Census Town Profiles which provide an overview of the social economic conditions within each of the six towns of Sandwell. The Census Town Profiles provide information on population change and structure, economic status, ethnic background and health.

RISK TOOL

A Risk Tool for Sandwell Gambling Licences has been developed as a guide to applicants applying for new gambling licences or to renew an existing licence. The purpose of the tool is to assist applicants with the completion of applications, and not as the sole means for risk assessment. The tool provides premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location. The tool can be found on the Sandwell Trends website. A link to the page can be found below. Once the page is opened select the Gambling Location Risk Tool_Nov2019_Final:

[Sandwell Trends - Gambling Location Risk Tool](#)

The information given when accessing the tool should only be used as a guide to support other methods of intelligence gathering.

BE GAMBLE AWARE

Who provide information to help people make informed decisions about their gambling.

GambleAware is an independent, grant-making charity commissioning prevention and treatment services across England, Scotland and Wales in partnership with expert organisations and agencies, including the NHS, across three areas:

- Commissioning the National Gambling Treatment Service
- Producing public health campaigns on a national scale and providing practical support to local services
- Commissioning research and evaluation to improve knowledge of what works in prevention.

10 CONDITIONS OF LICENCE

Sandwell MBC 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.

Any conditions imposed by **Sandwell MBC** will be proportionate to the circumstances they are intended to address, in particular, **Sandwell MBC** 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

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.

Sandwell MBC 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. **Sandwell MBC** 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.

11 CASINOS

Sandwell MBC has re-affirmed a “no casino” resolution on the basis of all material considerations 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.

Existing casino operators have “grandfather” rights and are entitled to a casino premises licence under the Act issued by **Sandwell MBC**.

Sandwell MBC 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 of a premises if a premises licence already has effect.

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.

The Gambling Commission may issue further guidance to local authorities generally regarding licence conditions in respect of casino premises.

12 BETTING

Anyone wishing to operate a betting office will require a betting premises licence from **Sandwell MBC**. Children and young persons will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

Sandwell MBC 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 **Sandwell MBC** 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.

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 **Sandwell MBC** 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).

If **Sandwell MBC** 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.

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.

In all cases, each application will be considered on its own individual merits.

13 TRACKS

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.

Track operators are not required to hold an “operator’s licence” granted by the Gambling Commission, therefore premises licences for tracks issued by **Sandwell MBC** 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.

Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

When considering whether to exercise its power to restrict the number of betting machines at a track **Sandwell MBC** 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.

14 BINGO

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

Commercial bingo halls will require a bingo premises licence from **Sandwell MBC**.

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, **Sandwell MBC** 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.

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

Bingo is classed as equal chance gaming and it will be permitted in alcohol licensed premises and in clubs provided it remains within the threshold. The

threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year. If the threshold is exceeded the establishment will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

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, **Sandwell MBC** 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.

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.

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

15 GAMING

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

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

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

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.

Sandwell MBC 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.

Sandwell MBC 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 **Sandwell MBC** 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.

The Gambling Commission have introduced a Code of Practice for gaming machines in clubs and premises with an alcohol licence which can be accessed **via** the Commission's website. Link: [Gambling Commission Codes of Practice](#)
The code includes sections relating to:

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

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

16 LOTTERIES

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 **Sandwell MBC** is responsible for registering these "small" lotteries.

A society will be allowed to register with **Sandwell MBC** 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

Sandwell MBC 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

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.

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.

If a society has separate branches with different aims and objectives it is acceptable for them to hold more than one Licensing Authority registration.

If **Sandwell MBC** 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 **Sandwell MBC** can satisfy itself that the societies are genuinely separate and the aims and objectives are different.

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.

17 EXCHANGE OF INFORMATION

To ensure the licensing objectives **as outlined above in Section 2, Gambling Act 2005** are met, **Sandwell MBC** will establish a close working relationship

with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Licensing authorities are **required to include how they will apply their Statement of Principles 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.

The principle that **Sandwell MBC** 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 **UK General Data Protection Regulation**. **Sandwell MBC** 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.

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 **Sandwell MBC** is specifically requested to do so.

The Freedom of Information Act 2000 (**FOIA**) 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 **Sandwell MBC's** website. **Please follow link to access details:** [Freedom of Information](#)

FOIA requests must be submitted to the **Sandwell MBC** in writing. You can either fill in the online form **by following the link:** [FOIA Form](#) or send an email or letter stating what information you would like to receive. Emails should be sent to: info_management@sandwell.gov.uk and letters should be addressed to:-

Information Management Unit
Oldbury Council House
Freeth Street

Oldbury
West Midlands
B69 3DE

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.

Operators/premises are expected to share relevant information with the **Sandwell MBC** 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 **where they exist**)
- 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 **Sandwell MBC** with an opportunity to consider safeguarding concerns.
- information about how vulnerable people will, including those with gambling dependencies be identified and protected

Sandwell MBC is committed to providing information to gambling operators when it feels a significant change has occurred in the local area. This will enable operators to effectively manage risks by reviewing and updating local risk assessments and for operators to share information appropriately with nearby agencies such as treatment centres. See local risk assessments section for full details of significant changes.

Sandwell MBC will also ensure local area profiles based on the Six Towns in the Borough are current in order to assist operators in assessing the local environment, identifying local concerns and risks in the community to fully complete risk assessments. This process will facilitate the effective implementation of control measures by operators to mitigate and manage risks.

18 ENFORCEMENT PROTOCOLS

Sandwell MBC 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.

Sandwell MBC will have regard to the principles of better regulation and the Regulators' Code. In addition, **Sandwell MBC** will act in accordance with the relevant legislation, be guided by the Commissions Guidance and will endeavour at all times to be:

- proportionate – **Sandwell MBC** 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 – **Sandwell MBC** 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

We are committed to the objectives of the Black Country Better Business for All (**BBFA**) 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.

The Black Country Regulators Operating Framework that has been approved and adopted by the four Black Country Authorities including Sandwell MBC and includes:

- A Regulator and Business Charter
- Service Standards, and

- 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 http://www.sandwell.gov.uk/info/200189/trading_standards/4056/working_with_businesses_and_those_we_regulate

We aim to prioritise and direct our regulatory effort effectively using intelligence and relevant risk assessment schemes.

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.

In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.

Sandwell MBC 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.

Test purchasing is one method by which **Sandwell MBC**, 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

19 MODERN DAY SLAVERY

Human trafficking and other forms of slavery continue to exist.

Modern slavery can take many forms including people trafficking and forced labour, sexual exploitation and criminal exploitation.

The Home Office estimates there are 13,000 potential victims in the UK.

More about the authorities approach to tackling Modern Day Slavery can be found <https://www.sandwell.gov.uk/modernslavery>

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.

20 MONEY LAUNDERING

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 at <https://www.gamblingcommission.gov.uk/licensees-and-businesses/aml>

21 THE LICENSING PROCESS

Sandwell MBC'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.

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 authorised officers (as authorised by the Scheme of Delegations). Please see the most recent Scheme of Delegations which is published on Sandwell MBC's website - [Follow link to access Scheme of Delegation](#).

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.

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

Guidance for applicants can be found in Appendix 2.

22 POLICY REVIEW

This Statement **of Principles** 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.

In preparing this Statement **of Principles**, **Sandwell MBC** 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. 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. Before a Statement or revision comes into effect, **Sandwell MBC** 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.

Sandwell MBC will ensure that upon reviewing this Statement of Principles, consultation shall be undertaken in line with Cabinet Office consultation principles guidance. The guidance is available via the following link: [Cabinet Office consultation principles guidance](#).

Gambling Act 2005 – Statement of Principles – Amends – September 2021

Key:

Reference to 'Act' means Gambling Act 2005

SOP – Statement of Principles

Note: Need to double check page numbers after all amends have been made, as format will have changed owing to additional text & sections added or moved

Proposed Changes

Page No	Existing	Proposed Change – NB: Section numbers changed owing to amendments
1	From a good practice perspective there is no mention of applicable 3-year period that SOP applies to in line with s349 of Act	Stated January 2022 to January 2025. Assumption implementation date will be January 2022
4 & 5	Section 1 – INTRODUCTION – As a matter of good practice, Corporate plan objectives, risks and envisaged positive outcomes via implementation of corporate plan key objectives are not included in the introduction	Gambling risks / mitigations associated with Community Resilience, Best Start for Children & Young Adults, Live Well & Age Well and Inclusive Economy included
Whole document	Reference made to 'the licensing authority' in expressing requirements of SOP / Gambling Act 2005	To make the SOP specific to Sandwell, transparent in that this is the approach taken to Gambling by Sandwell MBC, reference to 'the licensing authority', 'the Council' and 'the Local Authority' has been changed to Sandwell MBC where applicable
8	Section 2.1 - DECLARATION does not refer to the Gambling Commission's codes of practice and for transparency does not include a link to the Gambling Commission guidance to licensing authorities	Reference to Sandwell MBC considering Gambling Commission codes of practice in producing SOP included in section 2.1 - DECLARATION & link to the Gambling Commission guidance to licensing authorities added

7	Section 2 - GAMBLING ACT 2005 - link not available to codes of practice as a matter of good practice	Link to codes of practice included in Section titled GAMBLING ACT 2005
8	Section 2.1 - DECLARATION does not specifically mention that SMBC has had regard to codes of practice in producing the SOP	Reference to codes of practice included in Section titled DECLARATION
5 & 37	Compliance with Cabinet Office consultation principles guidance is not mentioned in the SOP	Section titled LIST OF CONSULTEES & Section titled POLICY REVIEW amended to state that Sandwell MBC shall complete consultation in line with Cabinet Office consultation guidance
7	Section 2 – GAMBLING ACT 2005 refers to s153 of the Act, principles to be applied but does not specifically state s153	For transparency, Section titled GAMBLING ACT 2005 amended to state that the principles outlined relate to section 153 of the Act
8 & 9	Section 2.2 – THE GAMBLING COMMISSION – Parts of s24(2) of the Act are cited but actual section of Act is not stated; s24(2) (c) of the Act is not included only s24(2) (a) & (b). s24(2) (c) states 'making assistance available to persons who are or may be affected by problems related to gambling; link to codes of practice & guidance to licensing authorities not included; Contact details link to Gambling Commission has changed and an email address is no longer available only telephone number and an online enquiry form	Section titled THE GAMBLING COMMISSION – Amends: <ul style="list-style-type: none"> - S24(2) actually cited; - S24(2) (c) of the Act included to state how the Gambling Commission regulates gambling in the public interest; - Link to codes of practice & guidance to licensing authorities provided; - Telephone number for the Gambling Commission provided and revised link to contact page of Gambling Commission website to access online enquiry form
15	Section 8 – PREMISES LICENCES recommends that applicants familiarise themselves with paragraphs 7.5 to 7.11 of the Commission's Guidance but there is no link to the information. Further section 8 states that for "splitting" premises the Licensing Authority has particular regard to paragraphs 7.31 and 7.39 of the Commission's Guidance but for transparency and ease of reference there is no link available	Links provided in Section titled PREMISES LICENCES to relevant pages of Gambling Commission's guidance for licensing authorities i.e. for sections 7.5 to 7.11 'Premises' & for sections 7.31 to 7.39 'Multiple Activity Premises'

9	Section 3 – AUTHORISED ACTIVITIES cites section 14 of the Act detailing the arrangements for lottery. There is a slight omission as per section 14 of the Act	Section titled AUTHORISED ACTIVITIES amended slightly for transparency to state the exact lottery definition in line with s14 of the Act to include the words ‘allocated to one or more members of a class’
10	Section 4 – GENERAL STATEMENT OF PRINCIPLES paragraph 3 refers to Regulator’s code	Section titled GENERAL STATEMENT OF PRINCIPLES paragraph 3 changed to Regulator’s Codes of Practice for completeness
10	Section 4 – GENERAL STATEMENT OF PRINCIPLES paragraph 3 refers to statutory principles of good regulation	Section titled GENERAL STATEMENT OF PRINCIPLES paragraph 3 changed to It is recognised that the statutory principles of good regulation as outlined in the Legislative and Regulatory Reform Act 2006 for completeness
14 / 15	Part 4 Protection of children and young persons of the Act states the principal offences such as an invitation to gamble or enter gambling premises. This is not included in the SOP	As a matter of good practice, Section titled PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING has been updated to include principal offences under Part 4 of the Act – Protection of children and young persons
11 – 37	Sections 5, 6 & 7 relate to s1 of the Act and are the licensing objectives. The SOP does not stipulate this. The sections are: <ul style="list-style-type: none"> • PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER • ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY • PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING 	For clarity Section 5, 6 & 7 have become sub headings 5.1, 5.2 & 5.3 under a Section titled ‘THE LICENSING OBJECTIVES’ Numbering for subsequent sections changed accordingly
20	Section 11 – LOCAL RISK ASSESSMENTS states ‘Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises’	Section titled LOCAL RISK ASSESSMENTS first paragraph ‘Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises’ amended slightly to then state ‘in order to manage the risk’

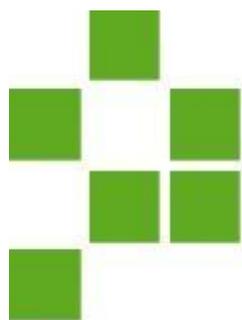
22	Section 11 – LOCAL RISK ASSESSMENTS – significant changes section contains narrative at the end as to the need to identify significant changes and that SMBC will provide information to gambling operators when significant changes occur in the local area etc	Section titled LOCAL RISK ASSESSMENTS – Paragraphs providing an insight into significant changes and responsibility of operators moved to the beginning of the significant changes section from the end for the purposes of clarity
23	Section 11 – LOCAL RISK ASSESSMENTS states ‘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’	Section titled LOCAL RISK ASSESSMENTS, list stating examples of significant changes requiring review / amendments of a risk assessment amended to include: <ul style="list-style-type: none"> - Attempts to gamble by under 18s - Bullet point ‘The local area is identified as a crime hotspot by the police and/or Sandwell MBC’ extended to state ‘Police reports and call outs shall therefore be considered’
20	Section 11 – LOCAL RISK ASSESSMENTS does not specifically state that local risk assessments shall be retained on premises	Section titled LOCAL RISK ASSESSMENTS – First paragraph amended to state ‘Operators shall ensure that their local risk assessments are up to date, readily available and retained on premises’
21 & 22	Section 11 – LOCAL RISK ASSESSMENTS states risks associated with location and also risks associated with underage gambling	Section titled LOCAL RISK ASSESSMENTS – to emphasise to operators that risk is future not just current, wording added before statements ‘Risks associated with location’ & ‘Risks associated with underage gambling’ to read ‘Examples of actual, potential or future emerging risks associated with...’ Bullet point added: ‘the demographics of the area in relation to vulnerable groups’ within list of risks associated with location Section added after listed risks associated with ‘location’ and also ‘underage gambling’ to state, ‘Local risk assessments shall also:’

		<ul style="list-style-type: none"> - Show how vulnerable people, including people with gambling dependencies are protected. - Include self-exclusion details as a control measure - Include details of how information will be shared with nearby agencies - Include control measures to mitigate risks when the footfall is the highest'
13	Section 7 – PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING refers to the Local Safeguarding Children Board which has been abolished	<p>Section titled PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING, reference to the Local Safeguarding Children Board changed to the Sandwell Children’s Safeguarding Partnership (SCSP)</p> <p>Section also amended to include narrative of agencies making up the Sandwell Children’s Safeguarding Partnership to outline the means of encouraging engagement with agencies which have a vested interest in the young and vulnerable</p>
19	Section 10 – INTERESTED PARTIES – States ‘a community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people	<p>Section titled INTERESTED PARTIES amended to outline how SMBC encourage improved engagement with the V&CS groups who have a vested interest in the young and vulnerable. Outlined Sandwell MBC administers and monitors the voluntary sector support grants budget and therefore has close links with voluntary and community sector groups via grant agreements and agreed monitoring arrangements etc., to demonstrate engagement channels</p>
33	Section 20 - EXCHANGE OF INFORMATION – Includes narrative on sharing information in line with Schedule 6 of the Act which includes the Police, Her Majesty's Commissioners of Customs and Excise and other enforcement and regulatory bodies but not therefore specifically operators. The section also includes a requirement for operators/premises to share information with SMBC	<p>Section titled EXCHANGE OF INFORMATION amended as a matter of good practice to include details of Sandwell MBC’s commitment to sharing information with operators such as significant changes and ensuring local area profiles are current and available. Requirement included for operators to share information appropriately with nearby agencies such as treatment centres</p>

<p>24 & 37</p>	<p>There are separate sections covering risk assessments and local area profiles. Section 11 - LOCAL RISK ASSESSMENTS and Section 12 - LOCAL AREA PROFILE</p> <p>This risk assessment section also provides information on a risk tool developed to provide premises information, for premises that are considered at risk and in close proximity to the intended gambling premise location</p>	<p>Section titled LOCAL AREA PROFILE incorporated into section titled LOCAL RISK ASSESSMENTS as the profiles assist operators in completing risk assessments</p> <p>LOCAL RISK ASSESSMENTS section reconfigured so that the risk tool section and local area profiles are together as both provide information on risks to assist operators in completing risk assessments</p> <p>Section included on the Census Town Profiles which provide an overview of social economic conditions within each of the six towns. This is to provide operators with background information whilst completing risk assessments</p> <p>Numbering for subsequent sections changed accordingly</p>
<p>6</p>	<p>Section 1.2 - OTHER KEY AGENCIES / RESPONSIBLE AUTHORTIES includes a list of responsible authorities and key agencies and includes the Director of Public Health who is not classed as a responsible authority but should be consulted on all premise licences applications</p>	<p>Heading for section titled 'OTHER KEY AGENCIES / RESPONSIBLE AUTHORTIES' amended for clarity to 'OTHER KEY AGENCIES / OFFICERS / RESPONSIBLE AUTHORTIES' so that the Director of Public Health remains listed in this section</p>
<p>17</p>	<p>Section 9 - RESPONSIBLE AUTHORITIES – Public Health is not a responsible authority, but the Director of Public Health needs to be consulted on all premises licences applications</p>	<p>Section titled RESPONSIBLE AUTHORITIES changed to RESPONSIBLE AUTHORITIES / NOTIFICATION OF APPLICATIONS FOR REPRESENTATION to enable the Director of Public Health to be included in this section as the Director of Public Health is not classed as a responsible authority</p> <p>Included caveat in section that the Director of Public Health will be consulted on all premises licences applications</p>
<p>24-25</p>	<p>Section 9 – LOCAL RISK ASSESSMENTS</p>	<p>Added further sections including paragraph on Local Area Profile, Census, Risk Tool and Be Gamble Aware.</p>

<p>29</p>	<p>Section 18 – GAMING contains a link to the Gambling Commission website to access the code of practice for gaming machines in clubs and premises</p>	<p>For transparency, link to code of practice for gaming machines in clubs and premises in section titled GAMING changed so that the reader is taken to the actual Gambling Commission codes of practice web page rather than the Gambling Commission website home page</p>
	<p>Section 19 – MODERN SLAVERY Human trafficking and other forms of slavery continue to exist. The International Labour Organisation estimates that the trade in human beings generates an enormous £150 billion of profit a year.</p>	<p>Amend Section 19 to, Human trafficking and other forms of slavery continue to exist.</p> <p>Modern slavery can take many forms including people trafficking and forced labour, sexual exploitation and criminal exploitation.</p> <p>The Home Office estimates there are 13,000 potential victims in the UK.</p> <p>Removed quote of profit amount as unidentified source. Replaced with text above from Sandwell MBC Modern Slavery webpage.</p>
<p>31 & 32</p>	<p>Section 20 - EXCHANGE OF INFORMATION, paragraph one mentions the licensing objectives</p> <p>Paragraph three refers to the Data Protection Regulations 2018</p> <p>The section includes information relating to the Freedom of Information Act 2000</p> <p>Section states 'how the authority handles FOIA requests can be found at the Sandwell MBC's website'.</p>	<p>In section titled EXCHANGE OF INFORMATION, for transparency the reader is reminded that the licensing objectives are outlined in Section 2 – GAMBLING ACT 2005</p> <p>Reference to Data Protection Regulations 2018 changed to UK General Data Protection Regulation</p> <p>For clarity, after Freedom of Information Act 2000 in relevant paragraph, FOIA stated in brackets as the abbreviation FOIA is used near the end of the paragraph. As the subsequent paragraph then starts with the word 'Request', for clarity FOIA stated before the word request.</p> <p>Link provided to freedom of information SMBC webpage which details how FOIA requests are processed</p> <p>Link provided to access online FOIA form on the SMBC website</p>

34	Section 21 ENFORCEMENT PROTOCOLS – Refers to the Black Country Better Business for All initiative	For clarity as abbreviation BBFA is used in section titled ENFORCEMENT PROTOCOLS, BBFA stated after initial reference to 'Black Country Better Business for All'
35	Section 23 - MONEY LAUNDERING – Link available to Gambling Commission’s website, however there is a now a link available to a new anti-money laundering webpage	Section titled MONEY LAUNDERING, link changed to take the reader to the Gambling Commission’s new anti-money laundering web page which includes anti-money laundering responsibilities for gambling businesses
36	Section 24 - THE LICENSING PROCESS refers to the scheme of delegations	Section titled THE LICENSING PROCESS, link added to take the reader to the pdf version of the Scheme of Delegation which is available on Modern.Gov
	Appendix 1 – Guide to making a representation	xxxx
	Appendix X - Delegations	xxxx
	Appendix 2 – Guidance for applicants	xxxx



Sandwell

Metropolitan Borough Council

Applying for a Premise License

Guidance for Applicants (Appendix 2)

The Gambling Act 2005

All gambling activities (with the exception of the National Lottery and spread betting) are regulated by the Gambling Act 2005. Gambling is defined in the Act as either gaming, betting or taking part in a lottery. The type of activities covered by the act includes:

- Betting
- Bingo
- Casino gaming
- Prize gaming
- Use of gaming machines
- Lotteries, raffles

As the Licensing Authority we are responsible for licensing premises where gambling takes place, and provide authorisations to gamble in premises where gambling is not the main activity (for example gaming machines in pubs). The Gambling Commission are responsible for licensing operators and individuals involved in providing gambling and betting facilities.

About a Premises licence

Any premises where gambling facilities are provided must have a premises licence, issued under the Gambling Act 2005. A Premises Licence is a permanent licence, granted in respect of a specific location, which authorises the licence holder to carry on licensable activities. As well as the main activity, a premises licence may also allow the use of certain categories of gaming machines.

Under the Gambling Act 2005 we are the licensing authority for:

- **Betting shops:** Premises such as high street shops, at which a licensed bookmaker will take bets on races and sporting events happening elsewhere
- **Betting at tracks:** Areas at racecourses and other premises where a race or other sporting event takes place (e.g. a venue staging a boxing match), at which licensed bookmakers will be taking bets on a race or sporting event happening at that location
- **Bingo halls:** Premises at which games of commercial prize bingo are regularly played
- **Casinos:** Premises where people can participate in one or more casino games. Casinos licensed under the previous legislation are able to continue to operate. New casino licences are restricted under the Gambling Act 2005. This authority has resolved not to issue new casino premises licences. Neither are there any casinos in the borough with preserved entitlement.
- **Adult gaming centres:** Amusement arcade premises making gaming machines available for use by over-18s only
- **Family entertainment centres:** Amusement arcade premises making gaming machine available for use by persons of all ages

Except in the case of betting at tracks, a premises licence cannot allow the use of premises for more than one of the activities listed above. Only one licence can be held.

Once a licence is granted a premises licence will be valid for the life of the business, or until it is surrendered or revoked. A licence holder can apply to vary the terms and conditions of the licence at any time.

Where a premises creates problems which impact on any of the three licensing objectives, a licence can be called in for review by interested parties or responsible authorities.

An annual fee is payable on the anniversary of the grant of the licence.

Gaming machine entitlements

In addition to permitting specific types of gambling activity, Premises Licences also allow a number of gaming machines to be operated within the licensed premises. Under the Act, gaming machines are divided into

categories, dependent on their maximum stake and prize amounts, and where they may be provided. More information on gaming machines can be found on the [Gambling Commission website](#).

Who can apply for a premises licence

Only people (and that includes companies or partnerships):

- Who have the right to occupy the premises
- Who have an operator's licence or have applied for an operator's licence from the [Gambling Commission](#)
- Are over the age of 18

Applying for a licence

The following guidance explains the procedures needed to apply for a premises licence under the Gambling Act 2005.

The Council's policy on the Gambling Act should be read before completing the application form.

The standard hours for the opening of premises are set by the Government. You can, however, apply to modify those hours when you make your application. Details of the standard hours (known as the default conditions) are contained within this document.

An operating licence from the Gambling Commission must be in force prior to the premises licence being granted.

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

The application form is available from the [Gambling Commission Website](#)

The Application

This will involve advertising the application in the paper and on the premises and also serving notification of the application on responsible authorities.

The following must be presented for a premises application:

- One application form
- Appropriate fee
- A scale plan of the premises (see notes below)
- Serve notice of your application (see notes below)
- Advertise your application (see notes below)

Application forms are available on request by emailing
Licensing_Team@sandwell.gov.uk

Notification to Responsible Authorities

In compliance with the regulations the applicant must serve each responsible authority with a notice (Form B) of his application where a variation is sought. The authorities to be served are:

- West Midlands Police
- West Midlands Fire and Rescue Service
- HM Customs and Revenue
- Safeguarding Children Board
- Planning & Building Control
- Environmental Health
- Gambling Commission

Details of addresses can be found at Appendix A in this document.

Display and Publishing of a Notice

Details of the application must be published in a local newspaper on at least one occasion during the period of 10 working days starting on the day after the day on which the application is made.

A notice must be displayed on the premises to which the application relates in a place at which it can be conveniently read by members of the public from the exterior of the premises for a period of not less than 28 consecutive days starting on the day on which the application is made.

A copy of the notice is available upon request.

Representations

Representations should be lodged within 28 days of the application being made to the licensing authority. Representations have to be consistent with the licensing objectives.

Plans

A plan in the specified form for the following type or premises licence:

- a) drawn to the scale
- b) showing the extent of the boundary or perimeter of the premises
- c) showing where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.
- d) showing where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises.
- e) Showing where the premises are a vessel or part of a vessel, the location of any part of the sides of the vessel, and of any part of the sides of the vessel, and any internal walls of the vessel, which are included in the premises.
- f) showing the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads; and where the sale of alcohol for consumption on the premises is to take place
- g) any other matter required in accordance with the following provisions of this regulation.

Local Risk Assessments

The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be

presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

Bingo premises (where children or young persons have permitted access)

- a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines.
- b) The location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be available for use from any other part of the premises.

Adult Gaming Centre

- a) the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

Family Entertainment Centre

- a) The location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- b) The location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be available for use from any other part of the premises.

Betting Premises Licence (other than in respect of a track)

a) the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Hearings

Should outstanding representations not be withdrawn the application must proceed to a hearing, which should be commenced as soon as is reasonably practicable.

Conditions

Mandatory conditions attaching to bingo premises licences

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:

(a) a casino premises licence;

(b) an adult gaming centre premises licence;

(c) a betting premises licence other than a track premises licence

3. (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Any area of the premises to which category B and C gaming machines are located

(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;

(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

(c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph

(3) The reference to supervision in this paragraph means supervision by:

(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or

(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use. Gambling Act – Premises Guidance – April 2016.

4. (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.

(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph 3.

(3) shall be displayed at the main point where payment for the charge is to be made.

(4) The notice in sub-paragraph (2) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(5) The notice may be displayed in electronic form.

(6) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes

in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

5. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.

(2) The condition in sub-paragraph (1) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules,

or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so. Gambling Act – Premises Guidance – April 2016

Default conditions attaching to bingo premises licences

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

Mandatory conditions attaching to adult gaming centre premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

4. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

Mandatory conditions attaching to betting premises licences (other than track premises licences)

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence. (2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—

- (i) information relating to betting on such an event; and
- (ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Default conditions attaching to betting premises licences (other than in respect of tracks)

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

APPENDIX A

RESPONSIBLE AUTHORITIES

West Midlands Police
Police Licensing Officer
C/o Administration Unit
LPU Headquarters
Moor Street
West Bromwich
B70 7AQ

West Midlands Fire and Rescue Service
Fire Safety Officer
Tipton Fire Station
Alexandra Road
Tipton
West Midlands
DY4 7NZ

HM Customs and Revenue
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Safeguarding Childrens Board
Sandwell Council House
PO Box 2374,
Oldbury,
West Midlands,
B69 3DE

Planning & Building Control
Sandwell Council House
PO Box 2374,
Oldbury,
West Midlands,
B69 3DE

Environmental Health
335-337 High St, Court House
B70 8LU West Bromwich
County:
West Midlands

Gambling Commission
The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

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Sandwell
Metropolitan Borough Council

Guidance on representations about gambling premises (Appendix 1)

The Gambling Act 2005 requires that 'responsible authorities' such as the police, the gambling commission and others are notified of every application for a new gambling premises licence or variation of an existing premises licence.

An applicant is also obliged to advertise their application in a local paper and place a notice outside the premises for 28 days.

Objections can only be made by responsible authorities or interested parties. Interested parties are defined as a person who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) has business interests that might be affected by the authorised activities
- c) represents persons who satisfy paragraph (a) or (b)

An interested party or responsible authority must make representations or objections in writing that must be received by us within the 28 day notice period (which will be specified on the application details).

A representation may be an objection or a positive comment.

If no relevant representations are made, the licence or variation must be granted in the form that the application was made.

Any representations made must relate to the licensing objectives.

The licensing objectives 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

Objections must be relevant and can only be made based on one or more of these three licensing objectives.

Putting forward your views on applications

Representations must be submitted us in writing within the 28 day notice period. This time period is stated on the public notice at the premises and in the advert in the local paper.

Applications are also available for inspection at our offices at Court House West Bromwich. Please telephone for an appointment before attending to ensure an officer is available to see you.

A representation can be a positive comment or an objection.

You can either write to us or email us with your representation. Our contact details are on the right of this page. You'll need to tell us:

- your full name, address and contact details
- details of the application you are making a representation about
- what your interest in the application is
- what your concerns are and how they relate to the licensing objectives
- if there are any changes you would like to see made to the application which would address your concerns
- you will need to state clearly on the letter or email that this is a representation and if writing in, you will need to sign and date your letter

What will happen next?

If we think the representations are relevant we must hold a hearing to determine the application (unless all agree that this is unnecessary).

At the hearing, a sub-committee (three councillors) of the council's Licensing and Enforcement Committee may do one of the following:

- Decide to grant or vary the licence in the same terms as it was applied for
- Decide to grant or vary the licence, but to modify the conditions
- Decide to refuse to issue or vary the licence
- Decide to exclude a licensable activity from the licence

The applicant for a licence or variation and any objectors can address the sub-committee. The sub-committee will listen to the evidence of both sides before making their decision. If a person who has made a representation cannot attend the hearing the sub-committee will consider the person's written representation.

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