

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

Appendix 2

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	<p>Sections 5, 6 & 7 relate to s1 of the Act and are the licensing objectives. The SOP does not stipulate this. The sections are:</p> <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 	<p>For clarity Section 5, 6 & 7 have become sub headings 5.1, 5.2 & 5.3 under a Section titled ‘THE LICENSING OBJECTIVES’</p> <p>Numbering for subsequent sections changed accordingly</p>
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’

<p>22</p>	<p>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</p>	<p>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</p>
<p>23</p>	<p>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’</p>	<p>Section titled LOCAL RISK ASSESSMENTS, list stating examples of significant changes requiring review / amendments of a risk assessment amended to include:</p> <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’
<p>20</p>	<p>Section 11 – LOCAL RISK ASSESSMENTS does not specifically state that local risk assessments shall be retained on premises</p>	<p>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’</p>
<p>21 & 22</p>	<p>Section 11 – LOCAL RISK ASSESSMENTS states risks associated with location and also risks associated with underage gambling</p>	<p>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...’</p> <p>Bullet point added: ‘the demographics of the area in relation to vulnerable groups’ within list of risks associated with location</p> <p>Section added after listed risks associated with ‘location’ and also ‘underage gambling’ to state, ‘Local risk assessments shall also:</p>

		<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.</p> <p>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>

Appendix 2

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