

Gambling Act 2005 – Statement of Principles March 2022

Key:

Reference to 'Act' means Gambling Act 2005

SOP – Statement of Principles

Page numbers are subject to change owing to additional text & sections where added or removed.

Changes made to SOP and consulted upon are highlighted by red text under page numbering.

Changes made to SOP as a result of consultation feedback received are highlighted by green text under page numbering.

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
3-5	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
3-5	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.	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. The towns are Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich. At the last count, the population of the Borough was 327,378.

<p>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.</p> <p>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).</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>Sandwell has high levels of deprivation and is ranked the 12th most deprived local authority area out of 317 (Indices of Multiple Deprivation 2019). Previous IMD results for this measure show that Sandwell’s position has declined slightly relative to other districts in England. Sandwell was 13th most deprived local authority in 2015.</p> <p>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.</p> <p>However, it is also recognised that such entertainment can lead to negative impacts on the individual gambler, their family and the wider community such as financial problems, mental and physical health issues, job loss and absenteeism, criminality, and the well-being of children and carers.</p> <p>The BGPS 2010 referred to two problem gambling screening instruments. One of which was the DSM-IV criteria for pathological gambling (based on a 1994 paper in the US), the other was a Canadian report from 2001. These were used to then calculate problem gambling rates in the UK. In a comparison table with other national prevalence surveys the rates of problem gambling was estimated at 0.7-0.9%. The figures of problem gambling are now much lower. Figures published by the Gambling Commission in February 2022 show</p>
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<p>the clinical criteria for pathological gambling. This highlights the particular risks of problem gambling for young people.</p> <p>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.</p> <p>Sandwell MBC wishes to minimise any negative impact from licensed gambling.</p> <p>The Statement of Principles has a key role in ensuring the Sandwell MBC delivers on its Vision 2030 commitments including:</p> <ul style="list-style-type: none"> • 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” <p>Furthermore, this statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:</p> <ul style="list-style-type: none"> • 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 	<p>that the rate of problem gambling in the year to December 2021 was 0.3%, having fallen from 0.6% over the last 18 months.</p> <p>Sandwell MBC wishes to minimise any negative impact from licensed gambling.</p> <p>Operators are expected to take account of the Gambling Objectives to safeguard those who participate in gambling activities.</p> <p>The Statement of Principles has a key role in ensuring that Sandwell MBC delivers on its Vision 2030 commitments including:</p> <ul style="list-style-type: none"> • 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” <p>The statement of principles endeavours to mitigate risks associated with gambling by delivering corporate plan key objectives which includes:</p> <p>Best start for children and young adults - By ensuring licensees complete local area risk assessments, it is envisaged that the</p> <ul style="list-style-type: none"> • potential risk of harm from underaged gambling will be reduced whilst maintaining adequate control measures to
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	<p>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.</p> <ul style="list-style-type: none"> • 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 equalities 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 	<p>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.</p> <ul style="list-style-type: none"> • 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 equalities 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
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	<p>young and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.</p>	<p>and disabled persons and the promotion of Sandwell as a location in which people wish to live, work and raise families.</p>
<p>6</p>	<p>1.2 OTHER KEY AGENCIES / OFFICERS / RESPONSIBLE AUTHORTIES</p> <p>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</p>	<p>1.2 RESPONSIBLE AUTHORTIES</p> <p>The Licensing Authority. The Gambling Commission. Chief Constable, West Midlands Police, West Midlands Police Headquarters, Lloyd House, Birmingham. West Midlands Fire and Rescue Service Planning Department Environmental Health Local Safeguarding Children Board (SSCB) HM Revenue and Customs Any other person Prescribed by secretary of state by regulation (i.e. they can add new ones if they want)</p> <p>For applications for a premises on a vessel on water:</p> <p>The Environment Agency The Canal and River Trust</p>
<p>Whole document</p>	<p>Reference made to 'the licensing authority' in expressing requirements of SOP / Gambling Act 2005</p>	<p>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</p>
<p>8</p>	<p>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</p>	<p>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</p>

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
7	Section 1.4 Consultation was carried out during 2019 in accordance with Section 349 on the Gambling Act 2005.	Remove as outdated info
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
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 - 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	Remove paragraph and replace as follows:

	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.	Where children, young persons and other vulnerable people are allowed access a premises where gambling takes place. Each application will be considered on its own merits. Sandwell MBC may take whatever steps are considered necessary to either limit access generally or by introducing reasonable and proportionate measures to safeguard those participating in gambling activities and to prevent under age gambling where it believes it is right to do so, especially where it receives representations to that effect.
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
11-14	5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING Within 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.	5.3 PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING Within the framework of the act, it is the intention 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 which they are not permitted to participate in. There are also 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.
12-14	The Act details principal offences in relation to the protection of children and young persons. The offences include:	The offences relating to the protection of children and young persons can be found at Section 46 to 58 of the Act.

	<ul style="list-style-type: none"> • 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 	<p>The Act details types of gambling which are exceptions such as low risk gambling activities such as private non-commercial betting, Lottery or Pools and a Cat D Gaming Machine.</p> <p>Where premises are subject to age restrictions there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.</p> <p>Risks to children and young people should be identified within the premises risk assessment along with controls to mitigate the risks.</p> <p>The 2005 Act provides for a Code of Practice on access to gambling premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.</p> <p>Where premises are subject to age restrictions their procedures must be in place to conduct age verification checks, these checks will be taken into account when considering the licence.</p>
<p>14 / 15</p>	<p>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</p>	<p>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</p>
<p>16</p>	<p>Section 6 - 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.</p>	<p>When considering applications for premises licences Sandwell MBC will consider each case on its own individual merits without regard to demand. With regard to appropriate licensing environment issues, Sandwell MBC will take into account any representations made by the Commission.</p>
<p>16</p>	<p>Section 6 - Other than an application for a betting premises licence in respect of a track, Sandwell MBC is not able to issue</p>	<p>Section 6 - Other than an application for a betting premises licence in respect of a track, Sandwell MBC is not able to issue a</p>

	<p>a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.</p> <p>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.</p> <p>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</p>	<p>premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.</p> <p>When considering applications for premises licences Sandwell MBC will consider each case on its own merits without regard to demand. With regard to whether the environment is appropriate to gambling, Sandwell MBC will take into account any representations made by the Commission.</p> <p>Sandwell MBC will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Team by email to licensing_team@sandwell.gov.uk</p>
17	<p>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</p>	<p>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’</p>
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	<p>Section 9 – LOCAL RISK ASSESSMENTS states ‘Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises’</p>	<p>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</p>

		<p>premises' amended slightly to then state 'in order to manage the risk'</p>
<p>20</p>	<p>Section 9 – LOCAL RISK ASSESSMENT</p> <p>Remove risk factors highlighted green.</p> <p>Examples of actual, potential or future emerging risks associated with Location:</p> <ul style="list-style-type: none"> • 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 	<p>Section 9 – LOCAL RISK ASSESSMENTS</p> <p>When completing the risk assessment Sandwell MBC expects operators to attach significant importance to their local risk assessment and that they must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles. Controls to mitigate risk should be relevant and proportionate to the premises.</p> <p>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.</p> <p>The list below gives examples of actual, potential or future emerging risks associated with Locations, this list is not exhaustive and is provided as guidance only:</p> <ul style="list-style-type: none"> • 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 known information about issues with problem gambling in the area and persons vulnerable who may be adversely harmed by entering a gambling premises

		<ul style="list-style-type: none"> • 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.
<p>19-24</p>	<p>Section 9 – 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 9 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>19-24</p>	<p>9 LOCAL RISK ASSESSMENTS</p> <p>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 (reviewed yearly), readily available and retained on a premises.</p> <p>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: -</p> <ul style="list-style-type: none"> • 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 	<p>9 LOCAL RISK ASSESSMENTS</p> <p>Operators are required to consider local risks to the licensing objectives by the provision of gambling facilities at their premises. They are required to have policies, procedures and controls in place to mitigate those risks. Operators shall ensure that their local risk assessments are up to date, reviewed at least yearly, are kept readily available and retained on the premises.</p> <p>Operators are required to undertake/update/share with Responsible Authorities (as appropriate in accordance with the Guidance and the Licence Conditions Codes of Practice) a local risk assessment in the following situations: -</p> <ul style="list-style-type: none"> • 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

	<p>In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Examples of actual, potential or future emerging risks associated with Location:</p> <ul style="list-style-type: none"> • 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 	<p>In this context risk includes any actual, potential and any possible future emerging risks to the licensing objectives.</p> <p>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.</p> <p>When completing the risk assessment Sandwell MBC expects operators to attach significant importance to their local risk assessment and that they must have regard to the local area profile created by Sandwell MBC and to Sandwell MBC's Statement of Principles. Controls to mitigate risk should be relevant and proportionate to the premises.</p> <p>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.</p> <p>The list below gives examples of actual, potential or future emerging risks associated with Locations, this list is not exhaustive and is provided as guidance only:</p> <ul style="list-style-type: none"> • 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
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	<ul style="list-style-type: none"> • 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 <p>Examples of actual, potential or future emerging risks associated with underage gambling:</p> <ul style="list-style-type: none"> • 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. <p>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. 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 	<ul style="list-style-type: none"> • any known information about issues with problem gambling in the area and persons vulnerable who may be adversely harmed by entering a gambling premises • 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. <p>This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.</p> <p>Examples of actual, potential or future emerging risks associated with underage gambling:</p> <ul style="list-style-type: none"> • 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. <p>This is not an exhaustive list, risks and identified controls to mitigate risks will be individual to each premises.</p> <p>Local risk assessments shall also:</p> <ul style="list-style-type: none"> • Show how vulnerable people, such as people with gambling dependencies are protected.
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	<p>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.</p> <ul style="list-style-type: none"> • Include details of how information will be shared with nearby agencies. • Include control measures to mitigate risks when the footfall is the highest. • Can we add sharing voluntary exclusive agreements MOSES – can we add this is it in our remit <p>Significant changes in local circumstances:</p> <p>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.</p> <p>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.</p> <p>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</p> <ul style="list-style-type: none"> • The local area is classified or declassified by Sandwell MBC as being an area of heightened risk within its Local Area Profile 	<ul style="list-style-type: none"> • 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 the premises will share information with nearby agencies, including the frequency and mechanisms it intends to use to do so • Include control measures to mitigate risks when the footfall is the highest. <p>Significant changes in local circumstances:</p> <p>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.</p> <p>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.</p> <p>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</p>
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	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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
<p>19-24</p>	<p>Section 9 – 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

		<ul style="list-style-type: none"> - 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'
19-24	Section 9 – 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'
19-24	Section 9 – LOCAL RISK ASSESSMENTS states risks associated with location and also risks associated with underage gambling	<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'
16-17	Section 7 – PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING refers to the Local Safeguarding Children Board which has been abolished	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)

		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
17-19	Section 8 – INTERESTED PARTIES – States ‘a community group will generally not be viewed as an interested party unless they are representing the interests of vulnerable people	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
30-32	Section 17 - 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	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
19-24	There are separate sections covering risk assessments and local area profiles. Section 11 - LOCAL RISK ASSESSMENTS and Section 12 - LOCAL AREA PROFILE 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	Section titled LOCAL AREA PROFILE incorporated into section titled LOCAL RISK ASSESSMENTS as the profiles assist operators in completing risk assessments 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 Section included on the Census Town Profiles which provide an overview of social economic conditions within each of the six

		<p>towns. This is to provide operators with background information whilst completing risk assessments</p> <p>Numbering for subsequent sections changed accordingly</p>
23	<p>RISK TOOL</p> <p>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:</p> <p><u>Sandwell Trends - Gambling Location Risk Tool</u></p>	<p>RISK TOOL</p> <p>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:</p> <p><u>Sandwell Trends - Gambling Location Risk Tool</u></p>
6	<p>Section 1.3 - 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>
19-24	<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>19-24</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>24-25</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>Sandwell MBC will not consider imposing conditions:</p> <ul style="list-style-type: none"> • 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; 	<p>The mandatory and default conditions that are attached to all Gambling Act 2005 premises licences are designed to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions will only be imposed by Sandwell MBC where there is a clear risk to the licensing objectives that is not adequately addressed by the mitigation measures, policies and procedures outlined in the applicant’s risk assessment.</p> <p>The risk assessment is a dynamic document which (in accordance with SR code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policy, procedures and mitigation measures to address those identified risks may be changed very quickly.</p> <p>However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the licensing authority.</p> <p>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:</p> <ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> • in relation to stakes, fees, winnings or prizes <p>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.</p> <p>Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.</p>	<ul style="list-style-type: none"> • reasonable in all other respects <p>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.</p> <p>Duplication with other statutory or regulatory regimes will be avoided. Each case will be assessed on its own individual merits.</p>
<p>25-26</p>	<p>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.</p> <p>Betting premises will be able to provide a limited number of gaming machines and some betting machines.</p> <p>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 (add to paragraph 1) are concerned and also the ability of staff to closely monitor the use of such machines.</p> <p>It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering</p>	<p>Anyone wishing to operate a betting office will require a betting premises licence from Sandwell MBC. Children and young persons will not be permitted to enter premises with a betting premises licence.</p> <p>Betting premises may make available gaming machines for use where there are also substantive facilities for non-remote betting provided and available in the premises.</p> <p>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).</p> <p>If Sandwell MBC receives an application to vary a betting premises licence in order to extend the opening hours, it will need</p>

	<p>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).</p> <p>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.</p> <p>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.</p> <p>In all cases, each application will be considered on its own individual merits.</p>	<p>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.</p> <p>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.</p> <p>In all cases, each application will be considered on its own individual merits.</p>
<p>28-29</p>	<p>Section 15 – 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>34-35</p>	<p>Section 19 – MODERN DAY 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</p>	<p>Amend Section 19 to, Human trafficking and other forms of slavery continue to exist. Modern slavery can take many forms including people trafficking</p>

	year.	<p>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>
30 & 32	<p>Section 17 - 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>
32-33	Section 18 - 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 20 - 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

Appendix 2

35-36	Section 21 - 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	Reviewed and updated no significant changes
	Appendix 2 – Guidance for applicants	Reviewed and updated no significant changes