

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**GAMBLING ACT 2005
REVIEW OF THE STATEMENT OF PRINCIPLES**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Committee that the Statement of Principles must be reviewed in accordance with Section 349 of the Gambling Act 2005 by January 2019.
- 1.2 To seek approval from the Licensing Committee to start the consultation process.
- 1.3 Once the consultation has been carried out, the revised Statement of Principles will be presented to the Licensing Committee for approval, prior to being presented to Full Council.

2. BACKGROUND INFORMATION

- 2.1 The Statement of Principles was initially approved by this Committee in 2006 and then reviewed every three years thereafter.
- 2.2 In accordance with Section 349 of the Gambling Act 2005, there is a requirement for the Statement of Principles to be reviewed every three years. The revised statement must be agreed by the Full Council prior to January 2019.
- 2.3 The Act stipulates that in reviewing the policy, we must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as we deem suitable. Further, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 specifies a number of matters which must be included in the Statement, including the description of the area and a list of consultees.
- 2.4 A copy of the current Statement of Principles is attached as Appendix A to this report. Subject to any responses to the consultation, it is not proposed to make significant changes to this document- if any.

3. OPTIONS FOR CONSIDERATION

3.1 The options available to the committee are limited. The council has a statutory obligation to review the Statement of Principles every three years.

4. ANALYSIS OF OPTIONS

4.1 The review of the Statement of Principles is a statutory requirement. The policy must be approved by Full Council by January 2019.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no financial, staffing, property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory Implications – Failure to review the policy in accordance with Section 349 of the Gambling Act 2005 would mean that the Council would fail to meet its legal requirement.

7. OUTCOMES OF CONSULTATION

7.1 As stated in paragraph 2.3 there is a statutory requirement to consult on the revised policy. Full consultation will commence following the approval of this report.

8. RECOMMENDATIONS

8.1 That the Statement of Principles be reviewed in accordance with statutory requirements.

8.2 That the Committee approve the start of the consultation process.

DIRECTOR: OPERATIONS

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DN16 1AB

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Date: 28 February 2018

Background Papers used in the preparation of this report: – None



Statement of Principles

Gambling

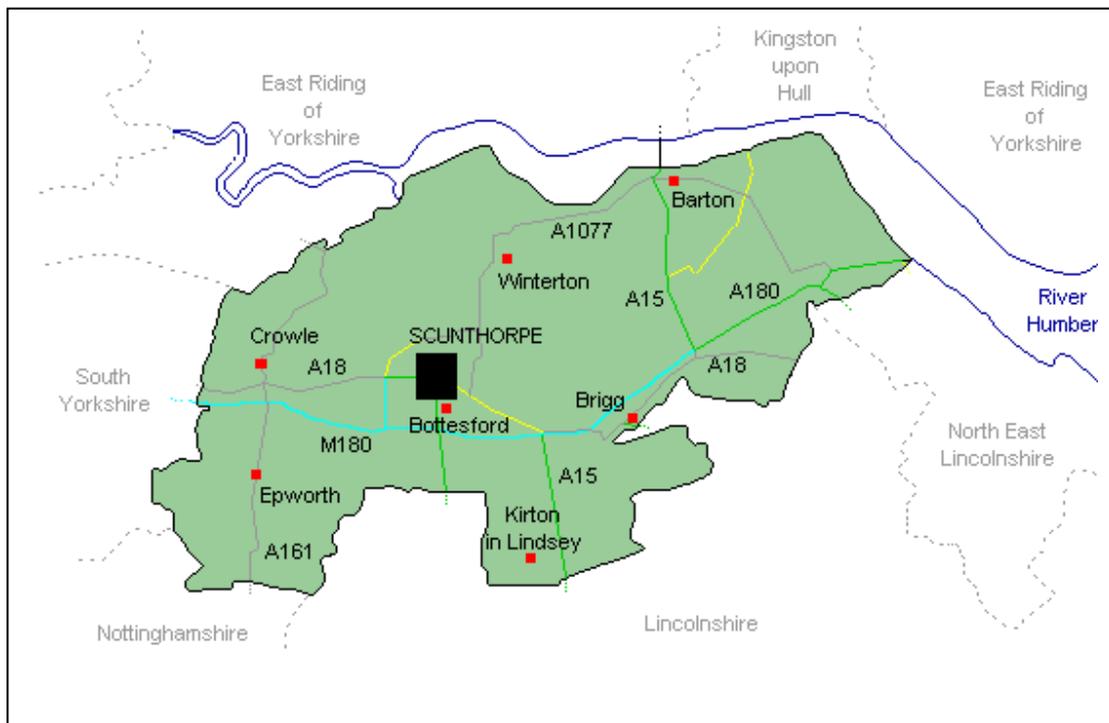
Revised January 2016

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Introduction

1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census said the population of North Lincolnshire was 167,446. Of these, 76,200 live in Scunthorpe and Bottesford. The other 91,246 people live in the rural areas. This includes the towns of Barton upon Humber and Brigg.
- (3) Below is a map of the area:



2 General Information

- (1) This statement of principles will help meet the Council’s obligations under section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”).
- (2) Under the Act, the Council will aim to permit the use of premises for gambling. This is as long as it is considered to be:-
 - in accordance with any relevant codes of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
 - in accordance with this statement of principles; and
 - consistent with the licensing objectives.
- (3) The Act provides for 3 categories of licence:
- operating licences
 - personal licences
 - premises licences
- (4) The Council is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences. Contact details are detailed in paragraph nine.

3 Authorised Activities

- (1) Gambling is defined in the Act as either gaming, betting, or taking part in a lottery. These are defined as:
- 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 any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not;
 - A lottery is where people need 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.
- (2) The Council's main functions are to:
- licence premises for gambling activities, including provisional statements;
 - issue permits for gambling and gaming machines in clubs, alcohol licensed premises and family entertainment centres;
 - issue 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;
- (3) Spread betting is regulated by the financial services authority. Remote gambling is dealt with by the Gambling Commission and the national lottery is regulated by the national lottery commission. Spread betting is defined in section 11 of the Act. It is normally in the form of a prize competition. Remote betting is defined in section 67 of the Act. It is remote from the premises where the betting takes place and is by means of remote communication, such as the internet. The FSA website address is at www.fsa.gov.uk.

4 The Licensing Objectives

- (1) There are three licensing objectives that are central to the regulatory regime created by the Act. These are:
 - preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- (2) More information on the licensing objectives is included in Part 6.

5 Consultation

- (1) We have consulted the following people and bodies to help determine this statement of principles:
 - The Gambling Commission
 - Chief Constable of Humberside Police
 - Chief Officer of Humberside Fire Brigade
 - North Lincolnshire Magistrates Court
 - North Lincolnshire NHS Trust
 - Director of Public Health
 - Child Protection team
 - Neighbouring Licensing Authorities, including:
 - East Riding of Yorkshire Council
 - Kingston upon Hull City Council
 - North East Lincolnshire Council
 - West Lindsey District Council
 - Doncaster Metropolitan Borough Council
 - North Lincolnshire Tourism
 - Security Industries Authority (SIA)
 - Federation of Small Businesses
 - Disabled access groups
 - Current licence and permit holders
 - Local and national licensing solicitors
 - Training providers (North Lindsey College)
 - Religious and ethnic groups
 - Residents Associations and Neighbourhood Watch groups
 - Scunthorpe Charter Trustees
 - Town and Parish councils
- (2) We have also consulted various other professional people within the Council. These include:
 - Heads of Service and Directors

- Building Control
- Environmental Health, including:
 - Environmental Protection
 - Food and Safety
 - Waste Management
- Trading Standards
- Legal and Democratic Services
- Local Children’s Safeguarding Board
- Community Safety Partnership
- Property Services
- Highways
- Town Centre Manager
- Cultural Strategy Officer
- Community Strategy Officer
- Leader of the Conservative Group
- Leader of the Labour Group
- Chair of the Licensing Committee
- Council Members

- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

6 Approval of the Statement of Principles

- (1) The initial statement of principles was approved by a meeting of the full Council on 22 November 2006. Copies were made available both via our website, in writing or by personal request.
- (2) The licensing authority, in developing this statement of principles has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and the responses made following the consultation.

7 Review of the Statement of Principles

- (1) The Gambling Act 2005 states that this statement should be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the statement and reserve the right to update this statement at any time.
- (2) A full list of comments made about the review of this statement and how they were taken into consideration by the Council is available by contacting the Licensing Manager, North Lincolnshire Council, Church Square House, Scunthorpe, DN15 6XQ. This information is also available via our website, www.northlincs.gov.uk

8 Explanations in the Statement

- (1) In preparing this statement, we have briefly explained the reasons for including each item and its relevance to the licensing objectives. The explanations, where necessary, are in italics (in red type) after the heading.

9 Contacts

- (1) The licensing function is part of the Operations Directorate. Our address is:

Licensing Team
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

Website: www.northlincs.gov.uk/jobs-business-regen/licensing

Email: licensing@northlincs.gov.uk

- (2) Any comments about this statement can be made in writing or be emailed to the email addresses above. To ask about any licensing issue, contact the licensing division on: (01724) **297751**.

- (3) You can contact the Gambling Commission at:

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

Website: www.gamblingcommission.gov.uk

Email: info@gamblingcommission.gov.uk

Part 1 – Licensing Principles

Introduction

We are required under the Act to set out in a separate part of the Statement certain matters as specified in Statutory Instrument 2006, Number 636. These matters are:

- The body to be specified to advise the licensing authority about the protection of children from harm.
- The principles to determine if a person is an interested party in relation to a premises licence or application for a premises licence.
- The principles regarding the exchange of information with the Gambling Commission and other persons listed in schedule six of the Act.
- The principles to be adopted regarding the inspection of premises and to consider legal proceedings.

10 Body Specified to advise on the Protection of Children From Harm

- (1) Under the Act, we need to designate, in writing, a body that is competent to advise the Council about the protection of children from harm. The principles are:
 - the need for the body to be responsible for the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- (2) In accordance with the guidance issued under section 25 of the Act, the Council has chosen the local safeguarding children board to advise for this purpose.

11 Interested Parties

- (1) The Act states that an interested party, for the purposes of determining an application, is a person:
 - a) who lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - b) has business interests that might be affected by the authorised activities; or
 - c) one who represents persons who satisfy (a) or (b), or both.
- (2) In determining if a person lives or has a business in the vicinity of the premises we will not apply a rigid rule. We will determine each case on its own merits. In doing so we will follow the guidance laid out in the Gambling Commissions guidance for local authorities. We will take into account:
 - the size of the premises
 - the nature of the premises
 - the nature of the authorised activities being proposed
 - the distance of the premises from the person making the representation
 - the characteristics of the complaint
 - the potential impact of the premises
- (3) Business interests will mean any business, including partnerships, charities, faith or religious groups and medical practices.
- (4) Interested parties may also include trade unions, trade associations and residents and tenants associations. In each of these cases, the interested party would normally be expected to represent people who live or work in the vicinity of the premises.

- (5) Interested parties can also include Councillors and MPs. MPs and Councillors can also represent interested persons, as long as they are representing persons in their own ward/constituency.

12 Exchange of Information

- (1) The Council, is required under section 29 and 30 of the Act, to produce information that forms a public register and to exchange information with the Gambling Commission. This public register will be available on our website or by contacting the licensing division.
- (2) We have a duty under section 350 of the Act to exchange information with other persons listed in Schedule six of the Act.
- (3) In exercising our duties under sections 29, 30 and 350 we shall not contravene the provisions of the Data Protection Act 1998. We will also have regard to any guidance issued by the Gambling Commission and any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- (4) Details of applications and representations that are referred to the licensing sub-committee for determination will 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 the persons making representations will be made known to applicants and only withheld from publication under exceptional circumstances on the grounds of personal safety.
- (5) Any protocols that are established on the sharing of information with other bodies will be made available on our website, or by contacting the licensing division. Contact details can be found in paragraph 9.

13 Inspection of Premises

- (1) The principles regarding the inspection of premises and considerations for legal action are contained in Part 7 (Enforcement) of this statement.
- (2) We will consider any relevant guidance issued by the Gambling Commission when dealing with the inspection of premises and enforcement.

Part 2 – Licensing Process and Delegation

Introduction

This part of the statement, is about the principles the Council will adopt when dealing with licence and permit applications. It explains the following:

- the roles and duties the licensing committee and officers carry out,
- how conditions will be attached to licences and by whom,
- how the Council will deal with objections and reviews, and
- how we will inform applicants, objectors and statutory bodies about our decisions, including any right of appeal.

14 General Statement

- (1) We recognise the wide variety of premises that will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- (2) In carrying out our licensing functions we will consider any guidance issued by the Gambling Commission.
- (3) We will not use the Act to resolve matters more readily dealt with under other legislation.
- (4) To ensure the licensing objectives are met we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- (5) Where children and other vulnerable people are allowed access to premises where gambling takes place, we will take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling. To help protect vulnerable persons, applicants may wish to consider providing information leaflets or helpline numbers for organisations such as GamCare.
- (6) We will not normally seek to limit the access of children to any premises unless we receive representations to that effect or believe it is right to do so for the prevention of their physical, moral or psychological harm.
- (7) Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- (8) The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

15 Making an Application

- (1) When applying for a licence or a permit, applicants should consider the guidance issued by the Gambling Commission and this statement of principles.

16 Licence/Permit Fees

- (1) Where the Council is able to set the fees for licences and permits, they will be set by the licensing committee. This differs from the guidance issued by the Gambling Commission. We believe fees for these activities should be set by those members of the Council elected to represent the businesses and Council tax payers of the area rather than officers. The fees will be set to cover the cost of administration

and enforcement. We will not budget to make a profit from licensing and regulating gambling activities.

17 Responsible Authorities

- (1) The following are considered to be responsible authorities in accordance with section 157 of the Act:
 - a council's licensing team where the premises is wholly or partly situated within the area it covers;
 - the Gambling Commission;
 - the chief constable for the area the premises is wholly or partly situated;
 - the fire and rescue authority for the same area;
 - the council's planning service;
 - environmental health, for pollution to the environment or harm to health;
 - HM revenue and customs; and
 - any other person prescribed in regulations by the Secretary of State.
- (2) In addition, where an application is made for licensable activities in relation to a vessel, the following are be responsible authorities:
 - the Environment Agency;
 - the British Waterways Board; and
 - the Secretary of State for Transport.
- (3) Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives.
- (4) The contact details of all the responsible authorities are available via the Council's website, at: www.northlincs.gov.uk or by contacting the licensing division from the contacting details in paragraph nine.
- (5) The responsible authority specified to advise on the protection of children from harm can be found in paragraph 10 of this statement.

18 Notification on Applications for Premises Licences

- (1) When we receive an application for a premises licence or to vary a current premises licence, we will let the appropriate ward and town or parish Councillors know that an application has been received.

19 Relevant Representations

- (1) We will not consider representations that are irrelevant, frivolous or vexatious or which relate to the need or demand of gambling facilities. Officers will determine if an objection is irrelevant, vexatious, frivolous

or repetitious. Representations on moral grounds will not be taken into account.

- (2) Where an objection or irrelevant representation has been determined as irrelevant, vexatious or frivolous, the Council will write to the objector or person making the representation, providing the full reasons for the decision. Officers will also report to the licensing committee, giving full details of the decision and the reason the representation was rejected.
- (3) A vexatious representation is generally considered to be without foundation or made for some other reason, such as malice. A frivolous representation is generally considered to lack seriousness, or to be unrelated to the licensing objectives, the guidance issued by the Gambling Commission or this statement of principles.

20 Mediation

- (1) Where the licensing team receives an objection or relevant representation, officers will do their best to resolve the issue through mediation. Officers will invite all parties to meet at a neutral venue, to try and resolve the issues. Where such a meeting is not possible or a resolution is not forthcoming, they will refer the matter to the licensing sub-committee.

21 Licensing Committee and Sub-Committee

- (1) Under section 154 of the Act, the licensing committee will be responsible for determining applications. This is the same committee formulated under the provisions of the Licensing Act 2003. The sub-committee will determine most applications where a representation has been made. This is in accordance with the table in paragraph twenty two of this statement.
- (2) The licensing committee and sub-committee must act in a fair and reasonable manner at all times. **Therefore, all members must have training before they can sit on either the committee or sub-committee.**
- (3) Members of the licensing committee should not hear or decide on any application for a premises licence in their own electoral ward. If a member of the committee has an interest in a premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias.

22 The Licensing Process and Delegation

- (1) The Council will delegate its licensing function either to the licensing committee, licensing sub-committee or to an authorised officer of the Council. The approval of this statement and setting the policy not to permit casinos will remain the function of the full Council.

- (2) Delegation will follow the guidance issued by the Gambling Commission, as follows:

Matter to be dealt with	Full Council	Committee	Sub-Committee	Officers
Final approval of three year policy	X			
Policy not to permit Casinos	X			
Consider draft policy prior to approval		X		
Fee Setting (when appropriate)		X		
Application for a premises licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to vary a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to transfer a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application for a provisional statement			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			If an objection is made and not withdrawn	If no objection is made or has been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to issue counter notice to temporary use notice			X	
Application for Small Society Lottery				If no representation is made or has been withdrawn
Application for Small Society Lottery			If a representation is made and not withdrawn	

- (3) Where applicable the fees for premises licences and permits will be determined by the licensing committee.
- (4) The licensing committee will consider the draft statement prior to approval by a meeting of the full Council and any draft amendments to this statement.

- (5) Where an application is referred to the sub-committee, they will determine each application on its own merit. Members of the sub-committee will consider all information before coming to a decision.

23 Decisions

- (1) Following the determination of an application by the licensing committee or sub-committee, we will inform the applicant, and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. Along with the decision, we will inform the applicant about their right of appeal.

24 Appeals

- (1) The Council will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing committee or sub-committee.
- (2) Anyone aggrieved with a decision has a right of appeal. People should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision provided at the end of the hearing.
- (3) On determining an appeal, the Magistrates' Court may:
 - a) Dismiss the appeal;
 - b) Replace the decision concerned by any other decision which could have been made by the licensing authority; or
 - c) Pass the case to the licensing authority to deal with in accordance with the direction of the court.
- (4) The court may order costs, as it sees fit.
- (5) Once the Magistrates' Court has determined an appeal, the Council will implement the decision within a reasonable time. The licensing authority appreciates that any delay could be construed as bringing the appeals system into disrepute.

25 Working in Partnership/Licensing Forum

- (1) The Council is committed to working closely with all interested parties within its area. We are committed to setting up licensing forums, which will include members and officers of the Council, other regulatory bodies and trade representatives.
- (2) Licensing officers aim to work in partnership with other enforcement agencies, such as the Gambling Commission, Humberside Police,

Humberside Fire and Rescue Service, trading standards and environmental health with a view to supporting the licensing objectives.

- (3) When considering applications and advising applicants, licensing officers will aim to draw on the expertise of other bodies. We will set up joint site visits (where appropriate) to ensure that we give applicants clear, concise advice. The licensing division will normally act as a focal point in arranging these visits.
- (4) When making licensing decisions, the Council will take into account other regulatory regimes. We aim to work in conjunction with planning and building control, and the transport authority. The licensing committee will receive reports from planning, tourism, the transport authority and highways to try to avoid duplication of these roles.

26 Integrating Strategies

- (1) Where possible, we will integrate our statement with other policies and strategies. These need to be taken into consideration as follows:
- (2) **Cultural Strategy** – We need to look at the impact that our statement has in relation with gambling. Our aim is not to deter gambling, rather to ensure that the licensing objectives are being supported.
- (3) **Local Transport Plan** – We aim to work with the Council's transport service to develop the local transport plan. We will look at ways that local people can use public transport to access facilities.
- (4) **Racial Equality** – We live in a multi-cultural area. Therefore, we need to ensure that our policy does not exclude anyone. We will look at the impact our policy has, through consultation and amend it where necessary. We will also take notice of the provisions in the Race Relations Act 1976 and the Race Relations (Amendment) Act 2002.
- (5) **The Local Development Framework** – We will look to work with the Council's planning service to ensure as far as possible that all premises have the appropriate consent and to consider the regeneration of the area.
- (6) **Tourism and Town Centre Management** – Our aim is to have a thriving town centre and we see the licensed community as an integral part of that. We will look at the impact our policy has on the economy, through consultation and adjust it as appropriate, within the licensing objectives.
- (7) **Crime Reduction Partnerships** – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime.

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- (8) **Other Partnerships** – We will also work together with other bodies when needed to help support the licensing objectives.

Part 3 – Premises Licences

Introduction

Under the Gambling Act 2005 the Council is responsible for issuing licenses used for licensable activities. In this part of the statement we will set out our general principles for licensing premises within North Lincolnshire. We will also explain the types of activities where a premises licence is needed.

27 General Principles

- (1) In carrying out this function in relation to premises licences and temporary use notices, we will have due regard and act in accordance with:
 - a) any relevant codes of practice;
 - b) any guidance issued by the Gambling Commission;
 - c) the licensing objectives; and
 - d) this statement of principles.

28 Definition of a Premises

- (1) The Act defines a premises as “any place”. This includes a vessel and/or a vehicle.
- (2) Different premises licences cannot apply in respect of a single premises at different times. The Act does allow a single building to be subject to more than one premises licence, provided that the different parts of the building can be regarded as separate. This will include separate entry and exits.
- (3) When deciding to licence such premises, we will have due regard to the guidance issued by the Gambling Commission. This states:
 - We will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular we are aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - We will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that we will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
 - We will consider the Commission Licence Conditions and Codes of Practice (Supplement 4) in relation to the primary gambling activity of licensed operators where gaming machines are made available for use. [currently para 7.6 - 3rd Edition of guidance]
 - We will have regard to applications to “split” premises where the split

is artificial or temporary, for example by ropes, or moveable partitions. Where this is the proposal, determination shall be on the basis that the split is 'genuine' and not created to increase the gaming machine entitlement.

- (4) An applicant cannot obtain a premises licence until the premises where it is proposed to offer the gambling are built. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission advises that it is a question of fact and degree whether premises are finished and that they can be considered for a premises licence. The need for the building to be complete will allow it to be inspected by the licensing authority and any other responsible authority as necessary.

29 Provisional Statements

- (1) We note the Gambling Commissions guidance which states that:

“It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence”

and that

“Requiring the building to be complete ensures that the authority could, if necessary, inspect it full...”.

- (2) In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they are about matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the licensing authority's opinion reflect a change in the operators circumstances.

- (2) We have noted the Gambling Commission's guidance that

“A licensing authority should not take into account irrelevant matters one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

30 Demand

- (1) Although demand issues cannot be considered with regard to the location of premises, considerations in terms of the licensing objectives can.

31 Location of Licensed Premises

- (1) Under the Gambling Commission's guidance for local authorities, we will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. If a specific policy is decided upon we will update this statement. It should be noted that such a policy does not stop an application being made. Each application will be decided on its own merits.

32 Local Area Profiles

- (1) A local area profile has been developed to assist applicants and licence holders with their application. Applicants should consider this document when completing their Local Area Risk Assessments and current licence holders should refer to the document when they review their risk assessment. A copy of the Local Area Profile can be viewed at www.northlinc.gov.uk. **((To be developed during the consultation process))**

33 Local Area Risk Assessments

- (1) Operators are required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.
- (2) The Gambling Commission issues codes of practice under section 24 of the Act about the manner in which facilities for gambling are provided. These are subject to change and the latest version can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk.
- (3) North Lincolnshire Council has produce guidance for licence holders, which can be viewed at www.northlincs.gov.uk.

34 Conditions

- (1) Any conditions attached to licences will be proportionate and will be:
 - relevant to the need to make the proposed building 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; and
 - reasonable in all other respects.
- (2) Decisions on individual conditions will be made on a case-by-case basis. There will be a number of control measures that we will consider using if there is an evidenced need. These could include the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below. We will also expect the licence applicant to offer their own suggestions as to how the licensing objectives can be met effectively.
- (3) There are some conditions that the licensing authority cannot attach to premises licences. These are:
- any condition on the premises licence that makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

35 Duplication with other Regulatory Regimes

- (1) We will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, when considering it. We will though, listen to, and carefully consider, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

36 Door Supervision

- (1) The Gambling Commission advises in its guidance that local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- (2) It is noted though that the Gambling Act 2005 has amended the Security Industry Act 2001 so that door supervisors at casinos or bingo premises do not need to be licensed by the security industry authority.

However, we believe it would be good practice for all door supervisors to be trained and licensed to Security Industry Authority standards.

- (3) We will only attach conditions requiring door supervisors where there is clear evidence that the premises cannot be adequately supervised and that a condition is both necessary and proportionate.

37 Credit

- (1) Section 177 of the Act does not prevent the licensees from allowing the installation of cash dispensers (ATMs) on the premises.
- (2) These machines may accept credit cards and debit cards providing the arrangement is subject to the licensee having no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. This is relevant to casinos premises licences and bingo premises licences only.

38 Types of Premises Licence

- (1) The Council will be responsible for licensing premises for the following activities:
 - Adult gaming centres
 - Betting (including tracks)
 - Bingo
 - Casinos
 - Family entertainment centres (Licensed)

39 Adult Gaming Centres

- (1) Adult gaming centres (AGCs) are a **new category** of premises introduced by the Act. Persons operating an AGC must have a gaming machines general operating licence from the Gambling Commission and must get a premises licence from the licensing authority.
- (2) No-one under the age of 18 can enter an AGC. We will have particular regard to the location of and entry to AGC's to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as in a shopping centre.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

40 Betting and Tracks

Betting

- (1) The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises that need licensing.

- (2) The Act also allows betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- (3) We are aware of our power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. We will only limit the number of machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.
- (4) If we consider that we should impose such a condition on any particular licence, we may, among other things, take into account the size and layout of the premises. We may also look at the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young or vulnerable people. We appreciate that children are not lawfully allowed to enter where a betting premises licence is in force.
- (5) Each application will be determined on its own merits.

Tracks

- (6) We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not allowed to enter.
- (7) Track operators do not need to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the licensing authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- (8) Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence, in respect of a track, does not give an automatic entitlement to use gaming machines.
- (9) When looking at the number of betting machines at a track, we will consider the circumstances of each individual application. We will also

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, young people and vulnerable people betting on the machines.

- (10) We are aware that the Gambling Commission may provide further specific guidance regarding tracks. We have taken note of the guidance from the Gambling Commission that tracks are different from other premises in that there may be more than one premises licence in effect. In addition the track operator may not need to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- (11) There may be some specific considerations regarding the protection of children and vulnerable people from being harmed or exploited by gambling. We will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young people will be allowed to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still not allowed to enter areas where gaming machines (other than category D machines) are provided.
- (12) Appropriate licence conditions may be:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (13) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (14) Measures such as the use of self-barring schemes, providing information leaflets, and helpline numbers for organisations such as GamCare will all be considered suitable in relation to the protection of children and vulnerable people.

Gaming machines (Tracks)

- (15) We are waiting for further guidance from the Gambling Commission as to where these machines may be located on tracks. We are also waiting for guidance as to any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. We note the commission's guidance that licensing authorities therefore need to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his/her entitlement to four gaming machines, these machines are located in areas where children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.

Betting machines (Tracks)

- (16) We will, as per the Gambling Commission's guidance, take into account the size of the premises, and the ability of staff to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature, circumstances of betting machines that an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed (Tracks)

- (17) Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances that they are made available. This can be done by attaching a licence condition to a betting premises licence.
- (18) In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks. The potential space for such machines may be considerable, bringing with it significant problems in relation to the increase in numbers, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. We may restrict the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- (19) We note the Commission's view, that it is preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Applications and plans (Tracks)

- (20) **We await regulations setting-out any specific requirements for applications for premises licences.** However, the Gambling Commission's guidance states, that the application should include a detailed plan for the track itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities, should be made clear on the plan. Applicants should make clear what is being sought for under the track betting premises licence. They should also make clear what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- (21) We also note that in the Gambling Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

41 Bingo

- (1) Bingo is a class of equal chance gaming and will be allowed in alcohol licensed premises and in clubs provided that it remains below a certain threshold (where the aggregate stakes or prizes are less than £2,000 in any seven day period). Otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- (2) The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- (3) Commercial bingo halls will require a bingo premises licence from the Council.
- (4) Amusement arcades providing prize bingo will need a prize gaming permit from the Council.
- (5) It is important that if children are allowed to enter premises licensed for bingo that they do not take part in gambling, other than on category D machines. If category C or above machines are available in premises where children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the rest of the premises by a physical barrier. This must be effective to prevent access other than through a designated entrance;
 - only adults are allowed in the area where the machines are located;
 - access to the area where the machines are located must be supervised;

- the area where the machines are located is arranged so that it can be seen by staff of the operator or the licence holder; and
 - at the entrance to, and inside the area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.
- (6) The Gambling Commission is going to issue more guidance on issues that the licensing authorities should take into account in relation to the suitability and layout of bingo premises. The Council will consider this guidance once it is made available.
- (7) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (8) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (9) **Members' clubs and commercial clubs** – Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000. The commission must be notified as soon as is reasonably practicable if the limit is breached. Stakes or prizes above that limit will need a bingo operators licence and the corresponding personal and premises licences.

42 Casinos

- (1) There are currently no casinos operating within North Lincolnshire.
- (2) There is no resolution to prohibit casinos in the area at present. However, we reserve the right to review this situation and may, at some time in the future, resolve not to permit casinos.
- (3) If we choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the

resolution will be given. There is no right of appeal against this resolution.

43 Licensed Family Entertainment Centre

- (1) The Act creates two classes of family entertainment centre (FEC). Licensed FEC's, which provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.
- (2) Children and young persons will be allowed to enter an FEC and may play on the category D machines. They will not be allowed to play on category C machines. It will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C machines.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

44 Reviews

- (1) Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This decision will be on the basis of whether the request for the review is relevant, frivolous or vexatious. Where the representation is deemed relevant we would first try to mediate.
- (2) See paragraphs eleven and seventeen of this statement for the list of responsible authorities and interested parties.
- (3) Licensing officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the licensing authority may review premises licences. A referral

to a licensing sub-committee of a premises for a review will be first approved by the Head or Assistant Head of Neighbourhood and Environmental Services.

- (4) The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. This can extend to a review of a class of licences where it thinks particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head or Assistant Head of Neighbourhood and Environmental Services in consultation with the chair of the licensing committee.
- (5) The Gambling Commission will be a responsible authority in premises licence reviews.

Part 4 – Gaming Machine/Prize Gaming Permits

Introduction

This part of the statement looks at permits. In addition to issuing premises licences, the Council will be responsible for issuing permissions to use premises for other activities.

These include:

- Family entertainment centres
- Travelling fairs
- Premises licensed to sell alcohol
- Club gaming
- Prize gaming and prize gaming permits

45 General Principles

- (1) When considering issuing gaming machine permits, we will consider applications in accordance with our statement. However, we appreciate that this Statement cannot cover all eventualities.

46 Alcohol Licensed Premises

- (1) There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act, (for example, that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- (2) If it is necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order. This will also let them consider any representations that might be made. The licensing authority will hold a hearing if the licensee requests.
- (3) If a premises wishes to have more than two machines it needs to apply for a permit. The licensing authority must consider the application based on the licensing objectives. It must also consider any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and such matters we think relevant.
- (4) We consider that 'such matters' will be decided on a case-by-case basis but generally we will take into account the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- (5) Measures that will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of

staff that will monitor that people under 18 are not using the machines. Notices and signs may also help. As regards the protection of vulnerable people, applicants could consider providing information leaflets or helpline numbers for organisations such as GamCare.

- (6) We recommend attaching a plan to applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- (7) We recognise that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an adult gaming centre premises licence.
- (8) It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- (9) It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.
- (10) We will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access. These would include take-away premises, taxi offices and supermarkets.
- (11) Notifications and applications for up to four machines will generally be dealt with by licensing officers. Applications for five or more machines will be referred to a licensing sub-committee. Machines should be sited in accordance with any Gambling Commissions code of practice.

47 Club Gaming Permits

- (1) We may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- (2) We can only refuse an application on the grounds that:
 - (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;

- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Gambling Commission or the police.
- (3) Club gaming permits allow the provision of up to three gaming machines. These may be from categories B, C or D. The club can choose the combination of machines on its premises. We may grant or refuse a permit, but we cannot attach any conditions to a permit.

48 Prize Gaming and Prize Gaming Permits

- (1) Prize gaming is where the prize is determined by the operator before play starts and it is not dependant on the number of people playing.
- (2) A prize gaming permit is issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- (3) An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises. The applicant must be an individual, and must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

49 Travelling Fairs

- (1) It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- (2) We will also consider whether the applicant falls within the statutory definition of a travelling fair.
- (3) It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

50 Unlicensed Family Entertainment Centres

- (1) Family entertainment centres are often found at seaside resorts, in airports and at motorway service centres. They will cater for families, including unaccompanied children and young people. Unlicensed family entertainment centres will only be able to offer category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with this permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). Permits cannot be issued to vessels or vehicles.

- (2) We may wish to include a statement of principles in relation to applications for unlicensed family entertainment centres, in particular the matters to be taken into account when determining the suitability of the applicant.

Part 5 – Miscellaneous Activities

Introduction

This part of the statement deals with both temporary and occasional use notices and registrations for small lotteries.

51 Temporary Use Notices

- (1) The Act sets out the position on temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres, and sporting venues.
- (2) A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- (3) The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary use notice, as well as combinations of activities that may not be specified, and activities that may not be combined with any other.

52 Occasional Use Notices

- (1) The licensing authority has very little discretion regarding these notices, apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. We will consider the definition of a 'track' and whether the applicant is allowed to avail him/herself of the notice.

53 Registration of Small Society Lotteries

- (1) When carrying out our functions in relation to lotteries we will consider the Act, the guidance issued by the Gambling Commission and any regulations issued by the Secretary of State.

Part 6 – The Licensing Objectives

Introduction

This part of the statement looks at the three licensing objectives as stated in paragraph four. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission’s guidance to local authorities. The outcome of these considerations can be found in this part of the statement.

Preventing gambling from being a source of crime or disorder; being associated with crime or disorder or being used to support crime

54 The Gambling Commissions Role

- (1) The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

55 Crime and Disorder Act 1998

- (1) We have a duty under section 17 of the Crime and Disorder Act 1998 to do all we reasonably can to prevent crime and disorder in the area. A high standard of control therefore needs to be exercised over licensed premises.

56 Suitability of Persons Holding a Licence

- (1) Anyone applying to the licensing authority for a premises licence will have to hold an operating licence from the Gambling Commission before a licence can be issued. We will not be concerned with the suitability of an applicant, however where concerns about a person's suitability arise we will bring those concerns to the attention of the Gambling Commission.

57 Disorder

- (1) As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. We do not intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.
- (2) We will only seek to address issues of disorder under the Act if the disorder amounts to an activity, which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was needed to deal with it. Another factor we are likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live close enough to be affected or have business interests that might be affected.

58 Determining Applications

- (1) We will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.
- (2) Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's licensing officers and Humberside police before making an application.
- (3) When considering licence applications, we will particularly take into account:
 - the design and layout of the premises;
 - the training given to staff in crime prevention measures appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - where premises are subject to age restrictions, the procedures in place to check peoples age;
 - the likelihood of any violence, public order or policing problem if the licence is granted.
- (2) Where an application for a premises licence is for a re-site (within the vicinity of the original premises), which enables better facilities, then we will normally look at this sympathetically.

Ensuring gambling is conducted in a fair and open way

59 Gambling Commissions Role

- (1) Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). Both of these options are the responsibility of the Gambling Commission.

60 Suitability of Betting Tracks

- (1) Because betting track operators do not need an operating licence from the Gambling Commission, we may, in certain circumstances, require conditions on a licence to ensure that the environment in which betting takes place in is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

61 Access to Licensed Premises

- (1) With limited exceptions, the access of children and young people to those gambling premises that are adult only environments will not be permitted.
- (2) We will consult with Humberside police and the local child protection board on any application that indicates there may be concerns over access for children or vulnerable people.
- (3) We will judge the individual merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include:
 - supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - supervision of gaming machines in non-adult gambling specific premises.

62 Vulnerable Persons

- (1) The term ‘vulnerable persons’ has not been defined. In seeking to protect vulnerable people we will class as ‘vulnerable’ those 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.

63 Social Responsibility and Self-Exclusion

- (1) We shall work in partnership with operators to look at social responsibility and methods to help with self-exclusion.

Part 7 – Enforcement

Introduction

This part of the statement details the Council's commitment to enforcing the provisions contained within the Gambling Act 2005. The Council has signed up to the enforcement concordat.

It also highlights our commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

64 General

- (1) The Council has adopted the concordat relating to enforcement. When dealing with enforcement issues, we will act in a fair and consistent manner and will treat all cases and people with consideration and empathy. Our Licensing Enforcement Policy is available on our website, www.northlincs.gov.uk, or by contacting the licensing division at the address at paragraph nine.
- (2) When enforcing the provisions of the Gambling Act 2005 we will endeavour to be:
 - Proportionate – intervening only where necessary;
 - Accountable – be able to fully justify the actions we take;
 - Consistent – treat all premises equally while determining each case on an individual basis;
 - Transparent – publish clear guidelines as to how we will operate; and
 - Targeted – target only those premises that cause problems.

65 Licensing Authority Responsibilities

- (1) Our responsibility under the Act is to ensure compliance with premises licences and the conditions attached to the licence and to ensure that businesses have the necessary permissions.
- (2) The Gambling Commission will be the enforcement body responsible for operating licences and personal licences.

66 Enforcement Protocols

- (1) We will work very closely with other enforcement agencies. We will develop enforcement protocols during the period of this statement. The protocols will be referred to the licensing committee for approval.

67 Avoiding Duplication

- (1) When enforcing the provisions of the Act we will endeavour to avoid duplication with other regulatory regimes.

68 Complaints

- (1) We will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

-
- (2) Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, we will initially arrange a mediation meeting to address and clarify the issues of concern.
 - (3) This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

69 Single Point of Contact

- (2) Where an operator has more than one premises in our area we would request a single point of contact. The contact should be at a senior level within the business. We will then contact this named person regarding compliance issues.

Glossary of Terms

“we”	-	means North Lincolnshire Council
“the Act”	-	means the Gambling Act 2005
“Consent of the Council”	-	means written consent or approval by the Council
“Council”	-	means North Lincolnshire Council
“Licensing Committee”	-	means a group of fifteen members of North Lincolnshire Council
“Licensing Sub-Committee”	-	means a group of three members of North Lincolnshire Council who will deal with licence applications where there is a representation or an application for a review
“Magistrates Court”	-	means North Lincolnshire Magistrates Court
“policy”	-	means this statement of principles
“Statement”	-	means this statement of principles
“vessel”	-	means any boat or ship
“vicinity”	-	means the area surrounding the premises. This area will differ depending on the size and type of the licensable activity taking place
“Licensing Manager”	-	means the manager with day to day responsibility of managing the Licensing Function who has budgetary control
“Head of Trading Standards and Licensing Group Manager; Trading Standards and Licensing”	-	means the manager with responsibility for the Licensing Function
“Assistant Director Technical and Environment”	-	means the manager with responsibility for the Licensing Function
“Licensing and Mediation Officer”	-	means an authorised officer employed to assist the manager with day to day responsibility of managing the Licensing Function
“Principal Licensing and Mediation Officer”	-	means an authorised officer employed to assist the manager with day to day responsibility of managing the Licensing Function

Local Area Profile
(Under development)

No English?

For information please call:

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Local Gambling Risk Assessments

Gambling Act 2005

Purpose

This document was originally developed by Westminster City Council, in collaboration with Coral Racing Limited. It has been modified by North Lincolnshire Council (the Council) and is published as a guide which gambling operators can use when undertaking and preparing their local risk assessments. This guide is intended for all gambling operators and is not been designed with a specific gambling sector in mind.

Background

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.

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. A risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guide provides a framework for the local risk assessment process that will provide the necessary framework to comply with the LCCP requirements. Local risk assessments will be beneficial to the Council as Licensing Authority as well as responsible authorities and interested parties when considering new and variation applications. A well thought out and complete risk assessment will benefit gambling operators by reducing the need for additional information or the possible imposition of conditions.

Gambling operators were required to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must also review of those assessments when certain triggers are met. These triggers, along with the Council's views on what may instigate either a new assessment or the review of an existing one are detailed within this guidance document.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Gambling Act 2005

North Lincolnshire Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within the north Lincolnshire area. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- (b) ensuring that gambling is conducted in a fair and open way
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.

The Licensing Authority will set out how it intends to carry out its functions under the Act in its statement of licensing principles, also known as Gambling Act 2005 Statement of Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

LCCP and Local Risk Assessments

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, gambling operators must ensure that they comply with and meet the requirements of the LCCP.

In February 2015, following substantial consultation with relevant stakeholders the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1	
Assessing local risk	
All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.	
1	Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

- 2 Licensees must review (and update as necessary) their local risk assessments:
 - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions came into effect on 6th April 2016. As a result, all premises that provide facilities for gambling must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

Risk assessment triggers

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers and it will be ultimately down to gambling operators, the Commission and the Council to assess when these triggers have been met.

In order to assist gambling operators this section sets out the Licensing Authority's views on what these triggers may be and when operators should provide a copy of their assessments to the Licensing Authority.

New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out as required by the Commission's LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The review of the premises risk assessment may simply mean that after review no action is necessary as the measures and systems already in place will mitigate any risk associated with that

significant change. In this case gambling operators may record that a review has taken place, why it had occurred and that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

As the Gambling Commission has not set out what a significant change in local circumstances it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The Council, in an attempt to assist gambling operators has produced the following lists of examples that may be considered to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Policy.
- Any new pay day loan or pawn brokers open in the local area
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in reviewing their risk assessments. The Council may inform gambling operators when it feels that a significant change has occurred in the area. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council.

Significant changes to the premises

From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.

- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.

As with the examples of significant changes in local circumstances, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

Local risks and control measures

There are two specific parts to the risk assessment process:

- the assessment of the local risks
- the determination of appropriate mitigation to reduce those risks

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. Gambling operator should identify and list all of the local risks within the assessment that they have identified. The level of such risks can range from being low to very high depending on the potential impact that the gambling operator has assessed it to have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures that the gambling operators deems as being necessary to mitigate such risk.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. The requirement of the Commissions LCCP social responsibility code provision 10.1.1 is that gambling operators consider the local area in which the premises are situated and the impact that the premises operation may have on the licensing objectives.

Local area risks

There are a number of factors relating to the local area that operators may consider which is independent of who the operator believes is their target market. It will be for the gambling operator to identify these risks. However, there may be occasions that the Commission or the Council will provide information on what they perceive as being a local risk. This may be specified in the Statement of Licensing Policy or in a separate guidance document, both of which will be found on the Council's website.

The local area will be different depending on the premises and the size of its operation. For example a casino may have a wider catchment area than a neighbourhood betting shop as the casino attracts customers from further afield.

Risk Assessment Mapping Tool

Although gambling is a legal entertainment activity it can, in some locations, have a negative impact on individuals and the wider community. The Council has reviewed the initial research undertaken by Geofutures on behalf of Westminster and Manchester City Councils and mapped the risk factors specific to North Lincolnshire. This mapping tool can be used by operators to identify risks when undertaking their risk assessments. **The mapping tool can be found at.....**

This tool provides a map of North Lincolnshire. By identifying the local area, for example a perimeter of 400 metres around the premises, then comparing local data to that in the rest of North

Lincolnshire, operators can decide if this area in which the premises is located is deprived, a high crime hotspot, near children's facilities etc. and this can help narrow down the risks in the area.

For example a betting shop in an area which has a high number of people claiming Job Seekers Allowance may lead to identifying a risk about customers who may be gambling more than they can afford to. Similarly an operator with a shop in a high crime area may need to consider the safety of staff and customers and if single manning is appropriate.

A description of the layers and what each symbol means is provided below:

Layer	Legend Breakdown	Description
Gambling	Labelled balloon to distinguish: Betting shop; Bingo; Adult Gaming Centre (AGC); Converted Casino; Horse Track	Indicates the type of gambling premises
Registered Clubs	Dot	Each dot represents a registered club
Licensed Premises	Red balloon	Each balloon represents other premises licensed to sell alcohol
Premises Approved for Marriages	Blue Square	Each square represents a marriage office
Sex Establishment	Star	Each star represents either a sex shop or sexual entertainment venue
Schools	The colour of each dot distinguishes the type of school	Each dot represents a school
Early Years Centres	Spot	Each dot represents an Early Years Centre
Crime, e.g. ASB (Anti-Social Behaviour), Criminal Damage, Drugs, Possession of a Weapon, Public Order Offences, Robbery, Shoplifting, Theft from a Person, Violence/Sexual Offence	Crime is represented by a coloured dot, the size of which depends on the number of occurrences.	The larger the size of the dot, the higher occurrence of this type of crime in this area within the six month period. The crime data does not reveal the exact location of the crime, but is an indication of that crime occurring within that area.

North Lincolnshire IMD	The legend decile shades Leeds neighbourhoods according to where they rank amongst the most deprived neighbourhoods nationally. The darker the shading in the neighbourhood, the more deprived the area is considered.	By clicking into a particular neighbourhood, you can see where the area is ranked nationally and the decile score. There are 32,844 neighbourhoods nationally and these are then ranked with 1 being most deprived and 32,844 being least deprived. In terms of the decile representation, a decile score of 1.00 would indicate that a neighbourhood is ranked amongst the 10% most deprived nationally. A decile score of 5.00 would mean they are amongst the 50% most deprived nationally. Further information about the Index of Multiple Deprivation can be found here: https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015
2011 Census BME	The legend shades North Lincolnshire's neighbourhoods according to the proportion of ethnicities which make up the area.	By clicking into a particular neighbourhood, you can see a further breakdown of each ethnicity in the area.
JSA (Job Seekers Allowance)	The legend shades North Lincolnshire's neighbourhoods according to the JSA Claimant rate, the darker the shading, the higher the rate.	By clicking into a particular neighbourhood, you can see a further breakdown of unemployment issues. WAPOP = Working Age Population of the area, JSA Stock = the number of individual claimants in the area, JSA Rate = the proportion of claimants.
North Lincolnshire Wards	Ward Boundaries	Ward Boundaries can be applied

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP.

Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design to the toilet to deter people from using it for illegal drug use.

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, an Adult Gaming Centre which is located within an area which has a high number of children and young people present throughout the day may identify that the doors on either side of the premises are being used by local children as a short cut to access the adjacent street. The appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives. Gambling operators are experienced in premises design and often these considerations are made during the planning phase. It is advisable that gambling operators ensure that there is a process in place to record these key decisions at an early stage of the planning process for the premises design so that this can be included in their risk assessment.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the restrictions on the location of ATMs.

Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design should be assessed based on the associated risk. Operators may identify a risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

Control measures

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front of the shop next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff can see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

The control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, challenge 21 scheme, staff training and door staff.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

Physical: Magnetic door locks and ID scans.

Undertaking a local risk assessment

The risk assessment should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

In order to assist gambling operators in this process the Council has developed a local risk assessment form that encompasses the step-by-step approach to the assessment as set out above. The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed. This form is not mandatory and gambling operators can develop their own assessment forms to suit their own business.

Who should undertake the assessment?

It is for the gambling operator to decide who should assess the local risks for their premises. The assessor must be competent to undertake this role as failure to carry out this function properly could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

Step 1: The local area

Assessors should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important. Operators should refer to our local area profile to identify risks and they should talk to the local staff about potential risks as it is possible that staff or area managers may have information that is missing from our profile.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see part 3 above).

Contact details

Licensing Team	Phone:	01724 297750
	Email:	licensing@northlincs.gov.uk
	Website:	www.northlincs.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.

Local Gambling Risk Assessment Template

Notes for completing this form

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

For further guidance on completing this assessment or when this assessment must be reviewed please refer to North Lincolnshire Council's Local Gambling Risk Assessment Guidance.

Risks Area of consideration that may impact on one or more of the licensing objectives.

Local Risks at the These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities premises or in the local area.

Control Measures These These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

Frequency of Review Operators will need to specify the time period in which a review of this risk assessment should be carried out. The frequency will be up to the gambling operator but it shouldn't be longer than 36 months.

Local Gambling Risk Assessment

Premises number or licence number:

Premises Address:

Name of Assessor:

Colleagues Present:

Date of assessment:

Review date:

1 Local Area

1a Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

1b Licensing Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

1c Licensing Objective: Ensuring that gambling is conducted in a fair and open way

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

2 Gambling Operation & Physical Design (internal and external)

2a Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

2b Licensing Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

2c Licensing Objective: Ensuring that gambling is conducted in a fair and open way

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

Action Plan (add pages as necessary)

Local Area / Gambling Operation / Physical Design (delete as appropriate)

Identified risk (e.g. 1a-3, 2c-1)	Action required	By whom, when, date completed
1.		
2.		
3.		
4.		
5.		
6.		

Assessment Review

Frequency of Review: _____ Date review due: _____

Completed risk assessment brought to the attention of:

Name	Position	Signature	Date