

The Gambling Act 2005 – Statement of Principles

Proposed Additions to the Policy:

Enforcement

The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

Where there is a Primary Authority Scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority arrangements can be found at:

<https://primaryauthorityregister.info/par/index.php/home>

PART B: PREMISES LICENCES

General Principles

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which came into force on 6th April 2016. The Council will have regard to this code when considering applications.

Licensing objectives

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

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

- In particular operators must ensure that:-
 - all staff are trained;
 - that all customers are supervised when on gambling premises; and
 - must have procedures for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

Adult Gaming Centres

Any restrictions on the number and category of adult gaming machines allowed are determined by legislation. The Gambling Commission has developed some frequently asked questions for gaming machines which can be accessed on their website here:

<http://www.gamblingcommission.gov.uk/FAQs/Gaming-machines/gaming-machines.aspx>

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

PART D:

Licence Conditions and Codes of Practice

The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements.

Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

- The code requires operators;
 - To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm;
 - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work;
 - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading; and
 - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

Risk Assessments

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

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

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities; and
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The council expects the following matters to be considered by operators when making their risk assessment.

- Matters relating to children and young persons, including;
 - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted;
 - Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.; and
 - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including;
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling;
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
 - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include matters of faith including all religious and/or faith denominations, proximity to churches, mosques, temples or any other place of worship. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

Local Area Profile

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.