

**LICENSING COMMITTEE**

<b>DATE</b>	31 <sup>st</sup> October 2018
<b>REPORT OF</b>	Sharon Wroot Director Resources and Governance
<b>SUBJECT</b>	Review of North East Lincolnshire Council's Gambling Act 2005 Statement Of Principles
<b>STATUS</b>	Open

**CONTRIBUTION TO OUR AIMS****Stronger Community:**

- The statement of principles aims to ensure all gambling activities are conducted in accordance with the law.
- Improve health and well-being by working with the Gambling Commission to address the issue of problem gambling.
- Create a safer and more secure area by working with the Police, Gambling Commission and Children's Services to promote the objectives of the Gambling Act.

**Stronger Economy:**

- Strengthen the local economy by providing an environment in which responsible and legal gaming can operate effectively

**EXECUTIVE SUMMARY**

The Gambling Act 2005 ("the Act") requires all Licensing Authorities to produce a "statement of the principles" to apply in exercising their functions" under the Act. This "statement" is applicable to a 3 year period. The content of the statement is heavily guided by government legislation and guidance. The Act also requires that the statement be subject to a wide public consultation exercise prior to being published. Full Council approval of the statement of principles is required.

This report presents the changes to North East Lincolnshire Council's proposed statement of principles for 2019-2022 as part of the consultation process.

**RECOMMENDATION**

That Licensing Committee consider the contents of the revised statement of principles and proposes any relevant amendments prior to formal approval by full Council.

## **REASON FOR DECISION**

The Council is required by section 349 of the Gambling Act to publish a statement of principles which must be reviewed at least every 3 years.

A statement of principles is essential to the effective administration and enforcement of the Gambling Act.

### **1. BACKGROUND AND ISSUES**

- 1.1. The Gambling Act 2005, which came into force in April 2007, regulates the operation of a wide range of gaming/gambling activities including slot machines (Amusement with Prizes Machines), Casinos, Betting Offices, Bingo, Prize Gaming and Small Society Lotteries.
- 1.2. The operation of the Act mirrors that of the Licensing Act 2003 in many respects and is based on 3 statutory objectives:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3. The Gambling Commission are responsible for issuing operator's and personal licences as well as providing guidance to Licensing Authorities.
- 1.4. Licensing Authorities (Local Authorities): -
  - Issue premise licences for the various types of gambling establishments.
  - Issue provisional statements for proposed developments.
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via "club gaming or club machine permits".
  - Issue club machine permits to commercial clubs.
  - Receive notifications from licensed alcohol premises (under the Licensing Act 2003) of the use of two or fewer gaming machines.
  - Issue licensed alcohol "on" premises with gaming machine permits for more than two machines.
  - Register small society lotteries below prescribed thresholds.
  - Issue prize gaming permits.
  - Receive and endorse temporary use and occasional use notices.

- Provide information to the Gambling Commission regarding details of licences issued and maintain registers of the permits and licences that are issued.
- 1.5. Section 349 of the Gambling Act 2005 as amended requires Licensing Authorities to publish a statement of the principles that they propose to apply in exercising their functions under the Act, applicable to a 3 year period.
- 1.6. The Act requires the Licensing Authority to consult on its Policy Statement with the police, those who represent the interests of gambling businesses in their area, and those which represent interested persons likely to be affected (Section 349 (3)).
- 1.7. Part 1 of The Gambling Commission's Guidance for local authorities makes the following comments: "In determining its policy, the licensing authority must have regard to this guidance, and give appropriate weight to the views of those it has consulted".
- 1.8. Regulations require that the Licensing Authority advertise the publication of its Policy Statement by publishing a notice either before, or on, the day of the publication of the Policy Statement.
- 1.9. Statements cover a three year period; however there is a duty on the Licensing Authority to review this statement from "time to time" and if they think necessary, review the statement.
- 1.10. The effect of the statement of principles is to provide guidance as to the kind of considerations and measures that might be useful, necessary or imposed to secure the three statutory objectives. Examples include:
  - Location – i.e. not in a high crime area.
  - Supervision of entrances / machine areas.
  - Proof of age schemes.
  - Notices / signage.
  - Physical separation of different gaming areas.
  - CCTV.
  - Self-barring schemes.
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.
  - Training for staff on dealing with suspected truants.
  - Third party test purchasing.
  - Location of entry to adult only gambling premises
  - Infra-Red Beam positioned across the entrance to the adult only gambling premises.

The statement is also designed to assist those who may be adversely affected by the operation of Gambling Premises.

- 1.11. The Statement includes a scheme of delegations which details agreed legal responsibilities relating to the implementation of the Act.
- 1.12. The policy has been reviewed in line with changes to legislation and guidance. To ensure the document is as up to date as possible at the time of publishing, references to documents, organisation names, web addresses and dates have been updated where required.
- 1.13. Appendix A to this report sets out the main changes made to the statement of principles pre-consultation. The existing statement is on the Council's website - <https://www.nelincs.gov.uk/licensing/gambling-and-gaming-machines/gambling-act-2005-statement-licensing-policy/>
- 1.14. As the main changes of general note are as follows -
- Specific signposting for help with problem gambling.
  - Specific recommendations regarding staff training, CCTV and Floor Walkers to reduce the risks to children and the vulnerable at Gambling Premises.
  - Specific reference to the use of Test Purchasing Operations.
  - Specific reference to the prohibition of credit facilities in certain premises
  - Specific reference to the operation of Amusement with Prizes machines in alcohol licensed premises.
  - Updated guidance on Lotteries
  - The provision of a Local Area Profile to assist operators with their requirement to undertake local risk assessments. (See appendix B)
- 1.15. The required consultation exercise is in progress and ends on 9<sup>th</sup> November 2018.
- 1.16. The statement of principles is scheduled to be presented to Full Council on 13<sup>th</sup> December 2018.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 Preventing gambling being associated with crime is one of the objectives of the Act and an effective policy is essential in that respect.
- 2.2 Protecting the vulnerable is also one of the objectives of the Act and an effective policy is essential in that respect.
- 2.3 One of the aims of the act with reference to the statement of principles is to provide value for money to the trade and interested parties.
- 2.4 The promotion of the objectives of the Gambling Act through the policy will help support the social and economic well-being of those involved in the gambling trade.

### **3. OTHER OPTIONS CONSIDERED**

The Review and re-publishing of the statement of principles following a consultation process is a statutory requirement.

### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1 There are potential positive reputational implications in relation to this decision. An action plan has been agreed with the Council's communications service covering information requirements and communication channels to be utilised.

### **5. FINANCIAL CONSIDERATIONS**

- 5.1 There are no direct financial implications relating to this decision

### **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications as a result of this report.

### **7. LEGAL IMPLICATIONS**

- 7.1 The review and publishing of the Statement of Principles, following a consultation process, is a statutory requirement under s.349 of the Gambling Act 2005, as amended. The Statement of Principles must be reviewed at least every 3 years; it must have regard to the Gambling Commission's guidance and give appropriate weight to the views of those consulted.
- 7.2 The review and publishing are functions, which are specifically prohibited by s.154 (2)(c) from delegation to the Licensing Committee. The Statement of Principles must therefore be approved by Full Council.

### **8. HUMAN RESOURCES IMPLICATIONS**

- 8.1 There are no direct HR implications arising from the contents of this report.

### **9. WARD IMPLICATIONS**

All Wards

### **10. CONTACT OFFICERS**

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**SHARON WROOT**  
**DIRECTOR OF RESOURCES AND GOVERNANCE**



## **Gambling Act 2005**

### **Consultation Document – Proposed Amendments to Current Gambling Policy (Statement of Principles)**

We are now consulting on a review of our Gambling Licensing Policy (Statement of Principles), which we must legally do at the end of each three-year period.

This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance will be made available to assist applicants in relation to the application process but does not form part of this Policy as it is may change.

This document sets the proposed amendments to the existing policy. The revised policy will relate to the next three year period which starts in 2019.

To see how the proposed changes relate to the existing policy, please refer to the Current Gambling Policy, a copy which can be viewed on the Council's website at:

- <https://www.nelincs.gov.uk/licensing/gambling-and-gaming-machines/>

**Date of Consultation Closure: Friday 9<sup>th</sup> November 2018**

#### **INTRODUCTION:**

The proposed changes to the Policy are listed below. We are proposing that the rest of the policy document will remain in its current format and wording.

Minor changes such as the updating of a single reference to a date or edition have not been listed below. It should also be noted that the Licensing correspondence address has been updated throughout the document to reflect recent office moves. Links to documents and policies on the Council's website have also been updated to reflect updates made to North East Lincolnshire Council's website since the previous policy was published.

#### **1. Part A : The Licensing Objectives – Paragraph 1.2 of the Current Policy**

The third licensing objective under the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling. The current Paragraph 1.4 of the policy indicates that this licensing objective explicitly relates to

harm from gambling. The following passages will therefore be added to paragraph 1.2:

The Act promotes safe practice at premises where gambling activities take place and this means that licensees and operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'. More information about the signs of problem gambling can be found on the Gamble aware and Gamcare websites. These websites also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone they know has problems with their gambling. This Licensing Authority would expect licensees and operators to acquaint themselves with the contents of the aforementioned websites.

Further specific information on this Licensing Authorities' recommendations and expectations in relation to the protection of children and other vulnerable persons can be found at appendices 4 and 5 of this policy document.

## **2. Part A : The Licensing Objectives – Paragraph 1.4 of the Current Policy**

The following sentence will be added to paragraph 1.4:

This policy does not override the right of any person to make an application, but is intended to be effective in setting out the considerations that will be given to applications.

## **3. Part A : The Licensing Objectives – new paragraph 1.5**

The following paragraph will be added:

1.5 The information in this policy was correct at the time of publishing but is subject to legislative changes.

## **4. The Licensing Objectives: Part A, Paragraph 2.2 of the Current Policy**

Number of Gambling Authorisations - The current policy details the number of gambling premises licences and family entertainment centre permits that were current in the North East Lincolnshire at the time of the adoption of the policy in 2015. The revised policy will be updated to show the 2018 figures.

## **5. Part A : Exchange of Information - Paragraph 6.3 of the Current Policy**

The phrase 'the Data Protection Act 1918' will be amended to 'the relevant Data Protection legislation' to reflect recent, and potential future, changes to the legislation.

## **6. Part A : Exchange of Information - Paragraph 6.4 of the Current Policy**

The phrase 'where relevant' will be added on to the end of this paragraph.

**7. Part B : Premises Licences: Protecting children and other vulnerable persons from being harmed or exploited by gambling - Paragraph 1.13 of the Current Policy**

The proposed amendment to our Gambling Policy seeks to expand the list of examples of control measures that may be used to protect children and other vulnerable persons from being harmed or exploited by gambling.

Paragraph 1.13 of Part B of the Policy will be amended to include the following control measures. The new measures (*shown below*) will be recommended in addition to those control measures already detailed in the current policy document.

- Staff training (to include training on how to deal with suspected truants and vulnerable persons)
- Provision of CCTV (with imaged retained for a minimum period of 28 days)

**8. Part B : Premises Licences: Licensed Family Entertainment Centres (FECs) – Paragraph 3.2 of the Current Policy**

Licensed Family Entertainment Centres (FECs) are amusement arcades that are orientated towards families. However, FECs are allowed to have a cordoned area in which adult only gaming machines are provided. Under 18s can access the FEC premise but must not enter the cordoned over 18 area at the site.

Such premises must have regard of the need to protect children and vulnerable adults from being harmed or being exploited by gambling. With this in mind the list of suggested control measures, shown at Paragraph 3.2 of Part B of the Policy, will be amended to include the following additional recommended step.

- Appropriately trained floor waking staff with regards to the protection of children and vulnerable adults

**9. Part B : Premises Licences : Local Risk Assessments / Local Area Profiles – Paragraph 12 of the Current Policy**

In 2016 there was a shift in Gambling Commission policy to a risk based approach to considering the potential impacts that gambling premises may have on the licensing objectives under the Gambling Act 2005. The Commission introduced a new social responsibility code within their Operating Licence Conditions and Codes of Practice (LCCP) requiring gambling operators to assess that risk in order to encourage Local Authorities, the Commission and the gambling industry to work in partnership to address local issues and concerns. Gambling operators are required to undertake a risk assessment for all of their new premises; existing premises will be risk assessed when certain triggers are met. It was recommended that Local Authorities should provide local guidance on these triggers, along with views on what would instigate either a new assessment or the review of an existing assessment.

In addition, Gambling Commission suggests that licensing authorities might find it useful to complete their own assessment of the key characteristics of the area in the context of gambling-related harm the local environment, known as a Local Area Profile. Although completion of a local area profile is not a requirement on licensing



authorities, NELC appreciates there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks and has therefore produced Guidance on undertaking a Local Area Risk Assessment and Local Area Profile as a separate document to this Policy.

In order to reflect the above developments, the existing paragraphs 12.1 to 12.5 will be deleted and replaced with paragraphs 12.1 to 12.14 as follows:

- 12.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to 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 in place to mitigate those risks. There is also provision relating to sharing local risk assessments. In undertaking their local risk assessments, licensees must take into account relevant matters identified in this Statement of Licensing Policy.
- 12.2 Social responsibility code provision 10.1.1 states that licensees of relevant non-remote gambling premises 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 authorities' 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.
- 12.3 Ordinary Code provision 10.1.2 places an additional requirement for Licensees to share their local risk assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licenses premises, or otherwise on request.
- 12.4 The Gambling Commission suggests that licensing authorities might find it useful to complete their own assessment of the key characteristics of the area in the context of gambling-related harm the local environment, known as a Local Area Profile. The profile should aim to help to inform specific risks that operators will need to address in their risk assessment. The profile also allows Licensing Authorities to set out their expectations of operators of gambling premises.
- 12.5 Although completion of a local area profile is not a requirement on licensing authorities, NELC appreciates there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. This Authority has therefore produced Guidance on undertaking a Local Area Risk Assessment (the Guidance) and Local Area Profile (The Profile) as a separate document to this Policy.
- 12.6 As well as taking into account relevant matters identified in this policy statement, licensees should also take into account the Guidance on

undertaking a Local Area Risk Assessment and Local Area Profile for NEL, published by this Local Authority, in undertaking their local risk assessments

A copy of the Local Area Profile for NEL is available on North East Lincolnshire's website here:

<https://www.nelincs.gov.uk/licensing/gambling-and-gaming-machines/gambling-act-2005-statement-licensing-policy/>

12.7 The following types of licensed gambling premises are required to have a risk assessment in place:

- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)
- Non-Remote Betting premises
- Non-Remote Bingo premises
- Non-Remote Casino premises
- Remote betting intermediary (trading room only) licences (with some limited exceptions)

In addition, this Local Authority also places an expectation on holders of unlicensed Family Entertainment Centre permits (uFEC's) to undertake a risk assessment when applying for a new permit, and considers it best practice for the risk assessment to be updated following significant changes, though not all circumstances for review will apply. It accepts that risk assessments in respect of uFEC premises will be less detailed and should be proportionate to the lower overall level of risk associated with premises covered by a permit.

12.8 Licensees must produce or review (and update as necessary) their local risk assessments in the following circumstances:

- i. To take account of significant changes in local circumstances, including those identified in a Licensing Authority's Statement of Licensing Policy;
- ii. When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- iii. When applying for a variation of a premises licence; and,
- iv. When applying for a new premises licence.

The Guidance provides further details on what constitutes significant change in local circumstances and significant changes at a licensee's premises, along with clarification as to what is meant by an application for a variation of a premises licence or new premises licence.

In any event, the Licensing Authority strongly recommends as best practice the review (and where relevant, updating) of risk assessment at regular intervals on an annual basis as a minimum, or as reasonably directed by the Council's Licensing Team. A record of this process should be kept at the premises for inspection on request by an authorised officer if required.

- 12.9 It is the responsibility of the gambling operator to assign an individual to undertake the assessment of the local risks for each of their premises. The individual assigned as the assessor must be competent to undertake their role as failure to properly to carry out this function properly could result in a breach of the LCCP provisions. The assessor must understand how the premises operates or will operate, its design, and where it is located. The assessor will also need to have an understanding of the local area and should engage branch staff in the process.
- 12.10 Although there is no statutory requirement for licensees to share risk assessments with responsible authorities or interested parties, it is considered best practice. Therefore, the Licensing Authority will expect licensees to share their risk assessments when one of the following triggers occurs:
- i. When a local risk assessment has been reviewed following significant changes in local circumstances;
  - ii. When a local area risk assessment has been reviewed following significant changes at a licensee's premises that may affect their mitigation of local risks;
  - iii. When applying for a variation of a premises licence;
  - iv. When applying for a (new) premises licence;
  - v. At any other time when a local risk assessment has been reviewed and updated ie where no trigger applies but the risk assessment has been carried out a regular interval or on an annual basis.
  - vi. Otherwise on reasonable request by an authorised officer ie during a inspection / compliance check at the premises.
- 12.11 The Licensing Authority recommends the approach licensees should take in carrying out a local area risk assessment of gambling premises is to first assess the local area and identify the relevant risks, then to assess the gambling operation and finally to assess the premises design, both internal and external. Once the relevant risk have been identified, consideration should be given to what control measures can be put in place to mitigate those risks. Some control measures may already be in place, while others may need to be implemented.
- 12.12 The Licensing Authority will expect the local risk assessment to consider as a minimum;
- Local area risks, ie:
    - The socio-economic makeup of the area.
    - Indicators of deprivation.
    - Geographical location of the premises in terms of general footfall and client demographic.
    - Identification of vulnerable individuals or groups.
    - Proximity to and density of other relevant venues such as gambling premises, alcohol licenced premises, medical facilities, cash for goods premises, homeless/rough sleeper and refuge facilities, sheltered, supported and assisted housing, care homes and residential villages, places of

- worship, education facilities, youth facilities and other community facilities.
  - Transport links and parking facilities.
  - Local crime issues
  - Relevant Safeguarding factors
- Gambling operational risks, ie:
  - Type of gambling premises and products provided
  - Other facilities offered at the premises which may alter the customer demographic
  - The opening hours of the premises
  - Staffing levels and training
  - Security controls in place to prevent/deter crime
  - Local advertising and marketing materials within the premises
  - Display and provision of information
  - Loyalty/account cards
  - Procedure for handling customer complaints
  - Information regarding self-exclusions and underage gambling
  - Gambling trends
- Premises design risks, ie:
  - Interior and exterior design and how the premises is potentially affected by other facilities offered
- Interior design risks, ie:
  - Size, shape and layout
  - Location of ATM's within the premises
  - Location of any supporting wall or other sight-obstructing features
  - Location of CCTV, convex security mirrors and other monitoring devices
  - Location of other fixed / large furniture and fittings restricting vision or access
  - Distance from cashier counter to front door
  - Location and monitoring of customer toilets
  - Access to other facilities within / adjoining premises
- Exterior design risks, ie:
  - Size/expanse of premises frontage
  - Materials used in construction of frontage
  - Visibility of exterior area from interior area
  - Entrance design and visibility
  - Whether there is a canopy/sheltered area which may encourage congregation of people outside the premises
- Control measures, relating to one of more of the following categories:
  - Systems – policies and procedures
  - Design – ie location of gambling facilities, design and location of cashiers counter and general interior/exterior design
  - Physical – specific physical measures ie CCTV, windows shutters, time delay locks on safes, etc.
- Licence conditions

- Seeking to reinforce control measures

- 12.13 The Licensing Authority will expect that a copy of the local risk assessment is kept on site at the individual premises it relates to. Staff at the premises should be involved in the formulation and subsequent review of the risk assessment, be aware of the content and be able to locate it for inspection on request by an authorised officer if required
- 12.14 The Licensing Authority will expect licensees to provide copy of all new and updated local area risk assessments to North East Lincolnshire Council's Licensing Team in order to maintain a partnership approach to responsible gaming. Contact details can be found on the final page of this policy document.

#### **10. Part B : Premises Licences: Test Purchasing – New Paragraph 13**

This Authority undertakes regular test purchasing exercises in order to check compliance with the legal requirement that under 18s do not access 'adult only' gambling facilities.

There is no reference in the current policy document to test purchasing. With this in mind, the policy document will be amended to explain the rationale for test purchasing. This will include details of the classes of premises identified as appropriate to test the effectiveness of. The following paragraphs will be added:

- 13.1 This Licensing Authority undertakes periodical test purchasing exercises in order to check compliance with the legal requirements that under 18s do not access 'adult only' gambling facilities.
- 13.2 Premises licenced under the Licensing Act 2003 to sell alcohol for consumption on the premises, with a bar for serving customers and without the requirement that alcohol is served only with food, such as pubs, are able to install Category D machines, subject to the relevant notification or application being made. This Licensing Authority intend to include Alcohol Licenced Premises with Category C gaming machines as being appropriate for test purchasing in order to monitor the effectiveness of their policies and procedures for preening underage access to gambling products.
- 13.3 Where in house or third party test purchasing is carried out, it is beneficial for the results to be shared with the Licensing Team in order to work in partnership towards responsible gambling.

#### **11. Part B : Premises Licences: Credit Facilities – New Paragraph 14**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Whilst such premises may install cash machines (ATMs) the Licensing Authority does have the power to control where they are sited.

There is no reference in the current policy document to this provision. With this in mind, the following paragraph will be added to the policy:

14.1 Credit facilities are prohibited from being provided in casinos and bingo licenced premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

**12. Part C : Permits / Temporary & Occasional Use Notices : Unlicensed Family Entertainment Centre gaming machine permits – Paragraph 1.1 of the Current Policy**

The following sentence will be added to this paragraph:

‘...an application for a permit can only be made by the person who occupies or proposes to occupy the premises.’

**13. Part C : Permits / Temporary & Occasional Use Notices : Unlicensed Family Entertainment Centre gaming machine permits: Statement of Principles – Paragraph 1.5 of the Current Policy**

An unlicensed Family Entertainment Centre (uFEC) permit has effect for 10 years unless it is surrendered or lapsed. It can also be renewed in order to extend the permit for a further 10 years. Those permits which were first applied for when the Act was introduced have recently reached the 10 year millstone for renewal/lapse, therefore this Licensing Authority took the opportunity to undertake a review into its procedure for processing and determining both new and renewal applications. The current policy document will be amended to reflect the new procedure and formalise it by amending the statement of principles which we propose to consider in determining the suitability of an applicant for a permit as follows:

- 1.5.1 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 1.5.2 The applicant is expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, and also that all staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.5.3 New and renewal applicants are expected to provide evidence that they have no relevant convictions, as set out in Schedule 7 of the Act. They must submit with their application a Basic Disclosure, issued not less than 1 year before making the application, or evidence of a current Operators Licence issued by the Gambling Commission. Where the applicant is a company, it is recommended the Basic Disclosure is provided in respect of the individual with overall responsibility for managing the site to which the application relates.

1.5.4 Applicants are required to notify the Licensing Authority of any convictions under schedule 7 of the Gambling Act 2005. When considering applications, the Licensing Authority will consider the nature and relevance of the offence.

1.5.5 In support of a new or renewal application, applicants must supply a scaled plan of the premises indicating:

- The extent of boundary or perimeter of premises.
- Where premises include, or consist of, one or more buildings, location of any external or internal walls for each such building.
- Where premises form part of building, the location of any external or internal walls of the building included in the premises.
- Location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads Location and extent of any part of the premises in which Category D gaming machines will be made available for use.

It should be noted that under the mandatory conditions attached to licensed adult gaming centre (AGC) premises, there can be no direct access to/from an unlicensed FEC to an Adult Gaming Centre.

1.5.6 The duration of an unlicensed FEC permit is 10 years. A renewal application must be made 2-6 months before the expiry date of the permit. Although the Licensing Authority will, where possible, send out a reminder letter at the start of the renewal period, responsibility for renewal of the permit remains with the licence holder.

1.5.7 As per section 12.7 above, it should be noted that this Local Authority places an expectation on holders of unlicensed FEC permits to undertake a risk assessment when applying for a new permit, and considers it best practice for the risk assessment to be updated following significant changes, though not all circumstances for review will apply.

#### **14. Part C : Alcohol Licensed premises gaming machine permits and notifications: Permit: 3 or more machines – Paragraph 2.5 of the Current Policy**

The current policy does not give any guidance on how the Licensing Authority would expect a permit holder to comply with the relevant Gambling Commission Code of Practice, therefore the existing paragraph 2.7 will be deleted and replaced with paragraphs 12.8 to 12.14 as follows:

2.8 The holder of a permit must comply, or have regard (as relevant) to the Gambling Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act), or any other such relevant code of practice as may be issued by the Gambling Commission.

2.8.1 As set out in Code Provision 1.1, the responsibility for compliance with the Code of Practice lies with the designated person, which for pubs in England and Wales is the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence).

2.8.2 The holder of a permit must comply with Code Provision 2.1, regarding the location and operation of gaming machine provided. Failure to do so could result in revocation of the permit. The Code Provision requires that:

1. *All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.*
2. *Permit holders must have in place arrangements for such supervision.*
3. *All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.*

Although the code provision does not give any further details on what constitutes 'supervision... by other means', this Licensing Authority would recommend that permit holders seeking to satisfy this requirement by providing CCTV coverage should ensure a screen showing real-time footage of the gaming machines and any customer(s) playing it located in an area suitable for whose duties include such supervision to monitor them ie in the bar area or in the main office.

2.8.3 It is recommended that the holder of a permit adheres to Code Provisions 3.1 and 3.2 regarding access to gambling by children and young person. While compliance with this section is not a condition of your permit, it sets out good practice in this area and the Gambling Commission considers it should be implemented by permit holders. The Code Provisions suggest that:

#### Code Provision 3.1

1. *Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:*
  - *Checking the age of those who appear underage*
  - *Refusing entry to anyone unable to produce an acceptable form of identification.*
2. *Permit holder should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.*

*Permit holders should only accept identification which:*

- *Contains a photograph from which the individual can be identified*
  - *states the individual's date of birth*
  - *is valid*
  - *is legible and has no visible signs of tampering or reproduction.*
3. *The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.*



### Code provision 3.2

1. *Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.*

2.8.4 It is recommended that the holder of a permit adheres to Code of Provision 4.1 regarding complaints and disputes. While compliance with this section is not a condition of your permit, it sets out good practice in this area and the Gambling Commission considers it should be implemented by permit holders. The code Provision suggests that:

1. Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
2. A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
  - a) is not resolved at the first stage of the complaints procedure, and
  - b) relates to the outcome of the complainant's gambling transaction.
3. Permit holders should ensure that:
  - customers are told the name and status of the person to contact about their complaint
  - customers are given a copy of the complaints procedure on request or on making a complaint
  - all are handled in accordance with the procedure.

### **15. Part C : Alcohol Licensed premises gaming machine permits and notifications: Permit: 3 or more machines – Paragraph 2.8 of the Current Policy**

The current policy document states that applications which increase the number of gaming machines to more than 5 in a premises will normally be referred to a licensing sub-committee for determination. To provide clarification to applicants, the policy will be amended to include details of the circumstances under which the Licensing Team may avoid the need to refer an application to licensing sub-committee. Paragraph 2.8 will be deleted and the following paragraph will be added earlier in the section at 2.6, with subsequent paragraphs re-numbered:

2.6 Applications which increase the number of gaming machines to more than 5 in a premises will normally be referred to a licensing sub-committee for determination, however each application received will be considered on a case-by-case basis. If the Licensing Officer dealing with the application is satisfied that there would be both the capacity and a suitable location for an additional gaming machine(s) at the premises based on the size and layout of the premises, the policies and procedures in place in respect of gaming machines and the general operation of the premises, they may grant the application without referring it to licensing sub-committee. In these cases, it is likely that

an inspection of the current gaming machine provision at the premises will need to be satisfactorily carried out and the decision as to whether or not to refer the application to licensing sub-committee will be at the discretion of the Licensing Team.

**16. Part C : Club Gaming and Club Machine Permits – Paragraphs 4.1 to 4.2 and 4.5 of the Current Policy**

The existing policy did not give sufficient detail regarding the specific categories of gaming machines permitted by a cub gaming permit and club gaming machine permit. Details of the specific categories of gaming machines permitted by these two types of permit will be added.

The existing policy does not provide any guidance on what this Licensing Authority might provide evidence of how 'club' status is being achieved. Brief guidance will be included in the new policy.

To reflect the above and provide clarity to applicants, existing paragraph 4.1 to 4.2 and 4.5 will be deleted and replaced with paragraphs 4.1 to 4.3 as follows:

- 4.1 Members clubs and miners' welfare institutes may apply for a club gaming permit or a club gaming machines permit (Commercial Clubs cannot apply for a Club Gaming Permit).

A club gaming permit will enable the premises to provide gaming machines (up to 3 machines in total of categories B3A, B4, C or D, but by agreement only one machine can be of category B3A), equal chance gaming and games of chance (pontoon and chemin de fer only) subject to certain limits on stakes and prizes and limits on participation fees per person per day, as set out in the regulations.

A club gaming machine permit will enable the premises to provide gaming machines (up to 3 machines of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs)), and equal chance gaming, subject to certain limits on stakes and prizes, participation fees per person per day, as set out in the regulations.

- 4.2 The Commission Guidance notes that "licensing authorities may 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 Commission or the police".

- 4.3 Although the application form itself does not ask for evidence of how 'club' status is being achieved, the Licensing Authority needs to be satisfied that the information provided by the applicant demonstrates that the premises meets the necessary requirements to be either a members' club/miners welfare institute or a commercial club. The applicant may wish to submit additional or supporting information, such as copies of the membership scheme, club constitution, club rules, or other relevant compliance policies and procedures, with the application.

**17. Part C : Club Gaming and Club Machine Permits – New Paragraph 4.4**

The existing policy does not make reference to the inclusion of a plan with the application, indicating the location of the gaming machines an applicant intends to provide. Although not essential, a plan can be useful in helping Licensing Officers to better understand how the club intends to operate. Guidance on what should be included in any plans submitted will be included in the new policy as follows:

- 4.4 It is helpful for applicants to submit a plan indicating the location of the gaming machines they intend to provide to assist the Licensing Authority in better understanding how the club intend to operate. Any plans submitted should be to scale and should clearly mark the locations of the machines, including the category of machines (if different categories are being provided) and show any other relevant features of the premises, including, but not limited to, entrances and exits, locations of CCTV cameras and bars/serveries.

**18. Part C : Club Gaming and Club Machine Permits – New Paragraph 4.5**

The existing policy does not make reference to the Licensing Authority carrying out inspections of the gaming machine provision in Members clubs and miners' welfare institutes. Guidance in relation to this will be added to the new policy as follows:

- 4.5 The Licensing Authority may choose to carry out an inspection of the premises or area(s) within the premises where the applicant intends to locate the gaming machines in order to better understand how the club intends to operate and whether the correct permit has been applied for. The applicant will be contacted in advance of an inspection in order to make the necessary arrangements.

**19. Part C : Club Gaming and Club Machine Permits – Paragraph 4.5 of the Current Policy**

Paragraph 4.5 of the current policy will be deleted and replaced by the following, which will be re-numbered as 4.6:

- 4.6 Clubs must demonstrate compliance with the statutory codes of practice, namely, the Code of Practice for equal chance gaming in clubs and premises with an alcohol licence (August 2014) and the Code of Practice for gaming machines in clubs and premises with an alcohol licence (August 2014).

**20. Part C : Club Gaming and Club Machine Permits – New Paragraphs 4.7 to 4.8**

The duration of a club gaming permit or club machine permit is 10 years unless it ceases to have effect before that time because it is surrendered or lapses. It can also be renewed in order to extend the permit for a further 10 years. Those permits which were first applied for when the Act was introduced have recently reached the 10 year millstone for renewal/lapse, therefore this Licensing Authority took the opportunity to undertake a review into its procedure for processing and determining both new and renewal applications. The current policy document will be amended to reflect the new procedure and formalise it by adding the following paragraphs:

4.7 It should be noted that the Licensing Authority may grant or refuse the application. It may not attach conditions to a permit, beyond the statutory conditions that automatically apply to permits, requiring that:

- No child or young person is to be allowed to use a category B or C gaming machine
- The club must comply with the Commission's code of practice for clubs and licensed premises regarding the location and operation of gaming machines (see above)
- Every person participating in gambling must have been a club member (or have applied for membership) for at least 48 hours before participation, or be a bona fide guest of such a member (applies to non-commercial clubs only)

4.8 The duration of a club gaming permit or club machine permit is 10 years unless it ceases to have effect before that time because it is surrendered or lapses. However, in England and Wales a club gaming or machine permit that was granted under a fast track procedure (by those clubs with Club Premises Certificates under the Licensing Act 2003) does **not** expire and only ceases to have effect if it is surrendered, cancelled or forfeited or it lapses because the club premises certificate is not in place.

4.8.1 A renewal application must be made during the period beginning three months before the permit expires and six weeks before it expired. Although the Licensing Authority will, where possible, send out a reminder letter at the start of the renewal period, responsibility for renewal of the permit remains with the licence holder

4.8.1 As with a new application, the applicant will need to demonstrate that the premises still meets the necessary requirements to be either a members' club/miners welfare institute or a commercial club. The applicant may also be asked to provide a plan indicating the location of gaming machines provided, or if there is already a plan on file, asked to either submit an updated plan or confirm that the plan is still current.

4.8.3 As with new a new application, the Licensing Authority may opt to carry out an inspection of the premises or area(s) within the premises where the gaming machines are located in order to better understand how the club has been, and intends to continue operating and whether the correct permit has been applied for.

4.8.4 A club or machine permit will not cease to have effect whilst a renewal application is pending, or an appeal against a decision not to renew is pending

**21. Part C: Club Gaming and Club Machine Permits – Paragraph 4.4 of the Current Policy**

Existing paragraph 4.4 will be re-numbered to 4.9 and the following passages will be added to it:

4.9.1 Any permit granted under the fast-track process will have an unlimited duration, but will lapse if the club premises certificate ceases to have effect.

4.9.2 Whilst fast-track permits do not expire, the Licensing Authority may choose to use the opportunity to undertake an inspection of any club that holds fast-track permits and ensure they are meeting the criteria of a bona fide club and are therefore eligible to hold a club gaming permit or club machine permit.

**22. Part D : Lotteries – Paragraphs 1 to 4 of the Current Policy.**

A number of minor amendments to the phrasing of paragraphs 1 to 4 of the current policy have been made. This does not substantially alter the contents of these paragraphs and simply aims to add clarification to the existing contents.

**23. Part D : Lotteries – Paragraph 5 of the Current Policy**

Paragraph 5 of the current policy has been moved and re-numbered to paragraph 7 for better flow of this section of the policy document.

**24. Part D : Lotteries – New paragraph 9**

The existing policy does not make reference to the expiry and renewal of Small Society Lottery Permits. To provide clarity to permit holders, guidance in relation to this will be added to the new policy as follows:

9. Small Society Lottery registration is subject to payment of an application fee to the Local Authority. Upon registration, a permit is issued which lasts for a period of one year. Applicants can apply to renew their permit during the two months preceding the expiry date at a reduced fee. The expiry date is detailed on the permit and it is the applicants' responsibility to keep track of when the permit is due for renewal. If the permit is not renewed during this time it will automatically expire. The Licensing Authority will notify the Lottery Promoter and the Gambling Commission when a Small Society Lottery expires. Applicants can re-apply for a new permit after it has expired, however this will be at the full fee. Details of the current fees can be found on the Licensing Section of the Councils website at [www.nelincs.gov.uk/licensing](http://www.nelincs.gov.uk/licensing)

**25. Part D : Lotteries – New Paragraph 10**

The existing policy does not make reference to the submission of returns in respect of Small Society Lottery Permits. To provide clarity to permit holders, guidance in relation to this will be added to the new policy as follows:

10. The Act sets out the information that the promoter of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. The Licensing Authority will use this information to

assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. If the promoter fails to submit the relevant returns within the stated timescales, the Licensing Authority will consider this grounds for refusal of applications to renew the permit, or where it has expired or otherwise lapsed, new registrations by the same promoter.

**26. Part D : Lotteries – Paragraph 9 of the Current Policy**

Paragraph 9 of the current policy has been re-numbered to paragraph 11 due to earlier insertions.

**27. Appendix 1 : Consultees**

The consultee list had been revised, amended and updated.

## **Alcohol Licensed premises gaming machine permits and notifications**

### **Submission of Comments Regarding the Policy Consultation**

Please provide us with any comments you may wish to make in relation to the proposed amendments to the Gambling Policy.

The closing date for submissions in respect of this consultation document is **9<sup>th</sup> November 2018**.

Any responses to the consultation can be emailed to the Licensing Team at:-  
Licensing@nelincs.gov.uk

Please mark any emailed response with the title 'Gambling Policy Consultation 2018'.

We would prefer to receive emailed responses to the consultation document, however, as an alternative written responses can be sent to:-

Mr Adrian Moody, Licensing Manager  
North East Lincolnshire Council  
Doughty Road Depot – Main Building  
Doughty Road  
Grimsby  
North East Lincolnshire  
DN32 0LL

We have attached a template that can be used for the submission of responses.

All comments regarding this consultation will be considered and will help to formulate the final policy document to be presented for consideration by the General Licensing Committee (consisting of Councillors) in December 2018. Once the Licensing Committee has considered the consultation results (and made any relevant amendments to the policy document) the new policy will be forwarded to a meeting of the full Council for adoption.

Please note that information in responses, including personal information, may be subject to publication or the Freedom of Information Act 2000. Confidentiality cannot be guaranteed to any correspondents, and will only be possible if considered appropriate under the legislation.

If you require any further information or advice, please do not hesitate to contact the Licensing Team on telephone number (01472) 326299 or in writing at the address above.



## **North East Lincolnshire Council**

### **Guidance on undertaking a Local Area Risk Assessment and Local Area Profile for NEL**

### **Gambling Act 2005**



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## **1. Introduction and Background**

- 1.1 North East Lincolnshire Council is a Licensing Authority under the Gambling Act 2005 and is responsible for considering and determining applications for premises licences offering facilities for gambling within North East Lincolnshire along with ensuring compliance by those premises with the Act.
- 1.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and that gambling operators carry on their activities. These are:
  - a) Preventing gambling from being a source of crime and 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.
- 1.3 The advice contained within the Act is that Local Authorities should 'aim to permit' the use of premises for gambling in so far as it thinks it:
  - In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy.
- 1.4 The Gambling Commission (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, operators must ensure that they comply with and meet the requirements of the Gambling Commissions' Operating Licence Conditions and Codes of Practice (LCCP).
- 1.5 More recently, there have been some changes in the recommended approach to gambling licensing and regulation. These changes can be summarised into three broad themes:
  - Increased focus on risk and regulation
  - Greater attention to local area risk, and;
  - Encouragement of partnership and collaboration between stakeholders to mitigate risk
- 1.6 In 2015 there was a shift in Gambling Commission policy to a risk based approach to considering the potential impacts that gambling premises may have on the licensing objectives under the Gambling Act 2005. The Commission introduced a new social responsibility code provision making it a requirement of their LCCP as of 6th April 2016 for gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of the premises, and have policies, procedures and control measures in place to mitigate those risks. The Commission also introduced an ordinary code provision relating to sharing local risk assessments.

- 1.7 The introduction of the new social responsibility codes encourages Local Authorities, the Commission and the gambling industry to work in partnership to address local issues and concerns.
- 1.8 North East Lincolnshire Council has developed this guidance to assist gambling operators in undertaking and preparing their local area risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all relevant non-remote premises within North East Lincolnshire. This will benefit the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation gambling premises applications. The local risk assessments will also enable the Licensing Authority to continue the establishment of a more progressive compliance inspection regime.

## **2. What is a Local Area Profile?**

- 2.1. The Gambling Commission suggests that licensing authorities might find it useful to complete their own assessment of the local environment, as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. The Commission refers to these assessments as local area profiles.
- 2.2. The objective of an effective local area profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The local area profile aims help to inform specific risks that operators will need to address in their risk assessment, which will form a part of any new licence application, or an application to vary a licence.
- 2.3. A local area profile is an assessment of the key characteristics of NELC in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm; where they are located and any current or emerging problems that may increase that risk. The Profile allows us to set out our expectations of operators of gambling premises.

## **3. Creating NELC's Profile**

- 3.1. Although completion of a local area profile is not a requirement on licensing authorities, NELC appreciates there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks:
- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
  - greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
  - it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge

- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
- 3.2. It is for licensing authorities to determine whether to include a local area profile within the body of their policy statement or separately.
- 3.3. The approach this Licensing Authority has taken is to include reference to this document in our Statement of Gambling Principles so that a number of key requirements regarding local risks and local area risk assessments can be a consideration for local gambling regulation in the context of s.153 of the Act. The profile has been produced as appendices to the Statement of Principles for Gambling issued under section 349 of the Gambling Act 2005 and following recommendations of the Gambling Commission and Local Government Association. This will allow the profile to be reviewed and updated separately from the policy statement and therefore without the need for full consultation, enabling it to be updated on a regular basis as required to reflect changes to the local environment.
- 3.4. Every effort has been made to ensure this document is both comprehensive and accurate, however in an attempt to simplify the law, some omissions may have been made. You should refer to the Gambling Act 2005 and associated regulations for full details of the law. In addition, it is strongly recommended that you seek your own independent legal advice with regards to the matters raised in this guidance.

#### **4. Format and Approach**

- 4.1. There is no prescriptive template for a local area profile, as each assessment should be influenced by local circumstances. An effective profile should draw upon the knowledge and expertise of responsible authorities and be updated on a regular basis to reflect changes to the local environment.
- 4.2. The approach this Licensing Authority has taken is to split the Local Profile into 2 distinct parts, the first part based around a narrative and the second part based around statistical information and maps.
- 4.2.1. Part 1 is split into two sections. Section A sets out the Authorities' expectations in relation to how risk assessments should be set out including guidance on when they must be carried out, who should do them, when they should be reviewed and how they should be shared with the Licensing Authority. Section B provides guidance on what to include in the risk assessment, focussing on particular risks to consider, depending on local factors specific to the premises being risk-assessed.
- 4.2.2. Part 2 provides a general profile of North East Lincolnshire including locations of specific types of businesses, organisations and other relevant amenities along with statistics relevant to the risks identified in Part 1 of the Profile.
- 4.3. Every effort has been made to ensure this document is both comprehensive and accurate, however in an attempt to simplify the law, some omissions may have been made. You should refer to the Gambling Act 2005 and associated regulations for full details of the law. In addition, it is strongly recommended that you seek your own independent legal advice with regards to the matters raised in this guidance.

## PART 1 – SECTION A

### 1. Gambling Local Area Risk Assessments

#### 1.1. What is a Local Area Risk Assessment?

The basic principle of a local area risk assessment is that it is an assessment of the local risks to the licensing objectives posed by the provision of gambling facilities at premises licenced for such provision and should include relevant policies, procedures and control measures to mitigate risks identified. The following sections will expand upon this further.

#### 1.2. Requirement to carry out a Local Area risk Assessment

Following substantial consultation with relevant stakeholders, the Gambling Commission introduced a new social responsibility code provision in February 2015 making it a requirement as of 6<sup>th</sup> April 2016 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.**

##### ***This provision comes into force on 6 April 2016***

- 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**

***This provision comes into force on 6 April 2016***

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

All premises that provide facilities for gambling within North East Lincolnshire must be assessed to identify the local risk posed by the provision of gambling facilities in their respective locations.

**2. Who must have a premises risk assessment in place?**

- 2.1.** The local risk assessment code provisions place a requirement for a local risk assessment to be undertaken in respect of the following types of licenced gambling premises:
- Adult Gaming Centres (AGCs)
  - Family Entertainment Centres (FECs)
  - Non-Remote Betting premises
  - Non-Remote Bingo premises
  - Non-Remote Casino premises
  - Remote betting intermediary (trading room only) licences (with some limited exceptions)
- 2.2.** In respect of remote betting intermediary (trading room only) licences, Gambling Operators are directed to the Gambling Commission's website for further information on the relevant requirements as these licences are issued and enforced by the Gambling Commission rather than at Local Authority level.
- 2.3.** This Authority's Gambling Policy also places an expectation on holders of unlicensed Family Entertainment Centre permits (uFEC's) to undertake a risk assessment when applying for a new permit, and considers it best practice for the risk assessment to be updated following 'significant changes' (see s.2.4 below), though not all circumstances for review will apply. It accepts that risk assessments in respect of

uFEC premises are not required to be as detailed as those produced in respect of the licenced gambling premises specified about and should instead be proportionate to the lower overall level of risk associated with premises covered by a permit. The main focus of uFEC risk assessments should be on issues such as children's safeguarding. The below sections include specific references in relation to uFEC permitted premises where relevant.

### 3. When must you do the risk assessment?

- 3.1. 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.
- 3.2. Licensees must review, and update as necessary, their local risk assessments in the following circumstances:
  - i. To take account of **significant changes in local circumstances**, including those identified in a Licensing Authority's Statement of Licensing Policy;
  - ii. When there are **significant changes at a licensee's premises** that may affect their mitigation of local risks;
  - iii. When applying for a **variation of a premises licence**; and,
  - iv. When applying for a **new premises licence**.
- 3.3. The review of the premises risk assessment may not necessarily mean that any review action is required if the measures and systems already in place will mitigate any risk associated with that significant change. In this case licensees are strongly recommended to record that a review has taken place, why it had occurred and that no further action was required in order to maintain an appropriate audit trail so the licensee can demonstrate that action had been taken.
- 3.4. 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 Licensing Authority to assess when these triggers have been met. In order to assist gambling operators this section sets out what the Licensing Authority's views on what these triggers are in further detail.

#### 3.4.1. Significant changes in local circumstances

Licensees are required to review their local risk assessment if significant changes in local circumstances occur. Such changes can 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. The requirement for review of the risk assessment is only applicable when that change is significant.

The following list sets out some examples of what the Licensing Authority considers 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 Principles.
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors to the



premises. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.

- Any substantial residential building development or any venue attractive to children and/ vulnerable persons with could lead to an increase in children and/or vulnerable persons in the area.
- Any new pay day loan or pawn brokers open in the local area.
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises or where London Underground services to a local station are extended later into the evening.
- Increase in provision of educational facilities in the local. For example, following construction of a new school/college or significant expansion /change in respect of 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).
- A new gambling premises opens in the local area.

The above list is not an exhaustive list of significant changes in local circumstances. The Licensing Authority may provide additional information to gambling operators from time to time when it feels a significant change has occurred in the local area.

It should be noted that it remains the responsibility of the operator to monitor what is happening in their local area and identify what changes may require a review and possible amendment to their risk assessment.

### **3.4.2. Significant changes at a licensee's premises**

Where there is a significant change at the premises that may affect the mitigation of local risk, then the licensee must review, and if necessary update, the risk assessment for that premises, taking into account the change and how it may affect one or more of the licensing objectives.

It should be noted that the undertaking of a general refresh of the premises layout and/or décor is unlikely to prompt the requirement for a review of the risk assessment for that premises being undertaken if none of the below examples apply as a result of that refresh.

The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises:

- 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 or to provide sexual entertainment on the premises.

As with the examples of significant changes in local circumstances detailed above, the above is not an exhaustive list of significant changes in local circumstances and it remains the responsibility of the operator to deem whether any change that they are proposing to their premises is one that may be considered significant.

#### **3.4.3. Variation of a 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.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application. This will negate the need for the Licensing Authority putting in a request to see a copy of the risk assessment and may potentially reduce the likelihood of a representation being made to the application.

#### **3.4.4. New Premises Licence**

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. 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.

#### **3.4.5. At Regular Intervals**

As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local risk assessments to 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. The Licensing Authority strongly recommends the review and updating of risk assessments at regular intervals on an annual basis as a minimum, or as reasonably directed by the Council's Licensing Team.

#### **4. Who should do the risk assessment?**

4.1. It is the responsibility of the gambling operator responsible for the Premises Licence to assign an individual to undertake the assessment of the local risks for each of their premises. Failure to properly carry out this function could result in a breach of provisions of the LCCP, therefore the licensee will need to give consideration to the following when assigning an individual to carry out the risk assessment:

- i. That they are '**suitably competent**'
- ii. That they have an **understanding of the local area**

4.2. In order to assist licensees, the below section sets out what the Licensing Authority's expectations are in respect of the assessor being suitably competent and having an understanding of the local area.

##### **4.2.1. Suitably Competent**

The person assigned as the assessor must be competent to undertake their role and must understand factors including how the premises operate or will operate, its design, and where it is located. Although there is no specific requirement that a single individual be assigned to undertake risk assessments for all premises under the responsibility of the licensee, it is strongly recommended that the same individual carries out the risk assessments for all premises within the remit of North East Lincolnshire and that consideration be given to ensuring a consistent approach to undertaking the risk assessment is taken.

##### **4.2.2. Understanding of the Local Area**

The assessor will need to have an understanding of the local area. It is expected that branch staff are both aware of and engaged in the process. The assessor should use the knowledge of branch staff and/or area managers to assist in gaining a good understanding of local area specific to the premises.

#### **5. What are you expected to do?**

5.1. 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.

5.2. In making risk assessments, licensees must take into account relevant matters identified in the Licensing Authority's Statement of Licensing Policy.

Part 1 - Section B provides further, specific details on what to consider and include in the risk assessment.

## **6. Who needs to see the risk assessment?**

- 6.1. There is no statutory requirement for licensees to share risk assessments with responsible authorities or interested parties, however it is considered best practice. Therefore, the Licensing Authority will expect licensees to provide a copy of all new and updated local area risk assessments to North East Lincolnshire Council's Licensing Team in order to maintain a partnership approach to responsible gaming.
- 6.2. Licensees should share their local area risk assessments with the Licensing Authority when one of the triggers identified in Part 1, Section A, 1.4, occurs, namely:
- i. When a local risk assessment has been reviewed following significant changes in local circumstances;
  - ii. When a local area risk assessment has been reviewed following significant changes at a licensee's premises that may affect their mitigation of local risks;
  - iii. When applying for a variation of a premises licence;
  - iv. When applying for a (new) premises licence;
  - v. At any other time when a local risk assessment has been reviewed and updated ie where no trigger applies but the risk assessment has been carried out a regular interval or on an annual basis.
  - vi. Otherwise on reasonable request by an authorised officer ie during a inspection / compliance check at the premises.
- 6.3. A copy of the local area risk assessment should be provided in a suitable format (any Microsoft Office document) to contact details as provided below. Where reasonably practicable, risk assessments should be provided in electronic format to ensure their safe and speedy receipt, however hard copies will be accepted where this is not possible.
- Email: [licensing@nelincs.gov.uk](mailto:licensing@nelincs.gov.uk)
- Post: Licensing Section  
North East Lincolnshire Council  
Doughty Road Depot  
Doughty Road  
Grimsby  
North East Lincolnshire  
DN32 0LL
- 6.4. The Licensing Authority will also expect that a copy of the local risk assessment is kept on site at the individual premises it relates to. This can save time and expense as well as increasing the confidence of the relevant agencies as to the awareness of the licensees' obligations.
- 6.5. Staff at the premises should be involved in the formulation and subsequent review of the risk assessment, be aware of the content and be able to locate it for inspection on request by an authorised officer if required. Copies of risk assessments kept on site should be in such a format as to be immediately accessible by any member of staff on duty at the time of a licensing visit or inspection to allow for the risk

assessment to be produced for inspection by the licensing officer on reasonable request.

- 6.6. This Licensing Authority will review all risk assessments and may challenge any risk assessment if it feels there is evidence that local risks have not been taken into consideration.

## **PART 1 - SECTION B**

### **7. Guidance on what to include in a local area risk assessment**

- 7.1. A local area risk assessment of gambling premises should be carried out through a step-by-step approach. The approach the Licensing Authority suggests is to first assess the local area and identify the relevant risks, then to assess the gambling operation and finally to assess the premises design, both internal and external. Once the relevant risk have been identified, consideration should be given to what control measures can be put in place to mitigate those risks. Some control measures may already be in place, while others may need to be implemented.
- 7.2. The risk based approach provides a better understanding of risk and enables a proportionate response to it. This approach includes looking at future risks and thinking about risks in a problematic way. Risk is not necessarily related to an event that has happened but is related is the probability of an event happening and the likely impact of that event on the licensing objectives.
- 7.3. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 7.4. The Licensing Authority has provided guidance in section 2 below on what factors it expects the risk assessment to consider in order to assist licensees in producing an effective risk assessment.
- 7.5. Further information on the format and structure of the risk assessment is discussed in section 3 below.

### **8. What must a risk assessment include?**

- 8.1. The local area risk assessment process requires a broad range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.
- 8.2. This Authority will expect the local risk assessment to consider as a minimum:
  - Local area risks
  - Gambling operational risks
  - Premises design risks
  - Interior design risks
  - Exterior design risks
  - Control measures
  - Licence conditions

The below sections detail examples of local risks that should be considered under each of the above heading. It should be noted that not all risks listed will be relevant to the type of gambling premises being risk assessed and not all risks will apply with regards to the premises being considered. It is also important to note that these lists are not exhaustive and the assessor may identify additional risks for

consideration. Ultimately the responsibility to ensure all relevant risks are identified lies with the licensee.

### 8.2.1. Local Area Risks

There are a number of factors relating to the local area that operators will need to consider which will extend much further than their business and anticipated customer. The extent of the local area will be different depending on the type of gambling premises as well as the size of its operation. Licensees should give consideration to their catchment area when considering local risks.

To assist in assessing the local area the Licensing Authority has produced a profile for North East Lincolnshire, details of which can be found under Part 2 of this document.

Examples of these include the following:

- The socio-economic makeup of the area, such as age, ethnicity, etc.
- Indicators of deprivation ie high crime area or high unemployment area.
- Geographical location of the premises in terms of general footfall in the local area, for example is it near/on a busy high street or town centre, housing estate or quiet village and what type(s) of people does it predominantly comprise of, for example, residents, workers, visitors or tourists, retirees, families, children and young people.
- Client demographic / anticipated customers
- Identification of vulnerable individuals or groups, including those at risk of gambling related harm.
- Geographical location of the premises in terms of the types and density of other premises/businesses and their operation in the local areas surrounding these premises, including:-
  - Other gambling premises, including consideration as to their density:
    - Betting Shops/Tracks, Adult Gaming Centres, Family Entertainment Centres (licenced and unlicensed), Bingo premises.
    - National Lottery terminals/outlets
  - Premises licenced under the Licensing Act 2003:
    - On/off alcohol licenced premises
    - Premises licenced for regulated entertainment
    - Late night refreshment licenced takeaways
  - Medical facilities ie:
    - Hospitals and accident & emergency centres
    - GP's and medical centres
    - Mental health centres/facilities
    - Rehab centres ie alcohol / drugs / gambling / other
  - Cash for goods premises ie:
    - Pawn brokers, payday loan and weekly payment shops
  - Homeless/rough sleeper and refuge facilities ie:
    - Shelters, hostels and refuges
    - Food banks and soup kitchens
    - Support services
  - Sheltered, supported and assisted housing

- Care homes and residential villages
- Places of worship / ecclesiastical establishments ie:
  - Churches / Mosques / Synagogues / Temples and any other places of worship for all religious or faith denominations
- Educational facilities ie:
  - Primary and Secondary Schools or Academies
  - 6<sup>th</sup> Form Colleges
  - Colleges and Universities
- Youth facilities ie:
  - Youth centres / clubs
  - Scout Huts
  - Leisure centres / facilities
  - Playgrounds, parks and woods
  - Any other institutions, places or areas where presence of children and young persons should be expected, where they congregate or are attracted to.
  - Areas that are prone to issues of youths participating in anti-social behaviour.
- Other community facilities ie:
  - Community centres
  - Job centres
  - Courts
  - Citizens Advice or similar services
  - Public-access Council offices
- Transport Links and Parking Facilities
  - Proximity to transport links including bus stops, train stations, taxi ranks and private hire offices
  - Proximity to both public and private parking facilities
- Local crime issues ie:
  - Prevalence of anti-social behaviour in vicinity of premises
  - Known threat of actual violence against staff and/or customers
  - Locally occurring robberies at nearby businesses or other gambling premises within the borough
  - Fraudsters operating in the local area
  - Money laundering occurring in the local area ie stained notes etc
- Any relevant Safeguarding factors

Several Google Maps and Word documents have been provided in Part 2 which will provide the locations of many premises from this list, however it is non-exhaustive and further research may be required.

### 8.2.2. Gambling Operational Risks

The gambling operation relates to how the premises is or will be run. This should include the policies and procedures put in place to meet the various requirements of the Act, specific code provisions within the LCCP, mandatory and default licence conditions and any conditions attached by the Licensing Authority. It should also include consideration of the following:

- The type of gambling premises and type(s) of gambling products provided at the premises



- Other facilities offered at the premises which may alter the customer demographic ie:
  - Food & non-alcoholic drinks ie via café / restaurant etc
  - On/off sales of alcohol (in respect of Bingo premises)
  - Gift shop (in respect of licenced and unlicensed FEC's)
  - Other leisure facilities ie where located on a holiday park (in respect of licenced and unlicensed FEC's)
  - Tanning salons (in respect of AGC's)
- The opening hours, taking into account:
  - Statutory restrictions depending on type of gambling premises
  - Where default timings have been amended by the licensee or conditions have been attached to the premises licence by the Licensing Authority
  - Possible interaction with any surrounding night time economy
- Staffing levels, including:
  - Lone working / single manning of the premises.
  - Staff coming into contact with children (in relation to licensed and unlicensed FEC's)
  - Staff roles and other duties / engagement with other activities ie serving food/drink, manning change, prize or gift kiosks, providing supervision of tanning booths etc
- Staff training, including frequency and level of training required / provided
- Security control/levels in place to prevent/deter crime ie:
  - Effective CCTV coverage
  - Door staff/stewards
  - MAG locks on doors
  - Time delay safe
  - Access to cash desk area restricted
  - Panic button for staff
- Methods of local advertising and marketing materials within the premises
- The display and provision of information such as betting terms and conditions, information on self-exclusion schemes, problem gambling materials etc.
- The use of loyalty or account cards
- Procedures for handling customer complaints and disputes
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gambling trends / increases in betting over the counter and/or on gaming machines or bingo machines, as relevant to the type of premises (these may mirror days for financial payments such as pay days or benefit payments)

The control measures put in place by the licensee to mitigate the identified risks associated with the gambling operation will be dependent on the type of gambling activities provided, how the licence holder company operates and the size of the organisation.

### **8.2.3. Premises Design Risks**

The design and layout of the premises is a key consideration as it could have a significant impact on the risk to the licensing objectives. The design, both internal and external should be considered and specific risks identified and noted.

The overall premises design is likely to reflect the type of gambling premises and gambling products and facilities offered, as well as the licensee's gambling operation. It may also be affected by other facilities offered at the premises, for example the business model of some AGC operators is to have a tanning booth business located inside the premises and as North East Lincolnshire is a seaside resort there are a number of AGC's located within FEC's and many of the FEC's will have also adjoining cafes and/or gift shops. This will give rise to additional considerations in terms of access and monitoring.

The interior and exterior design risks and factors for consideration are discussed in more detail in the following two sections.

#### **8.2.4. Interior Design Risks**

The internal design and layout of the premises will reflect the type of gambling premises and gambling products and facilities offered, as well as the licensee's gambling operation. The design of some types of gambling premises will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as restrictions on the location of ATM's.

As with the overall premises design, poorly conceived design may create significant risk to one or more of the licensing objectives, whereas well-conceived design may significantly reduce the risk to the licensing objectives. It is therefore important that the licensee gives sufficient consideration to interior design and how it interrelates with the local area risks already identified to ensure the design doesn't add to those risks.

Examples of factors that should be given consideration include the following:

- The size, shape and general layout of the premises.
- Location of ATM's within the premises (including restrictions due to the mandatory condition on the gambling premises licence).
- Location of gaming machines and gambling products.
- Location of any supporting pillars, walls or other features which may fully or partially obstruct the view of customers entering/exiting the premises or using the gaming machines from the cashier counter.
- Location of CCTV, convex security mirrors and other monitoring devices.
- Location of any other fixed / large furniture and fittings such as customer tables and chairs, drinks counters, storage/display units etc which might pose potential risks ie restricting vision or access.
- Distance from the cashiers counter to the front door and the ease/speed at which a member of staff could challenge customers who appear to be underage, under the influence or drink and/or drugs, self-excluded or should otherwise have their entry to the premises challenged.
- Location of customer toilets and ability of staff to monitor customers using these facilities to guard against drink/drug taking or criminal damage.
- Access to other facilities offered within or adjoining the premises and how that access is monitored.

#### **8.2.5. Exterior Design Risks**

The exterior of the premises acts as a major advertisement for the business, however as with the overall premises design, poorly conceived design may create significant risk to one or more of the licensing objectives, whereas well-conceived design may significantly reduce the risk to the licensing objectives. It is therefore important that the licensee gives sufficient consideration to exterior design and how it interrelates with the local area risks already identified to ensure the design doesn't add to those risks.

Examples of factors that should be given consideration include the following:

- The size/expanse of frontage to the premises (larger areas may be more difficult to monitor / control)
- The materials used in construction of the frontage, and how they may mitigate or give rise to additional risks:
  - Do the materials used allow staff to see out of and monitor the premises and/or do they allow underage customers to be enticed by the gambling being offered
  - Are the materials used appropriate when considering factors such as whether the premises is located in an area prone to criminal damage ie consider avoiding the use of large expanses of glass and/or installing shutters.
- How much of the exterior is visible from the interior and is there sufficient CCTV coverage in place covering any less visible areas.
- The design of the entrance including whether its location makes it visible from the interior/cashier counter and whether it is sufficiently covered by CCTV so that customers entering the premises can be easily monitored and potential offenders can be identified.
- Whether the design creates a canopy or sheltered area which may encourage people to congregate or shelter from the weather. Consideration should be given as to the of people this is likely to affect, for example:
  - Children and young people who may then potentially be exposed to gambling
  - Individuals/groups who may potentially engage in undesirable activities such as criminal damage
  - Customers who may attempt to leave a baby in a pram or even a child outside while they gamble inside the premises

It is important to note that some factors may present both a potential risk to the licensing objectives and a mitigation to other identified risks, for example a large expanse of glass frontage may enable children to see into the premises and be exposed to gambling taking place, however it may also enable staff to better see out of and monitor the premises. Control measures should therefore be tailored to address local risks.

#### **8.2.6. 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 below three categories of control measures.

- i. Systems
- ii. Design
- iii. Physical

Depending on the nature of the risks identified, control measures identified to mitigate a perceived risk may involve a combination of two or all three of the above measures. Consideration should be given to how an individual or set of control measures has the potential to help mitigate a number of identified risks, for example external CCTV cameras might reduce the risk of criminal damage to the frontage of the premises as well as reduce the risk of children entering the premises unnoticed.

In addition, measures put in place to mitigate one identified risk may potentially give risk to another risk, such as the example given in 2.4.5 above where large expanse of glass frontage could help staff see out of and monitor the premises but could also enable children to see into the premises and be exposed to gambling. It is therefore important to consider how different control measures might be used in conjunction with each other to both mitigate identified risks and avoid giving rise to additional risks.

**i. Systems**

These are measures put into place through policies and procedures and may be systems that apply to all of the licensee's premises or may be systems specifically developed for a particular premises to mitigate a specific, local risk.

**ii. Design**

These are measures built into the design of the premises, including the location of gambling facilities, design and location of cashier counter within the premises and the exterior design of the premises.

**iii. Physical**

These are measure relating to specific physical measures put into place to address an identified risk, including alarms or panic buttons, CCTV, convex/security mirrors, magnetic doors locks, window shutters, time delay locks on safes, UV lights in toilets, infra-red beams across entrances etc.

Once the risk assessment has been completed, the control measures required to mitigate the risks identified should 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.

### **8.2.7. Licence Conditions**

As set out in the LCCP and detailed above under section 1.4, applications for new premises licences and for variations to existing licenced will require submission of a local risk assessment. The control measures specified in these risk assessment may be incorporates into the new or varied premises licences through the proposition of appropriate conditions. Although this Licensing Authority has not produced a pool of conditions, licensees should have regard to the Gambling Statement of Licensing Principles published by the Licensing Authority in formulating conditions which seek

to reinforce control measures implemented to mitigate risks to the licensing objectives identified in their local risk assessments.

## **9. Format and Structure**

- 9.1.** Local area risk assessments should be structured in a manner that offers sufficient assurance that the premises has suitable controls and procedures in place. These controls should reflect the level of risk within the particular area, which will be determined by local circumstances.
- 9.2.** This Authority has made the decision not to impose a prescribed template for risk assessments as it appreciates that many operators may have developed their own in-house templates for use across all their licenced premises to ensure consistency or will have premises in other Local Authority Areas which may impose a requirement to use their own template.
- 9.3.** Members of BACTA may wish to use the template which has been developed and provided by BACTA.
- 9.4.** When providing copies of risk assessments (as per the requirements set out in s.1.6 above) this Authority is happy to accept risk assessments in any Microsoft Office document format. We are also happy to accept hard copies, though would prefer to receive risk assessments in electronic form, where possible.
- 9.5.** Copies of risk assessments kept on site (as per the requirements set out in s.1.6 above) should be in such a format as to be immediately accessible by any member of staff on duty at the time of a licensing visit or inspection to allow for the risk assessment to be produced for inspection by the licensing officer on reasonable request.

## PART 2 – Local Area Profile

### 1. Profile for North East Lincolnshire

- 1.1. North East Lincolnshire is a small unitary authority covering an area of 192 square kilometres. The majority of the resident population live in the towns of Grimsby and Cleethorpes with the remainder living in the smaller town of Immingham, or in surrounding rural villages.

Although the majority of the area is classified as urban North East Lincolnshire has a wide variety of parks and open spaces. On the northern border, the Humber estuary has been designated as a '*Site of Special Scientific Interest*' and to the south, the Lincolnshire Wolds are recognised as an '*Area of Outstanding Natural Beauty*'.

North East Lincolnshire consists of 15 electoral wards, the boundaries of which were allocated in 2003.

- 1.2. 2 maps giving the geographical locations of a number of key relevant types of businesses in the area that applicants should have regard to when preparing their Local Area Risk Assessments have been created:

- [Map 1](#)
- [Map 2](#)

- 1.3. Areas of overall deprivation and locations of National Lottery terminals can be found on Word documents on the following webpage:  
<https://www.nelincs.gov.uk/licensing/gambling-and-gaming-machines/gambling-act-2005-statement-licensing-policy/>

- 1.4. Additional data and information on North East Lincolnshire including a brief overview of the key statistics of each Ward, including ward boundary, geography, population by gender and age band, comparison of age by gender profiles, ethnicity and country of birth, multiple deprivation, economic activity, health and education and skills. can be obtained from the North East Lincolnshire Data Observatory website, which can be accessed here:  
<http://www.nelincsdata.net/>

### 2. References and Links

- 2.1. Further information about Local Area Profiles and Local Risk Assessments can be found on the Gambling Commission's website here:  
[http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-6-Licensing-authority-policy-statement.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_6](http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-6-Licensing-authority-policy-statement.aspx#DynamicJumpMenuManager_1_Anchor_6)
- 2.2. A copy of the LCCP Licence conditions and codes of practice can be found here:  
<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice-sector-extracts.aspx>