

licensing authority bulletin

Statements of Policy 2019 - 2022

Happy New Year and welcome to a special edition of the Gambling Commission's monthly LA bulletin which this month focuses on licensing authority Statements of Policy. This edition highlights the wide range of existing materials that are available to help you in developing your revised Statement for gambling over the coming year.

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Importance of Statements

The Gambling Act 2005 (the Act) sets out at s.153 four things that LAs must have regard to in making their decisions regarding licensing, compliance and enforcement. One of these is your own Statement of Policy. It is the locally specific tool that is available to ensure that operators, responsible authorities and citizens know how you intend to regulate gambling. Furthermore, it can be used in support of any regulatory action, in the event that an operator is not compliant with the Statement.



Timing of publication

The revised Statement must be published at least four weeks before it comes into effect (by 3 January 2019). It comes into force on 31 January 2019. This is irrespective of whether you have made any amendments in the period since 31 January 2016.

You may have your own protocols concerning the length of the consultation period, however a period of 12 weeks is not mandatory and, if you have made changes since 2016, a shorter consultation may be appropriate – see [Cabinet Office consultation principles guidance](#).

We have produced a [quick guide on Statements](#) for Councillors and the Local Government Association (LGA) also has a Guide for Councillors on the LGA Knowledge Hub.

Joint working

A number of LAs have decided to work together to review their Statements and, of course, have a section which is specific to themselves. Not only can this save time and resource but it can improve the quality of the Statement. It means that by working together a group of authorities may feel less exposed in the event of a legal or other challenge to their position. It can also offer consistency to operators who have premises in neighbouring LAs. If you are choosing this option please contact us at the earliest opportunity for an informal discussion, rather than leaving it to the formal consultation stage.

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Even if your LA is one which operates a shared service agreement with others, each LA within that structure will need to produce their own Statement.

We will be monitoring the progress of all LAs in producing an updated Statement within the set timescales.

What effect if any, does an interim review of policy statement have on the requirement to prepare and publish a statement of policy every three years? Section 349(1) and (2) are specifically worded as to be independent of each other. LAs are under an obligation to prepare the statement of principles and publish the statement every three years and separately from this, LAs are also under an obligation to review the statement 'from time to time' and, if felt necessary, make any changes. Furthermore the explanatory notes for the Act states that 'The policy will have effect for three years, but the authority may review and alter the policy during that period'.

Suggestions for format of the consultation

[The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) / \(Scotland\) Regulations 2006](#) set out the requirements for the form and publication of Statements and [Part 6 of the Guidance to Licensing Authorities \(GLA\)](#) provides further details.

- We suggest that the published consultation is in 'track changes'. This makes it easier for everyone to see what is being consulted on and it is also something the industry have asked for.
- Given [DCMS proposed changes to gaming machine stakes and prizes](#) we suggest that you include a footnote on any stakes and prizes tables in your Statement, indicating that these may change. Alternatively you may wish to just signpost the [stakes and prize information on our website](#).
- If you have, or intend to have a local area profile we suggest you keep this as a separate document which is referenced in the Statement, so that the profile can be reviewed and updated from time to time.

Further it is not the subject of a consultation as it is simply a matter of evidence. LAs that have a standalone profile should write to their operators as/when it is changed.

Extract from the GLA

6.63 Where the policy statement is reviewed and changes proposed, licensing authorities must consult on any revision.

6.64 Authorities should note that where a statement is revised, it is only the revision that needs to be published and consulted on. So, for example, an authority may consult separately on whether to pass a casino resolution and then subsequently publish the resolution as part of the statement. This can be done without any need to review and reopen consultation on the main body of the statement. The same would apply if the licensing authority was updating its local area profile to take account of changing local risks. Any revisions must be published and advertised in the same way as a new statement (see section 6.67 of the GLA for advertisement and publication details).

Local risk assessments (LRAs)

You will be aware that our *Licence conditions and codes of practice* (LCCP) formalise the need for operators to consider [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 undertaking their risk assessments, they must take into account relevant matters identified in the LA's Statement. In order for this to work properly your Statement must set out your expectations on operators.

Only about half of LAs (c170) include direction on LRAs in their current Statements. This is an opportunity for LAs to improve on that position, particularly as operators are acutely aware where one LA has provided information and the neighbouring LA has not.

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Operators sometimes even write in their LRA “I looked at the LA’s Statement and it was silent on risk assessments”. If you are silent then you have lost one local power of redress.

You do not need a local area profile to set your LRA expectations. Many LAs have just set out some broad principles they expect operators to take into consideration when completing their LRAs. These are just a few examples:

The council ([City of York](#)) will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather
- the demographics of the area in relation to vulnerable groups
- whether the premises is in an area subject to high levels of crime and/or disorder
- local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.”

[West Dunbartonshire](#) states “Where appropriate the Board would expect that local risk assessments take into account the vicinity of licensed premises to schools, gambling or addiction support or treatment centres where children or vulnerable groups may be present”.

Extract from London Borough of Lewisham in relation to LRAs and children/young people. Examples of what may be considered within the risk assessment are as follows:

- Assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- Proximity of machines to the entrance door
- Age verification policies including ‘Think 21’ and ‘Think 25’.
- Consideration of line of sight from the counter to gambling machines.
- Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities which is not currently the case.

- Providing the licensing authority with details of where a child or young person repeatedly attempts to gamble on their premises, this may provide the Licensing authority with an opportunity to consider safeguarding concerns. The Crime, Enforcement and Regulation Service continue to raise awareness in cooperation with the Metropolitan Police of child sexual exploitation via Operation Makesafe amongst the business community, to date efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises, nonetheless, extending such an approach to operators where there is a specific issue in relation to child safeguarding would be considered.
- Where the licensing authority receives intelligence in relation to failed ‘Think 21’ test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk.

The [City of Cardiff](#) would recommend that the following matters are considered by operators when making their risk assessment, and they have taken action in the form of conditions where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:

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

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The licensing authority would recommend that the following matters are considered by operators when making their risk assessment:

Matters relating to children and young persons, including:

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate etc.

Other issues that may be considered could include:

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

Where should the LRA be kept?

LAs are strongly encouraged to stipulate in their Statement that LRAs are kept on the individual premises and are available for inspection.

The LRA must be submitted to the LA with any new or variation application, otherwise the application has not been properly served. The LCCP also states that a LRA must also be submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again.

Local area profiles - maps

The LRA process can be assisted by producing a local area profile. This can include signposting to existing information held by the Council for example deprivation statistics and population and household data or just the ward data reports. Your local police will have data about local crime hot spots and [GambleAware](#) holds data about who is accessing frontline gambling support services and they are willing to provide some data to LAs without breaching any data protection laws. The data will not reflect the extent of problem gambling in your area, but rather simply those who have had contact with GambleAware.



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Many authorities have produced a map, or a series of maps showing some or all of the following types of premises:

- local education facilities
- addiction centres
- drug/alcohol/gambling treatment centres
- community centres
- vulnerable groups
- gambling premises
- crime hot spots
- ethnic groups
- supported accommodation/hostels
- doctors' surgeries
- places of worship*
- areas of multiple deprivation
- anti-social behaviour figures
- play areas
- those seeking job seekers allowance

*Religious premises and places of worship are often focal points for a percentage of vulnerable members of the local community, including the homeless community and youth population, hence they are included by some LAs, rather than for any moral or ethical reasons.

Some examples include:

[Coventry City Council](#) has produced a standalone detailed map identifying the location of educational facilities, community centres and vulnerable groups, along with guidance about how to complete the local risk assessment. The council also sets out some examples of what it regards as “significant changes in local circumstances”, which would trigger a review of the LRA. These include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (eg. additional homeless hostels or gambling or mental health care/ support facilities are opened in the local area).

[The London Borough of Wandsworth](#) has a simple map (page 25) showing the location of gambling premises, gambling addiction centres, supported accommodation, educational facilities and has also produced headline [ward profiles](#) including age, unemployment, deprivation, crime and health information.

[South Somerset Council](#) provides a series of detailed maps for each of its wards showing gambling premises, educational facilities, play areas, places of worship and areas of multiple deprivation (page 42 of its Statement).

[Leeds City Council](#) has produced a series of interactive maps.

More detailed area profiles

Some LAs have produced more detailed profiles. You will be familiar with the Geofutures work with [Manchester](#) and [Westminster](#) councils. The City of Westminster also produced guidance to operators on [completing local risk assessments](#) and an associated risk assessment template, and the council has given permission to a number of other councils to adopt/adapt this guidance.

[Warrington Borough Council](#) has produced a detailed spatial analysis report for their local area profile, using the Geofutures research as a reference point. [Shropshire Council](#) has produced a detailed report looking at the location of vulnerable groups, deprivation, crime etc in its area (pages 96-110 of its Statement).

[Brighton and Hove Council](#) has developed, in conjunction with its Public Health Intelligence team, ward data for a range of vulnerable groups and also city maps showing the location of sites including schools, parks, Drug and Alcohol Treatment Centres, alcohol both on and off sales and gambling premises. There is also further information and guidance in their Statement (pages 17 -19).

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[London Borough of Barking and Dagenham](#) has prepared an analysis of gambling related harm as their area profile, using relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour. The local area profile uses special analysis techniques to provide a model of area based vulnerability to gambling related harm across the borough. Further information is provided to operators in their Statement (pages 15-19).

Engaging with responsible authorities

Safeguarding

The protection of the young and vulnerable is one of the objectives of the Act. The Act (s157) specifies one of the responsible authorities as being an agency which can advise on 'the protection of children from harm'. In most cases this means the Safeguarding Board for young people. In terms of vulnerable people the Adult Safeguarding Board is an obvious source of advice and input. Early engagement with both these agencies can strengthen the Statement and make more meaningful the role it can play in providing protection for both groups.

For example, Brighton & Hove signposts applicants to the Council's Professional Standards, Safeguarding and Quality Monitoring Team document entitled "[Sussex Safeguarding Adults Policy and Procedures](#)" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group.

[The Royal Borough of Kensington & Chelsea](#) expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

The efficiency of such policies and procedures will be considered on their merits, however,

they may include appropriate measures/training for staff as regards suspected truanting 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.

This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Such measures may include, but would not be limited to, the following:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Specific opening hours
- Self-barring schemes
- Notices/signage
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Public Health

There is a very clear relationship between the concerns of Safeguarding Boards and those of Public Health and, given the range of co-morbidities between gambling harm and other addictions, public health are well placed to offer expert advice to inform the Statement, (even though they are not named as responsible authorities under the Act).

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Knowsley Council already cites in its Statement “The LA will consult Director of Public Health on all premises licences applications”. The Live Well/ Health section of [Cheshire East's website](#) signposts support for those with gambling problems and addiction. Both [GambleAware](#) and [GamCare](#) can assist your public health teams.

We will be soon be writing jointly with the LGA/ Welsh LGA to Directors of Public Health about the opportunity to engage in the forthcoming Statement consultations.

Police

We have [written to police licensing officers](#) to encourage them to contribute to the consultations, particularly with any data on crime or vulnerable people, to inform risk assessment expectations and area profiles.

Other topics to revisit in your statement

The Statement review presents an opportunity to add or refresh expectations about other topics including:

Pubs/Clubs

We are aware that a number of LAs have concerns regarding pubs and the number of machine permits they seek to obtain. The Statement review is an ideal opportunity to make clear your expectations of alcohol licensed premises and their adherence to the:

- [Code of Practice for gaming machines in alcohol licensed premises](#)
- [Code of Practice for equal chance gaming in alcohol licensed premises.](#)

See [GLA Parts 25 and 26](#) for further details of the requirements on pub and club operators.

Plans

You may want to use the review as an opportunity to specify the detail and supporting information you expect to see on [premises plans](#) - this will save a great deal of time and effort (for both parties).

Direct access

Remind operators about the mandatory and default conditions in relation to access between gambling premises. Take the opportunity to review your stance on “barriers” between premises ([see GLA Part 7](#)).

Enforcement

What does your policy say about the council's approach to enforcement? Your role doesn't stop once you have issued the licence or permit. In England and Wales you must set your fees to reflect the level of compliance work undertaken. See the [October 2017 special bulletin](#) on LA inspection activity.



Join our LinkedIn group

Our [licensing officers and LAs group](#) is aimed at helping licensing officers understand the key role LAs play in gambling regulation in Great Britain.

You can share good practice and find out how LAs have a number of regulatory functions including issuing premises licences, regulating gaming and gaming machines in clubs and pubs, inspection and enforcement of licences and lots more.

You can also follow [the LinkedIn Gambling Commission company page](#).

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www.gamblingcommission.gov.uk