

D R A F T
Wiltshire Council

Gambling Act 2005

Statement of Principles

2015 – 2018

**Appendix A – Local Risk
Assessment**

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1.0 Introduction

As of the 6th April 2016 it will be a requirement for all Gambling Operators to have a completed local risk assessment for each of their Gambling Premises. Under the Gambling Commission's Social Responsibility Code they will need to take into consideration the likely harm their premises could have to the local community in their local area, and consider that in relation to the Licensing Objectives. There is an expectation that policies and procedures are put in place at the gambling premises to diminish the risks identified in the assessment.

Premises that require a local risk assessment are; Adult Gaming Centres / Family Entertainment Centres / Non-remote Betting (Betting Shops) / Non-remote Bingo / Non-remote Casinos / Remote Betting Intermediary (trading room only).

2.0 Risk Assessment Triggers

During the lifetime of gambling premises there may be times when the risk assessment needs to be reviewed and amended following the initial risk assessment. As required from 6th April 2016 the Gambling Operators' responsibility to conduct this review at regular intervals or following certain prompts, such as; a variation of a premises licence, when a significant change has occurred in the local area, when the licensee has made a significant change to the premises that would impact the risk the premises could pose or that may vary the management of those risks. A significant change could be a temporary change however despite the temporary nature of the change the risk assessment would need to be amended accordingly. The Licensing Authority may also request a review of a risk assessment if it is felt necessary.

The Licensing Authority will not request an up to date risk assessment each time it is reviewed by the Operator, unless it forms part of the variation application, however it would be considered best practice by the Licensing Authority if an Operator shared their risk assessment if asked.

The risk assessment provided by the Gambling Operator should clearly state the present areas of concern at the premises and the measures introduced to counteract these. If completed diligently and comprehensively, this would assist both the premises and Local Authority by reducing the concerns that the Local Authority may have regarding a premises, and therefore reduce the potential times that a premises needs to be considered for review or requires conditions imposed upon it.

2.1 New premises

When a new premises licence application is submitted to the Licensing Authority, under section 159 of the Gambling Act 2005, the applicant must conduct a local risk assessment for the premises. It is expected that this is provided with the application upon submission. It must take into consideration how the applicants are intending to operate their business at the premises within the local area.

2.2 Variation of the premises licence

In order to modify authorised activities, amend the conditions of the licence, or change some other detail, Licence Holders may apply to Wiltshire Council Licensing Authority under section 187 of the Gambling Act 2005 for a variation to their licence. A licence may not be varied so that it relates to a different premise.

When a variation application is submitted to Wiltshire Council Licensing Authority an amended local risk assessment would be required to be submitted along with the application.

2.3 Significant changes in local circumstances

Changes occur in the local area regularly; these can be permanent or temporary. A review of the risk assessment would be required if there was a significant change in the local circumstances, regardless of whether it be temporary or permanent. Permanent changes would have more of a significant impact to the area compared to a temporary change.

Wiltshire Council Licensing Authority would consider the following to be significant changes in local circumstances (this list is not exhaustive):

- Any building developments or conversions in the local area that would change the number of people visiting the area and the makeup of those people.
- Any new housing developments being built in the area, consideration may wish to be taken as to whether any social housing or help to buy schemes are in the development.
- Any increase or decrease in Military accommodation, facilities or training centres in the area.
- Any educational facilities in the area or the building of new facilities whether it be a significant extension or conversion of a current school/college etc. or a new build.
- Any changes to the local provisions of public transport;
 - Change in location of bus stops;
 - Changes to timings of buses or train services for example services going later into the evening;
 - Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
- Any changes to the location of taxi ranks in the area.
- Road diversions which involve the re direction of traffic.
- Other gambling premises in the area or new gambling premises seeking permission to open in an area.
- Any current pawn brokers or pay day loan businesses in the area or the opening of a new facility.
- Any facilities for vulnerable groups or the development of facilities for vulnerable groups in close proximity to a gambling premises i.e. mental health care/support facilities, specialist hospitals, addiction facilities, homeless hostels/care/support facilities.

- If the Local Police Authority has identified a local area as being a crime hot spot.
- If the Local Police Authority has experienced an increased crime rate over a period of time in a specific local area.

It is the responsibility of the Gambling Operator to identify the changes that have occurred in their local area and make changes to their risk assessment as necessary however the Licensing Authority may provide information to Gambling Operators if it becomes aware of a significant change to the local area that it feels could have a considerable impact.

2.4 Significant changes to the premises

During the lifetime of a premise it is highly likely that cosmetic improvements will take place, it is probable that these will not have a bearing on the risk assessment. It would be up to the Gambling Operator to decide whether the changes they are undertaking in their premises would be classed as significant. If it is identified as a significant change, the local risk assessment for the premises would need to be amended to take into consideration the impact the change has had.

Wiltshire Council Licensing Authority would consider the following to be significant changes to a premise, some changes could result in the need for a variation to the premises licence (this list is not exhaustive):

- A refurbishment of a premises or building works in a premises that would result in the relocation of the facilities.
- A change to the entrances or exits of a premises;
 - Location of the entrances or exits,
 - Change in the direction the doors open,
 - Change in the way round the doors are used i.e. a swap of an entrance to become an exit or vice versa.
 - Change in the material used to make the door.
- A change to the internal policies or procedures of the Operator which could result in the need to amendments of control measures and/or staff retraining.
- A change to the levels of staff in the premises or the opening times of the premises.
- An application for a Premises Licence under the Licensing Act 2003 to increase the activities at a premises for example a licence for the sale of alcohol or adult entertainment at the premises.
- A difference in the gambling facilities that are available at a premises;
 - Increase or decrease in self service machines,
 - The use of hand held gaming devices,
 - Different category of gaming machines.
- The transfer of a licence to a different Gambling Operator, amendments to the local risk assessment will need to take into consideration the policies and procedures of the new Operator and the differences in the way the business are run.

3.0 Local Risk factors

3.1 Local area risks

There are many aspects to a local area that a Gambling Operator may regard as pertinent when completing/reviewing the risk assessment. It is essential that the Gambling Operator understand their local area and the makeup of those who frequent it, for example, it may be a predominately residential area or the area could consist of mostly offices and shops. The sphere of influence of the premises also needs to be considered when looking at the risk assessment as this could increase a local area.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Makeup of the local area surrounding the gambling premises;
 - Residential/Commercial,
 - Other Gambling Operators in the area,
 - Large scale events held in the area that could increase the number of people or vary the makeup of population for a time.
- Demographic of population;
 - Residents/Workers/Visitors,
 - Professionals/Families/Young or Ageing population,
 - Ethnicity and/or culture in specific area,
 - Socio-economic make up of the area.
- Facilities in the local area;
 - Transport and parking facilities i.e. bus stops, taxi ranks, train station,
 - Educational,
 - Community buildings,
 - Hospitals/Doctors Surgery's,
 - Mental Health Facilities,
 - Job Centres,
 - Children's Homes or Care facilities,
 - Specialised housing for vulnerable people,
 - Gambling addiction support facilities,
 - Hostels or support services for the homeless,
 - Alcohol or Drug support facilities,
 - Pawn brokers or pay day loan businesses,
 - Places of Worship,
 - Other Gambling Premises.
- The area is frequented by children or young people at varying times of day.
- Presence of rough sleepers.
- Unemployment rates for the area and within a certain age group.
- Type and rates of crime in the area that could impact the premises.
- High number of people who have self excluded themselves from other gambling premises.

3.2 Gambling operational risks

The risks associated with the gambling operation relate to the policies and procedures the business has in place for the premises. These should take into consideration legislation from the Gambling Act 2005 and guidance submitted by the Gambling Commission (Licenses Conditions and Codes of Practices). Any risks connected with the policies and procedures of a business are likely to be similar for a number of premises due to the nature of such documents; however it is important that they are considered on an individual premises basis as it can directly impact the mitigation measures that need to be put in place at that premise. The type of measures put in place could vary depending upon the size of the gambling organisation and premises.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Hours of operation for a premise, the possible impact of this in the night time economy.
- Staffing;
 - Number of staff employed at a premises at any one time,
 - Training provided to staff especially regarding vulnerable groups,
 - Lone working policy.
- The operation of the gambling business;
 - Policies and Procedures,
 - Use of account/loyalty cards,
 - Support provided to customers, any intervention programmes,
 - Security provision in place at the premises,
 - How the Gambling Operator intends to conduct its business.
- What local advertising will take place for the premise?
- What products and facilities the premises are going to provide for gambling.
- Information provided by the Operator within the premises.

3.3 Premises design risks

The design of a premise can assist greatly in the Operators' ability to manage identified local risks. Lack of planning in layout and design can actually result in an increase in risks at a premise or within the community. This could mean that the mitigation of risks associated with significant changes at a premise may not be able to be as thorough as possible. Any significant changes could result in the need for a variation of the premises licence.

3.3.1 Interior design risks

Internal layout of a premise is a very important factor when considering the risk assessment. Depending upon the type of gambling premises and facilities they offer, a simple design of the internal area can lessen a number of risks and offer the premises vital opportunities to better manage their business.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Position of internal CCTV cameras, the length of which recordings are kept.
- Use of mirrors in a premises to be able to view all areas of the premises and around obstructions, such as support pillars, machines or advertising screens.
- Positioning of gaming activities in the premises.
- The segregation of different gambling activities in the premises.
- Design of premises to allow gaming machines to be in line of sight of staff.
- Location of the staff area where money is taken for gambling activities.
- Distances between gambling facilities within a premises, i.e. gaming tables.
- Number of and locations of Cash Machines.
- The location of information displayed in the premises by the Operator.
- The location and use of marketing materials within the premises.
- Fixtures and fittings used in the premises.

3.3.2 Exterior design risks

The external area of a premise can offer the Operator valuable advertising; however this could have a negative impact to the local area or cause concerns with regards to the Licensing Objectives. The design and frontage of the premises should therefore be considered in the risk assessment.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Use of glass in the shop frontage, it may be necessary for this to be toughened glass to assist the premises in the prevention of crime.
- The use of shutters on the entrances/exits or window frontage.
- Use of external CCTV cameras covering entrances/exits.
- Use of high quality CCTV to enable identification of banned persons.
- Use of CCTV or other aids i.e. mirrors to allow staff to be able to see those entering or exiting the premises.
- Fitting screens or other materials to obscure the view from the street into the premises to prevent vulnerable persons having sight of the gambling activities.
- Use of advertising/marketing materials, the number and nature of those viewable externally to ensure appropriate content.

Mitigation of risks for design and layout of a premise could result in the need for works to be completed at the premises to make positive alterations. Depending upon the changes required a variation may need to be submitted.

4.0 Control measures

When risks are identified, control measures should be thought-out and put in place to lessen the potential impact the risk will have. The level of the risks identified will directly impact what type of control measures should be put in place; some risks may require a combination of systems, design and physical measures. Dependant on the measures put in place a Gambling Operator needs to ensure that staff are aware of those measures and are trained adequately to guarantee compliance with the conditions and control measures. Records may be kept by the Operator in relation to this as part of their due diligence defence.

4.1 Systems

When looking at systems as a control measure, reference is made to the policies and procedures established at the premises by the Gambling Operator. Some of the systems put in place will be specific to the company and therefore generic to all premises held by them, however others may be created purposely for an individual premises in order to alleviate the risks in that local area. These could include staff training, any security policies which might involve the need for a premise to have security on entrances, or whether the premises were going to have a membership scheme.

4.2 Design

Identified risks can be mitigated by being built into the design of a premises; the location of certain facilities such as gaming machines, cashier counters, positioning of cameras and general layout can have a bearing on risk. Internal and External factors can be tailored to each individual site, the same company may have a number of stores however each have a different layout and design due to the local risks.

- Internal
 - Location of gaming machines
 - Location of cashier counters
- External
 - Glass frontage to assist in staff being able to view outside
 - Reduced glass frontage to reduce advertising space

4.3 Physical

Physical measures can be used to address an identified risk factor, these could be;

- Intruder Alarm System
- Panic Alarm System
- CCTV cameras
- Mirrors
- Window and Door Shutters
- Security Doors

- Safes with time locks
- UV lights in toilets
- Lighting in all areas of premises (not to allow any dark corners)

4.4 Licence conditions

New Premises Applications and Variations of Applications will require a local risk assessment to be submitted as part of the application. Any control measures stated within the risk assessments may form part of the conditions on a gambling licence.

The Licensing Authority, according to its Statement of Gambling Principles 2015 – 2018, has stated that any conditions attached to licences will be proportionate and will be:-

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

5.0 Local Area Profile

Wiltshire Council Licensing Authority can provide a profile of the Local Area to a Gambling Operator upon written request within 28 days.

The profile will include a map of the area with key features in the immediate vicinity will be marked out, for example; housing areas, hospitals, mental health facilities, schools and higher education buildings, residential housing areas, community groups.

Any concerns that the Local Authority have in an area will be clearly stated and the level of risk each possess will be shared with the Gambling Operator. Other partner agencies and council departments will also be consulted on the profile so that they can feed in any concerns they may have in relation to a particular area.

Local Area Profiles that have been requested will be reviewed periodically by the Licensing Authority alongside partner agencies and if any changes have occurred or will be due to occur, these will be re circulated.

6.0 Undertaking a local risk assessment

The local risk assessment would need to be carried out methodically at a gambling premise to ensure that it has considered all the possible risks thoroughly. It should first consider the risks associated with the local area, and then those in relation to the gambling operation and finally those risks associated with the design of the premises both internally and externally. When the risks have been identified, appropriate control measures proportionate to the risks should be considered and implemented. Some of the control measures may already be in place as part of the policies or procedures of the business however both the risks and the control measures should be documented within the assessment. It would also be beneficial to include who would be responsible for putting into operation the control measures and recording when they have been completed.

If the Operator of the premises has requested a Local Area Profile from the Local Licensing Authority the contents of the profile should be considered within the assessment. For a premises that borders two Authorities both Local Area Profiles should be considered and documented in the assessment making reference to all risk factors stated in both profiles.

6.1 Who should undertake the assessment?

The Gambling Operator is responsible for authorising the completion of the local risk assessment. They can either complete it themselves or they can delegate the responsibility to a competent assessor. If the local risk assessment is not completed thoroughly it could result in the Operator breaching the provisions of the Licences Conditions and Codes of Practices submitted by the Gambling Commission. Whoever is tasked with the completion of the document must have an understanding of; the business and how they currently operate or intend on operating; the local area where the premises is situated and its design. Information on these topics can be sought from employees of the premises or other reliable sources.

6.2 Step 1: The local area

For the Operator to be able to correctly identify the local risk factors relating to the premises it first must understand what makes up the local area. Certain gambling premises may have a larger sphere of influence than others therefore the local area could be larger than first thought for certain premises. Within this document there is a list of factors an assessor may wish to consider when looking to identify local risks (3.0 Local Area Risks). The assessor may feel that they would benefit from requesting a Local Area Profile from the Local Authority in order to complete this part of the assessment.

6.3 Step 2: The gambling operation

For this section of the assessment, the assessor will need to look at the Gambling Operators' policies and procedures and decide whether these procedures;

- a) result in a risk at the premises based on the local area, or
- b) mitigate risk already identified in the local area and therefore could be used as a control measure.

6.4 Step 3: The design of the premises

As stated in the 3.3 (Premises Design Risks) of this document the design of a premise can assist greatly in the Operators' ability to mitigate and manage identified local risks. It is important that the assessor looks at the risks of both the internal and external design and that these are considered with reference to the local risks already recognised.

6.5 Step 4: Control measures

When all the risk factors have been acknowledged, the assessor will need to ascertain suitable and appropriate control measures to mitigate the risks identified. The four categories of control measures, systems, design, physical and licence conditions (as stated in 4.0 Control Measures) should be considered. For some risks it may be that a combination of control measures are needed to neutralise the risk identified.

6.6 Completed assessment

Once the risk assessment has been completed and the control measures documented it is important that they are then put into practise at the premises. This may involve changes to the layout or design, staff training or changes in procedures. When they have been actioned this should also be documented on the risk assessment. A copy of the risk assessment should then be kept on the premises and reviewed regularly regardless of whether one of the triggers stated in 2.0 Risk Assessment Triggers are being met.