East Dunbartonshire Council
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AGENDA ITEM NO:

EAST DUNBARTONSHIRE LICENSING BOARD **3 MARCH 2016**

REPORT NO.: CLB 16/03 **BY: CLERK OF THE LICENSING BOARD**

CONTACT OFFICER: JENNIFER BURNS

SUBJECT TITLE: GAMBLING ACT 2005 – STATEMENT OF LICENSING PRINCIPLES

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1. PURPOSE

1.1 The purpose of this report is to:-

(a) advise the Licensing Board of the outcome of the consultation process on the draft Statement of Licensing Principles under the Gambling Act 2005;

(b) seek the Board's approval of a finalised Statement of Principles;

(c) fix a date for the new Statement of Principles to come into effect;

(d) seek the Board's approval to publish the finalised Statement of Principles; and

(e) request the Board to formally designate for the purposes of the legislation a body which is competent to advise it about the protection of children from harm.

2. SUMMARY

2.1 Section 349 of the Gambling Act 2005 requires the Board to prepare and publish every three years a statement of the principles it proposes to apply in carrying out its licensing functions under the Act.

2.2 On 29 October 2015 the Board approved a draft statement of principles (Appendix C) and authorised the Clerk to consult a wide range of parties on the draft as required by section 349. This consultation was duly carried out during the period 12 November 2015 to 21 January 2016. Responses were received from four consultees, copies of which are appended to this report at appendix B. Comments regarding these responses can be found at paragraph 2.3, below. Appendix A is an amended draft version of the Statement of Principles, incorporating changes made after reviewing the responses received from consultees.

2.3 Responses were received from East Dunbartonshire Council Social Work Services, East Dunbartonshire Council Planning Service and the Scottish Fire and Rescue Service,

changes are not substantive and are included in the amended draft version of the Statement, Appendix A.

A detailed response to the consultation was received on behalf of the Association of British Bookmakers, Appendix B.

In anticipation that the Board may wish to amend the draft Statement of Principles in view of this response to the consultation, proposed changes have been incorporated into the draft Statement, Appendix A.

2.4 In terms of the Act the Board is required to appoint a date on which the Statement will come into effect and to give advance notice to this effect by publication. It is recommended that the Statement come into effect on 11 April 2016.

2.5 The process of preparing and finalising the statement of principles includes the formal designation by the Board, in terms of section 157(h) of the 2005 Act, of a body which is competent to advise the Board about the protection of children from harm. It is considered that the Council's Community Planning Partnership Group - Delivering for Children and Young People Partnership - is best placed to fulfil this role. This Partnership Group was designated under section 157(h) for the purposes of the Board's previous statement of principles and its agreement to formal designation for the period 2016-2019 has been obtained again.

2.6 The final statement of principles approved by the Board will require to be published on the Council's website and made available for public inspection at the Council Headquarters, 12 Strathkelvin Place, Kirkintilloch, G66 1TJ.

3. RECOMMENDATIONS

3.1 It is recommended that the Licensing Board:-

(a) approves the finalised statement of principles in the attached Appendix B;

(b) designates 11 April 2016 as the date on which the new Statement will come into effect.

(c) Designates the Council's Community Planning Partnership Group – Delivering for Children and Young People as being competent to advise the Board about the protection of children from harm in terms of section 157(h) of the Gambling Act 2005; and

(d) Approve publication of the Statement of Principles in accordance with paragraph 2.6 above.

KAREN DONNELLY
CLERK OF THE LICENSING BOARD

APPENDIX A

East Dunbartonshire Licensing Board

Gambling Act 2005, Section 349

Statement of Principles 2016 - 2019

Further copies of this Statement may be obtained from the undernoted address or East Dunbartonshire Council's website:-
www.eastdunbarton.gov.uk

East Dunbartonshire Licensing Board
Broomhill Industrial Estate
Kilsyth Road
Kirkintilloch
Glasgow G66 1TF

Tel No: 0141 578 8000

Any questions regarding this Statement should be sent to the above address

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SECTION A

INTRODUCTION

1.0 The Gambling Act 2005

1.1 The Gambling Act 2005 (referred to in this Statement of Principles as "the Act") regulates commercial gambling throughout the UK. The Act came into force in September 2007 and repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.

1.2 Apart from spread betting and the National Lottery, all commercial gambling is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in providing gambling facilities.

1.3 Under the Act, licensing authorities license premises where gambling takes place and regulate certain other activities such as small societies' lotteries, gaming machine permits and prize gaming permits.

2.0 East Dunbartonshire Licensing Board

2.1 East Dunbartonshire Licensing Board (referred to in this Statement of Principles as "the Board") is the licensing authority for the local government area of East Dunbartonshire for the purposes of the Act.

2.2 East Dunbartonshire is situated just north of Glasgow and covers an area of some 77 square miles. Around 105,000 people live within the area which is bounded to the north by the Campsie Hills. Local communities include Bearsden, Bishopbriggs, Kirkintilloch, Lennoxtown, Lenzie, Milngavie, Milton of Campsie, Torrance and Twechar. A map of East Dunbartonshire is provided in Appendix 1 to this Statement of Principles

3.0 Licensing Authority Functions

3.1 Licensing Authorities are required under the Act to:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;

- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;

- issue club machine permits to commercial clubs;

- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;

- receive notifications from alcohol licensed premises for the use of two or fewer gaming machines;

- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises where more than two machines are required;

- register small society lotteries below prescribed thresholds;

- issue prize gaming permits;

- receive and endorse temporary use notices;

- receive occasional use notices;

- provide information to the Gambling Commission regarding details of licences issued (see paragraphs 13.1 to13.4 below); and

- maintain registers of the permits and licences issued under these functions.

3.2 The Board will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

4.0 The Licensing Objectives

4.1 In exercising most of its functions under the Act, the Board must have regard to the licensing objectives set out in section 1 of the Act. The licensing objectives are:-

- 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; and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2 Section 153 of the Act requires the Board, in making decisions about premises licences, provisional statements and temporary use notices, to aim to permit the use of premises for gambling in so far as it thinks it is:-

- 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 Board's statement of licensing principles.

5.0 Statement of Principles

5.1 Section 349 of the Act requires licensing authorities to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years. The statement must also be reviewed from time to time with further consultation taking place on proposed amendments. The statement must then be re-published. This Statement of Principles has been published by the Board in fulfilment of the requirement under section 349.

5.2 This Statement of Principles deals with the following matters:-

- the principles to be applied by the Board when exercising the functions under section 157(h) of the Act to designate, in writing, a body which is competent to advise the Board about the protection of children from harm;
- the principles to be applied by the Board when exercising the functions under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence;
- the principles to be applied by the Board when exercising the functions under section 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act;

- the principles to be applied by the Board when exercising the functions under Part 15 of the Act with respect to the inspection of premises;

- the principles to be applied by the Board when exercising its functions under the Act with respect to premises licences; and

- the principles to be applied by the Board when exercising its functions under the Act with respect to family entertainment centre gaming machine permits, club gaming permits, club machine permits, alcohol licensed premises gaming machine permits, prize gaming permits, temporary use notices, occasional use notices and registration of small society lotteries.

5.3 Paragraph 7 of Schedule 10 to the Act states that a licensing authority may prepare a statement of principles it proposes to apply in exercising its functions under that Schedule in relation to family entertainment centre gaming machine permits. The statement may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. Whilst this provision does not require the Board to prepare a statement of principles for family entertainment centre gaming machine permits, the Board has prepared such a statement and it is set out in paragraph 31.4 below.

5.4 Paragraph 8 of Schedule 14 to the Act states that a licensing authority may prepare a statement of principles it proposes to apply in exercising its functions under that Schedule in relation to prize gaming permits. The statement may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. Whilst this provision does not require the Board to prepare a statement of principles for prize gaming permits, the Board has prepared such a statement and it is set out in paragraph 34.2 below.

5.5 This Statement of Principles was approved by the Board on ******* 2016 and was published on East Dunbartonshire Council's website (www.eastdunbarton.gov.uk) on ******* 2016. It is also available in the office of East Dunbartonshire Licensing Board at Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF.

5.6 This Statement of Principles will be applied during the three year period from 11 April 2016. It will be kept under review and, if appropriate, revised during that three year period.

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5.7 All references in this Statement of Principles to "the Gambling Commission's Guidance" are references to the Gambling Commission's Guidance to Licensing Authorities published from time to time which is available at www.gamblingcommission.gov.uk .

5.8 This Statement of Principles is designed to be a strategic gambling statement, not an operational guide to the gambling legislation. It should be read in conjunction with the Act, regulations made under the Act and guidance and codes of practice issued by the Gambling Commission.

5.9 This Statement of Principles shall not override the right of any person to make an application under the Act, make representations about an application or apply for a review of a licence as each of these matters will be considered on its own merits and according to the requirements of the Act.

6.0 Consultation on the Statement of Principles

6.1 Under section 349(3) of the Act, licensing authorities, in preparing a statement of principles, require to consult the following parties:-

- the Chief Constable;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

6.2 The Board consulted widely on this Statement of Principles before it was finalised and published. The Board's consultation on the Statement took place between 12 November 2015 and 21 January 2016. A list of those persons/organisations consulted is contained in Appendix 2 to this Statement of Principles.

6.3 Responses were received from East Dunbartonshire Council Social Work Services, East Dunbartonshire Council Planning Service and the Scottish Fire and Rescue Service, highlighting minor typographical errors and addresses requiring updating. The suggested changes were not substantive.

A detailed response to the consultation was received on behalf of the Association of British Bookmakers. The response resulted in paragraph 17 of the Statement of Principles being redrafted to remove reference to the adoption of a specific policy by the Board in relation certain areas where it feels gambling premises should not be located in order to safeguard against risks to the licensing objectives. Paragraph 17 now details that the Board may look closely at whether or not the operation of a particular

premises in a particular location would be consistent with the licensing objectives, each case being decided on its merits. Paragraph 20.3 is also amended to clarify that that the need for an evidential basis for the imposition of conditions on licensed premises relates to all types of conditions and not just those relating to supervision. Paragraphs 31.5 and 32.2 are amended to ensure that the non-exhaustive lists do not include factors which are unlikely to have a bearing on the licensing objectives.

7.0 Declaration

7.1 In producing the final Statement of Principles, the Board declares that it has had regard to the licensing objectives of the Act and the Gambling Commission's Guidance.

8.0 Casinos, Bingo Premises and Tracks

8.1 At present there are no casinos, bingo premises or tracks within East Dunbartonshire.

8.2 Accordingly, the provisions of this Statement of Principles relating to such facilities are provisions which will be applied to those facilities in the event of them being established in East Dunbartonshire.

SECTION B

DESIGNATION UNDER SECTION 157(H) OF THE ACT

9.0 Principles to be Applied

9.1 The Gambling Act 2005(Licensing Authority Policy Statement)(Scotland) Regulations 2006 ("the 2006 Regulations") require the Board to state the principles it will apply in exercising the functions under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Board about the protection of children from harm. These principles are:-

- the need for the body to have specialist knowledge and expertise to fulfil this role;
- the need for the body to be responsible for an area covering the whole of the Board's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular vested interest group.

9.2 Having applied the above principles, the Board considers that East Dunbartonshire Council's Community Planning Partnership Group – Delivering for Children and Young People Partnership is best able to fulfil the role of advising the Board about the protection of children from harm. It therefore designates East Dunbartonshire Council's Community Planning Partnership Group – Delivering for Children and Young People Partnership for the purposes of section 157(h) of the Act.

10.0 Responsible Authorities

10.1 The responsible authorities under the Act in relation to premises within East Dunbartonshire are:-

- the Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP;
- the Chief Constable, Police Scotland, PO Box 21184, Alloa, FK10 9DE;
- Scottish Fire and Rescue Service, Argyll and Bute, East and West Dunbartonshire Divisional HQ, 2 Kilbowie Road, Hardgate, Clydebank, G81 6QT.

- East Dunbartonshire Council, Environmental Health Service, Southbank House, Kirkintilloch, G66;

- East Dunbartonshire Council, Planning Service, Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ;

- East Dunbartonshire Council, Community Planning Partnership Group – Delivering for Children and Young People Partnership, Community Directorate, 12 Strathkelvin Place, Kirkintilloch G66 1TJ;

- HM Revenues and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ; and

- any other person prescribed in regulations by the Secretary of State

SECTION C

INTERESTED PARTIES

11.0 Definition

11.1 Interested parties can make representations about licence applications or apply for a review of an existing premises licence. These parties are defined in section 158 of the Act as follows:

".....a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)."

12.0 Principles to be Applied

12.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence. These principles are set out in paragraphs 12.2 to 12.4 below.

12.2 **Persons living sufficiently close to the premises to be likely to be affected by the authorised activities**

The Board will decide whether or not a person falls within this category on a case by case basis. Each case will be decided on its own individual merits. The Board will not apply a rigid rule to its decision making but will apply local knowledge to each decision.

In accordance with the Gambling Commission's Guidance, when determining what "sufficiently close to the premises" means in each case the Board will take the following into account:-

- the size of the premises:

- the nature of the premises;

- the distance of the premises from the location of the person making the representation;

- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and

- the circumstances of the complainant; this is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises; for example, it could be reasonable for the Board to conclude that "sufficiently close to be likely to be affected" could have a different meaning for a private resident, a residential school and a residential hostel for vulnerable adults.

12.3 **Persons having business interests that might be affected by the authorised activities**

The Board will consider the Gambling Commission's Guidance that "business interests" should be given a wide interpretation and should include, for example, partnerships, charities, faith groups and medical practices.

The Board will decide whether or not a person falls within this category on a case by case basis. Each case will be decided on its own individual merits. The Board will not apply a rigid rule to its decision making but will apply local knowledge to each decision.

In accordance with the Gambling Commission's Guidance, factors which are likely to be relevant to this decision include:-

- the size of the premises;

- the 'catchment area' of the premises (i.e. how far people travel to visit); and

- whether the person making the representation has business interests in that catchment area which might be affected.

12.4 **Persons representing those in the above categories**

The Board considers that the following democratically elected persons/bodies fall within this category:-

- East Dunbartonshire councillors representing wards likely to be affected by the authorised activities;

- an MSP representing a constituency likely to be affected by the authorised activities;

- an MP representing a constituency likely to be affected by the authorised activities;

- a Community Council for an area likely to be affected by the authorised activities.

In the above cases no specific evidence of being asked to represent an interested person will be required.

The Gambling Commission's Guidance recommends that licensing authorities include residents' and tenants' associations in this category. The Board will only regard such associations as interested parties under this category if they have a member who can be classed as an interested party under section 158 of the Act, i.e. they live sufficiently close to the premises to be likely to be affected by the authorised activities. The association will require to advise the Board that it has a member whom it considers lives sufficiently close to the premises to be likely to be affected by the authorised activities. The Board will decide whether such member does live sufficiently close to the premises to be likely to be affected by the authorised activities in accordance with the principles set out in paragraph 12.2 above. No specific evidence of being asked to represent an interested person will be required from residents' and tenants' associations.

The Gambling Commission's Guidance also recommends that licensing authorities include trade associations and trade unions in this category. The Board will only regard such bodies as interested parties under this category if they have a member who can be classed as an interested party under section 158 of the Act, i.e. they have business interests that might be affected by the authorised activities. The trade association or trade union will require to advise the Board that it has a member whom it considers has business interests that might be affected by the authorised activities. The Board will decide whether such member does have business interests that might be affected by the authorised activities in accordance with the principles set out in paragraph 12.3 above. No specific evidence of being asked to represent an interested person will be required from a trade association or trade union.

In all cases other than those referred to above, the Board will require written evidence that a person/body (e.g. advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. A letter from one of these persons

requesting the representation will suffice. In such cases the Board will:-

- decide whether the person being represented lives sufficiently close to the premises to be likely to be affected by the authorised activities in accordance with the principles set out in paragraph 12.2 above; or

- decide whether the person being represented has business interests that might be affected by the authorised activities in accordance with the principles set out in paragraph 12.3 above.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors approached are not members of the Board. If there are any doubts in this regard then please contact the Licensing Team, East Dunbartonshire Licensing Board, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF - Tel. 0141 578 8000.

SECTION D

EXCHANGE OF INFORMATION

13.0 Principles to be Applied

13.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under section 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. These principles are set out in paragraphs 13.2 to 13.4 below.

13.2 In its exchange of information the Board will act in accordance with the provisions of the Act, any relevant regulations issued under the Act, the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 and the Gambling Commission's Guidance.

13.3 Should any protocols be established as regards information exchange with other bodies, these will be made publicly available.

13.4 Contact details of parties making representations and details of their representations will be made available to applicants for a licence/permit. Should a hearing on an application take place, the representations will form part of a public document. Any party who makes representations or applies for a review of a premises licence will be informed that these details will be disclosed to the applicant/licensee.

SECTION E

INSPECTION OF PREMISES

14.0 Principles to be Applied

14.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises. These principles are set out in paragraphs 14.2 to 14.7 below.

14.2 In exercising its functions under Part 15 of the Act with respect to the inspection of premises the Board will be guided by the Gambling Commission's Guidance and will endeavour to be:-

- proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed and costs identified and minimised;
- accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem and minimise side effects.

14.3 In terms of the Gambling Commission's Guidance, the Board will endeavour to avoid duplication with other regulatory regimes so far as possible.

14.4 The Board will also, as recommended by the Gambling Commission's Guidance, adopt a risk-based inspection programme for premises. This will involve targeting high risk premises which require greater attention whilst operating a lighter touch in respect of low risk premises so that resources are more effectively concentrated on problem premises. Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed. Those premises considered to pose the greatest risk will be subject to more frequent inspections than those posing a lower risk

14.5 The main enforcement and compliance role for the Board in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences.

14.6 The Board recognises that certain bookmakers have a number of premises within East Dunbartonshire. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to provide the Board with a single named point of contact and contact details, who should be a senior individual and whom the Board will contact first should any compliance queries or issues arise.

14.7 Any Board enforcement/compliance protocols/written agreements and risk methodology will be available in due course upon request from the Licensing Team, East Dunbartonshire Licensing Board, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF - Tel. 0141 578 8000.

SECTION F

PREMISES LICENCES

15.0 Introduction

15.1 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and also attach other conditions where it is believed to be appropriate.

15.2 Under section 153(1) of the Act, the Board, in making decisions about premises licences, must aim to permit the use of premises for gambling in so far as it thinks it is:

- 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 Board's statement of licensing principles.

15.3 In terms of the Gambling Commission's Guidance, moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. A licensing authority's decision on an application cannot be based on a dislike of gambling or a general view that it is undesirable to allow gambling premises in an area (except as regards any 'no casino resolution' - see paragraphs 24.1 to 24.4 below). Objections to premises licence applications and requests for review of premises licences should be based on the licensing objectives.

15.4 Section 153(2) of the Act states that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the proposed facilities.

16.0 Definition of "premises"

16.1 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Board will therefore assess each case on its individual merits to decide whether, as a matter of fact, different parts of a building can properly be regarded as separate premises. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. In accordance with the Gambling Commission's Guidance, factors which will assist the Board in making its decision may include:-

- whether a separate registration for business rates is in place for the premises;
- whether the premises' neighbouring premises are owned by the same person or someone else;
- whether each of the premises can be accessed from the street or a public passageway;
- whether the premises can be accessed from other gambling premises.

16.2 The Board takes particular note of the Gambling Commission's Guidance which states that:

Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed from gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that

the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

17.0 Location of Premises

17.1 As stated in paragraph 15.4 above, demand issues cannot be considered with regard to the location of premises. However, issues in terms of the licensing objectives can be considered and in this regard the Board will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. There may be certain areas where the Board will look closely at whether or not the operation of a particular premises in a particular location would be consistent with the licensing objectives, each case being determined on its own merits.

18.0 Duplication with other Regulatory Regimes

18.1 The Board will seek to avoid any duplication with other statutory/regulatory systems where possible, including the planning regime. Under section 210 of the Act, when considering a licence application the Board shall not have regard to whether the premises are likely to be awarded planning permission or building regulations approval. It will, though, listen to and consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

19.0 Licensing Objectives

19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Board has considered the Gambling Commission's Guidance and some comments are made in paragraphs 19.2 to 19.4 below.

19.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

The Board is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities

should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Board will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as those requiring the provision of door supervisors. The Board recognises the Gambling Commission's distinction between disorder and nuisance, disorder meaning activity which is more serious and disruptive than mere nuisance. The Board will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it so as to make that distinction. Issues of nuisance generally cannot be addressed via the Act's provisions as preventing nuisance is not a licensing objective.

In considering licence applications, the Board will particularly take into account the following:-

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises, which may include matters such as the position of cash registers or the standard of CCTV installed;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks; and
- the likelihood of any violence, or public order or policing problems if the licence is granted.

19.3 **Ensuring that gambling is conducted in a fair and open way**

The Board has noted the statement in the Gambling Commission's Guidance that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Commission. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail in paragraphs 27.1 to 27.4 below.

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

The Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling and restricting advertising so that gambling products are not aimed at children or advertised in such

a way that makes them particularly attractive to children. The Board will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

The Board will also make itself aware of the codes of practice issued by the Gambling Commission under section 24 of the Act in respect of this licensing objective.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition of the term but states in its Guidance that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability, or substance misuse relating to alcohol or drugs."

The Board will consider this licensing objective on a case by case basis.

20.0 Conditions

20.1 The Board is aware that mandatory and default conditions have been set which are necessary to ensure the general good conduct of gambling premises. These conditions make it less likely that the Board will require to impose individual conditions on premises licences. If the Board is minded to impose individual conditions on a premises licence, then In accordance with the Gambling Commission's Guidance the conditions imposed will be proportionate to the circumstances they are seeking to address 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.

20.2 Decisions on individual conditions will be made on a case by case basis, although there will be a number of measures the Board will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. Specific comments are made in this regard in some of the provisions relating to specific types of premises in paragraphs 22.0 to 27.0 below. The Board

will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

20.3 The Board will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:-

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in non-adult gambling specific premises; and
- the display of notices regarding age restrictions.

The Board will only impose a requirement for any of the above in respect of licensed premises in circumstances where there is clear evidence that such premises cannot be adequately supervised from the counter and that any one or more of such requirements is or are both necessary and proportionate.

20.4 In terms of the Act, there are conditions which the Board cannot attach to premises licences, namely:-

- any condition which prevents compliance with an operating licence condition (section 169(4) of the Act);
- conditions relating to gaming machine categories, numbers, or method of operation (section 172(10) of the Act);
- conditions which provide that membership of a club or body is required (the Act specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being reinstated) (section 170 of the Act); and
- conditions imposing limits on stakes, fees, winnings or prizes (section 171 of the Act).

21.0 Door Supervisors

21.1 In accordance with the Gambling Commission's Guidance, the Board may consider whether there is a need for door supervisors in terms of the licensing objectives of preventing premises becoming a source of crime or disorder and protecting children and other vulnerable persons from being

harmed or exploited by gambling. The Act has amended the Private Security Industry Act 2001 so that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). At present the Board has no policy requiring door supervisors working at casinos or bingo premises to be registered with it. Should such a policy be developed in recognition of the nature of the work of door supervisors in terms of searching individuals, dealing with potentially aggressive, young and vulnerable persons, etc. it will be made available publicly.

21.2 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but, in accordance with the relevant legislation, it will need to be decided whether or not these need to be SIA licensed. It will not be automatically assumed that they need to be.

22.0 Adult Gaming Centres

22.1 The Board will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. In this regard the Board will expect the applicant for an adult gaming centre premises licence to satisfy it that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

22.2 The Board will expect such applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;

- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

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

23.0 (Licensed) Family Entertainment Centres

23.1 The Board will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. In this regard the Board will expect the applicant for a family entertainment centre premises licence to satisfy it that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

23.2 The Board will expect such applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level;
- measures/training for staff on how to deal with suspected truant school children on the premises.

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

23.3 The Board will, in terms of the Gambling Commission's Guidance, refer to the Commission's website to check any operating licence conditions covering the way in which the area containing the category C machines should be supervised.

24.0 Casinos

24.1 The Board has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should the Board decide in the future to pass such a resolution, it will update this Statement of Principles with details of that decision.

24.2 The Board is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino. In such situations the Board will run a 'competition' under Schedule 9 to the Act. The Board will run such a competition in line with any regulations/codes of practice issued under the Act.

24.3 The Gambling Commission's Guidance sets out the mandatory conditions attached to different types of casino and regard will be given to the Gambling Commission's publication 'Licence Conditions and Codes of Practice' published in December 2011 and subsequent amendments thereto.

24.4 Section 181(2) of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to a casino premises licence (where betting is permitted in the casino). In terms of the Gambling Commission's Guidance, when considering whether to impose a condition to restrict the number of betting machines in particular premises, the Board will, amongst other things, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children, young persons and vulnerable people.

25.0 Bingo Premises

25.1 The Board notes the Gambling Commission's Guidance which states that children and young persons are allowed into bingo premises but are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young persons are allowed.

25.2 The Gambling Commission's Guidance sets out the mandatory conditions attached to different types of bingo premises and regard will be given to the Gambling Commission's publication ' Licence Conditions and Codes of Practice' published in December 2011 and subsequent amendments thereto.

26.0 Betting Premises

26.1 Section 181(1) of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to a betting premises licence.

26.2 While the Board has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. The Board will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the Board may consider, when reviewing the licence, amongst other things, the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children, young persons and vulnerable people.

27.0 Tracks

27.1 The Board is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In terms of the Gambling Commission's Guidance, the Board will give special consideration to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.

27.2 The Board will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

27.3 The Board will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover

issues such as:-

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

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

27.4 To ensure that the Board gains a proper understanding of what it is being asked to license, the Board considers that applicants should include detailed plans for the track itself, the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and, in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. The Board also considers that plans should make clear what is being sought for authorisation under the track betting premises licence and what other areas, if any, are to be subject to a separate application for a different type of premises licence.

28.0 Travelling Fairs

28.1 Where category D gaming machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will be a matter for the Board to decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.2 The Board will also consider whether the applicant falls within the statutory

definition of a travelling fair.

28.3 It has been noted that the 27-day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Board will work with its neighbouring licensing authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

29.0. Provisional Statements

29.1 A provisional statement application allows a prospective provider of gambling facilities to examine the likelihood of a building which he expects to be constructed or altered, or which he expects to acquire a right to occupy being granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so it can be judged whether a development is worthwhile taking forward. An applicant can also apply for a provisional statement for premises which already hold a premises licence (either for the same or a different type of gambling). The process for considering a provisional statement application is the same as that for a premises licence application.

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

- which could not have been raised by objectors at the provisional statement stage; or

- which in the Board's opinion reflect a change in the operator's circumstances.

29.3 The Board has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning permission or building standards approval for the proposal.

30.0. Reviews

30.1 Interested parties or responsible authorities can apply to the Board for a review of a premises licence. An application for a review of a premises licence must state the grounds on which the review is sought.

30.2 It will be for the Board to decide whether or not a review will be carried out. The Board may reject an application for review of a premises licence if it thinks that the grounds on which the review is sought:-

- do not raise issues relevant to Gambling Commission codes of practice/guidance, the licensing objectives or this Statement of Principles;
- are frivolous;
- are vexatious
- will certainly not cause the Board to revoke or suspend the licence or add, remove or amend a licence condition;
- are substantially the same as the grounds specified in an earlier review application in respect of the premises licence; or
- are substantially the same as representations made in relation to the application for the premises licence.

In the last two instances stated above, the Board must consider the length of time that has elapsed since the making of the earlier review application or the representations.

30.3 The Board itself can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate.

SECTION G

LOCAL RISK ASSESSMENTS

31.0 Background

31.1 The Gambling Commission has made changes to the Licence Conditions and Codes of Practice (LCCP) which require all gambling operators with premises licenses to produce a local risk assessment. 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. (Social Responsibility (SR) Code 10.1.1) In making risk assessments, licensees must take into account relevant matters identified in the Board's statement of licensing policy. The change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

31.2 The risk based approach is intended to provide a better understanding of, and enables a proportionate response, to risk; This approach includes not only actual risks, but also potential and possible future emerging risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk to the licensing objectives.

31.3 Licensees will be required to undertake a risk assessment for all of their existing premises by 06 April 2016. Following that date, they must also review those assessments, and update as necessary, when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence (SR Code 10.1.2). Non-exhaustive lists of the types of changes that would be considered significant are detailed within this part of the statement of principles. Licensees should share their risk assessment with the Board when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

31.4 The Board considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Board has tried to assist licensees in this process by providing specific information within this Statement of Principles on its concerns surrounding gambling within the district and the impact that it considers that premises can have on the licensing objectives.

31.5 Applicants and licensees will need to consider factors such as:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors
- Whether it is a family orientated area, popular with children and young people.
- Educational facilities, community centres, hospitals or venues relating to vulnerable groups (for example gambling care/support facilities) in proximity to the gambling premises.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity of the local community.
- Significant presence of young children
- High crime/unemployment area
- Alcohol or drug support facility nearby

32.0 Significant changes in local circumstances

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

32.2 The following list sets out some examples of what the Board 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. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.

- 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

- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.

- The local area is identified as a crime hotspot by the police and/or Licensing Authority.

- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

32.3 The list above is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

33.0 Significant changes to the premises

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

33.2 The following list sets out some examples of what the Board considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises – licensees must consider whether any change that they are proposing to their premises is one that may be considered significant.

- 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.

SECTION H

PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

34.0 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

34.1 Where premises do not hold a premises licence but the operator wishes to provide gaming machines, he may apply to the Board for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

34.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.

34.3 A licensing authority cannot attach conditions to this type of permit.

34.4 The principles the Board proposes applying in exercising its functions in relation to family entertainment centre gaming machine permits are as follows. The Board 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. In accordance with the Gambling Commission's Guidance, the Board will also expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes for the gambling permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

35.0 Club Gaming Permits and Club Machine Permits

35.1 A club gaming permit authorises a members' club or a miners' welfare institute to:-

- make up to three gaming machines available for use, each of which must be of category B3A, B4, C or D;
- provide facilities for equal chance gaming subject to certain conditions; and
- provide facilities for certain prescribed games of chance subject to certain conditions.

35.2 A club machine permit authorises

- a members' club or a miners' welfare institute to make up to three gaming machines available for use, each of which must be of Category B3A, B4, C or D; or
- a commercial club make up to three gaming machines available for use, each of which must be of Category B4, C or D.

35.3 Applicants for a club gaming or club machine permit must have regard to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. They must provide sufficient measures to ensure that persons under 18 years of age do not use the adult only gaming machines. Such measures may include:-

- the machines being in close proximity to the bar or in any other area where they are capable of being adequately supervised;
- notices and signage;
- the provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

35.4 The Board cannot attach conditions to a permit.

36.0 Alcohol Licensed Premises Gaming Machine Permits

36.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. To take advantage of this entitlement, the licence holder must give notice to the Board of his intention to make

gaming machines available for use and must pay the prescribed fee. The automatic entitlement to have two gaming machines relates to premises as a whole and not to each individual bar or lounge area within premises. The Board can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. failure to provide written notice and the prescribed fee to the licensing authority or failure to comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

36.2 If the operator of alcohol licensed premises wishes to have more than two machines, he needs to apply for an alcohol licensed premises gaming machine permit.

36.3 The Board considers that the following principles will apply in the consideration of applications for alcohol licensed premises gaming machine permits. Applications will be decided on a case by case basis but generally regard will be had to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. In this connection the Board will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Measures which will satisfy the Board that there will be no such access may include the adult machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider providing information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level. Under 18 year olds may play category D machines.

36.4 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of a gaming machine.

37.0 Prize Gaming Permits

37.1 A prize gaming permit is a permit issued by a licensing authority authorising the provision of facilities for gaming with prizes on specified premises. Prize gaming is where neither the nature nor the size of a prize played for is determined by reference to:-

- the number of persons playing; or
- the amount paid for or raised by the gaming.

37.2 The principles the Board proposes applying in exercising its functions in relation to prize gaming permits are as follows:-

- the applicant should set out the types of gaming he intends offering; and
- the applicant should be able to demonstrate that:-
  - he understands the limits to stakes and prizes set out in Regulations; and
  - the gaming offered is within the law.

37.3 In making its decision on an application for this type of permit the Board does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

37.4 There are conditions in the Act with which the permit holder must comply, but the Board cannot attach conditions to this type of permit. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the game must be acquired or allocated on the premises on which the game is taking place and on one day; the game must be played and completed on the day the chances are acquired or allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

38.0 Temporary Use Notices

38.1 A temporary use notice allows the use of premises for gambling where there is no premises licence but a gambling operator wishes to use the premises temporarily for providing gambling facilities. Such a notice must specify the period during which it is to have effect and may only be granted where a relevant operating licence has been granted.

38.2 A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months. A set of premises may be the subject of more than one temporary use notice in a period of 12 months as long as the aggregate of the periods of the notices does not exceed 21 days. A set of premises is the subject of a temporary use notice if any part of the premises is the subject of a temporary use notice.

38.3 The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice which is given. In terms of the Gambling Commission's Guidance, when considering whether a place falls within the definition of "a set of premises" the Board will look at, amongst other things, the ownership/occupation and control of the premises.

39.0 Occasional Use Notices

39.1 Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

39.2 The Board has very little discretion as regards these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Board will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

40.0 Registration of Small Society Lotteries

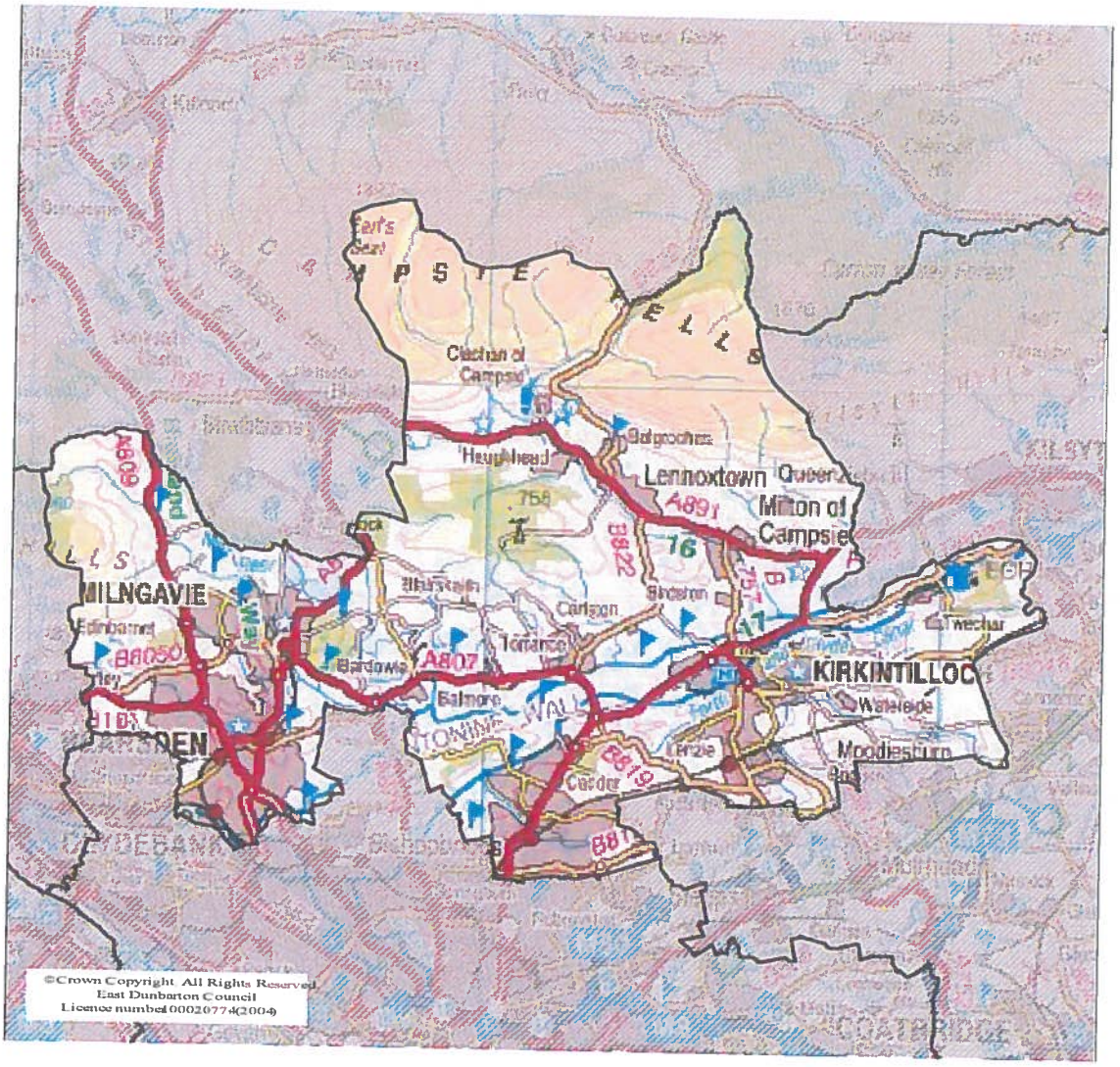
40.1 A small society lottery is a lottery promoted wholly on behalf of a non-commercial society. The society promoting a small society lottery shall, throughout the period during which the lottery is promoted, be registered with the Board in accordance with Part 5 of Schedule 11 to the Act.

40.2 The Board will comply with the Gambling Commission's Guidance in respect of small society lotteries. When considering an application for registration, the Board may request further information from the applicant regarding any matters of concern, which may include:-

- whether the application is on behalf of a bona fide non-commercial society;
- whether any persons connected with the promotion of the lottery have relevant convictions;
- clarification of the purpose of the society and the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have authority to sign and complete the required financial returns;
- evidence that an external lottery manager has an operating licence issued by the Gambling Commission.

APPENDIX 1

MAP OF EAST DUNBARTONSHIRE LOCAL AUTHORITY AREA



APPENDIX 2

LIST OF CONSULTEES

The Gambling Commission

The Chief Constable, Police Scotland

The Chief Officer, Scottish Fire and Rescue Service

East Dunbartonshire Council, Environmental Health Service

East Dunbartonshire Council, Planning Service

East Dunbartonshire Council, Social Work Service

East Dunbartonshire Community Addiction Team

East Dunbartonshire Council Community Planning Partnership Group – Delivering for Children and Young People Partnership

East Dunbartonshire Council Equality Engagement Group

HM Revenue and Customs

All Community Councils within East Dunbartonshire

East Dunbartonshire Citizen's Advice Bureau

GamCare

The Church of Scotland

Roman Catholic Church

The Methodist Church of Great Britain

The Scottish Episcopal Church

United Free Church of Scotland

The British Casino Association

The Association of British Bookmakers Ltd.

R & F Wilmot Ltd

William Hill Organization Ltd

Ladbrokes Betting and Gaming Ltd

Tote Bookmakers Ltd

Done Brothers (Cash Betting) Ltd

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

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G66 1TJ
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本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جا سکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫ਼ੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फ़ोन कीजिए।

APPENDIX B

GOSSCHALKS
SOLICITORS

East Dunbartonshire Council Licensing
Broomhill Industrial Estate
Kilsyth Road
Kirkintilloch
G66 1QF

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004 #GS549220
Your ref:
Date: 08 January 2016

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:
"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:
"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Paragraph 17 indicates that the Board may adopt a specific policy in relation to areas where gambling premises should not be located. Any such designation may be unlawful and is certainly contrary to the overriding principles of "aim to permit" contained within s153 Gambling Act 2005. We respectfully submit that this paragraph be redrafted to remove references to such a policy and indicate that there may be certain areas where the Board will look closely at whether or not the operation of a particular premises in a particular location would be consistent with the licensing objectives, each case being determined on its own merits.

The ABB welcomes the Licensing Boards approach to the imposition of conditions on premises licences and in particular, the acknowledgment that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. In addition, the ABB welcomes the acknowledgement of the need for an evidential basis where additional conditions are to be imposed upon a premises licence to supplement the mandatory and default conditions (paragraph 20.3). This paragraph suggests that the Board will only impose conditions relating to CCTV or door supervision where there is clear evidence from the history of trading at specific premises of the need for additional conditions. The statement of principles would be assisted if it could be expanded to explain that this need for an evidential basis for the imposition of conditions relates to all types of conditions and not just those relating to supervision.

Section G explains the requirement for local area risk assessments and (at paragraph 31.1) correctly identifies that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises.

Thereafter, at paragraph 31.5, there is a list of factors that the licensing board indicates applicants and licensees will need to consider. This list needs to be redrafted as it contains factors that can have no bearing whatsoever on the licensing objectives. Issues such as footfall, transport links,

parking facilities, ethnicity, the economic makeup of the local community and the proximity of pawnbrokers/payday loan businesses/other gambling premises in the vicinity can have no impact on any risk to the licensing objectives. For example, it is impossible to identify a scenario where parking facilities and transport links can have any detrimental effect on the licensing objectives.

Similarly, at paragraph 32.2, there is a list of changes in local circumstances which would trigger the need for a risk assessment. Once again, this list of factors includes matters that can have no bearing on the licensing objectives. This list needs to be redrafted.

Both of these lists of factors need to be redrafted in order that it is clear that licensees need only consider issues which may cause a risk to the licensing objectives.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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SCOTTISH
FIRE AND RESCUE SERVICE
Working together for a safer Scotland

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Perth PH1 1PL

Chief Officer Alasdair Hay

Legal Services
East Dunbartonshire Council HQ
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Kirkintilloch
G66 1QF

F.A.O. Colin Samborek

Direct Line 01389 385 153
Switchboard 01389 385 999
Fax 01389 385 110
Email Garry.marshall@firescotland.gov.uk
Our Ref
Your Ref
If phoning or calling ask for Watch Manager Garry Marshall
Date 6th January 2016

Dear Sir,

Gambling Act 2005 – Draft Statement of Licensing Principles

I refer to your letter with regard to the above subject and have to inform you that the Scottish Fire and Rescue Service have the following points to make for your consideration:

1. Page 10 the address should be altered to:

   Scottish Fire and Rescue Service, Argyll and Bute, East and West Dunbartonshire Divisional HQ, 2 Kilbowie Road, Hardgate, Clydebank, G81 6QT.

   This will ensure all relevant correspondence for the East Dunbartonshire area is received promptly to the appropriate department. However if you require to list the West Service Delivery HQ for legal reasons the address this should be altered to:

   Scottish Fire and Rescue Service, West Service Delivery Area, Westburn Drive, Cambuslang, G72 7NA.

2. Page 43 Strathclyde Fire and Rescue should be altered to the Scottish Fire and Rescue Service.

Should you require any further information, please contact the above named officer on the telephone number provided.

Yours faithfully,

pp
MR J HYMAS
LOCAL SENIOR OFFICER
ARGYLL & BUTE, EAST & WEST DUNBARTONSHIRE

Re: Fw: East Dunbartonshire Licensing Board - Gambling Act 2005 - Statement of Licensing Principles

Alison Laurence to: Colin Samborek

Cc: Thomas Glen, Niall Urquhart

History: This message has been replied to.

Colin,

Thank you for the opportunity to review the Statement. I would note that it is very clear and easy to understand.

A couple of small comments but otherwise the Planning Service is content with the Statement:

1. Just in case you haven't already spotted this but 5.6 refers to 2013
2. Paragraph 10.1 - the planning service now based at southbank house if you could amend the address?

Out of interest do you have a similar process for alcohol licensing?

Kind regards,
Alison

Alison Laurence BA (Hons) MSc MRTPI
Team Leader - Land Planning Policy | East Dunbartonshire Council | alison.laurence@eastdunbarton.gov.uk | 0141 578 8619

Fw: East Dunbartonshire Licensing Board - Gambling Act 2005 - Statement of Licensing Principles

Keith Gardner to: Colin Samborek

Cc: June Day, Gordon Currie

History: This message has been replied to.

lin

ving now read the document, I think it appropriate that under section 157H any specialist advice in relation to children should be sought form the DCYPP where appropriate.

ie more comment - at 9.2 (page 10), bullet point 6 (page 11) and Appendix 2 (page 43) it references the DCYPP but misses the last 'P' - it should read "Delivering for Children and Young People Partnershi

ou require any further info, etc. please do not hesitate to get back to me.

gards

ith

is email is classified as: OFFICIAL - SENSITIVE

ith Gardner
ting Chief Social Work Officer
ast Dunbartonshire Council

APPENDIX C

East Dunbartonshire Licensing Board

Gambling Act 2005, Section 349

Statement of Principles 2016 - 2019

Further copies of this Statement may be obtained from the undernoted address or East Dunbartonshire Council's website:-
www.eastdunbarton.gov.uk

East Dunbartonshire Licensing Board
Broomhill Industrial Estate
Kilsyth Road
Kirkintilloch
Glasgow G66 1TF

Tel No: 0141 578 8000

Any questions regarding this Statement should be sent to the above address

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SECTION A

INTRODUCTION

1.0 The Gambling Act 2005

1.1 The Gambling Act 2005 (referred to in this Statement of Principles as "the Act") regulates commercial gambling throughout the UK. The Act came into force in September 2007 and repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.

1.2 Apart from spread betting and the National Lottery, all commercial gambling is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in providing gambling facilities.

1.3 Under the Act, licensing authorities license premises where gambling takes place and regulate certain other activities such as small societies' lotteries, gaming machine permits and prize gaming permits.

2.0 East Dunbartonshire Licensing Board

2.1 East Dunbartonshire Licensing Board (referred to in this Statement of Principles as "the Board") is the licensing authority for the local government area of East Dunbartonshire for the purposes of the Act.

2.2 East Dunbartonshire is situated just north of Glasgow and covers an area of some 77 square miles. Around 105,000 people live within the area which is bounded to the north by the Campsie Hills. Local communities include Bearsden, Bishopbriggs, Kirkintilloch, Lennoxtown, Lenzie, Milngavie, Milton of Campsie, Torrance and Twechar. A map of East Dunbartonshire is provided in Appendix 1 to this Statement of Principles

3.0 Licensing Authority Functions

3.1 Licensing Authorities are required under the Act to:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;

- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;

- issue club machine permits to commercial clubs;

- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;

- receive notifications from alcohol licensed premises for the use of two or fewer gaming machines;

- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises where more than two machines are required;

- register small society lotteries below prescribed thresholds;

- issue prize gaming permits;

- receive and endorse temporary use notices;

- receive occasional use notices;

- provide information to the Gambling Commission regarding details of licences issued (see paragraphs 13.1 to13.4 below); and

- maintain registers of the permits and licences issued under these functions.

3.2 The Board will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

4.0 The Licensing Objectives

4.1 In exercising most of its functions under the Act, the Board must have regard to the licensing objectives set out in section 1 of the Act. The licensing objectives are:-

- 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; and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2 Section 153 of the Act requires the Board, in making decisions about premises licences, provisional statements and temporary use notices, to aim to permit the use of premises for gambling in so far as it thinks it is:-

- 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 Board's statement of licensing principles.

5.0 Statement of Principles

5.1 Section 349 of the Act requires licensing authorities to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years. The statement must also be reviewed from time to time with further consultation taking place on proposed amendments. The statement must then be re-published. This Statement of Principles has been published by the Board in fulfilment of the requirement under section 349.

5.2 This Statement of Principles deals with the following matters:-

- the principles to be applied by the Board when exercising the functions under section 157(h) of the Act to designate, in writing, a body which is competent to advise the Board about the protection of children from harm;

- the principles to be applied by the Board when exercising the functions under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence;

- the principles to be applied by the Board when exercising the functions under section 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act;

- the principles to be applied by the Board when exercising the functions under Part 15 of the Act with respect to the inspection of premises;

- the principles to be applied by the Board when exercising its functions under the Act with respect to premises licences; and

- the principles to be applied by the Board when exercising its functions under the Act with respect to family entertainment centre gaming machine permits, club gaming permits, club machine permits, alcohol licensed premises gaming machine permits, prize gaming permits, temporary use notices, occasional use notices and registration of small society lotteries.

5.3 Paragraph 7 of Schedule 10 to the Act states that a licensing authority may prepare a statement of principles it proposes to apply in exercising its functions under that Schedule in relation to family entertainment centre gaming machine permits. The statement may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. Whilst this provision does not require the Board to prepare a statement of principles for family entertainment centre gaming machine permits, the Board has prepared such a statement and it is set out in paragraph 31.4 below.

5.4 Paragraph 8 of Schedule 14 to the Act states that a licensing authority may prepare a statement of principles it proposes to apply in exercising its functions under that Schedule in relation to prize gaming permits. The statement may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. Whilst this provision does not require the Board to prepare a statement of principles for prize gaming permits, the Board has prepared such a statement and it is set out in paragraph 34.2 below.

5.5 This Statement of Principles was approved by the Board on ******* 2016 and was published on East Dunbartonshire Council's website (www.eastdunbarton.gov.uk) on ******* 2016. It is also available in the office of East Dunbartonshire Licensing Board at Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF.

5.6 This Statement of Principles will be applied during the three year period from 31 January 2013. It will be kept under review and, if appropriate, revised during that three year period.

5.7 All references in this Statement of Principles to "the Gambling Commission's Guidance" are references to the Gambling Commission's Guidance to Licensing Authorities published from time to time which is available at www.gamblingcommission.gov.uk .

5.8 This Statement of Principles is designed to be a strategic gambling statement, not an operational guide to the gambling legislation. It should be read in conjunction with the Act, regulations made under the Act and guidance and codes of practice issued by the Gambling Commission.

5.9 This Statement of Principles shall not override the right of any person to make an application under the Act, make representations about an application or apply for a review of a licence as each of these matters will be considered on its own merits and according to the requirements of the Act.

6.0 Consultation on the Statement of Principles

6.1 Under section 349(3) of the Act, licensing authorities, in preparing a statement of principles, require to consult the following parties:-

- the Chief Constable;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

6.2 The Board consulted widely on this Statement of Principles before it was finalised and published. The Board's consultation on the Statement took place between ******* 2015 and ******* 2016. A list of those persons/organisations consulted is contained in Appendix 2 to this Statement of Principles.

6.3 [Consultation Responses.]

7.0 Declaration

7.1 In producing the final Statement of Principles, the Board declares that it has had regard to the licensing objectives of the Act and the Gambling Commission's Guidance.

8.0 Casinos, Bingo Premises and Tracks

8.1 At present there are no casinos, bingo premises or tracks within East Dunbartonshire.

8.2 Accordingly, the provisions of this Statement of Principles relating to such facilities are provisions which will be applied to those facilities in the event of them being established in East Dunbartonshire.

SECTION B

DESIGNATION UNDER SECTION 157(H) OF THE ACT

9.0 Principles to be Applied

9.1 The Gambling Act 2005(Licensing Authority Policy Statement)(Scotland) Regulations 2006 ("the 2006 Regulations") require the Board to state the principles it will apply in exercising the functions under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Board about the protection of children from harm. These principles are:-

- the need for the body to have specialist knowledge and expertise to fulfil this role;
- the need for the body to be responsible for an area covering the whole of the Board's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular vested interest group.

9.2 Having applied the above principles, the Board considers that East Dunbartonshire Council's Community Planning Partnership Group – Delivering for Children and Young People is best able to fulfil the role of advising the Board about the protection of children from harm. It therefore designates East Dunbartonshire Council's Community Planning Partnership Group – Delivering for Children and Young People for the purposes of section 157(h) of the Act.

10.0 Responsible Authorities

10.1 The responsible authorities under the Act in relation to premises within East Dunbartonshire are:-

- the Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP;
- the Chief Constable, Police Scotland,, PO Box 21184, Alloa, FK10 9DE;
- Scottish Fire and Rescue Service, Service Delivery Area West, Bothwell Road, Hamilton ML3 0EA

- East Dunbartonshire Council, Environmental Health Service, Southbank House, Kirkintilloch, G66;

- East Dunbartonshire Council, Planning Service, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF;

- East Dunbartonshire Council, Community Planning Partnership Group – Delivering for Children and Young People, Community Directorate, 12 Strathkelvin Place, Kirkintilloch G66 1TJ;

- HM Revenues and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ; and

- any other person prescribed in regulations by the Secretary of State

SECTION C

INTERESTED PARTIES

11.0 Definition

11.1 Interested parties can make representations about licence applications or apply for a review of an existing premises licence. These parties are defined in section 158 of the Act as follows:

".....a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)."

12.0 Principles to be Applied

12.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence. These principles are set out in paragraphs 12.2 to 12.4 below.

12.2 **Persons living sufficiently close to the premises to be likely to be affected by the authorised activities**

The Board will decide whether or not a person falls within this category on a case by case basis. Each case will be decided on its own individual merits. The Board will not apply a rigid rule to its decision making but will apply local knowledge to each decision.

In accordance with the Gambling Commission's Guidance, when determining what "sufficiently close to the premises" means in each case the Board will take the following into account:-

- the size of the premises:

- the nature of the premises;

- the distance of the premises from the location of the person making the representation;

- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and

- the circumstances of the complainant; this is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises; for example, it could be reasonable for the Board to conclude that "sufficiently close to be likely to be affected" could have a different meaning for a private resident, a residential school and a residential hostel for vulnerable adults.

12.3 **Persons having business interests that might be affected by the authorised activities**

The Board will consider the Gambling Commission's Guidance that "business interests" should be given a wide interpretation and should include, for example, partnerships, charities, faith groups and medical practices.

The Board will decide whether or not a person falls within this category on a case by case basis. Each case will be decided on its own individual merits. The Board will not apply a rigid rule to its decision making but will apply local knowledge to each decision.

In accordance with the Gambling Commission's Guidance, factors which are likely to be relevant to this decision include:-

- the size of the premises;

- the 'catchment area' of the premises (i.e. how far people travel to visit); and

- whether the person making the representation has business interests in that catchment area which might be affected.

12.4 **Persons representing those in the above categories**

The Board considers that the following democratically elected persons/bodies fall within this category:-

- East Dunbartonshire councillors representing wards likely to be affected by the authorised activities;

- an MSP representing a constituency likely to be affected by the authorised activities;

- an MP representing a constituency likely to be affected by the authorised activities;

- a Community Council for an area likely to be affected by the authorised activities.

In the above cases no specific evidence of being asked to represent an interested person will be required.

The Gambling Commission's Guidance recommends that licensing authorities include residents' and tenants' associations in this category. The Board will only regard such associations as interested parties under this category if they have a member who can be classed as an interested party under section 158 of the Act, i.e. they live sufficiently close to the premises to be likely to be affected by the authorised activities. The association will require to advise the Board that it has a member whom it considers lives sufficiently close to the premises to be likely to be affected by the authorised activities. The Board will decide whether such member does live sufficiently close to the premises to be likely to be affected by the authorised activities in accordance with the principles set out in paragraph 12.2 above. No specific evidence of being asked to represent an interested person will be required from residents' and tenants' associations.

The Gambling Commission's Guidance also recommends that licensing authorities include trade associations and trade unions in this category. The Board will only regard such bodies as interested parties under this category if they have a member who can be classed as an interested party under section 158 of the Act, i.e. they have business interests that might be affected by the authorised activities. The trade association or trade union will require to advise the Board that it has a member whom it considers has business interests that might be affected by the authorised activities. The Board will decide whether such member does have business interests that might be affected by the authorised activities in accordance with the principles set out in paragraph 12.3 above. No specific evidence of being asked to represent an interested person will be required from a trade association or trade union.

In all cases other than those referred to above, the Board will require written evidence that a person/body (e.g. advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. A letter from one of these persons

requesting the representation will suffice. In such cases the Board will:-

- decide whether the person being represented lives sufficiently close to the premises to be likely to be affected by the authorised activities in accordance with the principles set out in paragraph 12.2 above; or

- decide whether the person being represented has business interests that might be affected by the authorised activities in accordance with the principles set out in paragraph 12.3 above.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors approached are not members of the Board. If there are any doubts in this regard then please contact the Licensing Team, East Dunbartonshire Licensing Board, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF - Tel. 0141 578 8000.

SECTION D

EXCHANGE OF INFORMATION

13.0 Principles to be Applied

13.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under section 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. These principles are set out in paragraphs 13.2 to 13.4 below.

13.2 In its exchange of information the Board will act in accordance with the provisions of the Act, any relevant regulations issued under the Act, the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 and the Gambling Commission's Guidance.

13.3 Should any protocols be established as regards information exchange with other bodies, these will be made publicly available.

13.4 Contact details of parties making representations and details of their representations will be made available to applicants for a licence/permit. Should a hearing on an application take place, the representations will form part of a public document. Any party who makes representations or applies for a review of a premises licence will be informed that these details will be disclosed to the applicant/licensee.

SECTION E

INSPECTION OF PREMISES

14.0 Principles to be Applied

14.1 The 2006 Regulations require the Board to state the principles it will apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises. These principles are set out in paragraphs 14.2 to 14.7 below.

14.2 In exercising its functions under Part 15 of the Act with respect to the inspection of premises the Board will be guided by the Gambling Commission's Guidance and will endeavour to be:-

- proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed and costs identified and minimised;
- accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem and minimise side effects.

14.3 In terms of the Gambling Commission's Guidance, the Board will endeavour to avoid duplication with other regulatory regimes so far as possible.

14.4 The Board will also, as recommended by the Gambling Commission's Guidance, adopt a risk-based inspection programme for premises. This will involve targeting high risk premises which require greater attention whilst operating a lighter touch in respect of low risk premises so that resources are more effectively concentrated on problem premises. Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed. Those premises considered to pose the greatest risk will be subject to more frequent inspections than those posing a lower risk

14.5 The main enforcement and compliance role for the Board in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences.

14.6 The Board recognises that certain bookmakers have a number of premises within East Dunbartonshire. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to provide the Board with a single named point of contact and contact details, who should be a senior individual and whom the Board will contact first should any compliance queries or issues arise.

14.7 Any Board enforcement/compliance protocols/written agreements and risk methodology will be available in due course upon request from the Licensing Team, East Dunbartonshire Licensing Board, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF - Tel. 0141 578 8000.

SECTION F

PREMISES LICENCES

15.0 Introduction

15.1 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and also attach other conditions where it is believed to be appropriate.

15.2 Under section 153(1) of the Act, the Board, in making decisions about premises licences, must aim to permit the use of premises for gambling in so far as it thinks it is:

- 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 Board's statement of licensing principles.

15.3 In terms of the Gambling Commission's Guidance, moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. A licensing authority's decision on an application cannot be based on a dislike of gambling or a general view that it is undesirable to allow gambling premises in an area (except as regards any 'no casino resolution' - see paragraphs 24.1 to 24.4 below). Objections to premises licence applications and requests for review of premises licences should be based on the licensing objectives.

15.4 Section 153(2) of the Act states that in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the proposed facilities.

16.0 Definition of "premises"

16.1 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Board will therefore assess each case on its individual merits to decide whether, as a matter of fact, different parts of a building can properly be regarded as separate premises. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. In accordance with the Gambling Commission's Guidance, factors which will assist the Board in making its decision may include:-

- whether a separate registration for business rates is in place for the premises;
- whether the premises' neighbouring premises are owned by the same person or someone else;
- whether each of the premises can be accessed from the street or a public passageway;
- whether the premises can be accessed from other gambling premises.

16.2 The Board takes particular note of the Gambling Commission's Guidance which states that:

Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed from gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that

the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

17.0 Location of Premises

17.1 As stated in paragraph 15.4 above, demand issues cannot be considered with regard to the location of premises. However, issues in terms of the licensing objectives can be considered and in this regard the Board will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The Board has not adopted a specific policy in relation to areas where gambling premises should not be located. Should any such policy be adopted, this Statement of Principles will be updated and the policy will be made publicly available. In this regard, it may well be the case that the Board would take the view that it would be undesirable to allow Adult Gaming Centres or Family Entertainment Centres to be located in close proximity to schools. Any such policy will not preclude any application being made and each application will be decided on its merits, with the onus being on the applicant to show how potential licensing objective concerns can be overcome.

18.0 Duplication with other Regulatory Regimes

18.1 The Board will seek to avoid any duplication with other statutory/regulatory systems where possible, including the planning regime. Under section 210 of the Act, when considering a licence application the Board shall not have regard to whether the premises are likely to be awarded planning permission or building regulations approval. It will, though, listen to and consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

19.0 Licensing Objectives

19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Board has considered the Gambling Commission's Guidance and some comments are made in paragraphs 19.2 to 19.4 below.

19.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

The Board is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Board will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as those requiring the provision of door supervisors. The Board recognises the Gambling Commission's distinction between disorder and nuisance, disorder meaning activity which is more serious and disruptive than mere nuisance. The Board will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it so as to make that distinction. Issues of nuisance generally cannot be addressed via the Act's provisions as preventing nuisance is not a licensing objective.

In considering licence applications, the Board will particularly take into account the following:-

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises, which may include matters such as the position of cash registers or the standard of CCTV installed;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks; and
- the likelihood of any violence, or public order or policing problems if the licence is granted.

19.3 **Ensuring that gambling is conducted in a fair and open way**

The Board has noted the statement in the Gambling Commission's Guidance that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Commission. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail in paragraphs 27.1 to 27.4 below.

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

The Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling and restricting advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The Board will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

The Board will also make itself aware of the codes of practice issued by the Gambling Commission under section 24 of the Act in respect of this licensing objective.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition of the term but states in its Guidance that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability, or substance misuse relating to alcohol or drugs."

The Board will consider this licensing objective on a case by case basis.

20.0 Conditions

20.1 The Board is aware that mandatory and default conditions have been set which are necessary to ensure the general good conduct of gambling premises. These conditions make it less likely that the Board will require to impose individual conditions on premises licences. If the Board is minded to impose individual conditions on a premises licence, then In accordance with the Gambling Commission's Guidance the conditions imposed will be proportionate to the circumstances they are seeking to address 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.

20.2 Decisions on individual conditions will be made on a case by case basis, although there will be a number of measures the Board will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. Specific comments are made in this regard in some of the provisions relating to specific types of premises in paragraphs 22.0 to 27.0 below. The Board will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

20.3 The Board will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:-

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in non-adult gambling specific premises; and
- the display of notices regarding age restrictions.

There is no evidence that the operation of betting offices has required CCTV, door supervisors or the separation of different operational areas within premises for the protection of the public. The Board will only impose a requirement for any of the above in respect of betting offices in circumstances where there is clear evidence, from the history of trading at specific premises, that such premises cannot be adequately supervised from the counter and that any one or more of such requirements is or are both necessary and proportionate.

20.4 In terms of the Act, there are conditions which the Board cannot attach to premises licences, namely:-

- any condition which prevents compliance with an operating licence condition (section 169(4) of the Act);
- conditions relating to gaming machine categories, numbers, or method of operation (section 172(10) of the Act);
- conditions which provide that membership of a club or body is required (the Act specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being reinstated) (section 170 of the Act); and

- conditions imposing limits on stakes, fees, winnings or prizes (section 171 of the Act).

21.0 Door Supervisors

21.1 In accordance with the Gambling Commission's Guidance, the Board may consider whether there is a need for door supervisors in terms of the licensing objectives of preventing premises becoming a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling. The Act has amended the Private Security Industry Act 2001 so that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). At present the Board has no policy requiring door supervisors working at casinos or bingo premises to be registered with it. Should such a policy be developed in recognition of the nature of the work of door supervisors in terms of searching individuals, dealing with potentially aggressive, young and vulnerable persons, etc. it will be made available publicly.

21.2 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but, in accordance with the relevant legislation, it will need to be decided whether or not these need to be SIA licensed. It will not be automatically assumed that they need to be.

22.0 Adult Gaming Centres

22.1 The Board will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. In this regard the Board will expect the applicant for an adult gaming centre premises licence to satisfy it that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

22.2 The Board will expect such applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;

- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

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

23.0 (Licensed) Family Entertainment Centres

23.1 The Board will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. In this regard the Board will expect the applicant for a family entertainment centre premises licence to satisfy it that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

23.2 The Board will expect such applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;

- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level;

- measures/training for staff on how to deal with suspected truant school children on the premises.

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

23.3 The Board will, in terms of the Gambling Commission's Guidance, refer to the Commission's website to check any operating licence conditions covering the way in which the area containing the category C machines should be supervised.

24.0 Casinos

24.1 The Board has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should the Board decide in the future to pass such a resolution, it will update this Statement of Principles with details of that decision.

24.2 The Board is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino. In such situations the Board will run a 'competition' under Schedule 9 to the Act. The Board will run such a competition in line with any regulations/codes of practice issued under the Act.

24.3 The Gambling Commission's Guidance sets out the mandatory conditions attached to different types of casino and regard will be given to the Gambling Commission's publication 'Licence Conditions and Codes of Practice' published in December 2011 and subsequent amendments thereto.

24.4 Section 181(2) of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to a casino premises licence (where betting is permitted in the casino). In terms of the Gambling Commission's Guidance, when considering whether to impose a condition to restrict the number of betting machines in particular premises, the Board will, amongst other things, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children, young persons and vulnerable people.

25.0 Bingo Premises

25.1 The Board notes the Gambling Commission's Guidance which states that children and young persons are allowed into bingo premises but are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young persons are allowed.

25.2 The Gambling Commission's Guidance sets out the mandatory conditions attached to different types of bingo premises and regard will be given to the Gambling Commission's publication ' Licence Conditions and Codes of Practice' published in December 2011 and subsequent amendments thereto.

26.0 Betting Premises

26.1 Section 181(1) of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to a betting premises licence.

26.2 While the Board has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. The Board will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the Board may consider, when reviewing the licence, amongst other things, the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children, young persons and vulnerable people.

27.0 Tracks

27.1 The Board is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In terms of the Gambling Commission's Guidance, the Board will give special consideration to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.

27.2 The Board will therefore expect the premises licence applicant to

demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

27.3 The Board will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover issues such as:-

- proof of age schemes;
- CCTV;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices/signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

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

27.4 To ensure that the Board gains a proper understanding of what it is being asked to license, the Board considers that applicants should include detailed plans for the track itself, the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and, in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. The Board also considers that plans should make clear what is being sought for authorisation under the track betting premises licence and what other areas, if any, are to be subject to a separate application for a different type of premises licence.

28.0 Travelling Fairs

28.1 Where category D gaming machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will be a matter for the Board to decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.2 The Board will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.3 It has been noted that the 27-day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Board will work with its neighbouring licensing authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

29.0. Provisional Statements

29.1 A provisional statement application allows a prospective provider of gambling facilities to examine the likelihood of a building which he expects to be constructed or altered, or which he expects to acquire a right to occupy being granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so it can be judged whether a development is worthwhile taking forward. An applicant can also apply for a provisional statement for premises which already hold a premises licence (either for the same or a different type of gambling). The process for considering a provisional statement application is the same as that for a premises licence application.

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

- which could not have been raised by objectors at the provisional statement stage; or
- which in the Board's opinion reflect a change in the operator's circumstances.

29.3 The Board has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning permission or building standards approval for the proposal.

30.0. Reviews

30.1 Interested parties or responsible authorities can apply to the Board for a review of a premises licence. An application for a review of a premises licence must state the grounds on which the review is sought.

30.2 It will be for the Board to decide whether or not a review will be carried out. The Board may reject an application for review of a premises licence if it thinks that the grounds on which the review is sought:-

- do not raise issues relevant to Gambling Commission codes of practice/guidance, the licensing objectives or this Statement of Principles;
- are frivolous;
- are vexatious
- will certainly not cause the Board to revoke or suspend the licence or add, remove or amend a licence condition;
- are substantially the same as the grounds specified in an earlier review application in respect of the premises licence; or
- are substantially the same as representations made in relation to the application for the premises licence.

In the last two instances stated above, the Board must consider the length of time that has elapsed since the making of the earlier review application or the representations.

30.3 The Board itself can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate.

SECTION G

LOCAL RISK ASSESSMENTS

31.0 Background

31.1 The Gambling Commission has made changes to the Licence Conditions and Codes of Practice (LCCP) which require all gambling operators with premises licenses to produce a local risk assessment. 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. (Social Responsibility (SR) Code 10.1.1) In making risk assessments, licensees must take into account relevant matters identified in the Board's statement of licensing policy. The change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

31.2 The risk based approach is intended to provide a better understanding of, and enables a proportionate response, to risk; This approach includes not only actual risks, but also potential and possible future emerging risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk to the licensing objectives.

31.3 Licensees will be required to undertake a risk assessment for all of their existing premises by 06 April 2016. Following that date, they must also review those assessments, and update as necessary, when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence (SR Code 10.1.2). Non-exhaustive lists of the types of changes that would be considered significant are detailed within this part of the statement of principles. Licensees should share their risk assessment with the Board when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

31.4 The Board considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Board has tried to assist licensees in this process by providing specific information within this Statement of Principles on its concerns surrounding gambling within the district and the impact that it considers that premises can have on the licensing objectives.

31.5 Applicants and licensees will need to consider factors such as:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors
- Whether it is a family orientated area, popular with children and young people.
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age and economic make-up of the local community.
- Significant presence of young children
- High crime/unemployment area
- Alcohol or drug support facility nearby
- Pawn broker/pay day loan businesses in the vicinity.
- Other gambling premises in the vicinity.

32.0 Significant changes in local circumstances

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

32.2 The following list sets out some examples of what the Board 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. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.

- 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

- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.

- The local area is identified as a crime hotspot by the police and/or Licensing Authority.

- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

- A new premises involving gambling activity opens in the local area.

32.3 The list above is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

33.0 Significant changes to the premises

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

33.2 The following list sets out some examples of what the Board considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises – licensees must consider whether any change that they are proposing to their premises is one that may be considered significant.

- 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.

SECTION H

PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

34.0 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

34.1 Where premises do not hold a premises licence but the operator wishes to provide gaming machines, he may apply to the Board for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

34.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.

34.3 A licensing authority cannot attach conditions to this type of permit.

34.4 The principles the Board proposes applying in exercising its functions in relation to family entertainment centre gaming machine permits are as follows. The Board 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. In accordance with the Gambling Commission's Guidance, the Board will also expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes for the gambling permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

35.0 Club Gaming Permits and Club Machine Permits

35.1 A club gaming permit authorises a members' club or a miners' welfare institute to:-

- make up to three gaming machines available for use, each of which must be of category B3A, B4, C or D;
- provide facilities for equal chance gaming subject to certain conditions; and
- provide facilities for certain prescribed games of chance subject to certain conditions.

35.2 A club machine permit authorises

- a members' club or a miners' welfare institute to make up to three gaming machines available for use, each of which must be of Category B3A, B4, C or D; or
- a commercial club make up to three gaming machines available for use, each of which must be of Category B4, C or D.

35.3 Applicants for a club gaming or club machine permit must have regard to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. They must provide sufficient measures to ensure that persons under 18 years of age do not use the adult only gaming machines. Such measures may include:-

- the machines being in close proximity to the bar or in any other area where they are capable of being adequately supervised;
- notices and signage;
- the provision of information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level.

35.4 The Board cannot attach conditions to a permit.

36.0 Alcohol Licensed Premises Gaming Machine Permits

36.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. To take advantage of this entitlement, the licence holder must give notice to the Board of his intention to make

gaming machines available for use and must pay the prescribed fee. The automatic entitlement to have two gaming machines relates to premises as a whole and not to each individual bar or lounge area within premises. The Board can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. failure to provide written notice and the prescribed fee to the licensing authority or failure to comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

36.2 If the operator of alcohol licensed premises wishes to have more than two machines, he needs to apply for an alcohol licensed premises gaming machine permit.

36.3 The Board considers that the following principles will apply in the consideration of applications for alcohol licensed premises gaming machine permits. Applications will be decided on a case by case basis but generally regard will be had to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. In this connection the Board will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Measures which will satisfy the Board that there will be no such access may include the adult machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider providing information leaflets/helpline numbers for organisations such as GamCare and Gamblers Anonymous at both national and local level. Under 18 year olds may play category D machines.

36.4 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of a gaming machine.

37.0 Prize Gaming Permits

37.1 A prize gaming permit is a permit issued by a licensing authority authorising the provision of facilities for gaming with prizes on specified premises. Prize gaming is where neither the nature nor the size of a prize played for is determined by reference to:-

- the number of persons playing; or
- the amount paid for or raised by the gaming.

37.2 The principles the Board proposes applying in exercising its functions in relation to prize gaming permits are as follows:-

- the applicant should set out the types of gaming he intends offering; and
- the applicant should be able to demonstrate that:-
  - he understands the limits to stakes and prizes set out in Regulations; and
  - the gaming offered is within the law.

37.3 In making its decision on an application for this type of permit the Board does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

37.4 There are conditions in the Act with which the permit holder must comply, but the Board cannot attach conditions to this type of permit. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the game must be acquired or allocated on the premises on which the game is taking place and on one day; the game must be played and completed on the day the chances are acquired or allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

38.0 Temporary Use Notices

38.1 A temporary use notice allows the use of premises for gambling where there is no premises licence but a gambling operator wishes to use the premises temporarily for providing gambling facilities. Such a notice must specify the period during which it is to have effect and may only be granted where a relevant operating licence has been granted.

38.2 A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months. A set of premises may be the subject of more than one temporary use notice in a period of 12 months as long as the aggregate of the periods of the notices does not exceed 21 days. A set of premises is the subject of a temporary use notice if any part of the premises is the subject of a temporary use notice.

38.3 The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice which is given. In terms of the Gambling Commission's Guidance, when considering whether a place falls within the definition of "a set of premises" the Board will look at, amongst other things, the ownership/occupation and control of the premises.

39.0 Occasional Use Notices

39.1 Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

39.2 The Board has very little discretion as regards these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Board will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

40.0 Registration of Small Society Lotteries

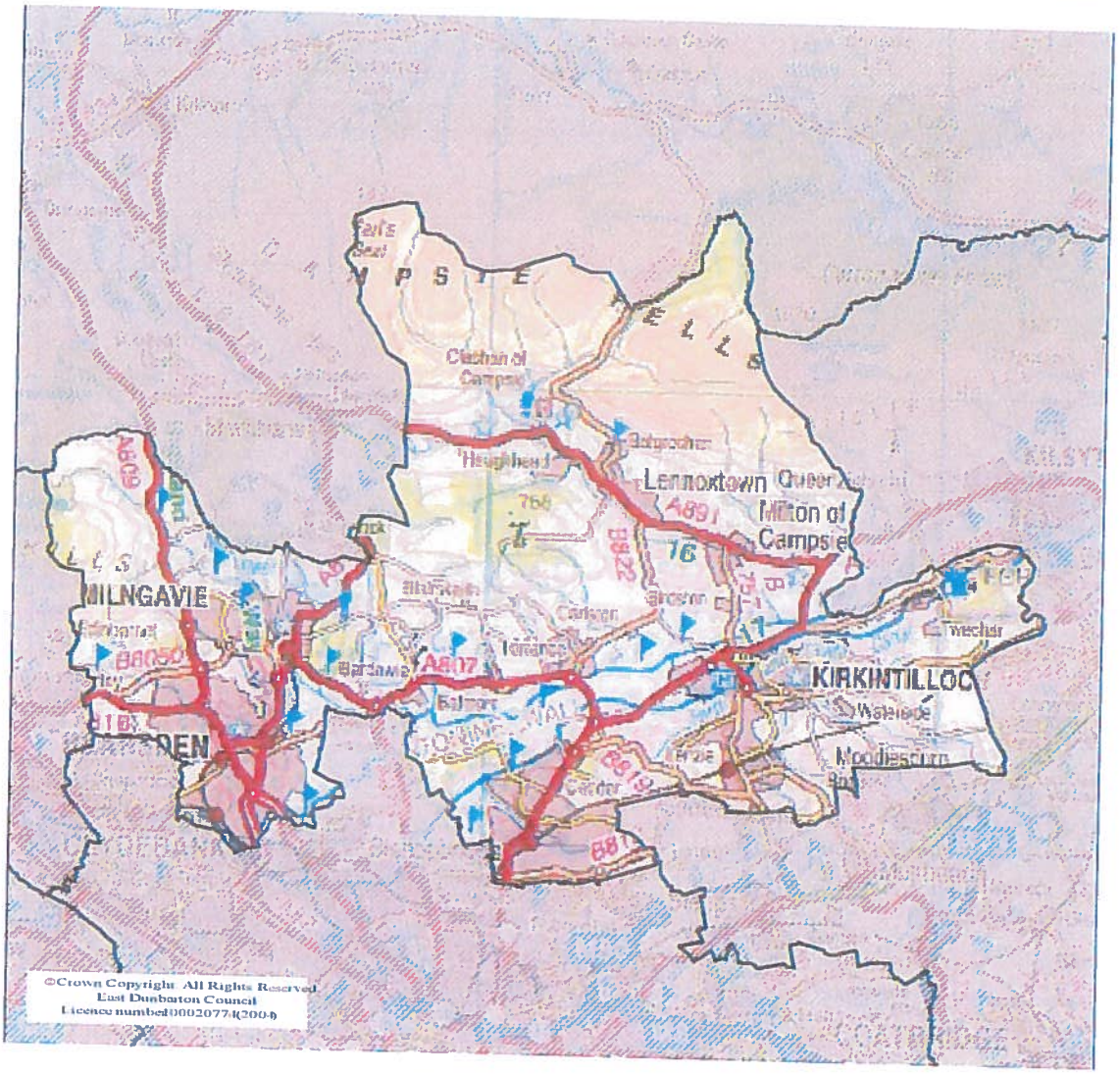
40.1 A small society lottery is a lottery promoted wholly on behalf of a non-commercial society. The society promoting a small society lottery shall, throughout the period during which the lottery is promoted, be registered with the Board in accordance with Part 5 of Schedule 11 to the Act.

40.2 The Board will comply with the Gambling Commission's Guidance in respect of small society lotteries. When considering an application for registration, the Board may request further information from the applicant regarding any matters of concern, which may include:-

- whether the application is on behalf of a bona fide non-commercial society;
- whether any persons connected with the promotion of the lottery have relevant convictions;
- clarification of the purpose of the society and the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have authority to sign and complete the required financial returns;
- evidence that an external lottery manager has an operating licence issued by the Gambling Commission.

APPENDIX 1

MAP OF EAST DUNBARTONSHIRE LOCAL AUTHORITY AREA



APPENDIX 2

LIST OF CONSULTEES

The Gambling Commission

The Chief Constable, Police Scotland

The Chief Officer, Strathclyde Fire & Rescue

East Dunbartonshire Council, Environmental Health Service

East Dunbartonshire Council, Planning Service

East Dunbartonshire Council, Social Work Service

East Dunbartonshire Community Addiction Team

East Dunbartonshire Council Community Planning Partnership Group – Delivering for Children and Young People

East Dunbartonshire Council Equality Engagement Group

HM Revenue and Customs

All Community Councils within East Dunbartonshire

East Dunbartonshire Citizen's Advice Bureau

GamCare

The Church of Scotland

Roman Catholic Church

The Methodist Church of Great Britain

The Scottish Episcopal Church

United Free Church of Scotland

The British Casino Association

The Association of British Bookmakers Ltd.

R & F Wilmot Ltd

William Hill Organization Ltd

Ladbrokes Betting and Gaming Ltd

Tote Bookmakers Ltd

Done Brothers (Cash Betting) Ltd

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council
12 Strathkelvin Place
Kirkintilloch
G66 1TJ
Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جا سکتا ہے۔ براہِ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫ਼ੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फ़ोन कीजिए।