

ABERDEEN CITY COUNCIL

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| COMMITTEE | ABERDEEN CITY LICENSING BOARD |
| DATE | 28 OCTOBER 2015 |
| CLERK | FRASER BELL |
| TITLE OF REPORT | GAMBLING POLICY STATEMENT |
| REPORT NUMBER | CG-15-127 |

1. PURPOSE OF REPORT

To request that Aberdeen City Licensing Board ('the Board') agree to the adoption of the revised Statement of Policy in terms of Section 349(1) of the Gambling Act 2005 ('the Act'). The revised Statement of Policy is attached to this report at Appendix A.

2. RECOMMENDATION(S)

That the Board ratifies the final Statement of Policy to enable its final publication.

3. FINANCIAL IMPLICATIONS

None

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

- 5.1 Section 349 (1) of the Act requires all licensing authorities to prepare and publish every three years a policy statement that they propose to apply in exercising their function under the Act during the three year period to which the policy applies.

The Licensing Authority's Statement of Policy will last for a maximum of three years, but can be reviewed at any time. The Board's current policy runs from January 2013 to January 2016.

- 5.2 Section 349 (3) of the Act requires the licensing authority to consult with the following on the Statement of Policy or any subsequent revision:

- 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
- 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 function under this Act.

5.3 The Board undertook a statutory consultation process which concluded on 16 September 2015. Those persons/bodies consulted are detailed in Appendix B to this Report.

5.4 Consultees' Responses

The responses received by close of consultation are provided in Appendix C.

Officers have considered the responses received and noted the comments contained therein, however it is considered that there is no requirement to amend the Policy Statement in light of the responses received.

6. IMPACT

Improving Customer Experience –

The Policy Statement sets out the Licensing Board's approach to the regulation of Gambling in Aberdeen ensuring that operators, applicants, Interested Parties and Responsible Authorities are aware of and understand the Board's requirements, helping them comply with the relevant gambling regulations.

Improving Staff Experience –

The proposal will have a neutral impact on the staff experience

Improving our use of Resources –

The proposal will have a neutral impact on resources.

Corporate –

N/A.

Public –

An Equality and Human Rights Impact Assessment was conducted on Aberdeen City Licensing's Board's Review of Policy Statement 2016 – 2019.

The EHRIA did not reveal any negative impacts and is assessed as delivering the following positive benefits:

Licensing Authorities are expected to regulate gambling in the public interest.

The Policy seeks to promote the licensing objectives of:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime (which is of benefit to the wider community)
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (which is of particular benefit to younger persons and vulnerable persons as well as the wider community)

The policy will have a positive impact on licence applicants as it clearly sets out the criteria upon which the Board will determine gambling applications.

Children & Young People – The policy sets out provisions in relation access to licensed premises by Children and Young persons. It also designates a body as competent to advise the Board about the protection of children from harm.

Vulnerable Persons – The policy sets out provisions in relation to how the Board will meet the Licensing objective of protecting other vulnerable persons from being harmed or exploited by gambling

The full EHRIA is attached to this report as Appendix D.

7. MANAGEMENT OF RISK

The Licensing Board has a statutory obligation to publish a Policy Statement every three years in terms of 349(1) of the Gambling Act 2005, approving the statement and enabling its publication will fulfil this statutory obligation and will mitigate any legal risks.

The Policy Statement addresses the management of risk in respect of the regulation of gambling and problem gambling in Aberdeen,

specifically through the requirement on holders of premises licences to provide to the Licensing Board risk assessments. The Board may also carry out a Local Area profile of gambling and problem gambling to identify risk. It is advised that such an exercise would be unnecessary at this stage however the Board could decide to undertake a Local Area profile at a later date if issues were to arise. The consultation exercise carried out with the various organisations noted in this report has not highlighted any concerns regarding gambling in Aberdeen.

8. BACKGROUND PAPERS

The Gambling Commission's Guidance to Licensing Authorities 5th Edition, September 2015

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY LICENSING BOARD

GAMBLING ACT 2005

**POLICY STATEMENT
FOURTH EDITION**

JANUARY 2016 -2019

TABLE OF CONTENTS

| | |
|--|-----------|
| <u>PART A</u> | 3 |
| <u>1</u> <u>Introduction</u> | 3 |
| <u>2</u> <u>Declaration</u> | 3 |
| <u>3</u> <u>Geographical Area</u> | 3 |
| <u>4</u> <u>Scope – Licensing Functions</u> | 4 |
| <u>5</u> <u>The Licensing Objectives</u> | 4 |
| <u>5.1</u> <u>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</u> | 4 |
| <u>5.2</u> <u>Ensuring that gambling is conducted in a fair and open way</u> | 5 |
| <u>5.3</u> <u>Protecting children and other vulnerable persons from being harmed or exploited by gambling</u> | 5 |
| <u>6</u> <u>Responsible Authorities</u> | 8 |
| <u>7</u> <u>Interested Parties</u> | 8 |
| <u>8</u> <u>Consultation</u> | 9 |
| <u>9</u> <u>POLICIES</u> | 10 |
| <u>9.1</u> <u>Relationship between planning permission, building regulations and granting of a premises licence.</u> | 10 |
| <u>9.2</u> <u>Door Supervision</u> | 10 |
| <u>9.3</u> <u>Local Area Profile</u> | 10 |
| <u>9.4</u> <u>Risk Assessments</u> | 11 |
| <u>10</u> <u>DECISION MAKING</u> | 12 |
| <u>10.1</u> <u>General Principles</u> | 12 |
| <u>10.2</u> <u>Scheme of Delegation</u> | 15 |
| <u>10.3</u> <u>Licensing Reviews</u> | 15 |
| <u>10.4</u> <u>Enforcement</u> | 16 |
| <u>10.5</u> <u>Exchange of Information</u> | 17 |
| <u>10.6</u> <u>Complaints against Licensed Premises</u> | 18 |
| <u>PART B</u> | 19 |
| <u>1.</u> <u>LICENSABLE PREMISES</u> | 19 |
| <u>1.1</u> <u>Provisional Statements</u> | 19 |
| <u>1.2</u> <u>Casino Premises</u> | 20 |
| <u>1.3</u> <u>Bingo Premises</u> | 20 |
| <u>1.4</u> <u>Betting Premises</u> | 23 |
| <u>1.5</u> <u>Tracks</u> | 23 |
| <u>1.6</u> <u>Adult Gaming Centres</u> | 25 |
| <u>1.7</u> <u>Licensed Family Entertainment Centres</u> | 26 |
| <u>PART C</u> | 28 |
| <u>1.</u> <u>PERMITS</u> | 28 |
| <u>1.1</u> <u>Unlicensed Family Entertainment Centre Gaming Machine</u> <u>Permits</u> | 28 |
| <u>1.2</u> <u>Club Gaming Permit</u> | 29 |
| <u>1.3</u> <u>Club Machine Permit</u> | 31 |
| <u>1.4</u> <u>Prize Gaming Permit</u> | 31 |
| <u>1.5</u> <u>Alcohol Licensed Premises – Gaming Machine Permit</u> | 32 |
| <u>2</u> <u>Occasional Use Notices</u> | 33 |
| <u>3</u> <u>Temporary Use Notices</u> | 34 |
| <u>4</u> <u>Registration of Small Society Lotteries</u> | 35 |
| <u>5</u> <u>Travelling Fairs</u> | 36 |
| <u>APPENDIX 1</u> | 37 |
| <u>APPENDIX 2</u> | 38 |

GAMBLING ACT 2005
POLICY STATEMENT
FOURTH EDITION
ABERDEEN LICENSING BOARD

• **PART A**

1 Introduction

This is the Policy Statement (the Policy) that Aberdeen City Licensing Board (the Board) is required to publish in terms of Section 349(1) of the Gambling Act 2005 (the Act)

The Policy has been prepared having regard to the licensing objectives as detailed in Section 1 of the Act, the Guidance to Licensing Authorities 4th or 5th edition September 2012 or March 2015 ('the Guidance') issued by the Gambling Commission ('the Commission') the provisions of the Act itself and subsequent Regulations made under it.

The Policy will come into effect on 31 January 2016 and will remain in place for a maximum period of 3 years to 31 January 2019. The Policy will be reviewed, updated and modified as and when the Board considers it appropriate and at least every three years.

2 Declaration

In adopting the final Policy the Board has had regard to, the licensing objectives of the Act, the Commission's Guidance and responses from those persons consulted.

3 Geographical Area

The Board's area covers the same territory as the Aberdeen City Council area. Aberdeen is a thriving, cosmopolitan port in the North-east of Scotland with a population of, 228,990 covering an area of 184.47 square kilometres (71.22 square miles). Traditional industries such as fishing and farming still flourish in and around the city which also enjoys two first class universities. Its buoyant modern economy is fuelled by the oil industry, earning the city its epithet 'Global Energy City'.

4. Scope – Licensing Functions

This Board will make decisions upon applications or notifications made for:

- premises licences
- temporary use notices
- occasional use notices
- permits as required under the Act and
- registrations as required under the Act

This Policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- casinos
- bingo premises
- betting premises
- tracks
- adult gaming centres
- licensed family entertainment centres
- unlicensed family entertainment centres
- club gaming permits
- prize gaming and prize gaming permits
- occasional use notices
- temporary use notices
- registration of small society lotteries

The Board shall not be involved in licensing remote gambling as defined in Section 4 (1) of the Act. Regulation of this function shall be the responsibility of the Commission.

5. THE LICENSING OBJECTIVES

In exercising its functions under the Act the Board must have regard to the licensing objectives set out in Section 1 of the Act. These are:

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

The Board will, when determining applications, consider whether the grant of a premises licence will constitute a potential source of crime or disorder or result in an increase in crime and disorder.

The Board agrees with the Commission's distinction between disorder and nuisance in its Guidance, being: "licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would

include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.”

In considering premises licence applications, the Board shall take into account the following:

- The design and layout of the premises;
- Training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed; Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem occurring if the licence is granted.
- In relation to preventing disorder, the Board have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act.

5.2 Ensuring that gambling is conducted in a fair and open way

The Board notes that the Commission has stated in its Guidance that it would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence. Both of the foregoing are the responsibility of the Gambling Commission.

However, if the Board suspects that gambling is not being conducted in a fair and open way, the Board notes in particular the Commission’s comments in its Guidance that the Board ought to bring this to the attention of the Commission. The Board shall endeavour to do so should said suspicion arise.

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

5.3.1 Protecting Children

In accordance with its obligation under Section 157 (h) of the Act, the Board has designated the Integrated Children’s Services Partnership as the body competent to advise the Board about the protection of children from harm.

The Board considers this the best body to fulfil this function because the Partnership lead integrated planning, strategy and policy development to improve outcomes for children and young people on behalf of the Aberdeen City Community Planning Partnership. The Chair of the Integrated Children's Services Partnership is Judith Proctor, Chief Officer, Aberdeen City Health and Social Care Partnership. The Partnership has senior representation from Aberdeen City Health and Social Care Partnership and Aberdeen City Council Education, Culture and Sports Services, NHS Grampian, Police Scotland, the Children's Panel, Aberdeen Council of Voluntary Organisations and Aberdeen Youth council.

The Board will consult with the Integrated Children Services Partnership on any application that indicates there may be concerns over access for children or young persons.

The Board will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

5.3.2 Access to Licensed Premises

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments.

Significant weight will be given to all matters relating to the protection of children and young persons. An applicant for a premises licence must comply explicitly with the Act regarding the permitted access or exclusion of children and young persons. No children or young person must be permitted to have access to, close observation of, or an invitation to participate in any gambling activities. Where the Board determines that there may be a risk of harm to children in relation to particular premises, it may exclude or limit the access of children to the premises at specific times or when certain activities are taking place.

The Board notes the Commission's comments in its Guidance that it should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling

It further notes that the Commission expects the Board to work with operators to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (eg bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.

In pursuance of this licensing objective, the Board may consider appropriate conditions to attach to each premises licence on an individual basis. These may include one or more of the following from this non exhaustive list:

- The configuration of the premises;
- The use of floor-walkers
- Installation of CCTV
- Supervision of entrances;
- The display of clear signage both externally and internally indicating that entrance to the premises is restricted to those aged 18 years and over;
- Clear segregation of gambling and non-gambling areas;
- Supervision of access to gambling areas;
- Supervision of gambling machines;

5.3.3 Vulnerable Persons

The Board notes that the term 'vulnerable persons' is not statutorily defined. However, it shall be assumed that this group includes the following:

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, excessive alcohol consumption or drug taking.

Applicants for premises licences, permits and authorisations will be expected to have an awareness that for some people gambling activities can present both potential and actual harm. Applicants will also be required to comply with any Code of Practice and Guidance issued by the Commission in this regard.

The Board shall consider, on a case by case basis, whether any special considerations should apply in relation to particular premises to ensure the protection of vulnerable persons which will need to be balanced against the Board's objective to aim to permit the use of premises for gambling.

6 Responsible Authorities

For the purposes of Section 157 of the Act, the following are Responsible Authorities in relation to premises:

- The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
- Police Scotland, The Chief Constable, Force Headquarters, Queen Street, Aberdeen AB10 1ZA
- The Scottish Fire & Rescue Service The Chief Fire Officer, Headquarters, 19 North Anderson Drive, Aberdeen AB15 6TP
- Planning and Infrastructure, Building Standards, Aberdeen City Council, Business Hub 4, LGN, Marischal College, Broad Street, Aberdeen, AB10 1AB
- Environmental Health and Trading Standards, Aberdeen City Council, Business Hub 15, LS3, Marischal College, Broad Street, Aberdeen, AB10 1AB
- Aberdeen City Council, Democratic Services, Town House, Broad Street, Aberdeen, AB10 1AQ
- Integrated Children's Services Partnership, Louise Beaton, Principal Planning Officer, Integrated Children's Services, First Floor, Balgownie One, Conference Way, Bridge of Don, Aberdeen, AB3 8AQ
- H M Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ

7 Interested Parties

Interested Parties may make representations in writing about licence applications, or apply for a review of an existing licence. In terms of Section 158 of the Act, an Interested Party is a person who:

- 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)

In determining whether a person is an Interested Party in relation to a particular premise, the Board shall consider each case on its own merits. No uniform rule may attach to the Board's decision making in this regard. The Board also notes the examples in the Commission's Guidance with regards to

who may constitute an Interested Party, such as people who are democratically elected, bodies such as trade unions and residents' and tenants' associations.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

8 Consultation

In terms of section 349(3) of the Act the Board has consulted the following parties in the preparation of this Policy:

- The Chief Constable of Police Scotland
- Chief Fire Officer, Scottish Fire & Rescue Service
- The Gambling Commission
- Integrated Children's Services Partnership
- Aberdeen City Child Protection Committee
- Premises Licence Holders
- Community Councils
- Licensing Agents
- Aberdeen City Council - Heads of Service
- Aberdeen City Council - Group Leaders
- Aberdeen City Council – Chief Executive
- National Casino Forum
- Association of British Bookmakers Limited
- GamCare
- Gamble Aware
- NHS Grampian

9 POLICIES

9.1 Relationship between planning permission, building regulations and granting of a premises licence.

In determining applications, the Board should not take into consideration matters that are not related to gambling and the licensing objectives

The Board notes that, in accordance with Section 210 of the Act, one such example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

In accordance with the Commission's Guidance, the Board also notes that, when dealing with a premises licence application for finished buildings, it shall not take into account whether those buildings have complied with necessary planning or building consents. Fire or health and safety risks shall also not form part of the consideration for a premises licence as these issues fall under other statutory regimes.

The Board may, however, consider carefully the impact of planning and/or building control restrictions (if any) on a licence holder's ability to comply with any conditions that may attach to the licence.

9.2 Door Supervision

The Board may consider it appropriate to attach a condition to a premises licence requiring door supervision during opening hours or between specified opening hours.

The Board may also specify the level of door supervision required.

'Door supervision shall have the meaning ascribed to it in Section 178 of the Gambling Act 2005. As per paragraph 33 of the Commission's Guidance, the Board notes that door staff employed by the Operator who are employed at casino or bingo premises do not require to be licensed by the Security Industry Authority

In terms of Section 178 of the Act, the Board notes that if a door supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act authorising him or her to fulfil their functions under that Act, then that requirement shall be treated as if it were a condition of the premises licence by virtue of Section 178.

• 9.3 Local Area Profile

Paragraph 6.47 of the Commission's Guidance suggests that a licensing authority may find it useful to complete its own assessment of the local environment as a means of 'mapping out' local areas of concern, which can

be reviewed and updated to reflect changes to the local landscape. Such an assessment is referred to in the Guidance as a local area profile.

The Board notes that the completion of a local area profile is not a requirement on licensing authorities. The Board takes the view that at present the landscape of gambling in the city of Aberdeen does not necessitate the carrying out of a local area profile. The Board considers that the terms of its Policy provides sufficient clarity for operators as to the relevant factors in its decision making. The position may change in future and the Board may look to amend its policy to introduce a local area profile. Meantime the Board will continue its proactive engagement with responsible authorities and will take steps to facilitate constructive engagement with licensees. . .

• **9.4 Risk Assessments**

The Board notes Social Responsibility condition 10.1.1 of the Commission's Licence Conditions and Codes of Practice which places an obligation on all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences to carry out local risk assessments. The condition will have effect from 6 April 2016.

The condition requires licensees to "assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks". In carrying out the risk assessments "licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy".

Condition 10.1.1 is supported by an ordinary condition which states that "Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request."

The Board will expect licensees to produce local risk assessments upon request. Taking cognisance of the Commission's Guidance at paragraph 6.45 the Board will only request sight of local risk assessments where there are concerns prompted by new or existing risks to the licensing objectives and will expect licensees to have clear measures in place to address specific concerns.

• **10 DECISION MAKING**

10.1 General Principles

- 10.1.1 Every application received shall be dealt with fairly and shall be seen to be dealt with fairly and shall be considered on its own merits.
- 10.1.2 In considering an application for a premises licence, no regard shall be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.
- 10.1.3 The Board is aware that considerations such as 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 decision by the Board shall not be based on a dislike of gambling by any member, nor of a general notion that it is undesirable to allow gambling premises in an area. This notion may be subject to the invocation of a Section 166 Resolution.
- 10.1.4 In determining whether the location of proposed gambling premises is acceptable to the Board in light of the licensing objectives, the Board shall consider very carefully the proximity of those proposed premises in relation to the following factors in the following non exhaustive list:
- a) a school or other educational facility;
 - b) a centre for gambling addicts or other vulnerable persons;
 - c) a centre for children and young persons and
 - d) a residential area with a high concentration of families with children.
- 10.1.5 The Board shall aim to permit the use of premises for gambling in so far as the Board think it:
- a) is in accordance with any relevant Code of Practice issued by the Commission under Section 24 of the Act,
 - b) is in accordance with any relevant Guidance issued by the Commission under Section 25 of the Act,
 - c) is reasonably consistent with the licensing objectives (subject to paragraphs a) and b) above and
 - d) is in accordance with this Policy.

- 10.1.6 Premises Licences shall be subject to the statutory requirements of the Act and associated Regulations, as well as mandatory conditions. The Board may exclude default conditions and attach additional conditions where appropriate.
- 10.1.7 Premises Licence holders shall comply with relevant Codes of Practice issued by the Commission and the Commission's Guidance where relevant. The following may also be of assistance: 'The Commission's 'Licence Conditions and Codes of Practice' ('LCCP') consolidated February 2015 for further information. This document may be found on the following link: [Licence conditions and codes of practice - February 2015](#)
- 10.1.8 The Board shall avoid so far as possible duplication with other regulatory and legislative regimes.
- 10.1.9 In the Act, 'premises' is defined as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any place. However, the Board notes that the Commission's Guidance indicates that the proper application of Section 152 means that different premises licences cannot apply in respect of single premises at different times. There is therefore no temporal element to a premises licence. Premises therefore cannot, for example, be licensed as a bingo club on week days and a betting shop at weekends.
- 10.1.10 The Board also notes that the Commission's Guidance indicates that there is no reason in principle why a single building cannot be subject to more than one premises licence, provided that those licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. The Board shall also pay particular attention with regard to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between these premises are adhered to.
- 10.1.11 The Board takes note of the Commission's Guidance that in most cases the expectation will be that a single building or plot will be the subject of an application for a licence. This does not, however, mean that the single building or plot cannot be the subject of separate premises licences for example for the basement and ground floor. However, the Board agrees with the Commission that areas of a building that are artificially or temporarily separated (for examples by ropes or

moveable partitions) cannot properly be regarded as different premises.

10.1.12 The Board also agrees with the Commission that whilst different configurations may be appropriate under different circumstances in determining whether a single building may be regarded as different premises, the crux of the matter shall be whether the proposed premises may be regarded as being genuinely separate premises that merit having their own licence and are not an artificially created part of what is readily identifiable as a single premises.

10.1.13 Consideration as to whether different parts of a building may be regarded as being different premises shall be one of fact and degree and the Board shall determine each case on an individual, case by case basis.

10.1.14 However, in determining whether two or more proposed premises may be regarded as truly separate, the Board may consider the following factors from the following non exhaustive list:

- a) the location of the premises;
- b) whether there is separate registration for business rates in place for the premises;
- c) whether each of the premises may be accessed from the street or a public passageway
- d) whether the premises may be only accessed from other gambling premises.
- e) whether the premises' neighbouring premises are owned by the same person or someone else.

10.1.15 In considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other non gambling purposes, the Board shall consider the following factors from the following non exhaustive list:

- a) the third licensing objective which seeks to protect children from being harmed by gambling. This means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should therefore 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.

- b) 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.
- c) Customers ought to be able to participate in the activity named on the premises licence.

10.2 Scheme of Delegation

In terms of Section 155 of the Act, the Board may arrange for the discharge of some of its functions by:

- (a) any member of the Board,
- (b) any committee established by the Board,
- (c) the clerk of the Board, or
- (d) any member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005

The Board cannot delegate all of its functions.

Those functions that can be delegated are set out in Appendix 4.

The Board reserves the right, to determine all applications and relevant matters under the Act.

10.3 Licensing Reviews

Section 200 of the Act provides that the Board may review any matter connected to the use made of the premises if it has reason to suspect that a licensing condition is not being observed, or for any other reason which gives it cause to believe that a review may be appropriate.

The Board may carry out a review of a premises licence in accordance with Section 197 of the Act where it has received a formal application for review

The Board may reject an application for a review under Section 198 if it thinks that the grounds on which the review is sought:

- a) do not raise an issue relevant to the principles to be applied in accordance with Section 153 of the Act;
- b) are frivolous;

- c) are vexatious;
- d) will certainly not cause the authority to wish to take action of a kind specified in Section 202 (1) of the Act;
- e) are substantially the same as the grounds specified in an earlier application under Section 197 of the Act in respect of the premises licence; or
- f) are substantially the same as representations made under Section 161 of the Act in relation to the application for the premises licence.

In terms of action following a review, the Board may:

- a) revoke the licence;
- b) suspend the licence for a specified period not exceeding three months;
- c) exclude a condition attached to the licence under Section 168 of the Act or remove or amend an exclusion;
- d) Add, remove or amend a condition under Section 169 of the Act.

10.4 Enforcement

In exercising their functions under Part 15 of the Act with regard to the inspection of premises, the Board shall be guided by the Commission's Guidance and their approach shall 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
- targeted – regulation should be focused on the problem, and minimise side effects.

The Board shall adopt a local risk based approach whereby the main determinant shall be the risk posed to the three licensing objectives by premises. A risk based inspection programme shall also be implemented whereby premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risk posed by the premises. Those premises considered to pose a greater risk will be subject to more frequent inspections than those that are considered to pose a lower risk.

When determining risk, consideration will be given to: -

- the nature of the gambling activities carried out on the premises
- the location of the premises in relation to schools, vulnerable adult centres or residential areas where there may be high concentrations of families with children.
- the number of complaints received (if any) in relation to particular premises
- the procedures put in place by management of the premises to ensure compliance with the licensing objectives

In determining whether to undertake an inspection of premises, the Board shall determine each case on its own merits.

The Board notes that its main enforcement and compliance role in terms of the Act is to ensure compliance with premises licences and associated conditions and other issues relating to the premises themselves. The Board in particular notes that the enforcement body for personal and operating licences is the Commission.

However, notwithstanding the foregoing, and in accordance with the Commission's Guidance, the Board upholds the view that the Commission, the Board itself and the police are all parties to the enforcement regime created under the Act.

10.5 Exchange of Information

If so required by the Commission under Section 29 of the Act, the Board shall exchange any information it receives through the application process with the Commission and other regulatory bodies in accordance with its obligations and functions under the Act. The Board notes that said information must form part of its register and must be in its possession prior to disclosure. This obligation is also subject to data protection and freedom of information legislation.

The Board shall maintain a register of all premises licences and permits issued by it and shall ensure that this register is available for public inspection at all reasonable times.

The licensing authority policy statement must set out how it will approach information exchange with other persons or bodies under the Act, and whether it intends to establish any protocols in this regard. The policy statement should also include the authority's approach to data protection and freedom of information, in particular, how information will be protected, whether the confidentiality of those making representations will be maintained, what information will be shared with other agencies or persons and how information can be accessed by data subjects.

The Board will act in accordance with the provisions of the Act in its exchange of information with the Commission and other parties listed in Schedule 6 of the Act which includes the provision that the Data Protection Act 1998, will not

be contravened. The Board will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State and the Scottish Ministers under the powers provided in the Act. Should any protocols be established as regards information exchange with other bodies then they will be made available.

10.6 Complaints against Licensed Premises

The Board may investigate complaints against licensed premises in relation to matters relating to the licensing objectives

Any complaints received in relation to particular premises or a class of premises may affect the general risk rating of those premises. Complaints received by the Board in relation to particular or a class of premises may also initiate the Board's right of review under Section 200 of the Act.

- **PART B**

1. LICENSABLE PREMISES

1.1 Provisional Statements

In terms of Section 204 of the Act, a person may make an application for a provisional statement in respect of premises that:

- s/he expects to be constructed;
- that s/he expects to be altered, or
- that s/he expects to acquire a right to occupy.

The Board notes the Commission's Guidance which states that:

'Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence, either for a different type of gambling or the same type'.

Whilst applicants for a premises licence must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply to applicants for provisional statements.

In its consideration of an application for a provisional statement, the Board shall not speculate on, nor take into account, the likelihood of an operating licence being granted by the Commission.

If a provisional statement is granted by the Board, the Board is aware that it is constrained in the matters it may consider when an application for a premises licence is subsequently made in relation to the same premises. In terms of any representations made in relation to the application for the premises licence, the Board shall disregard said representations unless it thinks that those representations:

- address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
- reflect a change in the applicant's circumstances.

In considering an application for a provisional statement, the Board shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

The Board may refuse the premises licence application (or grant it on terms or conditions not included in the provisional statement), only by reference to matters:

- which could not have been addressed in representations at the provisional statement stage
- which, in the Board's opinion, reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

In determining whether premises have been constructed in accordance with the plan, the Board notes that the Commission in its Guidance advises that there must be a substantial change to the plan. In this regard, the Board will endeavour to discuss any concerns that it has with the applicant before making a decision.

The Board notes the Commission's Guidance in paragraphs 7.59 – 7.66 inclusive detailing the circumstances in which it is appropriate to grant a full licence for premises that are yet to be constructed.

1.2 Casino Premises

In terms of Section 166 of the Act, currently the Board has resolved not to make a resolution prohibiting the issue of casino licences in the Board's area.

The Board reserves its right to review this determination at any time in the future and shall update this Policy as appropriate.

The Board also notes Part 17 of the Commission's Guidance in relation to casinos.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a casino premises licence in terms of Section 169 of the Act.

1.3 Bingo Premises

The Board notes that there is no statutory definition of 'bingo' in terms of the Act although two types of bingo are commonly understood:

- cash bingo, where the stakes paid make up the cash prizes that are won
- prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

A bingo premises licence holder may generally be able to offer any type of bingo game, whether it be cash bingo or prize bingo.

The Board notes that it will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This shall be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Section 172(7), as amended of the Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

The Board also notes the Commission's Guidance at paragraph 18.9 with regard to the unusual circumstance whereby an existing bingo premises covered by one premises licence applies to vary the licence to split the premises into one or more separate licensed premises. The Board notes the Commission's position that it is not permissible to locate 16 category B3 gaming machines in one of the resulting premise with none in the other one, as the maximum entitlement of eight gaming machines for that premises would be exceeded. A maximum of eight gaming machines in category B3 or B4 shall therefore be permitted in each resulting premise.

The Board notes that 'Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines'

Children and young persons are permitted into bingo premises; however they 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 people are permitted.

In accordance with the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling', the Board may require an applicant to prove that sufficient measures are in place to prevent children, young persons and vulnerable persons from having access to Category B and C machines.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also

attach conditions to a bingo premises licence in terms of Section 169 of the Act. An example of said conditions may be as follows:

- proof of age scheme;
- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures to ensure the physical separation of gambling areas where category C or above gaming machines are made available for use;
- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- the display of clear notices and signage both externally and internally regarding age restrictions and restricted areas;
- the display of a notice specifying opening hours;
- policy and procedures regarding the employment of young persons
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.4 Betting Premises

The Act contains a single class of licence for betting premises. However, within this single class of licence there are different types of premises which require licensing. This part of the Policy alludes to betting that takes place other than at a track (previously known as a licensed betting office).

No children and young persons (those under 18 years of age) shall be allowed entry to premises with a betting premises licence at any time. Special rules apply to tracks. Children and young persons are not allowed to be employed at premises with a betting premises licence

The Board notes the Commission's Guidance in respect of Self Service Betting Terminals (SSBTs).

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a betting premises licence in terms of Section 169 of the Act. Examples of said conditions may be as follows:

- proof of age scheme;
- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures in place to ensure the physical separation of gambling areas;
- self-exclusion schemes;
- the display of clear notices and signage both externally and internally regarding age restriction;
- the display of a notice specifying opening hours;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

In considering whether to impose conditions to restrict the number of betting machines in particular premises, the Board may consider the size of the premises and the ability of staff to monitor the use of such machines from the counter.

1.5 Tracks

Tracks are premises which include horse racecourses, dog tracks or other tracks where sporting events may take place. The Act does not define what may constitute a sporting event or race and the Board notes the Commission's comment in its Guidance that the Board may determine what constitutes such on a case by case basis.

A track premises licence permits the premises to be used for the provision of facilities for betting. If the licence holder wishes to provide a casino, bingo or other type of gambling on the track, a separate premises licence will be required. Tracks may therefore be subject to more than one premises licence.

If the Operator wishes to use the premises temporarily for gambling and there is no premises licence in effect, the Board may issue a temporary use notice.

Where there is betting on a track on eight days or less in a calendar year, an occasional use notice may be issued by the Board to permit betting on the premises.

An applicant for a premises licence need not hold an operating licence as the betting that is provided on the track is provided by third party operators. Third party operators require to hold an operating licence issued by the Commission.

However, each individual operator coming onto the track on race days does not require to hold a premises licence as they are covered by the premises licence held by the track premises licence holder.

As children and young persons are allowed to be present on a track whilst betting is taking place, the Board will consider carefully, before issuing additional premises licences for a track, any potential impact an accumulation of premises licences may have on the third licensing objective.

An applicant for a track premises licence requires to submit detailed plans of the premises to the Board. Whilst the Board agrees with the Commission in its Guidance that it is sometimes difficult to define the precise location of betting areas on tracks, the Board shall require the following from an applicant:

a detailed plan defining the site, any area to be used for temporary “on-course” betting facilities and, in the case of dog tracks and horse racecourses, any mobile pool betting facilities as well as any other proposed gambling facilities.

In determining whether a track is fit for the provision of gambling facilities, the Board notes the general principles for consideration as per the Commission’s Guidance. Whilst each application may be considered on a case by case basis, the Board shall require each applicant to demonstrate that they have measures in place to safeguard the achievement of all three licensing objectives.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a track premises licence in terms of Section 169 of the Act. An example of said conditions may be as follows:

- proof of age scheme;

- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures in place to ensure the physical separation of gambling areas;
- supervision of gambling areas;
- appropriate siting of gaming machines;
- self-exclusion schemes;
- the display of clear notices and signage both internally and externally regarding age restricted areas;
- the display of a notice specifying opening hours;
- the display of gambling rules in prominent positions in or near betting areas;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.6 Adult Gaming Centres

An Adult Gaming Centre premises licence authorises the licence holder to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines.

For further information on categorisation of machines, see Appendix 3.

Where two separate Adult Gaming Centres have been created adjacent to each other by splitting pre-existing premises, it is not permissible to locate eight category B3 machines in one of the resulting premises with none in the other one as the gaming machine entitlement for that premises would be exceeded.

No persons under the age of 18 years shall be permitted to enter an Adult Gaming Centre. The Board shall have particular regard to the location of, and entry to, an Adult Gaming Centre to ensure that opportunities for children to have access are minimised. In this regard the Board will expect applicants to offer their own measures to promote, in particular, the third licensing objective.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory conditions shall apply. There are currently no default conditions specific to Adult Gaming Centres. The Board may also attach conditions to an Adult Gaming Centre

licence in terms of Section 169 of the Act. An example of said conditions may be as follows

- proof of age scheme;
- the provision of CCTV;
- supervision of entrances;
- physical security measures on the premises;
- measures in place to ensure the physical separation of areas;
- self-exclusion schemes;
- the display of notices and signage externally stating access to the premises is restricted to persons 18 years of age and over;
- the display of notices both internally and externally stating use of gaming machines is restricted to persons 18 years of age and over.
- the display of a notice specifying opening hours;
- members of staff appropriately trained;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.7 Licensed Family Entertainment Centres

A Licensed Family Entertainment Centre is a premises for which a licence is granted to provide any number of category C and D gaming machines. A licensed FEC is classified as 'premises' and only premises that are wholly or mainly used for making gaming machines available may hold an FEC premises licence (s.238 of the Act). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

FECs are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons. The Board will take into account this specific risk when considering applications and when inspecting such premises. Whilst persons under 18 years of age are permitted entry to the premises, no persons under 18 years of age may be permitted access to those areas of the premises where category C gaming machines are situated. The Board shall require that category C machines be situated in a separate area to ensure the segregation and supervision of machines that may only be played by those over 18 years of age. For categorisation of gaming machines, see Appendix 3.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory conditions shall apply. There are currently no default conditions specific to Licensed Family Entertainment Centres. The Board may also attach conditions to a Licensed Family Entertainment Centre licence in terms of Section 169 of the Act. An example of said conditions may be as follows

- proof of age scheme;
- the provision of CCTV;
- supervision of entrances;
- physical security measures on the premises;
- measures in place to ensure the physical separation of areas for category C gaming machines
- self-exclusion schemes;
- the display of clear notices and signage both internally and externally regarding age restricted areas;
- the display of a notice specifying opening hours;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

- **PART C**

1. PERMITS

The Act provides that a licensing authority may prepare a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular, this statement may specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. This power is also mirrored in the Commission's Guidance.

Subject to the above considerations, the Board currently have not adopted any further statement of principles. Should it do so at any time in the future, the Board shall update this Policy as appropriate.

1.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

Unlicensed Family Entertainment Centres are 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, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

A permit cannot be granted for an entire shopping centre, airport or bowling alley, for example.

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

The Board may also only grant an application for a permit if it is satisfied that the application has been made by a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre, if the applicant is an individual, he or she is aged 18 or over and the Board has consulted the Chief Constable on the application.

The Board notes that it may grant or refuse a permit but cannot attach conditions

The Board notes in particular the Commission's suggestion in its Guidance that, given that these premises may appeal to young persons and children in particular, the Board may wish to give weight to matters relating to child

protection issues when determining the suitability of an applicant. In this regard, the Board may consider asking applicants to demonstrate:

- the suitability of the applicant;
- that s/he has no relevant offences as per Schedule 7 of the Act;
- the s/he has a full understanding of the maximum stakes and prizes permissible
- evidence that employees are appropriately trained and have a full understanding of the maximum stakes and prizes permissible
- evidence that there are appropriate policy and procedures in place to protect children and young persons from harm;

The Board will give significant weight to all issues relating to the protection of children and young persons in pursuance of the third licensing objective.

1.2 Club Gaming Permit

A Club Gaming Permit authorises Members' Clubs (but not Commercial Clubs as defined in the Act) to provide, subject to certain restrictions, no more than 3 gaming machines of categories B, C or D, equal chance gaming and other games of chance as prescribed in regulations namely pontoon and chemin de fer. (see Appendix 3 for machine categorisation).

The Club Gaming Permit also allows a Club to provide facilities for gambling provided the gambling meets a number of conditions.

The Board may grant or refuse a permit. The Board may refuse an application for a permit only on one or more of the following statutory grounds:

- that the applicant is not, in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or
- that the applicant is not, in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute;
- that the applicant's premises are used wholly or mainly by persons under the age of eighteen;
- that an offence or a breach of a condition of a permit has been committed in the course of gaming activities carried on by the applicant;
- that a permit held by the applicant has been cancelled in the last ten years ending with the date of the application; or
- an objection to the application has been made by the Gambling Commission and/or the Chief Constable.

Whilst the Board cannot attach any conditions to a Club Gaming Permit, where a club has gaming machines, it is required to comply with the code of practice issued by the Commission on the location and operation of machines, which can be found on the Commission's website. <http://www.gamblingcommission.gov.uk/Publications-consultations/Sector-specific-extracts-from-LCCP.aspx>

By virtue of Section 273 of the Act, a club gaming permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

1.3 Club Machine Permit

If a Members' Club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming, they may apply to the Board for a club machine permit.

A club machine permit allows the holder to have up to 3 gaming machines of categories B3A, B4, C and D) (see Appendix 3 for machine categorisation).

The Board may grant or refuse a permit, but it may not attach any conditions.

However, by virtue of Section 273 of the Act, a club machine permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from www.gamblingcommission.gov.uk) and to follow the best practice guidelines in that document.

The Board may only refuse an application on the same grounds as a club gaming permit (see paragraph 4.9 above).

1.4 Prize Gaming Permit

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

A prize gaming permit is a permit issued by the Board authorising a person to provide facilities for gaming with prizes on specified premises.

The Board will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. These may include:

- plans of the proposed building;
- relevant insurance certificates;
- evidence demonstrating the suitability of the applicant;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- evidence demonstrating a full understanding both by the applicant and employees of the limits to stakes and prizes that are set out in Regulations;
- confirmation of appropriate levels of management supervision at all times during opening hours;

- confirmation that appropriate levels of security shall be in place at all times during opening hours;
- confirmation that appropriate CCTV will be in place at the premises;
- evidence that members of staff are appropriately trained;
- any other documents or information that the Board may direct

The Board may grant or refuse an application for a permit, but cannot add conditions.

However, Section 293 of the Act sets out four conditions with which permit holders must comply to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are 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 The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007 (if a money prize), or the prescribed value (if a non-monetary prize)
- participation in the gaming must not entitle the player to take part in any other gambling

The Board may grant a permit only if it has consulted the Chief Constable about the application.

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

1.5 Alcohol Licensed Premises – Gaming Machine Permit

On written notification to the Board, premises licensed to sell alcohol for consumption on the premises and that have a bar at which alcohol is served, without a requirement that alcohol is served only with food have an automatic entitlement to 2 gaming machines of category C or D under Section 282 of the Act. (see appendix 3 for machine categorisation)

The Board has no discretion to consider the notification or refuse it. However, upon the giving of at least 21 days' notice to the licensee, the Board may remove this automatic entitlement if it thinks that:

- 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 – for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- the premises are mainly used for gaming
- an offence under the Gambling Act 2005 has been committed on the premises

An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought. The issue of such a permit will replace and not be in addition to the automatic entitlement to 2 gaming machines. The Board may issue licensed premises gaming machine permits for any number of category C or D machines.

Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Commission on the location and operation of machines, [Code of practice for gaming machines in clubs and premises with an alcohol licence](#).

The Board will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. The Board will require that the following information is submitted along with the application:

- a plan showing the location and category of gaming machine being sought; and
- evidence of measures in place to prevent persons under the age of eighteen years from using any category of gaming machine

The Board may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions.

2 Occasional Use Notices

Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice without the need for a full premises licence. The calendar year will commence on 1 January.

In considering an application for an occasional use notice the Board will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice

A notice must be given in writing to the Board and be copied to the Chief Constable. The notice must be given only by a person who is responsible for the administration of events on the track, or by an occupier of the track.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall statutory limit of 8 days is not exceeded in a calendar year

The Board shall maintain a record of the number of notices served in relation to each track in a calendar year to ensure that the statutory limit of 8 days is not exceeded.

3 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that may be suitable for a temporary use notice could include hotels, conference centres and sporting venues.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

A set of premises may not be the subject of a Temporary Use Notice for more than 21 days in a period of 12 months but may be the subject of several notices provided that the total does not exceed 21 days. In determining what may constitute a set of premises for the purposes of a Temporary Use Notice, the Board notes the Commission's Guidance that this will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the Board shall look at, amongst other things, the ownership/occupation and control of the premises.

An application for a Temporary Use Notice must be submitted to the Board not less than 3 months and one day before the day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- The Gambling Commission
- The Chief Constable
- H M Revenue and Customs
- If applicable, any other licensing authority in whose area the premises are situated

(see Appendix 2 for relevant addresses)

The person who is giving the temporary use notice must ensure that the notice and the copies are with the recipients within seven days of the date of the notice.

Each application for the grant of a Temporary Use Notice will be considered and determined on its individual merits.

4 Registration of Small Society Lotteries

Small society lotteries are non-commercial societies which are established and conducted:

- for charitable purposes as defined in s.2 of the Charities Act 2006
- for the purpose of enabling or participation in, or supporting., sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than private gain.

Small Society Lotteries whose principal office is located within the City of Aberdeen require to register with the Board.

All applications for registration must be made in the form specified by Scottish Ministers, and accompanied by all necessary documents specified by Scottish Ministers or required by the Board.

When considering an application for registration the Board may request further information from an applicant such as:

- evidence that the application is on behalf of a bona fide non-commercial society (e.g.: a copy of the terms and conditions of the non-commercial society's constitution);
- evidence that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- details 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 the authority to sign and complete the required financial returns.
- evidence that an external lottery manager holds an operator's licence issued by the Gambling Commission.

The Board shall record details of the society on a register and this register shall be made available for public inspection at a reasonable time upon request.

If the Board is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

5 Travelling Fairs

Travelling Fairs wholly or principally provide amusements and must be on a site that has been used for fairs for no more than 27 days per calendar year.

The Board will consider whether the applicant falls within the statutory definition of a travelling fair and that the facilities for gambling amount to no more than an ancillary amusement. The Board will monitor and keep a record of the number of days a piece of land is used as a fair to ensure the maximum statutory 27 days is not exceeded in a calendar year.

APPENDIX 1

FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Principles and about the application process, including application forms and guidance notes can be obtained from:

The Depute Clerk to the Licensing Board
Legal and Democratic Services,
Corporate Governance,
Aberdeen City Council,
Business Hub 6,
First Floor South,
Marischal College,
Broad Street, Aberdeen,
AB10 1AB
Email licensing@aberdeencity.gov.uk
Direct Dial: 01224 522377 Direct Fax: 01224 522491
Tel 01224 522000
www.aberdeencity.gov.uk

Information is also available from the

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6500
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk

APPENDIX 2

RELEVANT ADDRESSES

- Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6500
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk
- Chief Constable
Police Scotland
Aberdeen Division
Police Headquarters
Queen Street
Aberdeen
AB10 1ZA
www.scotland.police.uk/forces-welcome
- H M Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
www.hmrc.gov.uk

APPENDIX 3

CATEGORISATION OF GAMING MACHINES

| Category of Machine | Maximum Stake | Maximum Prize |
|---|---|--|
| A | Unlimited - No category A gaming machines are currently permitted | |
| B1 | £5 | £ 10,000* |
| B2 | £100 | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D – non-money prize | 30p | £8 |
| D- none money prize (crane grab machines only) | £1 | £50 |
| D money prize | 10p | £5 |
| D – combined money and non-money prize | 10p | £8 (of which no More than £5 May be a Money prize) |
| D – combined money and non-money prize (coin Pusher or penny falls Machine) | 20p | £20 (of which no more Than £10 may be a Money prize) |

*with option of max £20,000 linked progressive jackpot on premises basis only

| Machine Category | | | | | | | |
|---|---|---|--|---|--|--------------------------------------|---|
| Premises Type | A | B1 | B2 | B3 | B4 | C | D |
| Large casino (machine/table ratio of 5-1 up to maximum) | | Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) | | | | | |
| Small casino (machine/table ratio of 2-1 up to maximum) | | Maximum of 80 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 80 (subject to machine/table ratio) | | | | | |
| Pre- 2005 Act Casino (no machine/table ratio) | | Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead | | | | | |
| Betting premises and tracks occupied by Pool Betting | | | Maximum of 4 machines categories B2 to D (except B3A machines) | | | | |
| Bingo premises 1 | | | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 of B4 | | No limit on category C or D machines | |
| Adult gaming centre 2 | | | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 of B4 | | No limit on category C or D machines | |
| Family entertainment centre (with premises licence) ³ Family entertainment centre (with permit) ³ Clubs or miners' welfare institutes with permits ⁴ Qualifying alcohol licensed premises | | | | | No limit on category C or D machines | | |
| | | | | | | No limit on category D machines | |
| | | | | | maximum of 3 machines in categories B3A or B4 to D | | |
| | | | | 1 or 2 machines of category C or D automatic upon notification | | | |

| | | | | | | |
|--|--|--|--|--|--|--|
| Qualifying alcohol licensed premises with gaming machine permit | | | | | | Number of category C – D machines as specified on the permit |
| Travelling fair | | | | | | No limit on category D machines |

Maximum Number of Gaming Machines by Premises Type

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% to the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centre are entitled to make available for use a number category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines . Where a premises licence was granted before 13 July 2011 they are entitled to make available four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3.Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. there is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4.Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

APPENDIX 4**Scheme of Delegation**

| Matter to be dealt with | Licensing Board | Sub-Group of Licensing Board | Officers |
|--|------------------------|--|---|
| Final approval of three year licensing policy | ✓ | | |
| Policy not permit casinos | ✓ | | |
| Fee Setting (when appropriate) | | | ✓ |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations have been received/representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations have been received/representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations have been received/representations have been withdrawn |
| Review of a Premises Licence | | ✓ | |
| Application for a club gaming/club machine permits | | Where objections have been made (not withdrawn) | Where no objections made/objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | ✓ | |
| Applications for other permit | | | ✓ |
| Cancellation of licensed premises gaming machine permits | | | ✓ |

| | | | |
|---|--|---|---|
| Consideration for temporary use notice | | | ✓ |
| Decision to give a counter notice to a temporary use notice | | ✓ | |

Consultation

In terms of section 349(3) of the Act the Board has consulted the following parties in the preparation of this Policy:

- The Chief Constable of Police Scotland
- Chief Fire Officer, Scottish Fire & Rescue Service
- The Gambling Commission
- Integrated Children's Services Partnership
- Aberdeen City Child Protection Committee
- Premises Licence Holders
- Community Councils
- Licensing Agents
- Aberdeen City Council - Heads of Service
- Aberdeen City Council - Group Leaders
- Aberdeen City Council – Chief Executive
- National Casino Forum
- Association of British Bookmakers Limited
- GamCare.
- Gamble Aware
- NHS Grampian



Aberdeen City Council Licensing
Legal and Democratic Services
Corporatate Governance
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AB

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS359862
Your ref:
Date: 11 September 2015

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

The Board is required to deal with licensing applications in accordance with the requirements of s153 Gambling Act 2005. That requires that the board aim to permit the use of premises for gambling insofar as the board thinks an application to be in accordance with any relevant code of practice issued by the Gambling Commission under s24 of the Act, in accordance with any relevant guidance issued with the Commission under s25 of the Act, insofar as the application is reasonably consistent with the licensing objectives and finally insofar as it is in accordance with the Board's policy. Applications are to be dealt with and considered on their own merits. Whilst it is accepted that these principles are laid out in the draft statement of policy, these are overriding principles but do not appear in the policy until page 13. We respectfully submit that the policy would be assisted by a statement relating to s153 and that every application would be considered fairly on its own merits, much earlier in the policy.

Part A - 10.1.4

In this section, the statement indicates that the Board shall consider very carefully the proximity of proposed premises in relation to schools, educational facilities, centres for gambling addicts, children or residential areas with a high concentration of families. We respectfully submit that proximity cannot be a reason to refuse a Gambling Act 2005 application and remind the Board that betting offices have operated successfully and without any problem in many such areas for many years.

If the Board is considering the proximity of any of schools etc then it will need to take into account the policies and procedures operated by applicants to address any risks. The operators have experience and policies and procedures to ensure that those who are not permitted to bet do not do so or indeed are not permitted to enter their shops and that the betting offices comply with all mandatory and default conditions.

Part B – 1.4

This section of the draft policy deals with betting premises and in particular the ability to attach conditions to premises licences. This section also gives examples of conditions that may be attached. We respectfully submit that in most cases the mandatory and default conditions will suffice. There is only a need to apply further conditions where to do so is proportionate and there is evidence of a risk of prejudice to one of the licensing objectives. Any conditions that are imposed should only relate to gambling.



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

From: Allison Cooper on behalf of Pete Leonard
Sent: 16 September 2015 09:54
To: Arlene Dunbar
Subject: RE: 3258let Gambling Policy Statement by email letter 24.6.15 -
Resp by 16 Sept

Arlene

The only comments would be of concern regarding ensuring that 'community based' 'gambling' activities are not restricted as an unforeseen consequence of the policy statement and to question whether this policy would cover any local fund raising type gambling activities such as race nights, bingo evenings, raffles etc in our community or leased learning centres.

Regards, Pete

Pete Leonard
Director of Communities, Housing and Infrastructure

Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 12
Second Floor West
Marischal College
Broad Street
Aberdeen AB10 1AB

E-Mail : pleonard@aberdeencity.gov.uk
Tel : 01224 523899
Fax 01224 346012



Arlene Dunbar
Registered Paralegal
Team 3 – Litigation and Licensing
Aberdeen City Council
Business Hub 6L15
Marischal College
Aberdeen
AB10 1AB

16th September 2015

Dear Arlene,

Consultation on Aberdeen City Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited note that your policy is largely unchanged from the previous version and are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of moral objections to gambling.

Coral Racing Limited recognise the requirement to supply & update risk assessments with future applications, variations as well as local changes, following the consultation completion, as detailed within your Statement.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. It is pleasing to note that the Council has not attempted to indicate within the document that certain locations are unsuitable for a premises licence, with each application being judged on its merits.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,

John Liddle
Director of Development – Coral Retail



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG6 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050



1000+ shops



mobile



coral.co.uk



0800 242 232

company

Equality and Human Right Impact Assessment: The Form



EHRIA

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

Aberdeen City Council

| 1:Equality and Human Rights Impact Assessment- Essential Information | |
|--|---|
| Name of Proposal: Gambling Act 2005 – Gambling Policy Statement. | Date of Assessment: 02/10/2015 |
| Service: Legal and Democratic Services | Directorate: Corporate Governance |
| Committee Name or delegated power reference (Where appropriate): Licensing Board | Date of Committee (Where appropriate): 28 October 2015 |
| Who does this proposal affect? Please Tick ✓ | <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> Employees Job Applicants Service Users Members of the Public Other (List below) </div> <div style="width: 35%;"> <input style="width: 30px; height: 20px; border: 1px solid black;" type="checkbox"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="checkbox"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="checkbox"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="checkbox"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="checkbox"/> </div> </div> |

2: Equality and Human Rights Impact Assessment- Pre-screening

Is an impact assessment required?

Yes

☐

No

☐

If No, what is the evidence to support this decision?

(Once this section is completed, please complete section 8 of the form).

| 3: Equality and Human Rights Impact Assessment | |
|--|--|
| a- What are the aims and intended effects of this proposal? | <p>Review of the Gambling Policy</p> <p>1) To ensure all gambling premises licence applications received are treated in a fair and in consistent manner; 2) to promoting the three licensing objectives under the Gambling Act 2005; 3) To provide advice and information regarding how the Licensing Board will enforce, administer and make decisions under the Gambling Act 2005.</p> |
| b- What equality data is available in relation to this proposal? (Please see guidance notes) | <p>Gambling behaviour in England and Scotland Findings from the Health Survey for England 2012 and Scottish Health Survey 2012: Published: 29/06/2014</p> |

| | |
|--|--|
| c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal. | |
| d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal. | Costs (£) Implementation cost <input data-bbox="1193 758 1415 828" type="text" value="£"/> Projected Savings <input data-bbox="1193 876 1415 946" type="text" value="£"/> |

e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?

The Policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements. Licensed premises must also have procedures in place to protect vulnerable persons from gambling irresponsibly.

There are no equality restrictions other than to protect children and young persons from age restricted gambling activities. There is no equality restriction on who can be a premises licence holder and local communities have the opportunity to visit these premises if they wish.

The policy promotes the three licensing objectives and will have a positive impact on licence applicants, Responsible Authorities and Interested Parties as it clearly sets out the criteria upon which the Board will determine gambling applications.

f- How does this proposal link to the Council's Equality Outcomes?

The Policy sets out how out the criteria upon which the Board will determine gambling applications and set out for interested parties and responsible authorities the procedures to engage with the licensing process.

The Policy confirms with the Corporate Accessible Information Guidelines

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

| Protected Characteristic: | Neutral Impact: Please ✓ | Positive Impact: Please ✓ | Negative Impact: Please ✓ | Evidence of impact and if applicable, justification where a ‘<i>Genuine Determining Reason</i>’* exists *(see completion terminology) |
|--|------------------------------------|-------------------------------------|-------------------------------------|--|
| Age (People of all ages) | | ✓ | | Children & Young People – The policy sets out provisions in relation to access to licensed premises by Children and Young persons. No person under the age of 18 shall be permitted entry to age- restricted premises such as casinos, bingo, betting shops and adult gaming centres where gambling is permitted. There is no upper age limit. This is prescribed by Statue. It also designates a body as competent to advise the Board about the protection of children from harm. There is no age restriction on the application process. |
| Disability (Mental, Physical, Sensory and Carers of Disabled people) | | ✓ | | Vulnerable Persons – The policy sets out provisions in relation to how the Board will meet the Licensing objective of protecting other vulnerable persons from being harmed or exploited by gambling |
| Gender Reassignment | ✓ | | | |
| Marital Status (Marriage and Civil Partnerships) | ✓ | | | |

| | | | | |
|--|---|--|--|--|
| Pregnancy and Maternity | √ | | | |
| Race (All Racial Groups including Gypsy/Travellers) | √ | | | |
| Religion or Belief or Non-belief | √ | | | |
| Sex (Women and men) | √ | | | |
| Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual) | √ | | | |
| Other (e.g: Poverty) | √ | | | |

| 5: Human Rights Impact Assessment Test | |
|--|---|
| Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate | |
| Article 2 of protocol 1: Right to education | Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence: |
| Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment | Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence: |

| | |
|---|---|
| Article 6: Right to a fair and public hearing | <p>Yes No</p> <p>Evidence:</p> |
| Article 8: Right to respect for private and family life, home and correspondence | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p> |
| Article 10: Freedom of expression | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p> |
| Article 14: Right not to be subject to discrimination | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p> |

| | |
|---|---|
| Other article not listed above, please state: | Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence: |
| 6: Assessment Rating: | |
| Please rate the overall equality and human right assessment (Please see Completion terminology) | <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <input type="checkbox"/> Red </div> <div style="text-align: center;"> <input type="checkbox"/> Red Amber </div> <div style="text-align: center;"> <input type="checkbox"/> Amber </div> <div style="text-align: center;"> <input type="checkbox"/> Green </div> </div> |
| Reason for that rating: | The Policy has no specific negative impact on any of the equality groups; in fact the policy has a positive impact on children and vulnerable people as they are to be protected against harm and exploitation. |

7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

| Identified Risk and to whom: | Recommended Actions: | Responsible Lead: | Completion Date: | Review Date: |
|------------------------------|----------------------|-------------------|------------------|--------------|
| | | | | |
| | | | | |
| | | | | |

| 8: Sign off | |
|--|---------------|
| Completed by (Names and Services) : | Arlene Dunbar |
| Signed off by (Head of Service) : | |
| <p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>Equalities Team Customer Service and Performance Corporate Governance Aberdeen City Council Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB</p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p> | |

| 9: Completion Terminology: | |
|---|---|
| Assessment Pre-screening Rating: | <p>This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.</p> |
| Assessment Rating: | <p>After completing this document, rate the overall assessment as follows:</p> <p>Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.</p> <p>Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p>Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> |

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| Equality Data: | <p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> |
| Genuine Determining Reason | <p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p> |
| Human Rights | <p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p> |
| Legal Status: | <p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p> |