

West Dunbartonshire Licensing Board

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16 August 2018

SPECIAL MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 29 AUGUST 2018 AT 1.00 P.M.

Dear Sir/Madam

Notice is hereby given that a Special Meeting of West Dunbartonshire Licensing Board will be held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank at 1.00 p.m. on Wednesday, 29 August 2018. **The pre-meeting for Board Members will be held in the Council Chamber commencing at 12.30 p.m.**

The agenda for the meeting is attached. Members are requested to note that the document pack contains confidential information that should not be made available to the press or public.

I shall be obliged if you will advise Nuala Borthwick, Committee Officer (telephone 01389 737594 or email nuala.borthwick@west-dunbarton.gov.uk) if you are unable to attend the meeting.

Yours faithfully

PETER HESSETT

Clerk to the Licensing Board

Distribution:-

Councillor Jim Brown (Chair)
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Marie McNair
Councillor Jonathan McColl
Councillor John Millar
Councillor John Mooney
Councillor Brian Walker

All other Councillors for information

Chief Executive

Date issued: 16 August 2018

LICENSING BOARD - WEDNESDAY, 29 AUGUST 2018

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 REVIEW OF PREMISES LICENCE 5 - 10

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members are requested to hold a Hearing to consider a Premises Licence for Bargain Store.

In this respect, submit letter from Chief Constable, Police Scotland and report by the Licensing Standards Officer.

4 REVIEW OF PERSONAL LICENCE 11 - 14

In terms of Section 83(7) of the Licensing (Scotland) Act 2005, Members are requested to hold a Hearing to consider a Personal Licence held by Mr Mohammad Yasin.

In this respect, submit letter from the Chief Constable, Police Scotland.

5 EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD 2018/19 15 - 17

Submit report by the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2018/19 festive period in terms of Section 68 of the Licensing (Scotland) Act 2005.

6 THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S STATEMENT OF PRINCIPLES 19 - 85

Submit report by the Clerk to the Licensing Board seeking approval to consult on a review of the Board's Statement of Principles under the Gambling Act 2005.

For information on the above agenda please contact Nuala Borthwick, Committee Officer, Regulatory, Municipal Buildings, College Street, Dumbarton G82 1NR. Tel: (01389) 737594
Email: nuala.borthwick@west-dunbarton.gov.uk

REVIEW OF PREMISES LICENCE

Premises: **BARGAIN STORE, 40 ALCLUTHA AVENUE, DUMBARTON**

The following document(s) relating to the Review of Premises Licence for the above premises are included as appendices as detailed below:-

<u>List of Production(s)</u>	<u>Page(s)</u>
Appendix 1 - Letter from Police Scotland requesting a Review of Premises Licence	Pages 7 - 8
Appendix 2 – Report from Licensing Standards Officer	Pages 9 - 10

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

REVIEW OF PERSONAL LICENCE

Personal Licence Holder: **MOHAMMAD YASIN**

The following document(s) relating to the Review of Personal Licence for the above personal licence holder is included as an appendix as detailed below:-

List of Production(s)**Page(s)**

Appendix 1 - Letter from Police Scotland requesting a
Review of Personal Licence

Pages 13 - 14

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

Licensing Board Meeting: 29 August 2018

Subject: Extensions to Licensing Hours over the Festive Period 2018

1. Purpose

To propose a policy on the granting of Applications for Extended Hours over the 2018/2019 Festive Period in terms of Section 68 of the Licensing (Scotland) Act 2005.

2. Recommendations

2.1 It is recommended;

- (a) That the period for granting applications for extended hours in respect of the 2018/2019 Festive Period should be from Friday, 14 December 2018 to Wednesday, 2 January 2019 inclusive;
- (b) That premises licence holders without significant entertainment (public houses, hotel bars and members' clubs fall into this category) may apply for 1 hour more than the normal licensed hours during the festive period with the exception of Hogmanay;
- (c) That premises licence holders without significant entertainment (public houses, hotel bars and members' clubs) may apply for extended hours to 3 am on Hogmanay on condition that last entry to the premises is 11pm and the event is pre-ticketed;
- (d) That premises licence holders offering significant entertainment (Nightclubs) may apply until 4 am during the festive period;
- (e) That authority for the granting of applications for extensions to licensing hours over the Festive Period is delegated to the Clerk to the Licensing Board, if in accordance with the foregoing agreed recommendations; and
- (f) That should applications for extended hours be submitted which fall outwith the agreed hours, or aforementioned recommendations, within the time period defined at 2.1(a) above, then any such applications may require to be submitted to the Board for consideration, particularly where objections are forthcoming.

3. Background

- 3.1 In order to allow licence holders to plan entertainment programmes for the Festive Period as far in advance as possible, the Board normally determines the period during which the policy on the granting of extended hours may be exercised in respect of the forthcoming Festive Period and agrees the additional hours which may be approved. The proposal for this year reflects previous decisions taken by the Board.

4. Main Issues

- 4.1 Section 68 of The Licensing (Scotland) Act 2005, allows the Licensing Board to extend the licensed hours in respect of premises by such period as specified in an application by the holder of a premises licence or such other period as the Board may consider appropriate.
- 4.2 The Licensing Forum's views on Festive Extended hours were sought at the meeting of Tuesday, 12 June 2018 and all members were supportive of the proposals for 2018.
- 4.3 For 2018/2019 it is recommended that the Festive Period should be from Friday, 14 December 2017 to Wednesday, 2 January 2019 inclusive.

5. People Implications

All extended hours applications should be processed by staff of the Licensing Team on behalf of the Board without adverse impact on the service provided by the Board or Licensing Team.

6. Financial Implications

The report may have a financial benefit to the licensed trade over the Festive Period.

7. Risk Analysis

There is no increased risk to the Council associated with the contents of this report.

8. Equalities, Health & Human Rights Impact Assessment (EIA)

No issues were identified in the screening for potential impact of this report.

9. Consultation

The Licensing Forum's views were sought at the meeting of Tuesday, 12 June 2018.

10. Strategic Assessment

There are no strategic implications and this report is in line with the Council's strategic priorities.

Clerk to the Licensing Board

Person to Contact: Lawrence Knighton, Licensing Standards Officer, West Dunbartonshire Licensing Board, Council Offices, 16 Church Street, Dumbarton, G82 1QL

Appendix: None

Background Papers: None

Wards Affected: All Wards.

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

Special Meeting of the Licensing Board - 29 August 2018

Subject: The Gambling Act 2005: Review of Licensing Board's Statement of Principles

1. Purpose

- 1.1** To seek the approval of the Board to consult on a review of the Board's Statement of Principles under the Gambling Act 2005.

2. Recommendations

- 2.1** It is recommended that the Board agree:-

- (i) to approve the terms of the draft Statement of Principles for consultation;
- (ii) to seek views on any factors that the Board may consider as relevant to its Local Area Profile within its Statement of Principles;
- (iii) to authorise the Clerk to the Board to consult the bodies and persons listed in Appendix 1 of the draft Statement of Principles on the terms of the draft in accordance with the Statutory Guidance from the Gambling Commission; and
- (iv) following consultation, to receive a further report to the Board with a final version of the Statement of Principles for consideration and approval.

3. Background

- 3.1** In terms of Section 349 of the Gambling Act 2005 ("the Act"), West Dunbartonshire Licensing Board requires to publish a Statement of Principles ("The Statement") that it proposes to apply in exercising its functions under the 2005 Act for a three year period. It is now time to review the current Statement. The Statement in terms of the Act should be in place by 31st January 2019.
- 3.2** The Statement must incorporate the statutory licensing objectives and must comply with the Gambling Commission's Guidance ("the Guidance"). The 5th edition of the Guidance to Licensing Authorities was published in September 2015 and certain parts of the guidance (Parts 17, 18 and 19), were subsequently updated in September 2016. The sections of the guidance

relevant to the review of the Statement are attached at appendix 1. Part 17 of the guidance has been omitted as this relates to casino licences of which there are none at present in this Local Authority area. Where relevant, all changes to the guidance will be incorporated within the Board's Statement of Principles.

4. Main Issues

4.1 A Board's Statement must begin by stating the three licensing objectives (Section 1 of the 2005 Act), which the policy will promote:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2 In terms of Section 153 of the 2005 Act there is an "aim to permit" the use of premises for gambling in so far as the Licensing Authority thinks that permission is:

- a) in accordance with any relevant code of practice.
- b) in accordance with any relevant guidance issued by the commission.
- c) reasonably consistent with the licensing objectives.
- d) in accordance with the Board's Statement of Principles.

4.3 There is a requirement that the Statement should state that the Licensing Authority shall "aim to permit" the use of premises for gambling, as set out in terms of Section 153 of the Act. There are no comparable provisions in the 2005 Act to the "overprovision" stipulations found in liquor licensing. The licensing objectives are different from liquor licensing, and restricted to the three objectives. A licensing authority accordingly, must restrict itself to consideration of the three licensing objectives and matters related to them. The Guidance also encourages Authorities not to refuse licensing applications where relevant objections can be dealt with through the use of licence conditions. An authority's decision cannot be based on the dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area.

4.4 The 5th edition Guidance brought in two important features. The first feature is the local risk assessments that an operator requires to undertake. The assessment should be submitted when applying for a new premises licence or when a variation of the premises licence is applied for. The risk assessment requires to be updated when there is a significant change in local circumstances or where there are significant changes at a licensee's premises that may affect their mitigation of local risks. The risk assessment must take into account relevant matters identified in the Board's Statement.

- 4.5** The second important feature of the 5th Edition Guidance is that a local authority may complete a 'local area profile'. There is no requirement in terms of the Guidance to produce a local area profile. In this proposed revised Statement, certain features of the locality are referred to, including the number of schools and their location within West Dunbartonshire. Details are also provided for the location of addiction services. This is to assist with further information to licence holders, prospective applicants and those seeking to make representations to the Board. A local area profile can also exist separately from the Statement. It is recommended that the Board reserves the right to further develop such a profile as evidence is produced to it. In its consultation, the Board should seek views on local risks that may inform any local area profile. The scope of the proposed consultation is deliberately wide to seek the views of interested local persons who may provide any relevant information to the formulation of any local area profile.
- 4.6** Police Scotland has provided figures with regard to reported incidents and crimes within licensed gambling premises. Police Scotland will present such statistics to the Board at the Special Meeting of the Board on 29th August 2018. It is notable that there have been very few reported incidents over the duration of the current policy. These incidents were in the main staff members reporting abusive type behaviour directed towards staff. It shows that from a 'local area profile' point of view there are very few problems with regulated gambling being a source of crime and disorder. In terms of this licensing objective, and the licensing objective of ensuring gaming is conducted in a fair and open way, there are no current documented concerns to report to the Board. Therefore, at present it is recommended to the Board that there is no current cause to map crime and disorder within Intermediate Data zones (akin to the mapping exercise undertaken in liquor licensing). There appears in West Dunbartonshire to be no 'causal link' between regulated gambling and crime and disorder to justify a mapping exercise. However, in a local risk assessment the premises should consider their location with regard to the relevant local crime and disorder statistics.
- 4.7** It is expected of an applicant that in their application they consider measures that may protect children and other vulnerable persons from being harmed or exploited by gambling. It is expected that applicants will have measures in place that protect children and also, should be mindful of advertising and location etc. close to vulnerable groups. This will be a matter that the Board would expect to see addressed in any risk assessment and application to it.
- 4.8** Information will be sought from health partners or groups that deal with problem gambling so that the Board's Statement is better informed. It is the position that the RCA Trust based in Renfrewshire, provides services for reported gambling addiction problems in addition to Gamblers Anonymous which is located in both Clydebank and Dumbarton. Attached at appendix 3 is a Scottish Summary report for Health Boards commissioned by the Scottish Government through 2013-2016. Some of the Key Findings of this report are:

- Overall, 66.3% of the population in Scotland spent money on gambling activities in the past 12 months.
- The most popular activities in Scotland and across health boards are National Lottery, scratchcards and other lotteries.
- The most popular betting activity in Scotland and across all health boards (apart from Western Isles and Orkney) is betting on horse races.
- Data for Greater Glasgow and Clyde and Ayrshire and Arran health boards show higher rates of problem gambling in these areas than the Scotland average. The differences are, however, slight.

4.9 The Scottish Public Health Observatory states the following in respect of gambling:

- Many types of gambling are legally available in Scotland, including bingo, slot machines, casinos, betting shops and the National Lottery.
- The 2016 Scottish Health Survey reported that two thirds (66%) of Scottish adults had spent money on gambling within the previous 12 months.
- Many people gamble without experiencing adverse consequences, but others experience a range of health harms including depression, anxiety and poor physical health. People can also experience a range of other harms detrimental to health and wellbeing, such as financial difficulty and distress and relationship breakdown.
- It is estimated that in 2016 one in 100 Scottish adults (1.0% of the adult population, or around 45,000 people) were problem gamblers. A further 1.2% (around 54,000 adults) were likely to be at risk of gambling problems, based on a standard risk questionnaire.
- There are significant inequalities in who is most likely to experience harm; those living in the most deprived areas of Scotland are nearly three times more likely to be problem gamblers than those living in the least deprived areas (2.1% vs 0.8%).
- Young people can also experience harm from gambling. This may be harm from their own gambling or harm caused by parental gambling. It is estimated at around one in every 250 children aged 11-15 (0.4%) experience gambling problems in Britain.

4.10 At Appendix 3 in the statement there is a Demographic Profile of West Dunbartonshire – from the Scottish Index of Multiple Deprivation that should be taken into account in any local area risk assessment, given the finding

above in relation to problem gamblers being more likely to live in the most deprived areas of Scotland.

4.11 It is proposed that a number of changes are made to the Statement. In the main these changes are to reflect the updates to the Guidance at Parts 17, 18 and 19. The main changes to this Statement are as follows:

- Changes to reflect the updated guidance at Parts 17, 18 and 19.
- Current details are updated in Appendix 2 as to the location of schools, addiction meeting locations and regulated places that children and young persons may frequent
- Gaming Machine Categories and entitlements will be referred to the Commission's website so that they are current and up to date.

4.12 It is noted that a number of major licensed bookmaker operators operate a 'self-exclusion scheme' for problem gambling. This will be a factor that the Board would expect to see considered in any assessment of risk and procedures in this regard. It is not known the numbers of persons that have self-excluded in West Dunbartonshire.

5. People Implications

5.1 There are no people implications.

6. Financial and Procurement Implications

6.1 There are no financial or procurement implications.

7. Risk Analysis

7.1 The Statement requires to be reviewed every three years. The Statement requires to be in place so the Board has a current policy framework to deal with gambling applications. The Statement should be in place by 31st January 2019. The Statement requires a minimum of a 4 week advertisement period before it comes into effect on that date.

8. Equalities Impact Assessment (EIA)

8.1 The Board's original Statement was subject to an Equality Impact Assessment. An Equality Impact Assessment/Screening will be concluded and will address the recommendations made to the Board in December 2018.

9. Consultation

9.1 Section 349 (3) of the Act requires the Chief Constable to be consulted on the Statement, one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and one or more persons who appear to the authority to represent the

interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 9.2** The attached draft Statement at appendix 2 outlines the names of parties in addition to the above who will be consulted. Thereafter, once the revised Statement is approved taking into account any representations then the Board will require to publish the Statement on the authority's website, and make the Statement available to members of the public for at least four weeks prior to the date when the Statement will come into effect.

10. Strategic Assessment

- 10.1** The Statement is a requirement of the Gambling Act 2005. It is a three year statement.

Peter Hessett
Clerk to the Licensing
Board Date: 14 August 2018

Person to Contact:	Raymond Lynch, Depute Clerk to the Licensing Board, Municipal Buildings, Station Road, Dumbarton, G82 1 NR, telephone: 01389 737818, e-mail: raymond.lynch@west-dunbarton.gov.uk
Appendix:	Appendix1-Parts 18 and 19 of the 5 th Edition Guidance to Licensing Authorities-September 2016 (Updated) Appendix 2- Draft Statement of Principles under the Gambling Act 2005. Appendix 3-Scottish Health Board's Summary Report 2013-2016
Background Papers:	Gambling Commission - Guidance to Licensing Authorities 5 th Edition, September 2015 and updated in September 2016. At: http://www.gamblingcommission.gov.uk/Licensing- authorities/Information-forlicensing- authorities/Guidance-to-licensing-authorities-5th-edition.aspx
Wards Affected:	All

GAMBLING COMMISSION

Guidance to licensing authorities **5th edition**

September 2015

Parts 17, 18 & 19 updated September 2016

Part 18: Bingo

- 18.1** Bingo is not given a statutory definition in 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.
- 18.2** The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the advice note [What constitutes bingo](#).⁴⁵ This advice was developed with the support of key stakeholders from the bingo industry.
- 18.3** Cash bingo is the main type of bingo played in commercial bingo premises. They also offer prize bingo, largely as games played in the intervals between main stage games. This means that only premises with a bingo premises licence, or a large casino premises licence issued under the Act (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.
- 18.4** As well as commercial bingo premises, bingo can be found in other gambling premises. Prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or at travelling funfairs. For these operators, prize bingo is subject to the allowances for prize gaming in the Act. This means that, subject to limits on participation fees and prizes, adult gaming centres, licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) are able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming. See Part 27 of this Guidance for a fuller discussion of prize gaming.
- 18.5** Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

Protection of children and young persons

- 18.6** 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. Licensing authorities are able to find information about the restrictions that apply in [Licence Conditions and Codes of Practice](#) (LCCP).

⁴⁵ This advice does not form part of the Guidance to Licensing Authorities

- 18.7** Children and young people are allowed 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 allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

Gaming machines

- 18.8** S.172(7), as amended, 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 on the premise. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed 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. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3⁴⁶ (but not B3A) and B4 machines.
- 18.9** The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 18.10** Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.
- 18.11** An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.

Bingo in clubs and alcohol-licensed premises

- 18.12** Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.⁴⁷
- 18.13** In addition, new rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. Even in this circumstance, bingo can still only be offered under the rules for exempt gaming. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

⁴⁶ SI 2007/2158: Categories of Gaming Machine Regulations 2007

⁴⁷ SI 2007/1940: The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007
SI No. 1944; the Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007

- 18.14** The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as 'high turnover bingo'. There is a legal duty on the licensee or club to inform the Commission if they offer high turnover bingo in any seven day period. This allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a bingo operating licence may be needed. A 'high turnover period' begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover bingo occurs within that year, a bingo operating licence will be required. Where bingo is played in a members club under a bingo operating licence no premises licence will be required.
- 18.15** If it comes to the attention of licensing authorities that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, authorities should inform the Commission. To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has developed a statutory code of practice the [Code of Practice for gaming in clubs and premises with an alcohol licence](#).

Bingo in casinos

- 18.16** The eight large casinos will be able to offer bingo. Bingo will be permitted as part of their casino premises licence and they will not require a separate bingo premises licence, though they will need to obtain a bingo operating licence (which may be combined with their casino licence) in order to offer facilities for bingo at a casino. The standards in this respect will be no lower than for operators seeking only to provide facilities for bingo alone.

Bingo premises licence conditions

- 18.17** Part 9 of this Guidance discusses the mandatory and default conditions that attach to premises licences.

Mandatory conditions

- 18.18** A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
- 18.19** No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).
- 18.20** Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- 18.21** Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.
- 18.22** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default conditions

- 18.23** Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

Controlling where gaming machines may be played – bingo

- 18.24** The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:
- with very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises
 - the distinctions between different types of licensed gambling premises are maintained
 - gambling activities are supervised appropriately
 - within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.
- 18.25** The Act and associated regulations set out a comprehensive regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises, the framework seeks to ensure the number and power (in terms of stakes, prizes and speed of play) of machines is proportionate to the premises. For such a framework to have any meaningful effect it must be possible for regulatory authorities and consumers to distinguish between different gambling premises.
- 18.26** The LCCP requires (social responsibility code provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 18.27** The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. In carrying out their functions under the Act licensing authorities should satisfy themselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 18.28** Licensing authorities are not being asked to impose a 'one size fits all' view of how a bingo premises should look and function. Rather they are ensuring that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 18.29** In exercising its functions under the Act a licensing authority should take account of the relevant code of practice on 'controlling where gaming machines may be played'. It is specifically obliged to do so when exercising functions under section 153 of the Act. In circumstances where a licensing authority considers an existing premises is not compliant with these general requirements they should contact the Commission at the earliest opportunity.

- 18.30** Both the Commission and licensing authorities have the power to attach specific conditions to operating or premises licences in circumstances where additional assurance is required. The Commission favours the approach of general conditions for all supplemented by operator specific conditions in cases where novel or contentious operating models are used which include the provision of gaming machines. This is to deliver the policy objectives above and ensure the risk to the licensing objectives is minimised.
- 18.31** In the Commission's view the above approach would ideally be adopted at licensing stage. Licensing authorities should ensure that they request all the information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and this Guidance. The approach of adding case specific conditions can equally be deployed in respect of an existing unit where concerns arise or when changes are made to the operating model.

Part 19: Betting premises

- 19.1** The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing. This part of the Guidance discusses off-course betting which is betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are discussed in Part 20 of this Guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence, which are also discussed in Part 20.
- 19.2** The Act also permits betting intermediaries to operate from premises. S.13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room. The Commission has issued an [advice note on betting intermediaries](#)⁴⁸.
- 19.3** Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of this Guidance.

Protection of children and young persons

- 19.4** Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in Part 20 of this Guidance, and s.46 and s.47 of the Act set out offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Social Responsibility (SR) code 3.2.7(3) in the [Licence Conditions and Codes of Practice](#) (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling. Children and young persons are not allowed to be employed at premises with a betting premises licence.

Gaming machines

- 19.5** S.172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines⁴⁹.

Self-Service Betting Terminals (SSBTs)

- 19.6** S.235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.
- 19.7** However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine **is** a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

⁴⁸ This advice note does not form part of the Guidance to Licensing Authorities

⁴⁹ The terminals commonly in use are able to provide both B2 and B3 content

- 19.8** It is the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others. The [Betting: advice for remote, non-remote and betting intermediaries](#)⁵⁰ advice note sets out the framework which the Commission applies when deciding whether it considers that a particular operator is offering betting or is acting as a betting intermediary and whether gambling is remote gambling or non-remote gambling.
- 19.9** S.181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 19.10** Where SSBTs include the functionality to be marketed or presented in foreign languages, licensing authorities may seek to ensure that the operator has considered the ordinary code provision about making the following information also available in those languages:⁵¹
- the information on how to gamble responsibly and access to help referred to in the LCCP
 - the players' guides to any game, bet or lottery required to be made available to customers under provisions in LCCP
 - the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

Betting premises licence conditions

- 19.11** Part 9 of this Guidance discusses the mandatory and default conditions that attach to premises licences.

Mandatory conditions

- 19.12** A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- 19.13** There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).
- 19.14** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.

⁵⁰ This advice note does not form part of the Guidance to Licensing Authorities

⁵¹ Ordinary code provision 3.3.2

- 19.15** No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
- information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements)
 - information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- 19.16** No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.15 or machines which do not come within the categories of machine explicitly allowed in betting premises under s.172(8) of the Act.
- 19.17** The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises. Additionally in Scotland the sale of alcohol on the premises is also specifically prohibited.
- 19.18** The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- 19.19** A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises. In Scotland this notice must be displayed at every entrance.

Default conditions

- 19.20** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Controlling where gaming machines may be played – betting

- 19.21** The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:
- with very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises
 - the distinctions between different types of licensed gambling premises are maintained
 - gambling activities are supervised appropriately
 - within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.
- 19.22** The Act and associated regulations set out a comprehensive regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises, the framework seeks to ensure the number and power (in terms of stakes, prizes and speed of play) of machines is proportionate to the premises. For such a framework to have any meaningful effect it must be possible for regulatory authorities and consumers to distinguish between different gambling premises.
- 19.23** The LCCP requires (social responsibility code provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a betting premises operator offers substantive facilities for non-remote betting it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.

- 19.24** The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. In carrying out their functions under the Act licensing authorities should satisfy themselves that a premises applying for or licensed for betting is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for betting.
- 19.25** Licensing authorities are not being asked to impose a 'one size fits all' view of how a betting premises should look and function. Rather they are ensuring that a premises licensed for the purposes of providing facilities for betting is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 19.26** In exercising its functions under the Act a licensing authority should take account of the relevant code of practice on 'controlling where gaming machines may be played'. It is specifically obliged to do so when exercising functions under section 153 of the Act. In circumstances where a licensing authority considers an existing premises is not compliant with these general requirements they should contact the Commission at the earliest opportunity.
- 19.27** Both the Commission and licensing authorities have the power to attach specific conditions to operating or premises licences in circumstances where additional assurance is required. The Commission favours the approach of general conditions for all supplemented by operator specific conditions in cases where novel or contentious operating models are used which include the provision of gaming machines. This is to deliver the policy objectives above and ensure the risk to the licensing objectives is minimised.
- 19.28** In the Commission's view the above approach would ideally be adopted at licensing stage. Licensing authorities should ensure that they request all the information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and this Guidance. The approach in adding case specific conditions can equally be deployed in respect of an existing unit where concerns arise or when changes are made to the operating model.

Industry codes

- 19.29** The betting industry, in common with other sectors of the gambling industry, has developed a variety of codes, for example through their trade association. Their main focus has been on matters related to social responsibility. Such codes, whilst not having the force of a licence condition or code, can assist officers when conducting premises inspections. Updates are provided in the LA Bulletin and on trade association websites.

**WEST DUNBARTONSHIRE LICENSING
BOARD**

**STATEMENT OF PRINCIPLES - GAMBLING
ACT 2005**

SECTION 349

31/01/2019

FOREWORD

The Statement of Principles is the ~~fourth~~ fifth statement of principles published by West Dunbartonshire Licensing Board as required in terms of the Gambling Act 2005. Further detail is contained at page 5, paragraph 1.1. herein.

All references in the Statement of Principles refer to the Gambling Commission's Guidance for Local Authorities published in September 2015 and Parts 17, 18 and 19 that were revised in September 2016.

Consultation on the draft Statement of Principles took place during the period from ~~22/10/2015~~ to ~~19/11/2015~~.

A report providing details of comments received from consultees and consideration given to those comments was considered at the meeting of West Dunbartonshire Licensing Board which was held on ~~15/12/2015~~. A copy of the report can be made available on request to the Licensing Section, West Dunbartonshire Council, Council Offices, ~~Garshake Road~~ Municipal Buildings, Dumbarton G82 ~~1NR 3PU~~ telephone 01389 738741 or e-mail licensing@west-dunbarton.gov.uk.

This finalised version of the Statement of Principles incorporates amendments which were approved by the Licensing Board on ~~15/12/15~~ in response to comments received.

The Statement of Principles will be in force for a period of three years. It will be kept under review and revised if appropriate during the three year period.

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PART A

INTRODUCTION

1. Legal Background

- 1.1** The Gambling Act 2005 ("the Act"), which came into full force and effect on 1 September, 2007, created a new system of licensing and regulation for all commercial gambling in Great Britain, other than the National Lottery and spread betting. Section 349 of the Act required all licensing authorities to publish a Statement of Principles to be applied in exercising their functions under the Act.

The Act provided that a Statement of Principles shall apply for a period of three years and may be reviewed and revised during that period if appropriate.

~~West Dunbartonshire Licensing Board ("the Board") approved its first Statement of Principles, which it proposed to apply in exercising its functions under the Act, on 16 January, 2007. The Second Statement of Principles was approved on 3rd February 2010. The Third Statement of Principles was approved on the 12th March 2013.~~

As required in terms of Section 349 of the Act, the Board have ~~consulted on and~~ reviewed and revised its ~~third~~ fourth Statement of Principles. The following is the Board's ~~fourth~~ fifth Statement of Principles (approved on ~~15th December 2015~~) which, it proposes to apply in exercising its functions under the Act during the three year period beginning on 31 January, 2019~~6~~. This Statement of Principles will be kept under review and revised, if appropriate, during the three year period.

2. The Licensing Objectives

- 2.1** In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2** It should be noted that the Gambling Commission has stated "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

2.3 This licensing authority is aware that, in terms of Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles.

3. West Dunbartonshire Licensing Board

3.1 West Dunbartonshire Licensing Board, referred to in this Statement of Principles as “the Licensing Authority”, is the Licensing Authority for the West Dunbartonshire Council area for the purpose of the Gambling Act 2005 and any subsequent regulations and guidance. Located in the west of Scotland and stretching from the outskirts of Glasgow to the banks of Loch Lomond, West Dunbartonshire is the fourth smallest Scottish local authority in terms of land coverage (159 square kilometres). It has a population of just over ~~89,590~~89,730 ~~people (National Records of Scotland mid-year estimate in 2014)~~ concentrated in the three main settlements of Clydebank, Dumbarton and Alexandria. A map of the Council area is provided in Appendix 1 to this Statement of Principles.

3.2 Information related to the location of schools in West Dunbartonshire is provided at Appendix 2. This internet link details the number and location of educational establishments in West Dunbartonshire. Also in Appendix 2 is an internet link that details the location of addiction services within West Dunbartonshire and regulated premises where children and young persons may frequent. This information is provided to give further information as to the local area profile of West Dunbartonshire in terms of addiction services, educational establishments and regulated premises that children and young persons frequent.

4. Requirement to Publish Statement of Principles

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” with further consultation taking place on proposed amendments. The statement must be then re-published.

4.2 Nothing in the Statement will override the right of any person to make an application under the Act, or to have the application considered on its individual merits, or undermine the right of any person to make representations on an application, or to seek a review of a licence where there is a legal power to do so.

4.3 In making decisions under the Act, the Board will have regard to this Statement of Principles but every application will be considered on its own merits. This statement is intended to be a general Statement of Principles and is not to be regarded as a comprehensive guide to the application of the Act by the Board. Applicants and others should always have regard not only to this Statement of Principles but also to the Act, any regulations made under the Act and any Guidance or Codes of Practice issued by the Gambling Commission. Guidance and Codes of Practice issued by the Gambling Commission may be accessed on the Commission’s web site (www.gamblingcommission.gov.uk).

5. Consultation on the Statement of Principles

5.1 The Licensing Authority requires to consult widely upon this statement before it is finalised and published. ~~A list of those persons/organisations consulted is contained in Appendix 6.~~

5.2 The Gambling Act requires that the following parties are consulted by Licensing Authorities:-

- The Chief Officer of Police;
- 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 functions under the Gambling Act 2005.

5.3 ~~The Depute Clerk to the Board consulted internally with departments as to information relevant to the creation of this statement and also with partner agencies. In particular information with regard to reported crime and disorder incidents within licensed book maker gambling premises were sought and received from Police Scotland. These showed a very low number of reported incidents or concerns within those Licensed Premises. These are detailed referenced in a report considered by the Board the report to the Board on 20th October 2015 29th August 2018. Information was also received in a preliminary consultation with Licensed Bookmakers. West Dunbartonshire currently has twenty one such establishments within its area. One operator provided full details of its "Gambling Commission Manual" and additional comments which have informed the Board further of the measures currently taken by operators in furtherance of the Licensing Objectives.~~

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5.4 The consultation took place between ~~22/10/15~~ and ~~19/11/15~~ and a number of matters have been dealt with in this revision. In particular, the Board has:

- ~~• At Part 11 a new section outlining the new provision on Local Risk Assessments is included; Revised Parts 17, 18 and 19 to reflect the changes to the Fifth Edition of the Gambling Commission's Guidance in September 2016.~~
- ~~• The section on what the Board would expect in any Local Area Risk Assessment has been updated.~~
- ~~• Updated d~~Details are provided in the Appendices as to addiction meeting locations, the location of schools, and areas where regulated places that children and young persons may frequent. (Appendix 2);
- ~~• Gaming Machine Categories and entitlements have been updated to reflect changes in 26 November 2012 refer to the Commission's website for up to date information~~ (Appendix ~~43~~)

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There are also changes of a technical nature. References to the Gambling Commission Guidance have been revised to have regard to the Commission's Revised Guidance. This can be found at:
<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-forlicensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

5.5 The Statement of Principles was approved at a meeting of West Dunbartonshire Licensing Board on ~~15TH December 2015~~ and was published on the Council's website on 18th December 2015. Copies were placed in the public libraries for the area as well as being available at the principal offices of West Dunbartonshire Council at Garshake Road, Dumbarton, G82 ~~1NR3PU~~.

5.6 Should you have any comments as regards this policy statement please send them via email or letter to the following contact:

Name: Raymond Lynch, Depute Clerk to the Licensing Board,
West Dunbartonshire Licensing Board, Council Offices,
~~Garshake Road~~ Municipal Buildings, Station Road,
Dumbarton G82 ~~3PU1NR~~
Email: raymond.lynch@west-dunbarton.gov.uk

5.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

6. Declaration

6.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005 as set out at 3.1 above, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

7. Responsible Authorities

7.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the West Dunbartonshire Child Protection Committee (West Dunbartonshire Community Planning Partnership) for this purpose.

7.3 The responsible authorities under the Gambling Act 2005 are:-

- The Council (West Dunbartonshire Licensing Board).
- The Gambling Commission.
- The Chief Constable, Police Scotland.
- The Chief Fire Officer, Scottish Fire and Rescue Service.
- West Dunbartonshire Council, Department of ~~Corporate Services~~ Regulatory Services: Environmental Health Section.
- West Dunbartonshire Council, ~~Department of Housing, Environmental and Economic Development~~ Regulatory Services: Planning & Building Control Section.

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- West Dunbartonshire Community Planning Partnership.
- HM Revenues and Customs.
- Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

The contact addresses for these authorities are provided in Appendix 5.

8. Interested Parties

- 8.1** Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for, or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence, or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)”.

- 8.2** The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

This authority will decide each case on its merits and will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance (5th Edition) for local authorities at paragraphs 8.12 to 8.17.

- 8.3** In determining whether a person is a “person living close to the premises”, the Board may take into account the following factors; size of premises, the nature of the premises, the distance of the premises from the location of the party making the representation, the topography and routes likely to be taken; the potential impact of the premises; and the circumstances of the person.
- 8.4** The Board will also consider the Gambling Commission's Guidance (at point 8.14 and 8.15) that in respect of whether the person “has business interests” should be satisfied that the relevant business is likely to be affected. In determining whether, a party is a person with business interests that could be affected, factors that may be taken into account include:

- The size of the premises;
- The catchment area of the premises, that is, how far people travel to visit the premises; and
- Whether the person making the representations has business interests in that catchment area that might be affected.

- 8.5** The Gambling Commission has recommended that the Board states that interested parties include people representing those interested parties including trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for licensing authorities paragraph 8.16 and 8.17). This Board will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 8.6** Interested parties can be persons who are democratically elected such as Councillors, MPs and MSPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP/MSP represents the ward/constituency likely to be affected. Likewise, Community Councils likely to be affected will be considered to be interested parties. In addition a community group might represent vulnerable people living near to the proposed premises.
- 8.7** Other than these however, this Board 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.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Board dealing with the licence application. If there are any doubts then please contact the Licensing Section (West Dunbartonshire Licensing Board, Council Offices, ~~Garshake Road~~ **Municipal Buildings, Station Road**, Dumbarton, G82 ~~3PU~~ **1NR**, telephone: 01389 738741; e-mail: licensing@west-dunbarton.gov.uk).

9. Exchange of Information

- 9.1** Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in the Act. The terms of Part 13 of the guidance outline the underlying principles and information exchange between the Commission and licensing authorities.

9.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Board will also act in accordance with the terms of the Freedom of Information Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State or Scottish Ministers under the powers provided in the Gambling Act 2005.

9.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

10. Compliance and Enforcement

10.1 In exercising its functions under Part 15 of the Act with respect to the inspection of premises this authority will be guided by the Gambling Commission's Guidance and will endeavour to be in terms of the Principles of good regulation in the Legislative and Regulatory Reform Act 2006:

- 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 and equally to all parties;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

10.2 In terms of the Gambling Commission's Guidance for local authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

10.3 This licensing authority will also, as recommended by the Gambling Commission's Guidance for licensing authorities, adopt a risk-based inspection programme when assessing 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; and

- the procedures put in place by the management of individual premises to meet the licensing objectives.

10.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. The Board, to monitor compliance with its functions under the Act, will work actively with the Gambling Commission's Compliance Officer and other partner agencies to enforce the licensing legislation. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

10.5 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section, West Dunbartonshire Council Offices, ~~Garshake Road~~ Council Offices, Municipal Buildings, Dumbarton G82 1NR3PU:- e-mail licensing@west-dunbarton.gov.uk. Our risk methodology will also be available upon request.

10.6 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to provide the authority with the contact details for a senior individual within the organisation, whom the authority will contact first should any compliance queries or issues arise.

11. Local Risk Assessments

11.1 The Gambling Commission Licence Conditions and Codes of Practice formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centres, bingo, family entertainment centre, betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. The 5th edition of the Guidance at parts 6.41 to 6.46 further details the requirements.

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11.1.2 Licencees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this statement of principles. West Dunbartonshire Officers may request a copy of this at any time. It is expected that Premises Managers will be conversant in their individual risk assessment. The effectiveness of the policy should also be reviewed and monitored.

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44.211.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their local risk assessment must also be updated and reviewed:

- When applying for a variation of a premises licence;
- To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

44.311.4 The ~~new~~ Social Responsibility Provision is supplemented by an Ordinary Code provision that requires licensees to share their risk assessment with licensing authorities. Ordinary Codes are not a mandatory requirement but are expected to be followed unless alternative arrangements that can be put in place that are equally effective.

44.411.5 West Dunbartonshire Licensing authority expect that all local risk assessments will take into account the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Where appropriate the Board would expect that local risk assessments take into account the vicinity of licensed premises to schools, gambling or addiction support or treatment centres where children or vulnerable groups may be present. Links listed at appendix 2 are provided to assist licence holders and applicants and those seeking to make representations to the Licensing Board. These assist in giving the location of such places. It is expected that operators take close cognisance of where prospective premises may be situated in the vicinity and at times where such persons may be there and take appropriate steps to mitigate risks in such areas in terms of the licensing objectives. This would in particular but not exhaustively, include steps such as ensuring that advertising is appropriately monitored. It is expected that local risk assessments should show information held by the licensee regarding self-exclusions from premises, and how persons with gambling dependencies are protected within premises.

It is the case however, that the Board will consider all representations to it in terms of the Guidance and whether the locations of such premises are higher risk and whether additional controls are required. Applicants should be prepared to demonstrate to the Board how they will address any properly identified concerns or mitigate the risks.

44.511.6 The Board would also welcome any proposals between operators in town centre areas where there are a concentration of Gambling Premises areas such as Clydebank Town Centre, Dumbarton town centre and Alexandria Town Centre for a self-exclusion network for declared 'problem gamblers' to be set up in these areas between operators. The Board would request that consideration is given between operators for localised exchange of information regarding self exclusion and gaming trends. ~~The Board notes the Medway Responsible Gambling Partnership scheme (the first of its kind voluntary agreement scheme for self-exclusion set up by Medway Council and the Association of British Bookmakers) that has been piloted in Glasgow and would welcome this being extended to other Local Authority areas.~~

It is estimated that in 2016⁴ the Scottish Health Survey 2014 (as calculated by the Scottish Public Health Observatory ~~in 2015~~: <http://www.scotpho.org.uk/behaviour/gambling/key-points>) that almost one in 100 Scottish Adults were problem gamblers. A further 1.25 % were likely to be at risk of gambling problems, based on a standard risk questionnaire. In West Dunbartonshire using a base population of over 18's of 70,000 people this would equate to 560 people being problem gamblers and a further 1,050~~840~~ would potentially be at risk of gambling problems taking into account the standard risk questionnaire. In 2014 an association between gambling and socio deprivation and gambling and poor mental health was identified: (http://www.scotphn.scot.nhs.uk/wpcontents/uploads/2015/09/2014_06_30_Scot_PHN_GamblingRelated_Harm_Final1.pdf).

The Scottish Health Survey found that there are significant inequalities in who is most likely to experience harm; those living in the most deprived areas of Scotland are nearly three times more likely to be problem gamblers than those living in the least deprived areas (2.1% vs 0.8%).

At Appendix 3 there is a map of Scottish Index of Multiple Deprivation for West Dunbartonshire. These may be factors that operators consider with regard to the Licensing Objectives, problem gamblers, vulnerable adults and the links in studies identified. In addition, there is a link below to the full List of current Gambling Premises so, that operators can assess the range of gambling facilities in proximity to the Licensed Premises in terms of any risk assessment:

<http://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/gambling-licences/>

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12. Licensing Authority Functions

12.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Receive occasional use notices
- Issue permits as required by the Act; and
- Registrations as required by the Act
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of Information').
- Maintain registers of the permits and licences that are issued under these functions.

12.2 This Statement of Principles 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; and
- registration of small society lotteries (below prescribed thresholds).

12.3 It should be noted that local licensing authorities will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

1. General Principles

- 1.1** Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. Additional conditions will only be imposed where there is evidence of a risk to the Licensing Objectives that requires that the mandatory and default conditions be supplemented.
- 1.2** This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:-
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing principles.
- 1.3** It is appreciated that in terms of the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below at 4.1).

In considering an application for a premises licence no regard will be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.

- 1.4 Definition of “premises”** - Premises is defined in the Act as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any place. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be genuinely regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, tracking or shopping mall to obtain discrete premises licences, where appropriate safe guards are in place. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

It is highlighted to Board's that they should pay particular attention if there are any issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between the premises are observed. Factors which will assist the licensing authority in making their decision may include:-

- a) is a separate registration for business rates in place for the premises?
- b) is the premises' neighbouring premises owned by the same person or someone else?
- c) can each of the premises be accessed from the street or a public passageway?
- d) can the premises only be accessed from another gambling premise?

- 1.5** The Gambling Commission states in the 5th edition of its Guidance to Licensing Authorities that: *“In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”*

1.6 This licensing authority takes particular note of the Gambling Commission's Guidance for licensing authorities which states that:-

Licensing authorities should take particular care 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. In particular, they should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.7 In respect of whether Premises are "ready for gambling" - The 5th edition of the Guidance states (in particular at parts 7.58 to 7.65) that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alteration required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. Applicants should note that this authority is

entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Further detail can be found in Chapter 7 of the Gambling Commission's Guidance.

- 1.8 Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission's Guidance for licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. In this regard, it may well be the case that the Licensing Board would take the view that it would be undesirable to allow Adult Gaming Centres or Family Entertainment Centres to be located in close proximity to schools. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 1.9 Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. When considering a licence application, this authority will not consider whether the premises are likely to be awarded planning permission or building regulations approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.10 Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors-see below at 1.12. The Board will, in relation to this Licensing Objective give due weight and consideration to any application from Police Scotland (or any other relevant authorities) when making a decision in this regard.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

The Board will closely consider measures in place by the operator such as CCTV, age verification checks and standard of staff training, Issues of nuisance generally cannot be addressed via the Gambling Act provision and it is noted that there are very few reported matters from Police Scotland of crime, nuisance and disorder within West Dunbartonshire's Licensed premises. The Board has noted the low level of disorder, crime and nuisance associated with [licensed book-maker gambling](#)

premises in West Dunbartonshire in the report to it on the ~~29th August 2018~~^{20th October 2015}.

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In making decisions about premises licences, the Board will aim to permit the use of premises for gambling insofar as it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Licensing Principles.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'Tracks' section (below - part 7).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

1.11 Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters will be in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines (which may only be used by persons over the age of 18) are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;

- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being re-instated); and
- conditions in relation to stakes, fees, winning or prizes.

1.12 Door Supervisors - The Board whilst not specifying the need for door supervisors would encourage operators to risk assess whether or not they may require this to uphold the licensing objectives.

2. Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Operators are encouraged to fully consider this licensing objective closely.

3. (Licensed) Family Entertainment Centres:

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas

- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare; and
- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

- 3.3** This licensing authority will, in terms of the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 No Casinos resolution** - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so.

5. Bingo premises

- 5.1** This licensing authority notes that the Gambling Commission's Guidance at Part 18 with regard to "Bingo" in particular states:-

Paragraph 18.7 - ~~It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines~~ Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and ~~Where category if category B or C or above machines are made available in premises to which children are admitted licensing authorities should ensure that for use~~ these must be separated from areas where children and young persons are allowed. The Social Responsibility Code states that 'licences must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

- 5.2** Part 18.18 to 18.22 of the Gambling Commission's Guidance to Licensing Authorities 5th Edition sets out the mandatory conditions attached to different types of bingo premises, and regard will be given any further guidance from the Gambling Commission and the LCCP sets out in full the requirements on operators.

6. Betting premises

- 6.1 Betting machines** - This licensing authority will, in terms of the Gambling Commission's Guidance at Part 19, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting (see 7.4 below for gaming machines) machines an operator wants to offer.
- 6.2** Section 181 of the Act contains an express power for licensing authorities to restrict the number of self-serving betting machines (SSBT's), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence (or to a casino betting licence where betting is permitted in the casino).

7. Tracks

- 7.1** This licensing authority is aware that tracks (Part 20 of the Guidance) may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In terms of the Gambling Commission's Guidance, this licensing authority will give special consideration to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2** This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3** This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-baring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

7.4 Gaming machines - The Gambling Commission guidance with regard to Gaming Machine Permits is to be found at 20.33 to 20.38. There is distinction between betting (as above at 6.1 and 6.2) and gaming machines. The holder of a betting premises licence may make up to 4 gaming machines of categories B, C or D available for use

7.5 Self Service Betting machines - This licensing authority will, consider the terms of Gambling Commission's Guidance at 20.39 to 20.42. In particular at point 20.40 the supervision of such terminals to prevent them being used by those under 18 years of age.

7.6 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for licensing authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

8. Travelling Fairs

8.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will be a matter for this licensing authority to decide whether the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met. Category D machines stake values are as per Appendix 3.

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

9. Provisional Statements

- 9.1** Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-
- expects to be constructed
 - expects to be altered
 - expects to acquire a right to occupy
- 9.2** In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 9.3** The Board may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances.
- 9.4** This authority has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning permission or building standards approval for the proposal.

10. Reviews

- 10.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Board to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations relating to the same premises or requests for review.

Requests for reviews should be:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

- 10.2** The Board can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

**1. Unlicensed Family Entertainment Centre gaming machine permits
(Statement of Principles on Permits - Schedule 10 paragraph 7)**

- 1.1** Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2** Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit.

- 1.3** The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 24. The Gambling Commission's Guidance for local authorities also states: "In their licensing policy statement, a licensing authority may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits.... Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to the protection of children from being harmed or exploited by gambling." (Paragraph 24.8)
- 1.4** Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:-
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes (Paragraph 24.9).
- 1.5** It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 1.6 Statement of Principles** - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, in terms of the Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. **Alcohol Licensed Premises Gaming Machine Permits**

2.1 There is provision in the Act (Part 26 of the Guidance) for premises licensed to sell alcohol for consumption on the premises, automatically to have 2 gaming machines, of categories C and/or D. To take advantage of this entitlement, the licence holder must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. The automatic entitlement to have 2 gaming machines relates to premises as a whole and not to each individual bar or lounge area within premises. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

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

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*.” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. The licensing authority will impose the conditions and support best practice as per the Gambling Commission Guidance. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. Under 18 year olds may play category D machines.

2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

3.1 A prize gaming permit is a permit issued by a licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

3.2 The Gambling Act 2005 states at part 27.12 that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

3.3 This licensing authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

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

3.5 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions.

4. Temporary Use Notices

4.1 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. They may only be granted where a relevant operating licence has been granted.

- 4.2** There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance (4th Edition). As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

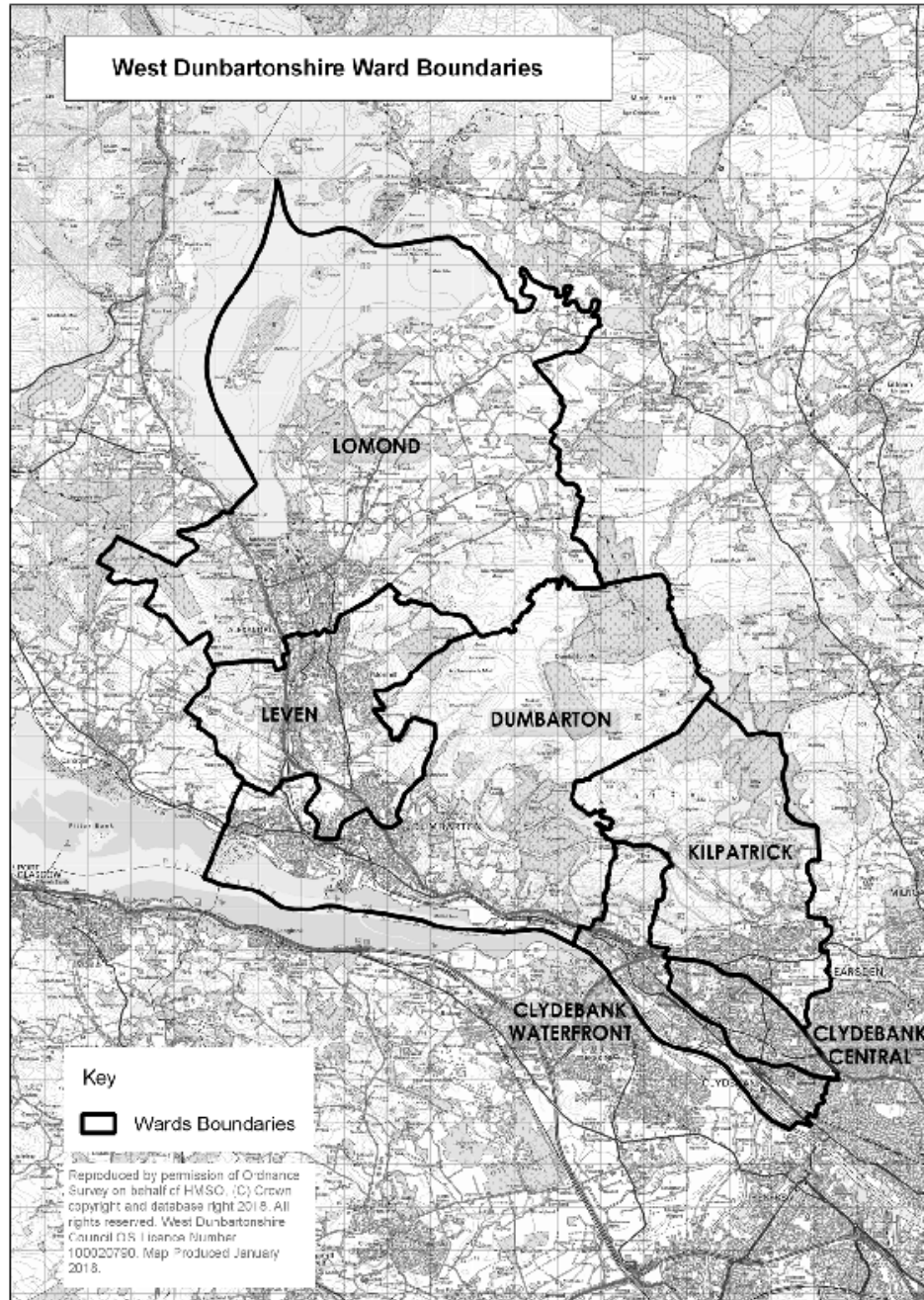
5. Occasional Use Notices

- 5.1** Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice, without the need for a full premises licence.
- 5.2** The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

6. Small Society Lotteries

A non-commercial society that runs a lottery where the income is below a certain specified thresholds can register with the Board. The Board may issue guidance in terms of the Commission Guidance. In the first instance parties seeking information on the registration procedure should contact a West Dunbartonshire Council Licensing Standard Officer.

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Appendix 2**List of Schools within West Dunbartonshire, regulated premises where children and young person's frequent and a list of addiction services offering supports**

The list of Educational establishments within West Dunbartonshire can be found at:

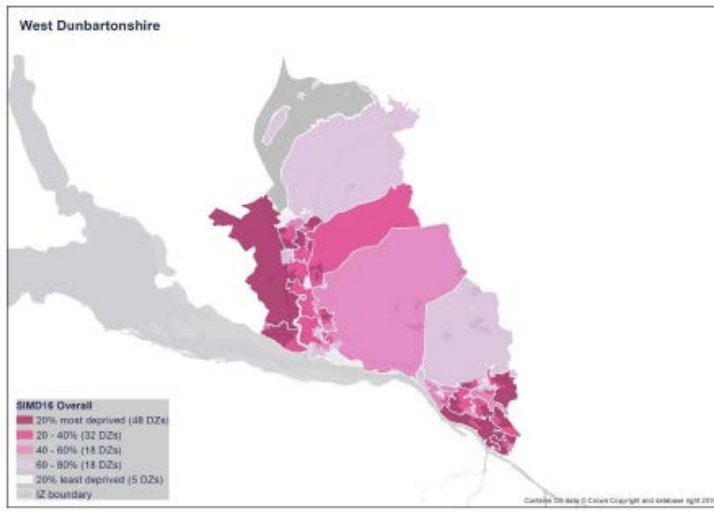
<http://www.west-dunbarton.gov.uk/schools-and-learning/schools/school-search/>

Further information can be found for regulated activities for children and young persons and the list of addiction services can be found at:

<http://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/gambling-licences/>

Further useful information can also be found at Health and Social Care Partnership Website: www.wdhscp.org.uk

Appendix 3

Demographic Profile of West Dunbartonshire - Scottish Index of Multiple Deprivation[SIMD16 quintiles](#)

Appendix 4

Gaming Machine Categories and Entitlements ~~as at 26 November 2012~~

Please refer to the Gambling Commission's website at
www.gamblingcommission.gov.uk

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Appendix 5

Schedule of Responsible Authorities

West Dunbartonshire Licensing Board, Council Offices, ~~Garshake Road~~ Municipal Buildings, Church Street, Dumbarton G82 ~~3PU1NR~~

The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP

The Chief Constable, Police Scotland

The Chief Fire Officer, Strathclyde Fire & Rescue, Headquarters, Bothwell Road, Hamilton ML3 0EA

West Dunbartonshire Council, ~~Department of Corporate~~ Regulatory Services: Environmental Health Section, Council Offices, ~~Rosebery Place~~ Church Street, ~~Clydebank G81 1TG~~ Dumbarton, G82 1QL

West Dunbartonshire Council, Department of Housing, Environmental and Economic Developmental Services: Planning Section, Council Offices, ~~Rosebery Place~~, ~~Clydebank G81 1TG~~ Church Street, Dumbarton, G82 1QL

Loch Lomond & the Trossachs National Park Authority: Director of Planning, National Park Headquarters, The Old Station, Balloch Road, Balloch, G83 8BF

West Dunbartonshire Community Planning Partnership (West Dunbartonshire Child Protection Committee), Council Offices, ~~Garshake Road~~ Church Street, Dumbarton, G82 ~~3PU1QL~~

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

Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

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Appendix 6

Schedule of Consultees

The draft Statement of Principles was made available on the website of West Dunbartonshire Licensing Board - www.west-dunbarton.gov.uk - during the weeks consultation period from ~~20/10/2015~~ to ~~19/11/2015~~.

It will be sent to the consultees listed below:-

All Members of West Dunbartonshire Licensing Board

All Members of West Dunbartonshire Council

All West Dunbartonshire Council Strategic

Directors-Directors

All Tenants Associations

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All Community Councils within West Dunbartonshire

West Dunbartonshire Child Protection Committee

West Dunbartonshire Equality Forum

West Dunbartonshire Chamber of Commerce

Scottish Enterprise

General Secretary of Scottish Trade Unions Congress

The Gambling Commission

Youth Commission

Gamcare

Gamblers Anonymous Scotland

The Chief Constable, Police Scotland

The Chief Fire Officer, Strathclyde Fire & Rescue

West Dunbartonshire Council, ~~Department of Corporate Services~~Regulatory Services:
Environmental Health Section

West Dunbartonshire Council, ~~Department of Housing, Environmental and Economic Development Services~~Regulatory Services: Planning & Building ~~Section~~Standards

Loch Lomond & the Trossachs National Park Authority

Y-Sort-it

Citizens Advice Direct

Clydebank and Dumbarton's

Women's Aid

West Dunbartonshire Community Planning Partnership

Greater Glasgow and Clyde NHS Board

West of Scotland Race Equality Council

~~West Dunbartonshire Violence against Women Partnership~~

West Dunbartonshire Learning Disability Service

HM Revenue and Customs

The Church of Scotland

Roman Catholic Church

Methodist Church

Scottish Episcopal Church

United Free Church of Scotland

United Reformed Church

The Salvation Army

British Casino Association

The National Casino Industry Forum

The Association of British Bookmakers Ltd.

~~INSHOPS Market~~

Carlton Clubs plc

MB Leisure

Gala Leisure

Clyde Leisure Limited

Jackpots Too

William Hill Ltd

Ladbrokes Ltd

Coral Racing Ltd

Done Brothers (Betfred)

SP Graham Ltd

Talarius Ltd (Quicksilver)

Scotbet Ltd

Harris Smith

Stewart 4 Ltd (Gold Gaming)

Power Leisure Bookmakers Ltd (Paddy Power)

Clyde Leisure Ltd

Harry Smith and Elsie Blockley Smith (County Amusements)

~~Noel Bardon~~, Club 3000 Bingo

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Scottish Health Boards Summary Report

Key points:

- Overall, 66.3% of the population in Scotland spent money on gambling activities in the past 12 months. Ayrshire and Arran has the highest participation rate of 71.8% while Western Isles has the lowest – 48.8%.
- The most popular activities in Scotland and across health boards are National Lottery, scratchcards and other lotteries.
- Bingo is a popular activity in Fife (8.4%) and Tayside (8%) while slots are more popular in Lanarkshire (9.4%) and Ayrshire and Arran (8.9%).
- The most popular betting activity in Scotland and across all health boards (apart from Western Isles and Orkney) is betting on horse races with the highest rates of participation in Ayrshire and Arran (14.9%), Dumfries and Galloway (14.4%) and Lanarkshire (12.7%). Online betting is the most popular activity in Western Islands and Orkney.
- Data for Greater Glasgow and Clyde and Ayrshire and Arran health boards show higher rates of problem gambling in these areas than the Scotland average. The differences are, however, slight.

1. Methodology

The following findings are based on a set of questions commissioned by the Scottish Government and conducted by ScotCen Social Research throughout 2013-2016 providing an overall sample for the gambling questions of 16,952 adults aged 16+. Interviews are conducted face to face in the homes of respondents, with gambling questions asked via a short paper self-completion questionnaire administered alongside the core Health Survey questionnaire. Non-response rates for the questions around gambling have been between 10 and 11% since 2013. Participation questions ask respondents about their gambling participation in the past 12 months. Problem gambling status has been defined using both the Problem Gambling Severity Index (PGSI) and the DSM-IV.

In terms of sampling a random sample of addresses was selected from the Postcode Address File (PAF). Further boost samples were also utilised in Health Board areas which opted for increased samples or which experienced a shortfall of adult interviews. Where an address was found to have multiple dwelling units, one was selected at random. Where there were multiple households at a dwelling unit, a single household was selected at random. Each individual within a selected household was eligible for inclusion. Where there were more than two children in a household, two were randomly selected for inclusion, to limit the burden on households.

Reflective of variances in population size in different areas results for some Health Boards are more robust than others. The table below shows the number of respondents in each health board:

	Number of respondents
Greater Glasgow and Clyde	2,679
Grampian	2,321
Ayrshire and Arran	2,026
Lothian	1,848
Fife	1,845
Lanarkshire	1,355
Tayside	998
Highland	733
Western Isles	712
Forth Valley	649
Orkney	481
Shetland	459
Borders	427
Dumfries and Galloway	419
Total	16,952

2. Overall participation summary

The following graph and table present overall participation figures for Scotland and individual health boards.

Results are relatively similar across most health boards and consistent with the rates for Scotland overall. 66% of the population in Scotland participated in any gambling activity in the past 12 months. Ayrshire and Arran has the highest participation rate of 72% while Western Isles has the lowest – 49%.

47% of the population in Scotland participated in any gambling activity excluding lotteries in the past 12 months. In-line with the results above, the highest participation rate was in Ayrshire and Arran (52%) and the lowest in Western Isles (31%).

10.5% of the population in Scotland took part in an online gambling or betting activity excluding the lotteries in the past 12 months. Online play was most popular in Lothian (12%), Ayrshire and Arran (12%) and Tayside (11%) and least popular in Western Isles (6%), Orkney (8%) and Dumfries and Galloway (8%).

Figure 1: Overall Participation by health board



Table 1: Overall participation by health board

Health board	Whether participated in any gambling activity in the past 12 months	Whether participated excluding lotteries	Any online gambling or betting
Ayrshire and Arran	71.8	51.9	11.5
Borders	70.3	46.4	9.0
Dumfries and Galloway	70.0	47.3	8.1
Fife	70.9	48.8	10.5
Forth Valley	67.1	46.0	9.4
Grampian	64.8	45.7	9.0
Greater Glasgow and Clyde	65.7	46.8	11.3
Highlands	65.6	46.7	10.3
Lanarkshire	66.5	46.1	9.8
Lothian	62.8	44.1	11.6
Orkney	57.3	38.7	8.0
Shetland	58.3	43.2	9.5
Tayside	67.0	47.1	11.4
Western Isles	48.8	31.3	6.3
Scotland overall	66.3	46.5	10.5

3. Gambling activities and rates of participation

The following graph and table present gambling activities and rates of participation for Scotland and individual health boards.

The most popular activity in Scotland and across all health boards is the National Lottery with the highest rates of participation in Dumfries and Galloway (59%), Borders (58%) and Fife (57%). The second most popular activity is scratchcards with the highest rates of participation in Highlands (27%), Borders (24%) and Lanarkshire (24%). Many people have also spent money on Other Lotteries with Ayrshire and Arran (19%) and Highlands (19%) having the highest participation rates.

Bingo is a popular activity in Fife (8%) and Tayside (8%) while slots are more popular in Lanarkshire (9%) and Ayrshire and Arran (9%). Overall, online gambling and casino are some of the least popular activities. The highest participation rate for online gambling is in Tayside (6%), while for casino – Grampian (5%).

Figure 2: Gambling activities and rates of participation by selected health boards

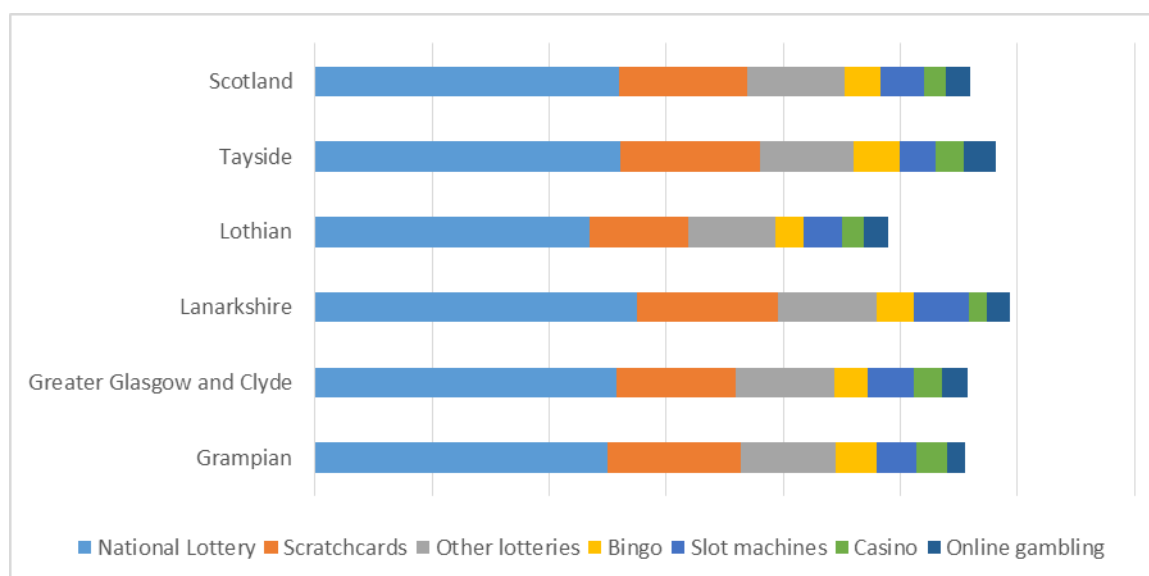


Figure 3: Gambling activities and rates of participation by selected health boards

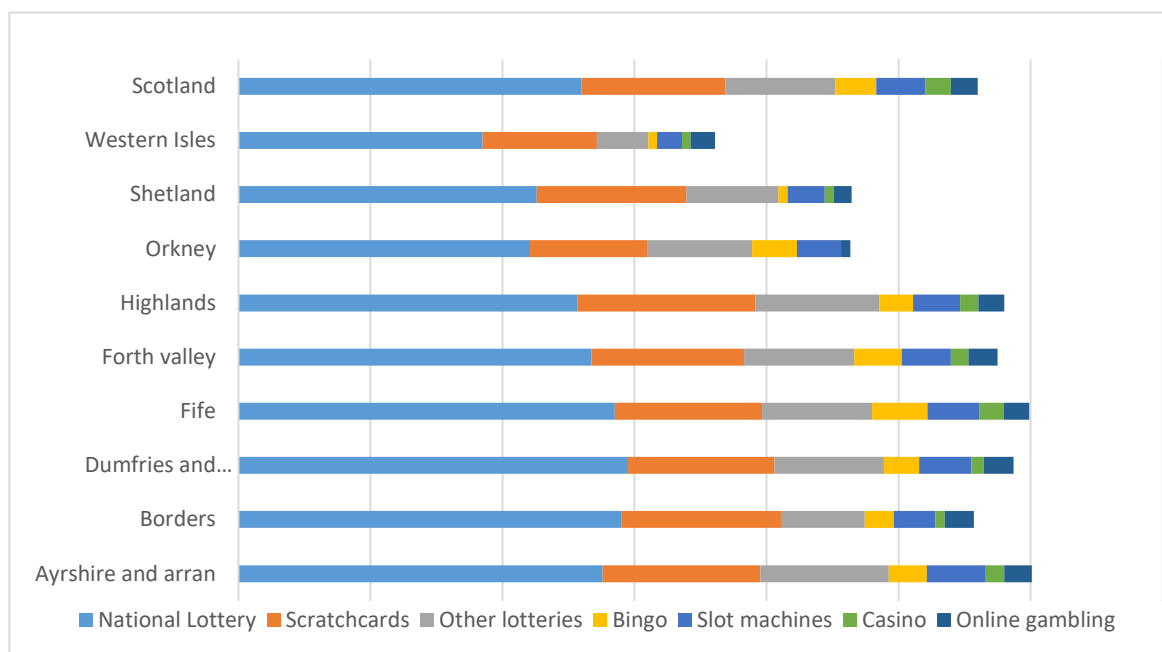


Table 2: Gambling activities and rates of participation

Health board	National Lottery	Scratch cards	Other lotteries	Bingo	Slot machines	Casino	Online gambling
Ayrshire and Arran	55.2	23.9	19.4	5.8	8.9	2.8	4.2
Borders	58.0	24.3	12.6	4.4	6.3	1.4	4.4
Dumfries and Galloway	59.0	22.2	16.6	5.3	7.9	1.9	4.5
Fife	57.0	22.3	16.7	8.4	7.9	3.6	3.9
Forth Valley	53.5	23.1	16.7	7.2	7.4	2.7	4.4
Grampian	49.9	22.9	16.1	7.0	6.8	5.4	3.0
Greater Glasgow and Clyde	51.5	20.3	17.0	5.7	7.9	4.8	4.3
Highlands	51.4	26.9	18.8	5.1	7.1	2.8	3.9
Lanarkshire	55.0	24.0	16.9	6.5	9.4	2.9	4.0
Lothian	47.0	16.7	14.9	4.9	6.5	3.7	4.2
Orkney	44.2	17.8	15.8	6.8	6.7	0.0	1.4
Shetland	45.2	22.7	13.9	1.4	5.6	1.4	2.7
Tayside	52.2	23.8	16.0	8.0	6.1	4.8	5.5
Western Isles	37.0	17.3	7.8	1.3	3.8	1.3	3.7
Scotland overall	52.0	21.8	16.6	6.2	7.5	3.8	4.1

4. Betting activities and rates of participation

The following graph and table present betting activities and rates of participation for Scotland and individual health boards.

The most popular betting activity in Scotland and across all health boards (apart from Western Isles and Orkney) is betting on horse races with the highest rates of participation in Ayrshire and Arran (15%), Dumfries and Galloway (14%) and Lanarkshire (13%).

The second most popular activity for Scotland is online betting with the highest rates of participation in Ayrshire and Arran (10%), Greater Glasgow and Clyde (10%) and Lothian (9%). Online betting is the most popular activity in Western Islands and Orkney. Many people have also spent money on Sports betting with Lanarkshire (10%), Ayrshire and Arran (9%) and Greater Glasgow and Clyde (9%) having the highest participation rates.

Private betting is a popular activity in Shetland (7%) and Lothian (5%) while FOBTs are more popular in Greater Glasgow and Clyde (5%) and Ayrshire and Arran (5%). Overall, betting on dogs is one of the least popular activities. The highest participation rate for dog races is in Lanarkshire (3%).

Figure 4: Betting activities and rates of participation by selected health boards

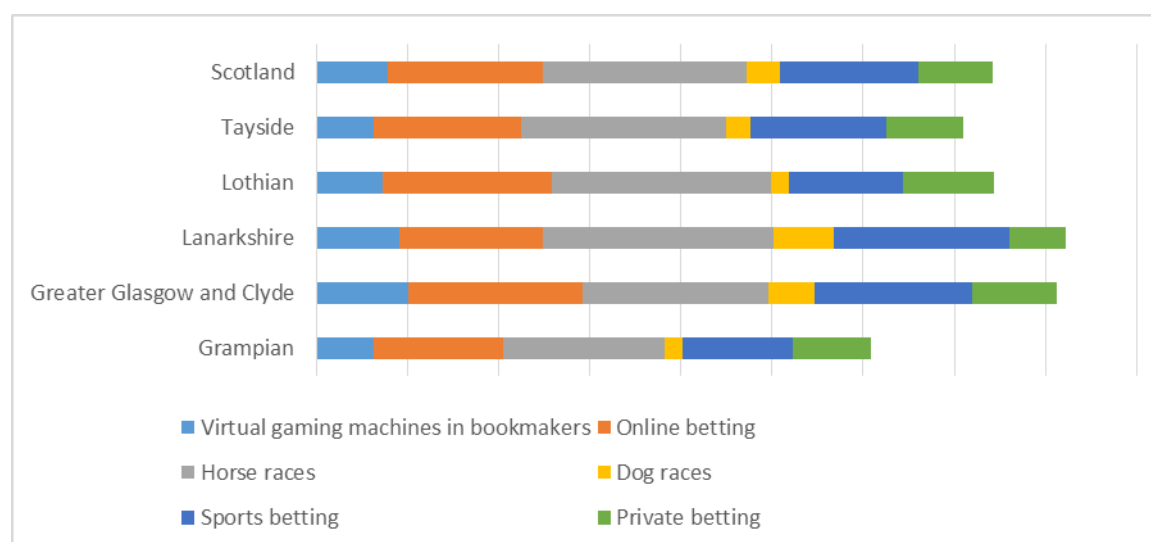


Figure 5: Betting activities and rates of participation by selected health boards

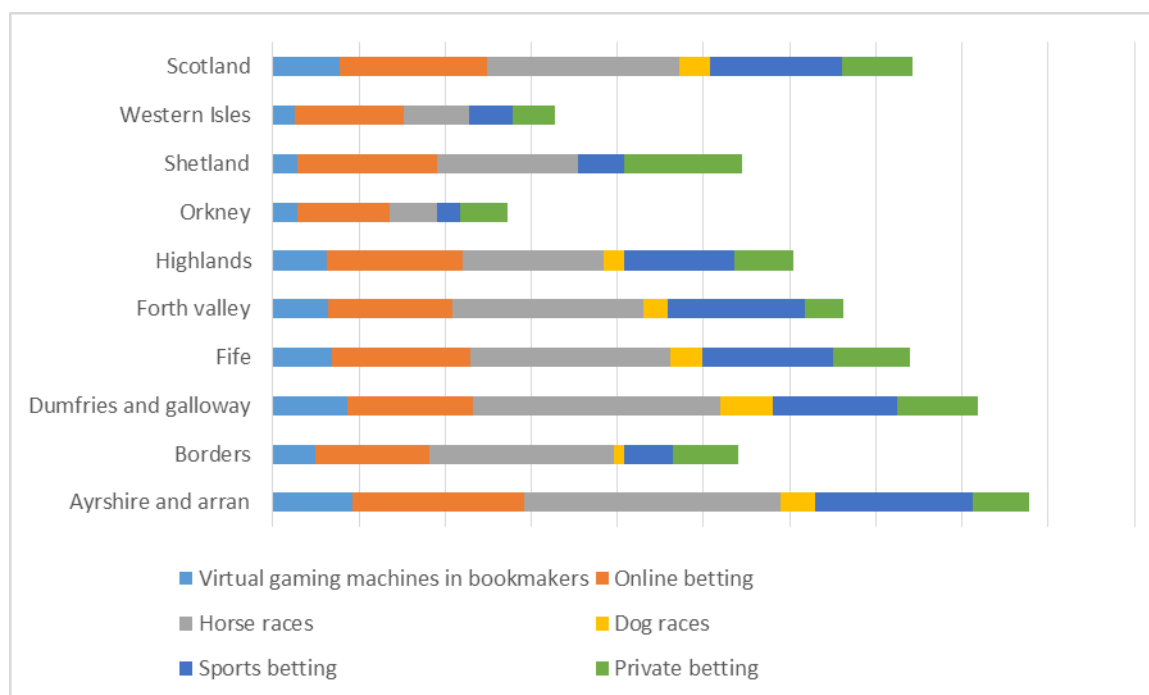


Table 3: Betting activities and rates of participation

Health board	Virtual gaming machines in bookmakers	Online betting	Horse races	Dog races	Sports betting	Private betting
Ayrshire and Arran	4.6	10.0	14.9	2.0	9.1	3.3
Borders	2.5	6.6	10.7	0.6	2.8	3.8
Dumfries and Galloway	4.3	7.3	14.4	3.0	7.2	4.7
Fife	3.4	8.1	11.6	1.8	7.6	4.5
Forth Valley	3.2	7.2	11.1	1.4	8.0	2.2
Grampian	3.1	7.1	8.9	1.0	6.0	4.3
Greater Glasgow and Clyde	5.0	9.6	10.2	2.5	8.7	4.6
Highlands	3.1	7.9	8.2	1.2	6.4	3.4
Lanarkshire	4.5	7.9	12.7	3.3	9.6	3.1
Lothian	3.6	9.3	12.0	1.0	6.3	5.0
Orkney	1.4	5.4	2.7	0.0	1.4	2.7
Shetland	1.4	8.1	8.2	0.0	2.7	6.8
Tayside	3.1	8.1	11.3	1.3	7.5	4.2
Western Isles	1.3	6.3	3.8	0.0	2.5	2.5
Scotland overall	3.9	8.5	11.2	1.8	7.6	4.1

5. At-risk and problem gambling

DSM-IV

The DSM-IV screening instrument is based on criteria from the fourth edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-IV). This contains ten diagnostic criteria ranging from 'chasing losses' to 'committing a crime to fund gambling'. The DSM-IV criteria constitute a tool created for diagnosis by clinicians of pathological gambling, and were not intended for use as a screening instrument among the general population. Therefore, there is no recommended questionnaire version of the DSM-IV. An adapted version of the DSM-IV to use in a survey setting was developed for the British Gambling Prevalence Survey (BGPS) series and was subject to a rigorous development and testing process, including cognitive testing and piloting. Each DSM-IV item is assessed on a four-point scale, ranging from 'never' to 'very often'. Responses to each item can either be dichotomised to show whether a person meets the criteria or not, or allocated a score and a total score produced. (The PGSI uses this latter method, see below.) The BGPS series used the dichotomous scoring method and it is this method that is presented in this chapter. A total score between zero and ten is possible. The scoring of each of the DSM-IV items is described in Appendix A.

Among clinicians, a diagnosis of pathological gambling is made if a person meets five out of the ten criteria. Many surveys, when adapting the DSM-IV criteria into a screening instrument for use within a general population survey, have included a further category of 'problem gambler' for those who meet at least three of the DSM-IV criteria. This approach was adopted for the BGPS series and is replicated here.

PGSI

The PGSI was developed by Ferris and Wynne over a three-year period. It was specifically developed for use among the general population rather than within a clinical context. It was developed, tested and validated within a general population survey of over 3,000 Canadian residents. The instrument itself has been subject to critical evaluation and was revised in 2003. The PGSI consists of nine items ranging from 'chasing losses' to 'gambling causing health problems' to 'feeling guilty about gambling'. Each item is assessed on a four-point scale: never, sometimes, most of the time, almost always. Responses to each item are given the following scores: never = zero; sometimes = one; most of the time = two; almost always = three. When scores to each item are summed, a total score ranging from zero to 27 is possible. A PGSI score of eight or more represents a problem gambler. This is the threshold recommended by the developers of the PGSI and the threshold used in this report. The PGSI was also developed to give further information on sub-threshold problem gamblers. PGSI scores between three and seven are indicative of 'moderate risk' gambling and a score of one or two is indicative of 'low risk' gambling.

At-risk individuals are those who show some signs of problematic gambling but remain below the threshold for problem gambling. These gamblers may still experience a range of negative outcomes and may be at risk of developing problems in the future. From a population health perspective, this group is important because the contribution that at-risk gamblers make to overall levels of harm across the whole population could be higher than that of problem gamblers due to the greater absolute number of the at-risk group.

Findings

2.7% of the population in Scotland were classified as at-risk according to the PGSI screen, 1.3% classified as moderate risk and 0.7% has classified as problem gamblers according to either the PGSI or the DSM-IV screens.

Due to small base sizes, and the relatively low rates of problem gambling in the population generally, rates split by health board should be considered as indicative only. There were also no problem gamblers identified in Shetland, Orkney or the Western Isles. This is, however, likely due to the smaller sample sizes in these areas (reflecting population size) rather than a true rate of zero problem gamblers in these areas.

Greater Glasgow and Clyde had the highest rates of problem gambling – 1.5% which is likely linked to the population characteristics of this area and the fact that problem gamblers tend to be concentrated in more densely populated and deprived areas. Relatively less densely populated areas like Fife and Lanarkshire have lower rates of problem gambling – 0.3%.

Figure 6: At-risk and problem gambling rates by health board

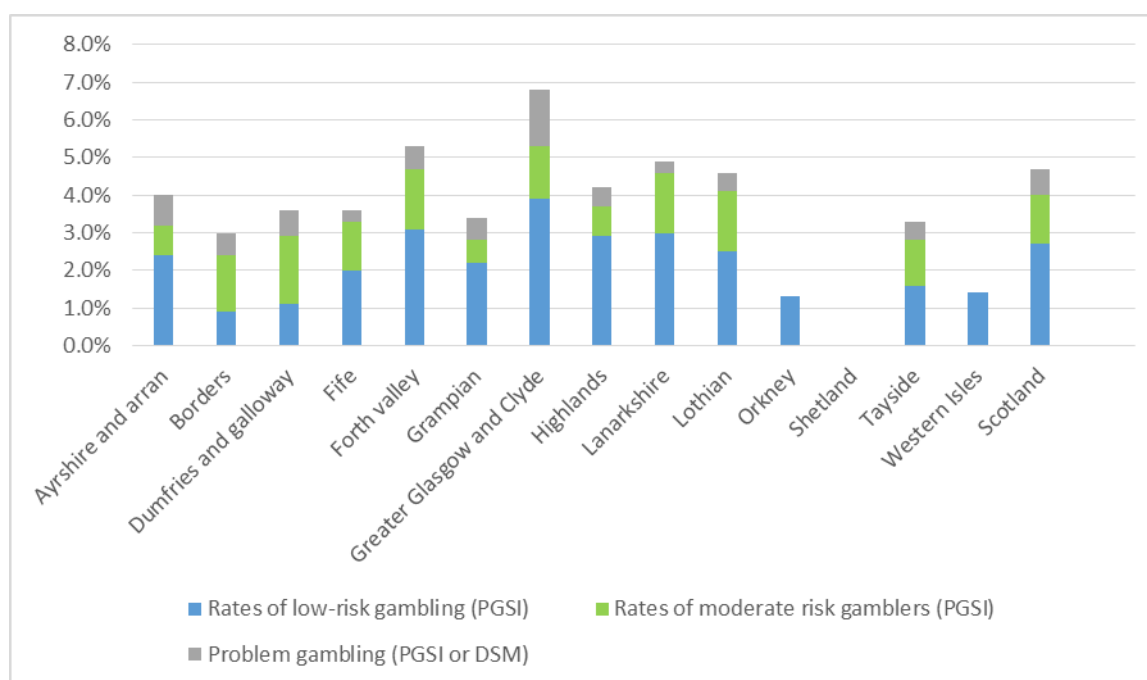


Table 4: At-risk and problem gambling rates by health board

Health board	Rates of low-risk gambling (PGSI)	Rates of moderate risk gamblers (PGSI)	Problem gambling (PGSI or DSM)
Ayrshire and Arran	2.4	0.8	0.8
Borders	0.9	1.5	0.6
Dumfries and Galloway	1.1	1.8	0.7
Fife	2.0	1.3	0.3
Forth Valley	3.1	1.6	0.6
Grampian	2.2	0.6	0.6
Greater Glasgow and Clyde	3.9	1.4	1.5
Highlands	2.9	0.8	0.5
Lanarkshire	3.0	1.6	0.3
Lothian	2.5	1.6	0.5
Orkney	1.3	0.0	0.0
Shetland	0.0	0.0	0.0
Tayside	1.6	1.2	0.5
Western Isles	1.4	0.0	0.0
Scotland overall	2.7	1.3	0.7

May 2018

Keeping gambling fair and safe for all

www.gamblingcommission.gov.uk