

West Dunbartonshire Licensing Board

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05 October 2021

SPECIAL MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- THURSDAY, 14 OCTOBER 2021

Dear Sir/Madam

Notice is hereby given that a Special Meeting of West Dunbartonshire Licensing Board will be held at 10.00 a.m. on Thursday, 14 October 2021. **The pre-meeting for Board Members will be held at 09.30 a.m.**

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Church Street, Dumbarton.

The business is shown on the attached agenda.

I shall be obliged if you will advise committee.admin@west-dunbarton.gov.uk if you are unable to attend the meeting.

Yours faithfully

PETER HESSETT

Clerk to the Licensing Board

Distribution:-

Councillor Ian Dickson (Chair)
Councillor Karen Conaghan
Councillor Diane Docherty
Councillor Jonathan McColl
Councillor Caroline McAllister
Councillor John Millar
Councillor Brian Walker
Vacancy

All other Councillors for information

Chief Executive

Date issued: 5 October 2021

SPECIAL LICENSING BOARD – THURSDAY, 14 OCTOBER 2021

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 MINUTES OF PREVIOUS MEETING 5 - 10

Submit for approval, as a correct record, the Meeting of Licensing Board held on Wednesday, 1 September 2021.

4 LICENSING BOARD MEETING DATES 2021-2022 11 - 12

Submit for consideration, a report from the Clerk to the Licensing Board proposing meeting dates of the Licensing Board following an agreed Council and committee timetable to June 2022.

5 EXTENSIONS TO LICENSING HOURS OVER THE FESTIVE PERIOD 2021 13 - 15

Submit for consideration, a report from the Clerk to the Licensing Board proposing a policy on the granting of Applications for Extended Hours over the 2021/2022 Festive Period in terms of Section 68 of the Licensing (Scotland) Act 2005.

6 LICENSING BOARD ANNUAL FUNCTIONS REPORT 2020-2021 17 - 36

Submit report by the Clerk to the Licensing Board advising of the Board's Annual Functions Report in relation to the period 2020-2021.

7 THE GAMBLING ACT 2005: REVIEW OF LICENSING BOARD'S STATEMENT OF PRINCIPLES 37 - 85

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

WEST DUNBARTONSHIRE LICENSING BOARD

At a Special Meeting of West Dunbartonshire Licensing Board held by Video Conference on Wednesday, 1 September 2021 at 2.01 p.m.

Present: Councillors Jonathan McColl, Ian Dickson, Diane Docherty, Caroline McAllister and Brian Walker.

Attending: Peter Hessett, Clerk to the Licensing Board; Raymond Lynch, Depute Clerk to the Licensing Board, Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officer; Lawrence Knighton, Licensing Standards Officer and Lynn Straker, Committee Officer.

Also Attending: Sergeant Wendy Maginnis, Police Scotland and Doctor Daniel Carter, Consultant in Public Health, NHS Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillor John Millar.

Councillor Ian Dickson in the Chair

DECLARATIONS OF INTEREST

Councillor McColl declared an interest in Item 9 – Application for Occasional Licence – Golden Friendships Community Hall as he had previously made comments to the Press regarding support for Community groups and would not, in this circumstance, be considered objective. Councillor McColl agreed to leave the meeting in discussion of this Item.

PROCEDURE FOR SPECIAL LICENSING BOARD MEETING 1 SEPTEMBER 2021

Having heard the Chair, Councillor Dickson, the Licensing Board approved the Hearing Procedure for the meeting to be held by Zoom video conference.

MINUTES OF PREVIOUS MEETING

The Meeting of Licensing Board held on Wednesday, 30 June 2021 were submitted. A correction was required in stating the time when a Councillor joined the meeting

being detailed in the Minute. On this being updated, the Minute was approved as a correct record.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Westhills Hotel, 17 Glasgow Road, Hardgate, Clydebank G81 5PJ for consideration.

Having heard the Clerk to the Licensing Board it was noted:-

- (a) that the Licence holder, Mr Ferrier, was in attendance at the meeting and was represented by Mr Archie McIver, Solicitor, Brunton Miller Solicitors; and
- (b) that no objections had been received for the application other than Licensing Standards Officer recommendation to the Board to consider it's overprovision policy due to the increase in capacity.

Mr McIver, Solicitor, Brunton Miller Solicitors, on behalf of Mr Ferrier, was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the application be granted.

VARIATION IN ORDER OF BUSINESS

Having heard the Chair, Councillor Dickson, the Board agreed to vary the order of business as hereinafter minuted.

ARGYLL AND WEST DUNBARTONSHIRE LICENSING REPORT 2020 - 2021

The Argyll and West Dunbartonshire Licensing Report 2020 – 2021 which was written and published by Chief Constable, Police Scotland was submitted and noted.

Sergeant Wendy Maginnis, Police Scotland highlighted and recognised the excellent work between local authorities and Police Scotland in working collectively in a very challenging time to provide a high standard of service to our communities. Together it was recognised the crucial role played in supporting the national response to the COVID-19 pandemic, explaining the rules and following guidance and encouraging our fellow citizens to do the right thing.

* Sergeant Maginnis, Police Scotland left the meeting after this item.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Burgh Bar, 117 High Street, Dumbarton G82 1LF for consideration.

Having heard the Clerk to the Licensing Board it was noted:-

- (a) that Mr Woodcock, Licence holder and Mr Rafferty, representative for applicant Punch Pubs Ltd. were in attendance at the meeting and were represented by Mr Michael McDougall, Solicitor, TLT Solicitors;
- (b) that if the Board were minded to grant the application for variation of hours on the licence, this should be conditional on the provision of significant entertainment as defined by the current Licensing Policy, specifically paragraphs 25.5, 25.6 and 25.7;
- (c) that the Board should also be aware that if the variation is granted, additional licence conditions should be applied, by requirement of The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007; and
- (d) that the Licensing Standards Officer attended a site visit and advised any concerns members of the Licensing Board may have in relation to the operation of late opening premises were considered and addressed in advance.

Mr McDougall, Solicitor, TLT Solicitors was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members. Mr McDougall advised it would be only the Lounge area which would require the variation of license and entertainment would be specific i.e. a band or charity event and the entertainment was geared toward a more mature audience.

Mr McDougall also advised if the application was granted, the license holder would be agreeable to conditions placed upon the license of last entry to the premises being midnight and the events being ticketed events only.

DECIDED:-

Following consideration of all matters before the Board, Councillor McColl moved a motion to grant the application with the following conditions applied:-

- (a) that the supply of alcohol on the premises in late opening hours would be ancillary to the provision of significant entertainment being provided, as detailed in the Licensing Policy;
- (b) that the last entry to the lounge area with late opening hours will be midnight; and
- (c) that entry to the lounge area will be ticketed entry only.

In amendment, Councillor Walker moved refusal of the application as it does not meet the requirement of the Board's Licensing Policy.

On a roll call vote being taken 3 Members voted for the Motion, namely Councillors Dickson, McColl and McAllister and 2 Members voted for the amendment, namely Councillors Walker and Docherty. The motion to grant the application with agreed conditions was accordingly declared carried.

APPLICATION FOR VARIATION OF PREMISES LICENCE

An application was submitted for Variation of Premises Licence for Dunglass Service Station, Dumbarton Road, Milton, Dumbarton G82 2UB for consideration.

Having heard the Clerk to Board it was noted:-

- (a) that Mr Donohoe, representative for applicant Motor Fuels Ltd. was in attendance at the meeting and was represented by Andrew Hunter, Solicitor, Harper McLeod LLP;
- (b) that the Licensing Board may wish to consider its overprovision policy due to the increase in capacity; and
- (c) that a letter dated 12 August 2021 had been received from Director of Public Health, NHS Greater Glasgow and Clyde submitting an objection in relation to the application.

Mr Hunter, Solicitor, Harper McLeod LLP was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

The Board then heard from Doctor Carter, Consultant in Public Health, NHS Scotland detailing the reason for objecting to the application, mainly:-

- (a) the premises is within a designated area of overprovision; and
- (b) the application is inconsistent with the licensing objective of Protecting and Improving Public Health.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the application be granted.

* Doctor Carter left the meeting after this item.

APPLICATION FOR OCCASIONAL LICENCE

An application was submitted for Occasional Licence for Sweeney's Cruises, Drymen Road, Balloch, G83 8HT for consideration.

Having heard the Clerk to the Licensing Board it was noted:-

- (a) that the applicant, Mr Sweeney, had attempted to join the meeting but had been unable to, but was represented by Mr Hunter, Solicitor, Harper McLeod LLP who was in attendance in the meeting;
- (b) that a letter had been received from Planning Officer – Loch Lomond & The Trossachs National Park, which although is not an objection on Licensing grounds would require to be considered on Planning grounds if the application was made on a full basis and on a permanent basis in future; and
- (c) that having completed a site visit and met the applicant, the Licensing Standards Officer has no concerns with its proposed operation.

Mr Hunter, Solicitor, Harper McLeod LLP was then given the opportunity to address the Board and was heard in support of the application and in answer to questions from Members.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the application be granted with the condition that the last serving is 1 hour after the last sailing of the day returns to the harbour.

The Depute Clerk to the Licensing Board also asked if the Board would be in agreement that if the application was moved to be a full application, it could be considered on a delegated basis, assuming there were no objections. The Board agreed.

* Councillor McColl left the meeting after discussion of this item due to his Declaration of Interest in the next application.

APPLICATION FOR OCCASIONAL LICENCE(S)

Applications were submitted for three Occasional Licences for Golden Friendships Community Hall, 18 Nairn Place, Clydebank, G81 4AU for consideration.

Having heard the Clerk to Board it was noted:-

- (a) that Mr James McLaren, applicant was in attendance at the meeting;
- (b) that there was an admin error on Page 75 of the Document Pack and the Occasional Licence application was for the hours of 11.00 a.m. – 01.00 a.m. and not 23:00 p.m. – 01.00 a.m.; and

- (b) that the Board may wish to consider the number of occasional licences that it is appropriate to issue in a 12 month period as per Section 56 (6).

Mr McLaren, applicant was then given the opportunity to address the Board and was heard in support of the applications and in answer to questions from Members.

DECIDED:-

Following consideration of all matters before the Board, it was agreed that the applications be granted.

The meeting closed at 4.20 p.m.

DRAFT

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

14 October 2021

Subject: Licensing Board Meeting Dates

1. Purpose

- 1.1** To consider proposed meeting dates of the Licensing Board following an agreed Council and committee timetable to June 2022.

2. Recommendations

- 2.1** It is recommended that the Board agrees the dates shown at paragraph 4.1 up to June 2022 to fit with the committee timetable agreed at the meeting of Council on 29 September 2021.

3. Background

- 3.1** At the meeting of West Dunbartonshire Council held on 29 September 2021, Members agreed a timetable for Council and committee meetings from November 2021 to June 2022.
- 3.2** The Council noted that the Licensing Board, as a separate legal entity, sets its own timetable and any dates proposed for Licensing Board meetings by the Council would be subject to the Board's decision.

4. Main Issues

- 4.1** The Council asks that the undernoted dates are agreed for meetings of the Licensing Board from November 2021 to June 2022:-
- Tuesday, 2 November 2021 at 2.00 p.m.
 - Tuesday, 7 December 2021 at 10.00 a.m.
 - Tuesday, 15 February 2022 at 10.00 a.m.
 - Tuesday, 19 April 2022 at 10.00 a.m.
 - Tuesday, 21 June 2022 at 10.00 a.m.

5. Financial and Procurement Implications

5.1 The number of meetings of the Licensing Board is not increasing therefore there are no financial implications associated with the contents of this report.

5.2 There are no procurement implications associated with the contents of this report.

6. Risk Analysis

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

7. Equalities Impact Assessment (EIA)

7.1 There are no equalities impacts through consideration of this report.

8. Consultation

8.1 No consultation was required in the production of this report.

9. Strategic Assessment

9.1 There are no strategic implications associated with this report.

Peter Hessel
Clerk to the Licensing Board
05 October 2021

Person to Contact: Raymond Lynch, Depute Clerk to the Licensing Board,
Regulatory Services, West Dunbartonshire Council,
Municipal Buildings, Church Street, Dumbarton G82
1NR. Email: raymond.lynch@west-dunbarton.gov.uk

Appendix: None

Background Papers: N/A

Wards Affected: All Wards

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

14 October 2021

Subject: Extensions to Licensing Hours over the Festive Period 2021

1. Purpose

To propose a policy on the granting of Applications for Extended Hours over the 2021/2022 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 2020/2021 Festive Period should be from Friday, 10 December 2021 to Monday, 4 January 2022 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.
- 3.2 Board Members will be aware of the difficulties the Covid-19 pandemic has placed on the licensed on sales trade, particularly the late night entertainment sector. Notwithstanding this, The Board's Festive Policy may be subject to amendment if developments in the pandemic require changes to the Board's policy.

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 via an email consultation and all members who responded to date were responsive were supportive of the proposals for 2021.
- 4.3 For 2021/2022 it is recommended that the Festive Period should be from Friday, 10 December 2021 to Monday, 4 January 2022 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 via email consultation.

10. Strategic Assessment

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

Peter Hessett
Clerk to the Licensing Board
14 October 2021

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

14 October 2021

Subject: Licensing Board Annual Functions Report 2020-2021

1. Purpose

- 1.1** The purpose of this report is to advise of the Board's Annual Functions Report in relation to the period 2020-2021. The draft report is attached at Appendix 1.

2. Recommendations

- 2.1** It is recommended that the Board approves the terms of the draft Functions Report for 2020-2021 as detailed at Appendix 1 of this report.

3. Background

- 3.1** The Air Weapons and Licensing (Scotland) Act 2015 introduced a statutory duty on Licensing Boards to publish an "Annual Functions Report" within 3 months of the end of each financial year. However, this timescale was extended by a period of nine months by the Coronavirus (Scotland) Act 2020. This is the Licensing Board's fourth function report.

4. Main Issues

- 4.1** The Functions Report allows the Board to report on its business during the Year and also highlight to the public at large the functions of the licensing regime in West Dunbartonshire.

5. Financial and Procurement Implications

- 5.1** There are no financial or procurement implications associated with the contents of this report.

6. Risk Analysis

- 6.1** There is no increased risk to the Board associated with the contents of this report.

7. Equalities Impact Assessment (EIA)

7.1 There are no equalities impacts through consideration of this report.

8. Consultation

8.1 No consultation was required in the production of this report.

9. Strategic Assessment

9.1 There are no strategic implications associated with this report.

Peter Hesse
Clerk to the Licensing Board
05 October 2021

Person to Contact: Raymond Lynch, Depute Clerk to the Licensing Board,
Regulatory Services, West Dunbartonshire Council,
Municipal Buildings, Church Street, Dumbarton G82
1NR. Email: raymond.lynch@west-dunbarton.gov.uk

Appendix: Appendix 1 – Draft Functions Report.

Background Papers: N/A

Wards Affected: All Wards

West Dunbartonshire Licensing Board – Annual Functions Report 2020-2021



Foreword

Welcome to West Dunbartonshire Licensing Board's fourth annual functions report.

This report gives a flavour of the work and decisions made by the Licensing Board from April 2020 until March 2021. Included within this report is information on Licensing Board meetings, the applications that were lodged and more importantly the decisions my colleagues and I made in considering alcohol licensing matters within the West Dunbartonshire Council area. Also in this report you will get information on other types of business dealt with by the Board and the Licensing Team, such as information on occasional licences and other types of non-contentious applications which are dealt with by the team.

As in all areas of life, the global pandemic caused by the Covid-19 outbreak has acutely affected the Licensed Trade, with most of our on-sales sector being required to close for long periods of time. The pandemic has also affected our supermarkets and shops, where many operators have shown their dedication to ensuring that we all can continue to get our groceries.

The Licensing Board has endeavoured to deliver an "open for business" approach as much as possible, by continuing to hold meetings online and ensuring that premises can continue to get their applications processed in good time. This has allowed businesses such as a Dumbarton Supermarket to vary its licence in order to add in new innovative ways to deliver its products, including alcohol, directly to a customer's vehicle. The Board and I also worked closely with the Licensing Team to ensure as many businesses as possible were able to take advantage of a direction from the Scottish Government to be "permissive" and a relaxation in planning law to allow pubs etc. to utilise outdoor areas on an occasional licence basis.

I accompanied officers from Police Scotland and the Licensing Team on numerous visits to licensed premises throughout the year and I would like to take this opportunity to congratulate the Licensed Trade in West Dunbartonshire, both on and off sales, for continuing to go about your business in a safe and professional manner.

I hope that you find this report informative.

Ian

Councillor Ian Dickson, Chair of the Licensing Board.

Introduction

West Dunbartonshire Licensing Board (WDLB) is the Licensing Authority for the area of West Dunbartonshire, for the purposes of the Licensing (Scotland) Act 2005 (The Act).

The WDLB normally comprises of eight members, all of whom are elected members of West Dunbartonshire Council.

[Membership of West Dunbartonshire Licensing Board](#)

West Dunbartonshire is located in the West of Scotland and shares borders with Glasgow City Council, Renfrewshire Council, Stirling Council and Argyll & Bute Council and covers approximately 159 square kilometres with around 89,930 residents. The main town centre areas are Clydebank, Dumbarton, Balloch and Alexandria.

The Licensing (Scotland) Act 2005 makes provisions for regulating the sale of alcohol within licensed premises and other premises from which alcohol is sold.

A Licensing Board is responsible for the following licences under the Licensing (Scotland) Act 2005.

Premises licences

Occasional licences

Provisional licences

Temporary Licences

Personal Licences

Transfer of Premises Licences

Variation of Premises Licences

Extended Hours Applications

The Licensing Board is supported by the following Officers:

Clerk to the Licensing Board – The Clerk, and the Depute Clerk give legal advice and direction to the Licensing Board.

Committee Clerk – The role of the Committee Clerk is to arrange and take the minutes of Licensing Board Meetings.

Licensing Assistants – The Licensing Assistants process all the applications for licences, and attend board hearings.

Licensing Standards Officers – The Licensing Standards Officers make comments on applications for licences, and may make reports to the Licensing Board in relation to compliance. Licensing Standards Officers also have other roles in the Licensing system, which will be discussed later in this report.

If you wish to contact the Licensing Board members or Officers, please email licensing@west-dunbarton.gov.uk

There are 231 currently Licensed Premises within the West Dunbartonshire area. Of these premises, 140 are licensed to sell alcohol for consumption on the premises (on-sales) and 91 are licensed to sell alcohol for consumption off the premises (off-sales).

Currently, there are no temporary premises licences in operation in the WDC area.

A complete list of licensed premises in the WDC area can be found [here](#).

The Licensing Objectives

The Act sets out the following five licensing objectives:-

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

West Dunbartonshire Licensing Board is aware of its responsibilities to uphold the licensing objectives and the Board details its approach to the objectives within its Statement of Licensing Policy. Within its policy, the Board strives to ensure that both licence holders and the residents of West Dunbartonshire are fully informed of the Licensing Board's approach and expectations of the operation of licensed premises in its area.

Particular focus is given in the current licensing policy statement to several key areas, aimed at directly addressing the licensing objectives. These include the statement of overprovision, the local policy on Licensed Hours, the children and young person's policy and other areas such as the Board's support and endorsement of local Pubwatch Schemes.

The Licensing Boards current Licensing Policy can be found [here](#).

Annual Functions Report

The scope of this report is to detail the operation of the Board during the period from 1 April 2010 until 31 March 2021.

In terms of Section 9A of the Licensing (Scotland) Act 2005 an annual functions report must include:

1. A statement explaining how the Board had regard to the Licensing Objectives; and
2. The Licensing Policy statement in their exercise of the functions under the Act;
3. A summary of decisions made by the Board;
4. Information about the numbers of licenses held in this Board's area including occasional licences.

During this period, the Licensing Board met 8 times. A summary of the matters considered at these meetings is included in Table 1 below:

Table 1. Summary of Licensing Board Meetings 2020/2021

Date	Meeting Type	New Premises/ Provisional licence	Variation of Premises	Grant of Person	Review of Premises	Review of Person	Occasional Licence/ Extended	Consultations	Reports	Comments
03 June 2020	Programme	1	1							
30 June 2020	Programme						1		1	
02 September	Programme		1						3	
09 December	Programme		1							
23 February 2021	Special				5					
16 March 2021	Joint Mtg with Licensing Forum								2	
	Totals	1	3	0	5	0	1	0	4	

All licence applications which require to be heard at a full meeting of the Licensing Board are included in table 1, along with references to other items considered by the Licensing Board such as reports from Officers. Other licence applications such as minor variations, transfers, occasional licences and extended hours applications can, in the absence of an objection or representation, be granted without the need for a Board hearing. The granting of an application without an appearance at a Licensing Board hearing is done as part of the Licensing Board's Scheme of Delegation, which allows for applications which are not controversial to be granted by authority delegated by the Licensing Board to the Clerk to the Board. Such applications will be summarised later in this report.

4. Decisions of the Board

Each application which is considered at a meeting of the Licensing Board is decided on that application's individual merits. When deciding the fate of an application the application must be weighed-up in accordance with the requirements of the Licensing (Scotland) Act 2005 in particular, with the 5 licensing objectives. The Board must also consider the application in line with the Board's statement of licensing policy. In relation to the period of focus of this report, the majority of the applications which were considered during this period were considered by the Licensing Board to be suitable to grant.

A summary of the decisions made during this period can be found overleaf:

	<u>Table 2. Summary of Licensing Decisions Made by West Dunbartonshire Licensing Board</u>					
Board Meeting	Premises/Applicant/Report Author	Address	Application type	Objection(s)/Comments	Application/Report Summary	Decision
03 June 2020	Morrison's	Glasgow Road Dumbarton	Major variation	None	various misc. changes to the operating plan, inc. the addition of home delivery services and click and collect facilities	Granted
03 June 2020	Chivas Brothers	Kilmalid, Stirling Road Dumbarton	Provisional Premises Licence	None	New Premises Licence for an employee Off Sales.	Granted.
30 June 2020	Depute Clerk	NA	NA	NA	report by the Depute Clerk regarding occasional licence	Agreed
02 September 2020	Clerk	NA	NA	NA	Functions Report 2019/2020	Agreed
02 September 2020	Clerk	NA	NA	NA	Financial Report 2019/2020	Agreed
02 September 2020	Depute Clerk	NA	NA	NA	Covid 19 - Presentation by the Depute Clerk	Agreed

09 December 2020	Morrisons.	Glasgow Road Dumbarton	Major variation	None	various misc. changes to the operating plan	
23 February 2021	LSO	Colquhoun Stores, 1 Doveholm Avenue, Dumbarton G82 2HJ	Review of Premises licence - non-payment of fees	LSO	Premises Licence review request by the Licensing Standards Officer.	Continued
23 February 2021	LSO	Jenners, Ben Lomond Way, Balloch G83 8QL	Review of Premises licence - non-payment of fees	LSO	Premises Licence review request by the Licensing Standards Officer.	Continued
23 February 2021	LSO	6/8 Webster Street, Clydebank G81 1AZ	Review of Premises licence - non-payment of fees	LSO	Premises Licence review request by the Licensing Standards Officer.	Licence Suspended
23 February 2021	LSO	Sutherlands, 7 Britannia Way, Clydebank G81 2UA	Review of Premises licence - non-payment of fees	LSO	Premises Licence review request by the Licensing Standards Officer.	Continued
23 February 2021	LSO	The Shore, The Gateway Centre, Ben Lomond Way, Balloch G83 8QL	Review of Premises licence - non-payment of fees	LSO	Premises Licence review request by the Licensing Standards Officer.	Licence Suspended

In considering applications, the Licensing Board is advised by various partners including Community Councils, Police Scotland, Scottish Fire and Rescue Service, the local Health Board, Licensing Standards Officers, Environmental Health and Building Standards. All Licensing Board meeting minutes can be found at the following link:

[Minutes of Meetings of West Dunbartonshire Licensing Board May 2017 to present](#)

When considering applications, the Licensing Board relies on its Statement of Licensing Policy.

Occasional Licences and Extended Hours Applications

An occasional licence is a licence which authorises the sale of alcohol in premises for a one-off event, such as a wedding reception or party. 26 occasional licence applications were considered in the last financial year. A list of all Occasional Licence applications which were lodged in 2020-2021 is listed at Appendix 1. No applications for extended hours were lodged.

Minor Variations

A minor variation is an application to make a change to the licence which does not have a significant effect, or increase to, how alcohol is sold from the subject premises licence. Examples of minor variations are:

A change to the layout plan of the premises, if that change does not result in any inconsistencies with the information included within the current operating plan.

Any reduction or restriction on children and young person's access to the premises.

A change of Premises Manager.

There were 18 applications for a minor variation of a premises licence received in 2019-2020. A summary of these applications can be found at appendix 2.

Transfers of Licences

A transfer of a premises licence application is an application to change the name of the licence holder from one person, or company name to another. Commonly, transfer applications are received when licensed premises are sold.

There were 6 applications for the transfer of premises licence lodged in 2020-2021. A list of these applications can be found in Appendix 3.

Personal Licences

A personal licence allows the holder to supervise or authorise the sale of alcohol from a licensed premises (a premises manager) and also allows the holder to apply for an occasional licence.

Currently there are 770 live personal licences issued by WDLB. This is a reduction from the 785 personal licences which were live at the same period last year.

5. Licensed Hours

Licensed Hours are an integral part of how licensed premises function and the Board Members recognise the importance of licensed hours to the operators of licensed premises. The Board also notes that the times during which licensed premises are open can have an impact on persons who live and work near to premises.

In general terms, for premises which are licensed for on sales either via an premises or occasional licence, the Board's policy on licensed hours is as follows:-

Sunday to Thursday 11 a.m. to 1200 midnight

Saturday and Sunday 11 a.m. to 1.00 a.m. the following day

Nightclub premises are entitled to operate until 3 a.m. and some sporting premises such as Bowling Clubs or Golf Clubs can apply to be open at 10.00 a.m. under certain circumstances.

For off-sales premises, the hours that a shop can sell alcohol is defined by the Licensing Act;

Sunday to Monday 10 a.m. till 10 p.m.

The Licensing Board recognises that most convenience stores and supermarkets provide a valuable service; however the Board also recognises that later opening of shops can have a negative effect on their neighbours. The Board's policy for off-sales is to only grant a licence until 10 p.m. if the applicant can comply with extra licence conditions. These conditions are designed to protect against any issues surrounding the sale of alcohol later in the evening. These conditions are a key part of the Board's policy in the relation to the licensing objectives.

The Off-Sales conditions, known as the "post 8 p.m. conditions" require, amongst other things that the licence holder has CCTV and that they record all refusals of service of alcohol in a register.

The Licensing Board recently reviewed its policy on licensed hours, and as a result of this review, the policy on licensed hours for restaurant premises hours was reduced to be in line with other On-Sales premises.

6. Licensing Board Training & Licensing Team Training

The Licensing Act requires that all Licensing Board Members have to attain an accredited training qualification within 3 months of being elected as a member of the Licensing Board. The West Dunbartonshire Licensing Board Members received their training on the 5 June 2017.

Further to this qualification, Licensing Board Members are updated via a range of different sources of information to ensure that their licensing knowledge is maximised. In the last year the Board has received reports from the Licensing Forum, NHS Greater Glasgow and Clyde and Police Scotland on various matters relating to the sale or consumption of alcohol.

One such update that the licensing Board received was in the form of a presentation by The Deputy Clerk to the Licensing Board, Raymond Lynch, at the meeting of 30 June 2021 which detailed the Licensing Section's work in relation to Covid-19 and licensed premises. This presentation gave the members of the Board an outline of the work done to ensure licence holders are kept up to date with the latest guidance in Coronavirus mitigation practices.

In relation to the Licensing Team, all members of the Licensing Team are qualified specialist paralegals, in addition to the mandatory LSO training, which both LSOs and 1 Licensing Assistant have undertaken.

7. The Local Licensing Forum

West Dunbartonshire's Licensing Forum has been in existence since 2004, some 5 years prior to this being a requirement of the Licensing Act. The Licensing Forum membership includes representatives of the licensed trade, representatives of Health Licensing Standards Officers, and also Community Council members. The forum has worked well in partnership with the Licensing Board and has provided valuable assistance to the Board, in particular the forum's input to the Licensing Policy and overprovision in particular. The Licensing Board are highly appreciative of the work that the forum does in the local area.

The Local Licensing Forum and the Board has its regular Joint Meeting once a year and the Chair to the Board attends Licensing Forum meetings on a regular basis. The Board last held a meeting with the forum on 2 September 2020 during which the Board and Forum members were given a detailed presentation by the Depute Clerk to the Licensing Board on the work undertaken to assist premises to understand and comply with Covid mitigation measures. The Licensing Forum continues to be an integral partner to the Licensing Boards.

The Minutes of Licensing Forum Meetings can be found [here](#).

8. Licensing Standards Officers (LSOs)

West Dunbartonshire Licensing Board employs 2 Licensing Standards Officers, Lawrence Knighton and Peter Clyde.

Licensing Standards Officers have an important role to play within the Licensing system, they are seen as the first point of contact for members of the public, licence holders and other interested parties who may wish to understand how the licensing function operates in the West Dunbartonshire area.

Licensing Standards Officers have the following functions:

(a) providing to interested persons information and guidance concerning the operation of this Act in the area,

(b) supervising the compliance by the holders of—

(i) premises licences, or

(ii) occasional licences,

in respect of premises in the area with the conditions of their licences and other requirements of this Act,

(ba) providing information to Licensing Boards about any conduct of holders of, or persons applying for, personal licences in the area, which is inconsistent with the licensing objectives,

(c) providing mediation services for the purpose of avoiding or resolving disputes or disagreements between—

(i) the holders of the licences referred to in paragraph (b), and

(ii) any other persons,

concerning any matter relating to compliance as referred to in that paragraph.

In addition to the above duties, the West Dunbartonshire LSOs are members of the Local Licence Forum and they regularly attend meetings of the local Pubwatch schemes.

The LSOs can be contacted on 01389 738741 or via licensing.standards@west-dunbarton.gov.uk

9. Premises Licence Reviews/Personal Licence Reviews

In the period 2020-2021 the Licensing Board received 5 new applications for the review of a premises licence.

The 5 premises licence review applications that the Board considered in 2020-2021 related to the non-payment of the recurrent annual licensing fee. Details of the actions taken by the Licensing Board are detailed at Table 1.

10. Financial Statement of the Board

The Board set local fees at the maximum levels permitted by statute. The terms of the Board's current proposed Financial Statement can be found at:

<https://www.west-dunbarton.gov.uk/media/4320590/item-7-appendix-1-financial-statement-licensing-20-21.pdf>

11. Other Board Business

Licensing Board Equality Scheme Update

The Licensing Board's Equalities Mainstreaming Report can be found here:

Equalities Mainstreaming Report 2017-2021

This report details the Board's commitment to upholding the values of equality. The Board recently produced an update report which details the progression with the outcomes of the equalities report. This report can be found here:

[Equalities Progress Report](#)

Licensing Board Awareness

Throughout the year, the Board members will ensure that they are informed of any new pertinent studies in relation to alcohol, such as statistics on the sale and consumption habits or persons in Scotland. Each year the Board asks the Chief Constable of Police Scotland to provide to them a report* on the Policing of the local licensed trade. The Board are always keen to ensure that they take any relevant information relating to the licensing objectives from this report.

The members of West Dunbartonshire Licensing Board are keen to contribute in any body of work which increases their knowledge of licensing matters, seeks to promote the work of the licensed trade in the WDC area, or allows them to share their experiences nationally.

West Dunbartonshire Licensing Board will always take the opportunity to respond to any consultations on licensing matters, ensuring that the views of the Board on regulatory matters are reported to the Scottish Government, in order that the Board's experience can shape future developments in Licensing.

The Board is also very keen to be represented at appropriate conferences to maximise the knowledge and understanding of licensing as an evolving area of law. Where possible, the Chair of the Licensing Board and the Depute Clerk to the Board will attend the Scottish Licensing Law in Practice (SLLP) 'Essential Update' conferences, which are held in June and December each year.

The Licensing Board is also keen to ensure that its officers are kept up to date on all aspects of licensing therefore officers are given permission to attend events such as the SLLP conference. Furthermore, the Clerk to the Licensing Board and other Officers are encouraged to seek out opportunities to present to such conferences, and Licensing Staff members regularly take part in events throughout the year.

The Depute Clerk to the Board regularly attends Central Law Training Licensing events and also "SOLAR" (Society of Local Authority Lawyers & Administrators in Scotland) Licensing events.

In addition, several of the licensing team staff is members of the Institute of Licensing and LSO's undertake regular training in liquor licensing matters.

*[Link to Chief Constable's Report - https://wdccmis.west-dunbarton.gov.uk/cm5/Default.aspx?TabId=73&ctl=ViewMeetingPublic&mid=410&Meeting=8660&Committee=535](https://wdccmis.west-dunbarton.gov.uk/cm5/Default.aspx?TabId=73&ctl=ViewMeetingPublic&mid=410&Meeting=8660&Committee=535)

Covid-19

This final section of the report seeks to give the reader a flavour of the work which Licensing Board staff undertook in relation to Covid-19.

- Information – The Licensing Team sought to ensure that the latest Scottish Government information was relayed to Licence holders in the WDC area. This was achieved via continued updating of the Board's webpage and also directly to licence holders via letters. A QR code was also developed by Cllr Ian Dickson which linked to the most recent guidance.
- Visits – the Licensing team in conjunction with the Chair of the Board and Police Scotland carried out some 302 visits to licensed premises in the initial 3 month period July 2020 – September 2020. Initially only on-sales premises with beer gardens where permitted to open, with full premises being permitted to open on 15 July 2020. Thereafter visits to

licensed premises continued, with a particular focus on the visitation of premises in relation to the introduction of the Scottish Governments Tier system.

- Guidance –Licensing Staff ensured that the Licensing Board webpage was updated as soon as a change to guidance was undertaken, and made themselves available to both licence holders and members of the public to assist with any queries or concerns.

Appendices

1. Appendix 1: Occasional licence Applications
2. Appendix 2: Minor Variations Applications
3. Appendix 3: Transfer of Premises Licence Applications

Appendix 1 - Occasional Licence Applications 2020-2021

Name of	Name of	Address 1	Address 3	Post	Details of Event	From	To	Times applied	Decision
Eric Mcleary	Dumbarton	13 Church Street	Dumbarton	G82 1QQ	Outdoor Area	17-Jul-20	30-Jul-20	11am to 9pm	Event
OK Pubs	Twisted Thistle	316 Dumbarton	Old	G60 5JH	Outdoor Area	25-Sep-20	08-Oct-	11am to 10pm	Granted
OK Pubs	Twisted Thistle	316 Dumbarton	Old	G60 5JH	Outdoor Area	09-Oct-20	22-Oct-	11am to 10pm	Granted
OK Pubs	Twisted Thistle	316 Dumbarton	Old	G60 5JH	Outdoor Area	23-Oct-20	05-Nov-	11am to 10pm	Granted
OK Pubs	Twisted Thistle	316 Dumbarton	Old	G60 5JH	Outdoor Area	06-Nov-20	19-Nov-	11am to 10pm	Granted
OK Pubs	Twisted Thistle	316 Dumbarton	Old	G60 5JH	Outdoor Area	20-Nov-20	03-Dec-	11am to 10pm	Granted
Shaakirah	206		Alexandria	G83 9PH	Shipping of Online	07-Sep-20	20-Sep-	10am to 6pm	Pending
Niall Hassard	Dumbuck Hotel	Glasgow Road	Dumbarton	G82 1EG	Outdoor Area	20-Sep-20	03-Oct-	11am to 10pm	Granted
Niall Hassard	Dumbuck Hotel	Glasgow Road	Dumbarton	G82 1EG	Outdoor Area	04-Oct-20	17-Oct-	11am to 10pm	Granted
Michael	RB Steel & Co	223 Dumbarton	Old	G60 5NB	Street Market	09-Oct-20	11-Oct-	11am to 12	Withdrawn
Allan Wright	McKenzies Bar	41/43 Main Street	Alexandria	G83 0JN	Outdoor Area	28-Sep-20	04-Oct-	11am to 10pm	Event
Andrianna	Atlantis	246/262 Kilbowie	Clydebank	G81 2JG	Outdoor Area	24-Sep-20	07-Oct-	12 noon to	Event
Mark Ingram	Loch Lomond	Ben Lomond Way	Balloch	G83 8QL	Farmers Market	27-Sep-20	27-Sep-	10am to 4pm	Granted
Craig	Fenton's	174 Main Street	Alexandria	G83 8PW	Outdoor Area	05-Oct-20	18-Oct-	12 noon to	Event
Craig	Fenton's	174 Main Street	Alexandria	G83 8PW	Outdoor Area	19-Oct-20	01-Nov-	12 noon to	Event
Audrey Junner	Chivas	Kilmalid	Dumbarton	G82 2SS	Portacabin within	01-Nov-20	14-Nov-	10am to 10pm	Granted
Audrey Junner	Chivas	Kilmalid	Dumbarton	G82 2SS	Portacabin within	15-Nov-20	28-Nov-	10am to 10pm	Granted
Stonegate Pub	Tullie Inn	Balloch Road	Balloch	G83 8SW	Outdoor Area	05-Apr-21	18-Apr-	11am to 10pm	Event
Andrew	Fenton's	174 Main Street	Alexandria	G83 8PW	Outdoor Area	29-Apr-21	12-May-	12 noon to	Granted
Andrew	Fenton's	174 Main Street	Alexandria	G83 8PW	Outdoor Area	13-May-21	26-May-	12 noon to	Granted
Adriana	Atlantis	246-262 Kilbowie	Clydebank	G81 2JG	Outdoor Area	10-May-21	23-May-	12 noon to	Granted
Adriana	Atlantis	246-262 Kilbowie	Clydebank	G81 2JG	Outdoor Area	24-May-21	06-Jun-	12 noon to	Granted
Adriana	Atlantis	246-262 Kilbowie	Clydebank	G81 2JG	Outdoor Area	07-Jun-21	20-Jun-	12 noon to	Granted
Christopher	Chandlers	2 Kilbowie Road	Clydebank	G81 1TH	Outdoor Area	10-May-21	23-May-	11 am to 10pm	Granted
Christopher	Chandlers	2 Kilbowie Road	Clydebank	G81 1TH	Outdoor Area	24-May-21	06-Jun-	11 am to 10pm	Granted
Christopher	Chandlers	2 Kilbowie Road	Clydebank	G81 1TH	Outdoor Area	07-Jun-21	20-Jun-	11 am to 10pm	Granted
Allan Wright	McKenzies Bar	41/43 Main Street	Alexandria	G83 0JN	Outdoor Area	10-May-21	23-May-	11am to 10pm	Granted

Appendix 2: Minor Variations

Type of Application	Date	Name of Applicant	Name of Premises	Address 1	Address Post	Decision
Minor Variation (substitution of DPM)	22-Jun-	John Gaunt & Partners	Marks & Spencer	St James Retail Park	Dumbar G82	Granted
Minor Variation (substitution of DPM)	10-Jul-	Harper Macleod	Dunglass Service	Milton	Dumbar G82	Granted
Minor Variation (substitution of DPM)	17-Jul-	John Gaunt & Partners	Malt & Myre &	Lomondgate Strathleven	Dumbar G82	Granted
Minor Variation (substitution of DPM)	03-Aug-	Iona Pub Partnership Ltd	The Mountblow Bar	832 Dumbarton Road	Clydeba G81	Granted
Minor Variation (substitution of DPM)	20-Aug-	Lomond Park Hotel	Lomond Park Hotel	Balloch Road	Balloch G83	Granted
Minor Variation (substitution of DPM)	01-Sep-	TLT Solicitors	Cleddans	387 Kilbowie Road	Clydeba G81	Granted
Minor Variation (substitution of DPM)	08-Sep-	Paul Dyer	The Pier Kitchen &	Balloch Road	Balloch G83	Granted
Minor Variation (decrease in layout	05-Oct-	Hill Brown Licensing	Duty Paid Store	Kilmalid	Dumbar G82	Granted
Minor Variation (substitution of DPM)	08-Oct-	Ian Fernie	P.S Maid of the Loch	The Pier	Balloch G83	Granted
Minor Variation (increase in layout	04-Nov-	JD Wetherspoon (Scot)	The Captain James	97 High Street	Dumbar G82	Granted
Minor Variation (substitution of DPM)	06-Nov-	Gosschalks Solicitors	Morrisons	Glasgow Road	Dumbar G82	Granted
Minor Variation (substitution of DPM)	13-Nov-	Scottish Midland Co-operative	Scotmid	170 Main Street	Alexand G83	Granted
Minor Variation (substitution of DPM)	18-Nov-	DWF Law LLP	Booker Limited	Blcok 14	Clydeba G81	Granted
Minor Variation (substitution of DPM)	17-Dec-	Lidl Great Britain Ltd	Lidl	Castle Street	Dumbar G81	Granted
Minor Variation (substitution of DPM)	08-Feb-	John Gaunt & Partners	Marks & Spencer	St James Retail Park	Dumbar G82	Granted
Minor Variation (substitution of DPM)	19-Feb-	Robert Hayes	Iceland	66 Bank Street	Alexand G83	Granted
Minor variation (no change to alcohol	05-Mar-	Anderson & Strathern	Scotmid	1a/1a Tullichewan Drive	Alexand G83	Granted

Appendix 4 Transfer of Premises Licence 2020-2021

Date Applied	Ref No	r of Transfer Rec	Name of Premises	Address 1	Address 2	Address 4	Post Code	Current Licence Holder	New Licence Holder	Decision
08-Jun-20	0031	Section 34	McKenzies Bar	41/43	Main Street	Alexandria	G83 0JN	Oxford Hotels & Inns Management Lim	The Wright Partnership	Granted
27-Jul-20	0209	Section 34	Bombay Jocks	Balloch Road		Balloch	G83 8SS	Craig McLaughlin	Paul Muir (Silver Fox Ltd)	Granted
05-Aug-20	0303	Section 33	Cook & Indi's World Buffet	Unit 18A Britannia Way	Clyde Shopping C	Clydebank	G81 2RZ	Mrmrsmillionaires Limited	Red Hot World Buffet Limited	Granted
13-Nov-20	0186	Section 34	Antartex Village	Lomond Industrial Estate	Heather Avenue	Alexandria	G83 0TP	The Edinburgh Woollen Mill Limited	Alastair Rex Massey and Anthony	Granted
13-Nov-20	0186	Section 33	Antartex Village	Lomond Industrial Estate	Heather Avenue	Alexandria	G83 0TP	Alastair Rex Massey and Anthony Joh	Avensis Hospitality Solutions Ltd	Granted
09-Feb-21	0186	Section 33	Antartex Village	Lomond Industrial Estate	Heather Avenue	Alexandria	G83 0TP	Avensis Hospitality Solutions Ltd	Purepay Retail Limited	Granted

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

14 October 2021

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 at Appendix 1 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 at Appendix 2 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 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 31 January 2022.
- 3.2** The Statement must incorporate the statutory licensing objectives and must comply with the Gambling Commission's Guidance ("the Guidance"). The guidance was last updated on May 2021. A link to the guidance is attached at Appendix 3.
- 3.3** Since the Licensing Board last considered their Statement of Principles, the following material changes have been introduced.

- Self-Exclusion Schemes – schemes whereby a person may ask to be refused service at betting premises has been extended to all premises-based licences.
- Children in Bingo Premises – this section of the guidance has been updated to give clarity on the subject of young persons who may work in bingo premises.
- Gaming Machines – Section 235 of the act has been clarified to inform the terms under which Self-Serve Betting Terminals (SSBTs) can be considered to be Gaming Machines and which controls should apply when a SSBT is considered to be a Gaming Machine.

3.4 All of the changes specified at 3.3 above have been included within the draft statement of principles appended to this report. Note that all changes have been highlighted in red ink, for ease of reference.

3.5 There are further technical changes to the Guidance which do not compel any further changes to the Statement of Principles. A list of all the changes can be found in Appendix 3.

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 As the Licensing Board may recall from the previous Statement of Principles there is a requirement that the authority complete a 'local area profile'. This process will be

completed as part of the consultation process and partners and key stakeholders such as Police Scotland, Education, The Health and Social Care Partnership et al have all been notified to start compiling the updated data which will inform their consultation responses.

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 31 January 2022. 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 2021.

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 of Principles 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 Hissett
Clerk to the Licensing Board
Date: 04 October 2021

Person to Contact: Raymond Lynch, Depute Clerk to the Licensing Board,
Municipal Buildings, Station Road, Dumbarton, G82 1NR,
telephone: 01389 737818, e-mail: raymond.lynch@west-dunbarton.gov.uk

Appendix: Appendix1- Draft Statement of Principles

Appendix 2 - Consultees List

Appendix 3 - A link to the Gambling Commission -
Guidance to Licensing Authorities and details of Changes
to the Guidance for Licensing Authorities - Gambling
Commission.

Background Papers: None

Wards Affected: All

WEST DUNBARTONSHIRE LICENSING BOARD

STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

SECTION 349

31/01/2022

FOREWORD

The Statement of Principles is the sixth 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 revised published 1st April 2022 and last updated on 13th May 2022

Consultation on the draft Statement of Principles took place during the period from * (DATE TO BE CONFIRMED) to *(DATE TO BE CONFIRMED).

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 *(DATE TO BE CONFIRMED) A copy of the report can be made available on request to the Licensing Section, West Dunbartonshire Council, Council Offices, Municipal Buildings, Dumbarton G82 1NR telephone 01389 738741 or e-mail licensing@west-dunbarton.gov.uk.

This final version of the Statement of Principles incorporates amendments which were approved by the Licensing Board on 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.

PLEASE NOTE –HYPERLINKS IN THIS DOCUMENT MAY NOT BE ACTIVE AT THIS TIME.

**All references to “date to be confirmed” within this document refers to items that for practical reasons can only be inserted to the final Licensing Board approved version.*

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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.

As required in terms of Section 349 of the Act, the Board have reviewed and revised its fourth Statement of Principles. The following is the Board’s sixth Statement of Principles (approved on) which, it proposes to apply in exercising its functions under the Act during the three year period beginning on 31 January, 2022. 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 licenses and temporary use notices (TENs) 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 89,930 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 link details the number and location of educational establishments in West Dunbartonshire. Also in Appendix 2 is a link that details the location of addiction services within West Dunbartonshire and regulated premises where children and young persons may frequent. There are also details of the locations of Doctor Surgeries, Community Centres and Colleges. This information is provided to give further information as to the local area profile of West Dunbartonshire in terms of addiction services, places where vulnerable persons may frequent, 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 license 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 consulting widely upon this statement before it is finalized and published.
- 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** Information with regard to reported crime and disorder incidents within gambling premises has been sought from Police Scotland. These showed (TBC) * *
- 5.4** The consultation took place between (DATE TO BE CONFIRMED) and (DATE TO BE CONFIRMED).
- 5.5** 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:
- [Gambling Commission - Guidance to Licensing Authorities updated April 2021](#)
- 5.6** This Statement of Principles was approved at a meeting of West Dunbartonshire Licensing Board on (TBC) and was published on the Council's website on (TBC). Copies were placed in the public libraries for the area as well as being available at the principal offices of West Dunbartonshire Council at Licensing, Municipal Buildings, and College Street, Dumbarton G82 1NR.

*** Police Scotland Data will be provided as part of the Chief Constables response to the consultation.*

- 5.7** 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,
Municipal Buildings, Station Road, Dumbarton G82 1NR
Email: raymond.lynch@west-dunbarton.gov.uk

- 5.8** 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, Regulatory Services: Environmental Health Section.
- West Dunbartonshire Council, Regulatory Services: Planning & Building Services Section.
- 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 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 Councilors, 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 Councilors to ask them to represent their views then care should be taken that the Councilors 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, Municipal Buildings, Station Road, Dumbarton, G82 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 2018 and the data protection legislation referred to therein 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 endeavor 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 seek 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 has authorised. 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, Council Offices, Municipal Buildings, Dumbarton G82 1NR:- 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 casinos, adult gaming centres, bingo, family entertainment centre, betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. The Guidance at parts 6.41 to 6.46 further details the requirements.
- 11.2** Licensees 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.
- 11.3** 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.

- 11.4** The 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.
- 11.5** 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 where children or vulnerable groups may be present such as schools, colleges, gambling or addiction support, treatment Centres, Doctor Surgeries or Community Centres. 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.

- 11.6** 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.
- 11.7** 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:

[Gambling Licences](#)

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 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 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 behavior 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 (TBC).

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.

1.13 Self-Exclusion Schemes – The Licensing Board acknowledges the new requirement for all non-remote casino, bingo and betting licences (except in respect of the provision of facilities for betting in reliance on a track premises licence) and holders of gaming machine general operating licences for adult gaming centres.

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.
- 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
 - 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:-

5.2 At section 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).

5.3 At section 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

- 5.4** 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).
- 6.3** Section 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.
- 6.4** 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.
- 6.5** Guidance for licence holders on this matter can be found here [Gambling Commission Guidance on Section 235](#).

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-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.

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 entitlements to have 2 gaming machines relate 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."

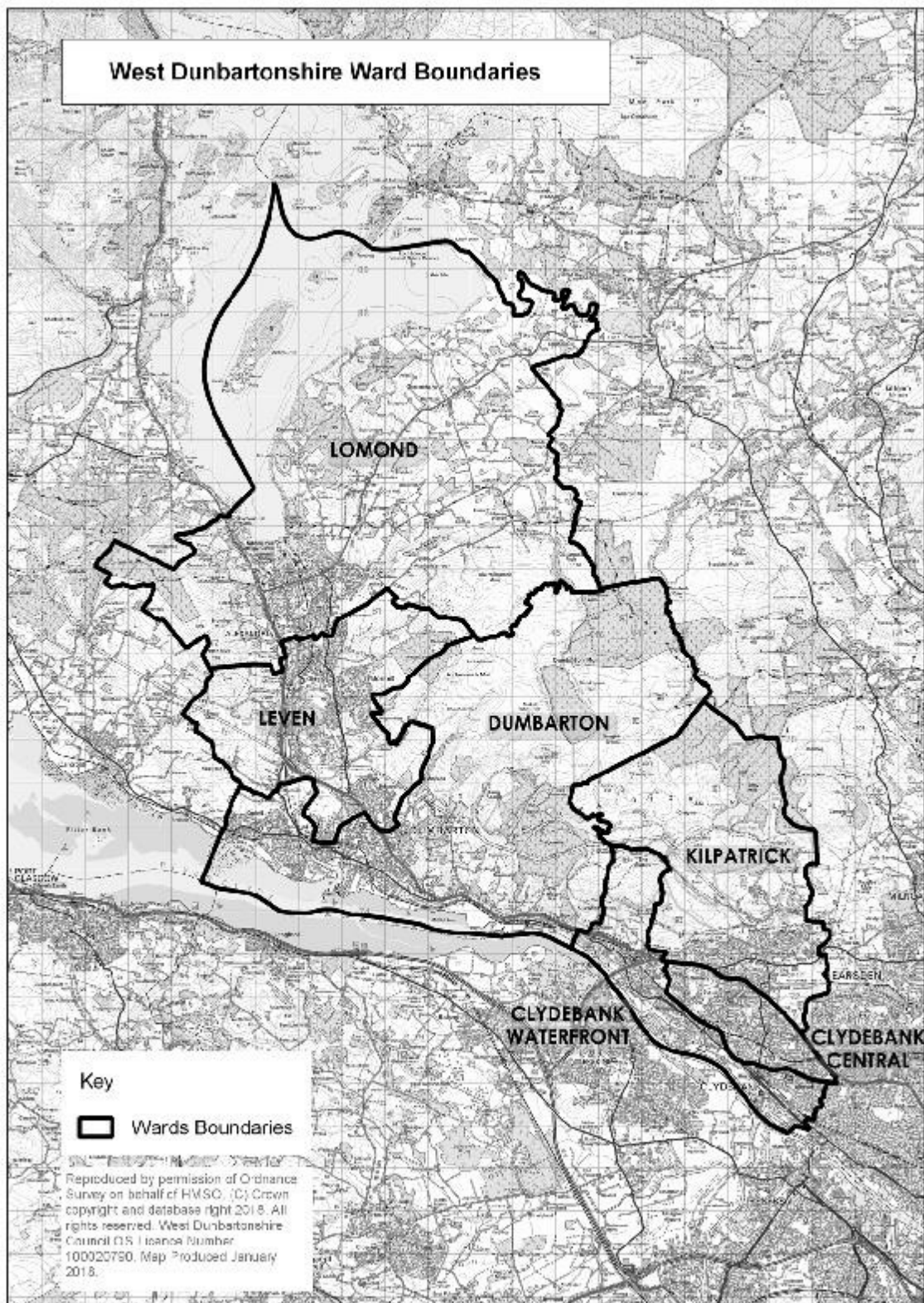
5. Occasional Use Notices

- 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.

Map of West Dunbartonshire Council Area



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:

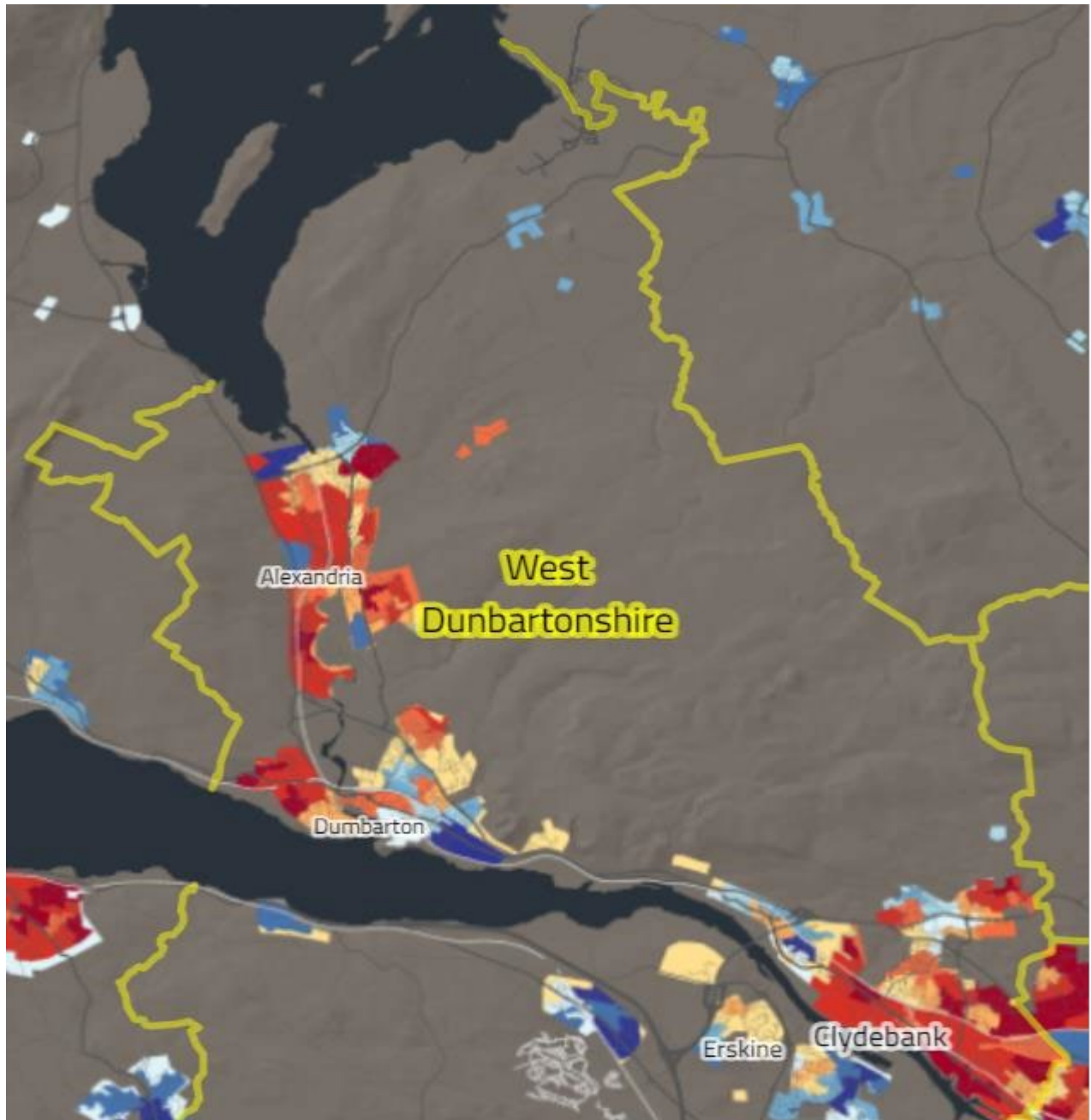
[Educational establishments in WDC](#)

Further information can be found for regulated activities for children and young persons and the list of addiction services, Doctor Surgeries, Colleges and Community Centres can be found at:

[Gambling - Further Information](#)

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

Demographic Profile of West Dunbartonshire - Scottish Index of Multiple Deprivation



Gaming Machine Categories and Entitlements

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

Schedule of Responsible Authorities

West Dunbartonshire Licensing Board, Council Offices, Municipal Buildings, Station Road, Dumbarton G82 1NR

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, Regulatory Services: Environmental Health Section, Council Offices, Church Street, Dumbarton, G82 1QL

West Dunbartonshire Council, Regulatory Services: Planning Section, Council Offices, 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, Church Street, Dumbarton, G82 1QL

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.

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 (TBC).

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 Chief Officers All

Tenants Associations

All Community Councils within West Dunbartonshire

General Secretary of Scottish Trade Unions Congress

The Gambling Commission

Scottish Parliament Members of Youth Parliament

Gamcare

Gamblers Anonymous Scotland

The Chief Constable, Police Scotland

Advice agencies-West Dunbartonshire- Working4U

Chief Social Work Officer, West Dunbartonshire Council

Head of Mental health, Learning disabilities and Addictions

The Chief Fire Officer, Scottish Fire and Rescue Service

West Dunbartonshire Adult Support and Protection Committee

West Dunbartonshire Council, Regulatory Services: Environmental Health Section

West Dunbartonshire Council, Regulatory Services: Planning & Building Standards

Loch Lomond & the Trossachs National Park Authority

Y-Sort-it

Citizens Advice Direct

West Dunbartonshire Community Planning Partnership

Greater Glasgow and Clyde NHS Board

West of Scotland Race Equality Council

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.

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)

Stewart 4 Ltd (Gold Gaming)

Power Leisure Bookmakers Ltd (Paddy Power)

Clyde Leisure Ltd

County Amusements

Noel Bardon

Club 3000 Bingo

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The Gambling Commission

Scottish Parliament Members of Youth Parliament

Gamcare

Gamblers Anonymous Scotland

The Chief Constable, Police Scotland

Advice agencies-West Dunbartonshire- Working4U

Chief Social Work Officer, West Dunbartonshire Council

Head of Mental health, Learning disabilities and Addictions

The Chief Fire Officer, Scottish Fire and Rescue Service

West Dunbartonshire Adult Support and Protection Committee

West Dunbartonshire Council, Regulatory Services: Environmental Health Section

West Dunbartonshire Council, Regulatory Services: Planning & Building Standards

Loch Lomond & the Trossachs National Park Authority

Y-Sort-it

Citizens Advice Direct

West Dunbartonshire Community Planning Partnership

Greater Glasgow and Clyde NHS Board

West of Scotland Race Equality Council

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

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British Casino Association

The National Casino Industry Forum

The Association of British Bookmakers Ltd.

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)

Stewart 4 Ltd (Gold Gaming)

Power Leisure Bookmakers Ltd (Paddy Power)

Clyde Leisure Ltd

County Amusements

Noel Bardon

Club 3000 Bingo

Gambling Commission – Changes to Guidance to licensing authorities

Please note the full Guidance to Licensing Authorities can be found here:-

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

The changes referenced have been detailed below.

ADDED Part 1 - General guidance on the role and responsibilities of licensing authorities in gambling regulation - Primary legislation - 1.14 & 1.19

ADDED Part 16: Gaming machines - The meaning of 'available for use' - 16.17, 16.18, 16.19, 16.20, 16.21, 16.22, 16.23, 16.24, 16.25 and 16.26

ADDED Part 17: Casinos - Controlling where gaming machines may be played – casino - 17.58

ADDED Part 18: Bingo - Gaming machines - 18.8

ADDED Part 19: Betting premises - Gaming machines - 19.5

ADDED Part 21: Adult gaming centres - Self-exclusion - 21.4

ADDED Part 34: Small society lotteries - Application and registration process for small society lotteries - 24.29

ADDED Appendix I: Glossary of terms – OPSS

AMENDED Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation: Co-ordination and contact – 1.10

AMENDED Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation: Primary legislation – 1.18

AMENDED Part 2: The licensing framework – Introduction - 2.3

AMENDED Part 3: The Gambling Commission - Main functions of the Commission - 3.5

AMENDED Part 3: The Gambling Commission - Relationship between the Commission and licensing authorities - 3.9 and 3.10

AMENDED Part 6: Licensing authority policy statement - Local risk assessments - 6.44

AMENDED Part 6: Licensing authority policy statement - Consultation process - 6.58

- AMENDED** Part 7: Premises licences - Applications - 7.41
- AMENDED** Part 8: Responsible authorities and interested parties definitions - Responsible authorities - 8.8
- AMENDED** Part 9: Premises licence conditions - S.179 – Pool betting - 9.16
- AMENDED** Part 15: Occasional use notices - Introduction - 15.1
- AMENDED** Part 15: Occasional use notices - Use (and misuse) of OUNs 15.4
- AMENDED** Part 18: Bingo - Gaming machines - 18.8
- AMENDED** Part 20: Tracks - Definition of a track - 20.5
- AMENDED** Part 20: Tracks - Betting on tracks - 20.16, 20.18, 20.19 and 20.20
- AMENDED** Part 20: Tracks - Applications - 20.55
- AMENDED** Part 20: Tracks - Pool betting - 20.64
- AMENDED** Part 21: Adult gaming centres - Gaming machine - 21.5
- AMENDED** Part 24: Unlicensed family entertainment centres - Introduction - 24.2
- AMENDED** Part 25: Clubs - Permits - 25.54
- AMENDED** Part 29: Poker - Advertising - 29.52
- AMENDED** Part 34: Small society lotteries - Application and registration process for small society lotteries - 34.40 and 34.41
- AMENDED** Part 36: Compliance and enforcement matters - Powers of entry in Scotland - 36.18, 39.19 and 36.20
- AMENDED** Part 36: Compliance and enforcement matters - Illegal gambling - 36.25
- AMENDED** Part 36: Compliance and enforcement matters - Test purchasing and age verification - 36.32
- AMENDED** Appendix I: Glossary of terms - DCMS changed to Department for Digital Culture Media and Sport
- REMOVED** Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation - Co-ordination and contact - 1.11 and 1.12
- REMOVED** Part 13: Information exchange - Information the Commission makes available to licensing authorities - 13.18
- REMOVED** Part 16: Gaming machines - The meaning of ‘available for use’ - 16.17, 16.18, 16.19, 16.20, 16.21 and 16.22
- REMOVED** Part 29: Poker - Advertising - 29.53 and 29.54

REMOVED Part 36: Compliance and enforcement matters - Illegal gambling - 36.22

REMOVED Appendix I: Glossary of terms - BRDO