

APPENDIX 1

**NORTH, CENTRAL AND SOUTH  
ABERDEENSHIRE DIVISIONAL  
LICENSING BOARDS**

**GAMBLING ACT 2005 – S.349  
Statement of Principles**

2018 – 2023



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## Background

The consultation period for this document took place between [INSERT DATE] and [INSERT DATE]

This Statement of Principles was produced having had regard to the licensing objectives of the Gambling Act 2005, the Gambling Commission's Guidance to Licensing Authorities and the responses made to consultation.

The finalised version of this Statement of Principles was approved at the following meetings of the Boards:

**North Board:** [INSERT DATE]

**Central Board:** [INSERT DATE]

**South Board:** [INSERT DATE]

This Statement of Licensing Principles 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.

## Publication

This Statement of Principles will be published on Aberdeenshire Council's website on [INSERT DATE]. It can be found at [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk). Paper and electronic copies are also available on request from the undernoted offices.

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# PART A:



## 1. INTRODUCTION

- 1.1 This Statement of Licensing Principles was approved by the Aberdeenshire North, Central and South Divisional Licensing Boards on XXX, respectively and was published via Aberdeenshire Council's website on XXX at [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)
- 1.2 All references to the Gambling Commission's Guidance for Local Authorities refer to the Guidance published in September 2015 available at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
- 1.3 We will carry out our role under the Gambling Act 2005 (the Act) in a transparent manner and in the public interest.
- 1.4 We are committed to avoiding duplication with other legislation and regulatory regimes as far as possible. Legal requirements under other legislation such as planning matters, health and safety and fire precautions are not replicated in this Statement.
- 1.5 This Statement has been developed taking into account the statutory guidance from the Gambling Commission and we will give appropriate weight to the views of the persons and organisations consulted.
- 1.6 Section 349 of the Act requires licensing authorities to publish a statement of principles, which will be applied in exercising their functions under the Act. This Statement fulfils that statutory requirement for the Aberdeenshire North, Central and South Licensing Boards.
- 1.7 This Statement of Principles will be applied during the three-year period from January 2019-2022. It will be kept under review and revised, if appropriate, during that three-year period.
- 1.8 This document should be read in conjunction with the Act, regulations made under the Act and guidance issued by the Gambling Commission. This is designed to be a strategic gambling statement, not an operational guide.
- 1.9 In exercising our functions under the Gambling Act 2005, the Aberdeenshire North, Central and South Licensing Boards, as licensing authorities, will have regard to the statutory licensing objectives, which are set out at Section 1 of the Act:
  - ◆ **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**

### Licensing Decisions

- 1.10 Section 153 of the Act requires us, in making decisions concerning premises licences and temporary use notices, to aim to permit the use of premises for gambling in so far as we think 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

This means that the Boards have no discretion in exercising their functions under Part 8 of the Act, to grant a premises licence where that would mean taking a course which it did not think accordance with the Gambling Commission Guidance, any relevant Code of Practice, this Statement of Policy or consistent with the licensing objectives.

1.11 Nothing in this Statement will:

Override the right of any person to make an application under the Act or to have that application considered on its individual merits, undermine the right of any person to make representations on an application or to seek a review of a licence where there is legal power to do so.

1.12 Under this legislation unmet demand is **not** a criterion for a licensing authority in considering an application and in accordance with Gambling Commission Guidance for Licensing Authorities, “moral objections to gambling are not a valid reason to reject applications for premises licences”. Therefore we will consider any application in accordance with the Act, on its own merits, without regard to demand or moral objection to gambling in general.

**Scheme of Delegation**

1.13 S155 of the Act allows Licensing Boards to delegate certain functions to a Committee, a Sub-Committee or an officer of the authority.

A Scheme of Delegation has been prepared in accordance with the Act and Gambling Commission Guidance to ensure effective management of the authority’s functions under the Act. This Scheme of Delegation can be found at 779A PROFILE OF ABERDEENSHIRE

**2. A PROFILE OF ABERDEENSHIRE**

This profile reflects the outcomes of an assessment of the pattern of gambling and associated risks identified within Aberdeenshire, including local data and the expectations that the Licensing Boards have of operators either currently offering gambling facilities or wish to do so in the future. The Boards will work in partnership with operators, local business, communities and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.

General Description of the Local Area and Local Area Profile

- Board Divisions?
- Gambling Profile of Area?
- Identified Risks – link to objectives?
- Mitigation – link to objectives?
- Board Priorities?
- Link to Action Plan if required?

**3. CONSULTATION ON THE STATEMENT OF LICENSING PRINCIPLES**

3.1 Aberdeenshire North, Central and South Licensing Boards (“the Boards”) are required by the Act to publish a Statement of Principles, which they propose to apply when exercising their licensing functions. This Statement must be published at least every three years. This Statement must also be reviewed from time to time

and any amended parts re-consulted upon. This Statement must then be re-published.

3.2 The Boards have consulted widely on this revised Statement of Principles before finalising and publishing it. A list of the persons we have sent this document to is attached at Appendix 1. This revised document is available on the Aberdeenshire Council licensing website at: [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk).

3.3 The Act requires that the following parties are consulted by each licensing authority:

- ◆ **The Chief Constable, Police Scotland**
- ◆ **One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.**
- ◆ **One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's function under the Act**

#### 4. DECLARATION

4.1 In producing the final revised licensing Statement, the licensing authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission and responses from those consulted on the Statement.

#### 5. RESPONSIBLE AUTHORITIES

5.1 We are required under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the authority about the protection of children from harm.

5.2 We designate the **Aberdeenshire Child and Family Protection Committee**, an inter-agency body representing the statutory, private and voluntary sectors.

5.3 We do so because it operates throughout the whole of the area covered by the **North**, **Central** and **South** Divisional Boards and because it has the specialist knowledge and expertise to fulfil this role.

5.4 The Responsible Authorities under the Act are:

The Aberdeenshire North, Central and South Divisional Licensing Boards
The Gambling Commission
The Chief Constable, Police Scotland
The Chief Officer, Scottish Fire and Rescue Service
The Planning and Building Standards Service, Aberdeenshire Council
The Protective Services and Waste Management Service, Aberdeenshire Council
The Aberdeenshire Child and Family Protection Committee
HM Revenue & Customs
The Integration Joint Board
<b>The Education, Learning and Leisure Committee, Aberdeenshire Council</b>
<b>The Scottish Environment Protection Agency (vessels)</b>
<b>The British Waterways Board (vessels)</b>
<b>The Secretary of State for Transport (vessels)</b>

Subject to any other party being prescribed by Regulation by the Secretary of State. The contact addresses for these authorities are shown at: Appendix 1.

#### 6. INTERESTED PARTIES

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

“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)”

6.2 We are required by regulations to state the principles we will apply in exercising our powers under the Act to determine whether a person is an interested party. We will consider a number of factors in making such a determine including:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the premises
- The circumstances of the person who live close to the premises. This is not their personal characteristics but their interests which may be relevant to the distance from the premises.

6.3 We will decide each case on its merits. We will not apply a rigid rule to our decision-making but will apply local knowledge and integrity to each decision.

## 7. DATA PROTECTION AND EXCHANGE OF INFORMATION

7.1 In fulfilling their functions and obligations under the Act, the Boards will exchange relevant information with other regulatory bodies and will establish protocols as necessary. In exchanging such information the Boards will conform to the requirements of the Act, data protection and freedom of information legislation as well as the Gambling Commission’s Guidance to Licensing Authorities.

7.2 Contact details of those persons making representations and of their representations will be made available to applicants for a licence. Should a hearing take place they will form part of a public document. Any person who lodges representations or applies for a review of a premises licence will be informed that these details will be disclosed.

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

7.4 Section 29 of the Act entitles the Gambling Commission to seek information from licensing authorities and places an obligation on authorities to comply with its information requests, providing the information is:

- Part of a register maintained by the licensing authority
- In the licensing authority’s possession in connection with a provision of the Act.

7.5 Licensing authorities are required to maintain data on premises licences and are required to notify the Commission of the outcome of each application for a premises licence, whether it is granted or refused, or where such a licence has lapsed, been surrendered and the cancellation of certain permits and registrations.

7.6 The Licensing Boards are required to submit returns to the Commission on an annual basis providing information on licensed gambling activity and details of compliance and regulatory work undertaken.

7.7 The Boards also require to maintain the following information:

- Small society lotteries: the Boards are required to record details of the lottery on a register and to notify both the applicant and the Commission of this registration
- Club Gaming permits: when the Boards either grant or reject an application for a club gaming permit they are required to inform both the applicant and the Commission.

7.8 See the Summary of Information Requirements attached at **Appendix [XXX]** hereto

Human Rights Act 1998

The Secretary of State has certified that the Gambling Act 2005 is compatible with the European Convention on Human Rights., In considering applications and taking enforcement action under this Act the Boards will bear in mind that they are subject to the Human Rights Act 1998 and in particular:

**Article 1, Protocol 1** – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.

**Article 6** – right to a fair hearing

**Article 8** – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life

**Article 10** – right to freedom of expression.

## 8. ENFORCEMENT

8.1 In exercising our functions under the Act with regard to the inspection of premises we will be guided by the Gambling Commission's Guidance and our approach will be:

Proportionate
Accountable
Consistent
Transparent
Targeted

8.2 We will adopt a local risk-based approach whereby the main determinant shall be the risk posed to the three licensing objectives by premises. Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed; those premises considered to pose the greatest risk will be subject to more frequent inspections than those presenting a lower risk.

8.3 When determining risk, consideration will be given to:-

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

In determining whether to undertake an inspection of premises, the Boards will determine each case on its own merits

- 8.4 The main enforcement and compliance role for the licensing authority in terms of the Act will be to ensure compliance with premises licences and associated conditions and other issues relating to the premises themselves, and other permissions, which it authorises. It is noted that the enforcement body for personal and operating licences is the Gambling Commission. That said, the Boards, in accordance with the Commission's Guidance, hold the view that the Commission, the Boards themselves and the Police are all parties to the enforcement regime created under the Act.
- 8.5 According to the principle of transparency, if the licensing authority adopts any enforcement and compliance protocols, copies will be available upon request.
- 8.6 The licensing 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 a single named point of contact and contact details, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 8.7 The Boards will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainers are encouraged to raise the complaint directly with the licence holder or business concerned to seek a resolution.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the Boards may initially recommend a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Boards consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.

## 9. ENFORCEMENT

- 9.1 The licensing authority will make decisions upon applications or notifications made for:

Premises licences
Temporary use notices
Occasional use notices
Permits as required under the Act, and
Registrations as required under the Act

- 9.2 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
Club machine permits
Prize gaming and prize gaming permits
Alcohol licensed premises – gaming machine permits
Occasional use notices
Temporary use notices
Registration of small society lotteries

9.3 We will not be involved in licensing remote gambling. Regulation of remote gambling will fall to the Gambling Commission through operator's licences.

# PART B:



## 10. PREMISES LICENCES

### *General Principles*

- 10.1 Premises licences will be subject to the restrictions set out in the Act and regulations, as well as to specific mandatory and default conditions which will be detailed in regulations issued under the Act.
- 10.2 We may exclude default conditions and also attach other conditions, where we believe it is appropriate.
- 10.3 In making decisions about premises licences we will aim to permit the use of premises for gambling in so far as we think 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

- 10.4 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. We will assess each case on its individual merits to decide as a matter of fact, whether different parts of a building can properly be regarded as being separate premises. We note the Gambling Commission’s advice in this area.
- 10.5 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission Guidance advises that reference to “the premises” is to the premises in which gambling may now take place, so the premises must be ready to be used for gambling. Each case will be a question of fact and degree.
- 10.6 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.
- 10.7 Section 152 of the Act prevents more than one premises licence applying to any place. However, the Boards note that the Gambling Commission’s Guidance indicates that the proper application of Section 152 means that different premises licences cannot apply in respect of single premises at different times. There is therefore no temporal element to a premises licence. Premises therefore cannot, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.
- 10.8 The Boards also note that the Commission’s Guidance indicates that there is no reason in principle why a single building cannot be subject to more than one premises licence, provided that those licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. The Boards shall also pay particular attention with regards to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between these premises are adhered to.
- 10.9 The Boards take note of the Commission’s Guidance that, in most cases, the expectation will be that a single building or plot will be the subject of an application for a licence. This does not, however, mean that the single building or plot cannot be the subject of separate premises licences for example for the basement and ground

floor. However, the Boards agree with the Commission that areas of a building that are artificially or temporarily separated (for example: by ropes or moveable partitions) cannot properly be regarded as different premises.

- 10.10 The Boards also agreed with the Commission that whilst different configurations may be appropriate under different circumstances in determining whether a single building may be regarded as different premises, the crux of the matter shall be whether the proposed premises may be regarded as being genuinely separate premises that merit having their own licence and are not an artificially created part of what is readily identifiable as a single premises.
- 10.11 Consideration as to whether different parts of a building may be regarded as being different premises shall be one of fact and degree and the Boards shall determine each case on its own merits.
- 10.12 However, in determining whether two or more proposed premises may be regarded as truly separate, the Boards may consider factors from the following, non-exhaustive, list:

The location of the premises;
Whether there is separate registration for business rates in place for the premises;
Whether each of the premises may be accessed from the street or a public passageway.
Whether the premises may only be accessed from another gambling premises; and
Whether the premises' neighbouring premises are owned by the same person or

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

The third licensing objective which seeks to protect children from being harmed by gambling. This means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should therefore be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;
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 ought to be able to participate in the activity named on the premises licence.

### **Vessels**

- 10.14 The Act permits premises licences to be granted for passenger vessels. Section 353(1) of the Act defines a vessel as:

Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
A hovercraft,
Anything, or part of any place, situated on or in water (to be given a normal and sensible interpretation).

- 10.15 Structures which are an extension of the land, such as a pier or a bridge, are not to be considered a vessel and remain as premises under the Act.
- 10.16 Pleasure boats may apply for premises licences. The Act applies in relation to vessels that are not permanently moored or berthed, as if they were premises situated in a place where usually moored or berthed.
- 10.17 The Boards shall be concerned with:
- ◆ the promotion of the licensing objectives on board the vessel
- 10.18 The Boards shall not take into account:
- ◆ matters relating to safe navigation or operation of the vessel,
  - ◆ the general safety of passengers or emergency provision,
- all with are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.
- 10.19 A licence is not required for gambling taking place aboard a vessel engaged on an international journey.
- 10.20 The Boards have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings, and on all aircraft on the ground or in domestic airspace. If an ocean-going vessel is involved, the Boards will establish where the vessel has been or is intending to go.

### ***Vehicles***

- 10.21 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) are **NOT** permitted to be the subject of a premises licence.

### ***All Premises***

- 10.22 In accordance with the Gambling Commission's Guidance we will pay particular attention to the protection of children and vulnerable persons from harm or exploitation by gambling, as well as to issues of crime and disorder.
- 10.23 The licensing authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be adopted this Statement will be updated and the policy will be publicly available.
- 10.24 Any future policy would not preclude an application for a premises licence being made: the onus will be upon the applicant to show how any potential concerns could be overcome; however, each application would be considered on its own merits, keeping in mind the overriding principle contained in section 153 of the Gambling Act 2005 that the Boards should "aim to permit the use of premises for gambling".
- 10.25 The licensing authority will seek to avoid any duplication with other statutory/regulatory systems wherever possible, including the statutory planning regime.
- 10.26 We will not consider whether a licence application is likely to be awarded planning consent or building warrant approval in considering an application for a premises licence. Aberdeenshire Council's Planning Service is a responsible authority under

the Act and has the opportunity to make representations should it consider appropriate, otherwise the two regimes will be properly separated.

- 10.27 We will carefully consider any concerns raised about licensing conditions, which cannot be met by licence holders due to planning restrictions, should such a situation arise.

#### **OBJECTIVE 1**

#### **PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME**

- 10.28 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Its guidance envisages that attention is paid to the proposed location of gambling premises in terms of this licensing objective.
- 10.29 Where an area has known high levels of organised crime, we will consider carefully whether it is suitable to locate there and whether conditions should be imposed such as the provision of door stewards.
- 10.30 We recognise the Gambling Commission's distinction between disorder and nuisance, disorder meaning activity, which is more serious and disruptive than mere nuisance, which is not a Gambling Act licensing objective. We will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, to assess a disturbance.
- 10.31 In considering licence applications, the licensing authority will particularly take into account the following:

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

#### **OBJECTIVE 2**

#### **ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

- 10.32 The Gambling Commission has stated that it would generally not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will relate either to the management of the business, therefore subject to an operating licence, or to an individual and therefore subject to a personal licence. Both of these are the responsibility of the Gambling Commission. That said, if the Boards suspect that gambling is not being conducted in a fair and open way, the Boards note in particular the Commission's comments in its Guidance that the Boards ought to bring this to the attention of the Gambling Commission. The Boards shall endeavour to do so should said suspicion arise.

#### **OBJECTIVE 3**

#### **PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING**

10.33 The Act itself provides definitions of “children” and “young persons” as follows:

- ◆ A “child” means an individual who is less than 16 years old.
- ◆ A “young person” means an individual who is not a child but who is less than 18 years old.

10.34 The Gambling Commission Guidance for Local Authorities states that this objective relates to preventing children from taking part in gambling as well as the restriction of advertising so that gambling products are not aimed at children or are particularly attractive to them.

10.35 We will consider then whether specific measures are required at individual premises to promote the licensing objective. Appropriate measures may include supervision of access points or machines, or segregation of areas. We will consult with the Child Protection Committee on any application that indicates there may be concerns over access for children or vulnerable persons.

10.36 Significant weight will be given to all matters relating to the protection of children and young persons. An applicant for a premises licence must comply explicitly with the Act and any recognised Codes of Practice (including those in respect of advertising) regarding the permitted access or exclusion and participation of children and young persons. Subject to the exemptions within the Act, applicants for a premises licence may also be required to provide evidence that employee age checks are carried out to ensure no child or young person is being employed when facilities for gambling are being provided. Where the Boards determine that there may be a risk of harm to children in relation to particular premises, it may (where permitted) exclude or limit the access of children to the premises at specific times or when certain activities are taking place. Where the Act permits access to children and young persons the Board will, in appropriate circumstances, attach conditions to the premises licence specifically to ensure the protection of children and young persons. Issues of concern may be:

The location and/or configuration of the premises;
Supervision of entrances;
Clear signage externally regarding age-restricted premises (over 18 years of age);
Age verification checks;
Clear segregation of gambling and non-gambling areas;
Clear signage regarding age-restricted areas;
Supervision of access to gambling areas;
Supervision of gambling machines;
Age verification checks of employees, and persons employed through employment agencies.

The Boards may, in appropriate circumstances, attach conditions to a premises licence in order to ensure adequate supervision by adult staff. It may also set requirements regarding the appropriate number of adult staff to be present at the premises based on the numbers of children present.

10.37 The term “vulnerable persons” is not defined but the Gambling Commission states that “it will for regulatory purposes assume that this group includes people:

who gamble more than they want to;
people who gamble beyond their means; and
people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

- 10.38 Applicants for premises licences, permits and authorisations will be expected to have awareness that for some people gambling activities can present a potential harm. An applicant will be required to ensure that all members of their staff receive adequate training and clear instruction regarding this issue, and will also be required to comply with any Code of Practice and Guidance issued by the Gambling Commission. The Boards may also consider it appropriate to attach a condition to all premises licences requiring the holder to display in a prominent position, posters/leaflets providing the contact details for various Support Groups and Organisations specifically set up to assist people who may wish to seek help or advice regarding gambling related issues.
- 10.39 Applicants may consider the following example measures for protecting and supporting vulnerable persons:

Leaflets offering assistance to problem gamblers being made available on gambling premises in locations that are both prominent and discreet. A discreet location might be, for example, Toilets;
Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
Trained personnel for the purpose of identifying and providing support to vulnerable persons;
Self-exclusion schemes;
Stickers or notices on gaming machines to identify the stakes/prizes;
Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
Fixed Odds Betting Terminals should clearly display the odds;
Positioning of ATM machines;
Stickers/posters with GamCare Helpline and website in prominent locations i.e. on ATM machines;
Careful selection and review of the placing and content of advertisements and other promotional material.

It should be noted that some of the above measures form part of the mandatory conditions placed on premises licences but the Boards may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposals from the applicant.

- 10.40 The licensing authority will consider promotion of this licensing objective on a common sense, case-by-case basis.

**Conditions on premises licences**

- 10.41 Any conditions we attach to licences will be proportionate and will be:

Relevant to the need to make the premises 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 aspects

Decisions on individual conditions will be made on a case-by-case basis. Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Boards may consider licence conditions. 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. These may cover such issues as:

Proof of age schemes;
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CCTV;
Supervision of entrances;
Supervision of machine areas;
Physical separation of areas;
Location of entrance points;
Notices/signs;
Specific opening houses;
A requirement that children must be accompanied by an adult;
Enhanced CRB checks of the applicant and/or staff;
Support to persons with gambling addictions;
Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble, such as half-term and summer holidays;
Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble;
Door supervisors;
appropriate signage for adult only areas
Any one or a combination of measures

**This list is not mandatory or exhaustive and is merely indicative of examples.**

The licensing authority will expect licence applicants to offer their own suggestions as to ways in which the licensing objectives can be met effectively. As of 6<sup>th</sup> April 2016, all applicants are required to undertake a local area risk assessment. This will identify risks to the licensing objectives and mitigation measures to be implemented to ensure that operation is reasonably consistent with the licensing objectives.

- 10.42 We may consider specific measures for building, which are subject to multiple premises licences. Such measures may include:

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

- 10.43 There are conditions which cannot be attached to premises licences and those are:

Any condition on the premises licence which makes it impossible for the applicant 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 casino and bingo clubs and this provision prevents it being reinstated);
Conditions in relation to stakes, fees, winnings or prizes.

### **Door Supervisors**

- 10.44 In accordance with the Gambling Commission Guidance, the licensing authority may consider whether there is a need for door supervisors in terms of the licensing objectives relating to children and vulnerable persons and the prevention of crime. The Boards may also specify the level of door supervision required.

- 10.45 “Door supervision shall have the meaning ascribed to it in Section 178 of the Act. The Boards do note the terms of the Gambling Commission’s Guidance to the effect that door supervisors employed by the Operator who are employed at casino or bingo premises do not require to be licensed by the Security Industry Authority.

- 10.46 The Boards note that, in terms of Section 178 of the Act, if a door supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act authorising him/her to fulfil their functions under that Act, then that requirement will be treated as if it were a condition of the premises licence by virtue of Section 178.
- 10.47 The Licensing Boards may formulate a policy relating to registration with the licensing authority of all door supervisors working at casino or bingo premises. This would be in recognition of the nature of the work, which might include searching individuals, dealing with potentially aggressive and young and vulnerable persons. If so, the policy will be made available publicly.
- 10.48 The authority will impose the requirement for CCTV, door supervisors and/or the separation of different operational areas within the premises for the protection of the public in circumstances where there is clear evidence, from the history of trading at specific premises, that such premises cannot be adequately supervised from the counter and that any one or more of such requirements are both necessary and proportionate.

## 11 ADULT GAMING CENTRES

- 11.1 An Adult Gaming Centre premises licence authorises the licence holder to provide a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises; any number of category C machines and any number of category D machines. Premises subject to a licence granted before 13<sup>th</sup> July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult Gaming Centre premises licences granted on or after 13<sup>th</sup> July 2011 are entitled to 20% of the total number of gaming machines only. Category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines. See **Appendix 3** for further information on the categorisation of machines.
- 11.2 Where two separate Adult Gaming Centres have been created adjacent to each other by splitting pre-existing premises, it is not permissible to locate eight category B3 machines in one of the resulting premises with none in the other one as the gaming machine entitlement for that premises would be exceeded.
- 11.3 No persons under the age of 18 years shall be permitted to enter an Adult Gaming Centre. The Boards shall have particular regard to the location of, and entry to, an Adult Gaming Centre to ensure that opportunities for children to have access are minimised. In this regard the Boards will expect applicants to offer their own measures to promote, in particular, the third licensing objective.
- 11.4 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory conditions shall apply. There are currently no default conditions specific to Adult Gaming Centres. Appropriate licence conditions may cover issues such as:

proof of age schemes,
CCTV,
door supervisors,
supervision of entrances/machine areas,
physical security measures,
physical separation of areas,
location of entry notices/signage, including the display of notices and signage externally stating access to the premises is restricted to persons aged 18 years of age and over,

the display of notices both internally and externally stating use of gaming machines is restricted to persons 18 years of age and over,
staff undergoing appropriate training,
specific opening hours and notices displaying same,
self-barring schemes,
provision of information leaflets/helpline numbers for support organisations such as GamCare.

**This list is merely indicative and not intended to exclude other conditions in appropriate cases.**

## 12 FAMILY ENTERTAINMENT CENTRES

12.1 A Licensed Family Entertainment Centre is a premises for which a Licence is granted to provide any number of category C and D gaming machines. Whilst persons under 18 years of age are permitted entry to the premises, no persons under 18 years of age may be permitted access to those areas of the premises where category C gaming machines are situated. The Boards shall require that category C machines be situated in a separate area to ensure the segregation and supervision of machines that may only be played by those over 18 years of age. See **Appendix 3** for further information on gaming machine categories.

12.2 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory conditions shall apply. There are currently no default conditions specific to Licensed Family Entertainment Centres. We will expect applicants as part of their application to offer their own measures to promote the licensing objectives. Appropriate licence conditions may cover such issues as:

proof of age schemes,
CCTV,
supervision of entrances/machine areas,
Physical security measures on the premises,
physical separation of areas with emphasis on measures in place to ensure the physical separate of areas for category C gaming machines;
self-barring schemes,
location of entry notices/signage,
the display of clear notices and signage both internally and externally regarding age-restricted areas,
specific opening hours and the display of a notice of same,
provision of information leaflets/helpline numbers for support organisation such as GamCare,
measures/training for staff on how to deal with suspected school children on the premises.

**This list is merely indicative and not intended to exclude other conditions in appropriate cases.**

12.3 In accordance with the Gambling Commission’s Guidance, we will ensure that we are sufficiently aware of any conditions that apply to operating licences, for instance those covering the way in which the area containing the Category C or higher machines, should be delineated.

## 13 CASINOS

13.1 The licensing authority has not passed a “no casino” resolution under Section 166 of the Act but is aware that it has power to do so.

- 13.2 Section 165 of the Act gives us the power to decide not to issue further casino licences in our area.
- 13.3 The licensing authority reserves the right to review this situation.
- 13.4 The Board notes Part 17 of the Commission's Guidance in relation to Casinos.
- 13.5 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory and default conditions, unless excluded by the Boards, shall apply. The Boards may also attach conditions to a casino premises licence in terms of Section 169 of the Act.

## **14 BINGO PREMISES**

- 14.1 The Boards note that there is no statutory definition of "bingo" in terms of the Act other than it means 'any version of the game irrespective of by what means it is described.'
- 14.2 A bingo premises licence holder may generally be able to offer any type of bingo game, whether it be cash bingo or prize bingo.
- 14.3 The Boards note that they need to be satisfied that bingo can be played in any bingo premises for which they issue a premises licence. This shall be a relevant consideration whether the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 14.4 The holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premise. Premises that were licensed before 13<sup>th</sup> July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines. See **Appendix 3** for further information on the categorisation of machines.
- 14.5 The Boards also note the Commission's Guidance at Paragraph 18.9 with regards to the unusual circumstance whereby an existing bingo premises covered by one premises licence applies to vary the licence to split the premises into one or more separate licensed premises. The Boards note the Commission's position that it is not permissible to locate the total number of category B3 gaming machines in one resulting premises with none in the other one, as the maximum entitlement of eight gaming machines for that premises would be exceeded. A maximum of eight gaming machines in category B3 or B4 shall therefore be permitted in each resulting premise.
- 14.6 Children and young persons are permitted into bingo premises, however, they are not permitted to participate in the bingo and, if category B or C machines are made available for use, these must be separated from areas where children and young people are permitted.
- 14.7 In accordance with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling, the Boards may require an applicant to prove that sufficient measures are in place to prevent children, young persons and vulnerable persons from having access to Category B and C machines.
- 14.8 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory and default conditions, unless excluded by the Board,

shall apply. The Boards may also attach conditions to a bingo premises licence in terms of Section 169 of the Act. Any example of such conditions may be as follows:

Proof of age scheme,
CCTV
Physical security measures on the premises,
Supervision of entrances,
Measures to ensure the physical separation of gambling areas where category C or above gaming machines are made available for use,
Supervision of age-restricted areas of the premises,
Self-barring schemes,
The display of clear notices and signage both externally and internally regarding age restrictions and restricted areas,
The display of a notice of the opening hours,
Policy and procedures regarding the employment of young persons,
provision of information leaflets/helpline numbers for support organisation such as GamCare

**This list is merely indicative and not intended to exclude other conditions in appropriate cases.**

## 15 BETTING PREMISES

- 15.1 The Act contains a single class of licence for betting premises. However, within this single class of licence there are different types of premises which require licensing. This part of the Policy refers to betting that takes place in places other than at a track.
- 15.2 No children and young persons shall be allowed entry to premises with a betting premises licence at any time. Special rules apply to tracks.
- 15.3 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory and default conditions, unless excluded by the Boards, shall apply. The Boards may also attach conditions to a betting premises licence in terms of Section 169 of the Act. Examples of such conditions may be as follows:

Proof of age scheme,
CCTV
Physical security measures on the premises,
Supervision of entrances,
Measures to ensure the physical separation of gambling areas where category C or above gaming machines are made available for use,
Supervision of age-restricted areas of the premises,
Self-barring schemes,
The display of clear notices and signage both externally and internally regarding age restrictions and restricted areas,
The display of a notice of the opening hours,
Policy and procedures regarding the employment of young persons,
provision of information leaflets/helpline numbers for support organisation such as GamCare

**This list is merely indicative and not intended to exclude other conditions in appropriate cases.**

- 15.4 When considering whether to impose conditions to restrict the betting machines in particular premises, we will 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 people, or by vulnerable persons.

## 16 TRACKS

- 16.1 The Act contains rules, which apply to applicants for a premises licence in relation to a track. The applicant need not hold an operating licence because the betting that is provided upon the track will be provided by other operators, who come on-course. Since those people will require the necessary operating licences, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence. This track premises licence then authorises anyone upon the premises with an operating licence to offer betting facilities.
- 16.2 Tracks are premises which include horse racecourses, dog tracks or other tracks where sporting events may take place. The Act does not define what may constitute a sporting event or race and the Boards note the Commission's comments that the Boards may determine what constitutes such on a case by case basis.
- 16.3 A track premises licence permits the premises to be used for the provision of facilities for betting. If the licence holder wishes to provide a casino, bingo or other type of gambling on the track, a separate premises licence will be required. Tracks may, therefore, be subject to more than one premises licence.
- 16.4 If the Operator wishes to use the premises temporarily for gambling and there is no premises licence in effect, the Boards may issue a temporary use notice.
- 16.5 Where there is betting on a track on eight days or less in a calendar year, an occasional use notice may be issued by the Boards to permit betting on the premises.
- 16.6 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter. As children and young persons are allowed to be present on a track whilst betting is taking place, the Boards will consider carefully, before issuing additional premises licences for a track, any potential impact an accumulation of premises licences may have on the third licensing objective.
- 16.7 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 16.8 An applicant for a track premises licence requires to submit detailed plans of the premises to the Board. Whilst the Boards agree with the Commission in its Guidance that it is sometimes difficult to define the precise location of betting areas on tracks, the Board shall require the following from an applicant:

A detailed plan defining the site, any area to be used for temporary "on-course" betting facilities and, in the case of dog tracks and horse racecourses, any mobile pool betting facilities as well as any other proposed gambling facilities.
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Premises licence applicants will have to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
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Applicants will require to demonstrate that they have measures in place to safeguard the achievement of all three licensing objectives.
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- 16.9 In terms of the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007, mandatory and default conditions, unless excluded by the Boards,

shall apply. The Boards may also attach conditions to a track premises licence in terms of Section 169 of the Act. An example of said conditions may be as follows:

Proof of age schemes,
CCTV,
door supervisors,
physical security measures on the premises,
supervision of entrances/machine areas,
physical separation of gambling areas,
supervision of gambling areas,
location of entry notices/signage,
specific opening hours,
appropriate siting of gaming machines,
self barring schemes,
the display of clear notices and signage both internally and externally regarding age restricted areas,
the display of a notice specifying opening hours,
the display of gambling rules in prominent positions in or near betting areas,
provision of information leaflets/helpline numbers for organisations such as GamCare.

**This list is merely indicative and is not intended to exclude other conditions in appropriate cases.**

- 16.10 We will sympathetically consider applications for re-sites within the same locality as existing premises and to applications lodged seeking extensions to premises that are already licensed. We will do so on the basis that such applications must enhance the quality of facilities provided within such premises for the benefit of the betting public.

**17 TRAVELLING FAIRS**

- 17.1 The licensing authority will consider whether the applicant falls within the statutory definition of a travelling fair.
- 17.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, it will fall to the 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.
- 17.3 The 27-day statutory maximum for the land being used for a fair is per calendar year and applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing board will work with the departments of the Council and neighbouring authorities to ensure that land which crosses our boundaries is monitored so that statutory time limits are not exceeded.

**18 PROVISIONAL STATEMENTS**

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

He/she expects to be constructed,
He/she expects to be altered, or
He/she expects to acquire a right to occupy.

- 18.2 The Boards note the Commission’s Guidance which states that “Developers may wish to apply for provisional statements before they enter into a contract to buy or lease

property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.”

- 18.3 Whilst applicants for a premises licence must fulfil certain criteria, these restrictions do not apply to applicants for provisional statements. An applicant for a provisional statement does not require to hold an operating licence nor do they need to have acquired a right to occupy the premises to which the applications relates.
- 18.4 In considering applications for a provisional statement, the Boards shall not speculate on, nor take into account, the likelihood of an operating licence being granted by the Gambling Commission.
- 18.5 If a provisional statement is granted by the Boards, the Boards are aware that they are constrained in the matters they may consider when an application for a premises licence is subsequently made in relation to the same premises. In terms of any representations made in relation to the application for the premises licence, the Boards shall disregard said representations unless they are of the view that those representations:
- ◆ Address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
  - ◆ Reflect a change in the applicant’s circumstances.
- 18.6 In considering an application for a provisional statement, the Boards shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.
- 18.7 The Boards may refuse the premises licence application (or grant it on terms or conditions not included in the provisional statement), only by reference to matters:

Which could not have been raised at the provisional licence stage, or
Which, in the authority’s opinion, reflects a change in the operator’s circumstances.
Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

## 19 REVIEWS

- 19.1 A premises licence may be reviewed by the licensing authority of its own accord for any appropriate reason or following the receipt of an application for a review by an interested party or responsible authority. It is for the licensing authority to decide whether the review should be carried out.
- 19.2 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution technique prior to a full-scale review being conducted by the authority.
- 19.3 An application for a review may be rejected if the licensing authority thinks that the grounds on which the review is sought:

Are not relevant to the principles that must be applied by the licensing authority in accordance with Section 153
Are frivolous or vexatious
“will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence

Are substantially the same as the grounds cited in a previous application for review relating to the same premises, or as representations made at the time the application for a premises licence was considered. In both these circumstances we will take into account the period of time that has passed since the applications or representations were made.

- 19.4 The Boards may also investigate complaints against licensed premises in relation to matters relating to the licensing objectives.
- 19.5 Any complaints received in relation to particular premises or a class of premises shall inform the general risk-rating of those premises. Complaints received by the Boards in relation to particular premises or to a class of premises may also initiate the Board's right of review under Section 200 of the Act, as outlined above.

# PART C:



## 20 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 20.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for a gaming machine permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 20.2 Unlicensed family entertainment centres are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vehicles or vessels.
- 20.3 We note that the Boards can grant or refuse a licence but cannot attach conditions to this type of permit. However the Act imposes mandatory conditions on unlicensed family entertainment centres gaming machine permits
- 20.4 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 20.5 In line with the above provision the licensing authority has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

### ***Statement of Principles for Unlicensed Family Entertainment Centres***

#### **Suitability of Applicant**

The Boards will expect, as per the Gambling Commission Guidance, applicants to demonstrate:

A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act);
That staff are trained to have a full understanding of the maximum stakes and prizes.

#### **Suitability of Premises**

In relation to suitability of premises the Boards will have particular regard, amongst all circumstances, to:

The location of the premises;
Evidence that a premises will only operate as an unlicensed family entertainment centre;
Confirmation of intended opening hours;
Display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues;
Any other factors that are within the control of the permit holder or designated management.

## Policies and Procedures

The Boards will expect the applicant to show that there are policies and procedures in place to protect children from harm. Applicants should undertake a full risk assessment specific to the type of premises, location, clientele and possible harm. For the avoidance of doubt, in this context harm is not limited to harm from gambling but should include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

Appropriate measures and training for staff e.g. as regards suspected truant children on the premises;
Measures and training covering how staff would deal with unsupervised very young children being on the premises;
Measures and training covering how staff would deal with children causing perceived problems on or around the premises;
Detailed arrangements for the supervision of premises whether by staff or the use of CCTV. Any CCTV system installed should be to the satisfaction of the Boards and Police Scotland and notice must be displayed at the entrances advising that CCTV is in operation;
Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should determine if their staff need to be background checked.

- 20.6 The Boards recognise that they cannot attach conditions to this type of permit but can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 20.7 The Boards will give significant weight to all issues relating to the protection of children and young persons in pursuance of the third licensing objective.
- 20.8 The Boards may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.

## 21 PRIZE GAMING PERMITS

- 21.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
- 21.2 A prize gaming permit is a permit issued by the Boards authorising a person to provide facilities for gaming with prizes on specified premises.
- 21.3 The Boards will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. These may include:

Plans of the proposed building,
Relevant insurance certificates,
Evidence demonstrating the suitability of the applicant,
Confirmation of intended opening hours,
Confirmation of the types of gaming to be offered,
Evidence demonstrating a full understanding both by the applicant and employees of the limits to stakes and prizes that are set out in Regulations,

Confirmation of appropriate levels of management supervision at all times during opening hours,
Confirmation that appropriate levels of security shall be in place at all times during opening hours,
Confirmation that appropriate CCTV will be in place at the premises,
Evidence that members of staff are appropriately trained,
Any other documents or information that the Boards may direct.

- 21.4 The Boards will comply with any guidance produced by the Gambling Commission, and when considering a permit application may request further information from an applicant regarding any matters of concern.
- 21.5 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit, having regard to the licensing objectives and guidance issued by the Gambling Commission. The Boards have prepared a Statement of Principles in relation to prize gaming permits as follows:

**Statement of Principles for Prize Gaming Permits**

The Boards will expect the applicant to show their suitability to hold a permit and 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, matters to address will include:

The location of the premises;
Confirmation of intended opening hours;
Confirmation of the types of gaming to be offered;
The applicant will be required to demonstrate they fully understand the limits to stakes and prizes that are set out in Regulations;
The applicant will be required to demonstrate the gaming offered is within the law;
Ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
Ensuring a premises maintains acceptable levels of security at all times during opening hours;
CCTV provisions at the premises;
Surveillance of the premises;
Evidence that members of staff are appropriately trained including training for staff as regards suspected truant children on the premises and how staff would deal with children causing perceived problems on or around the premises;
Any other factors that are within the control of the permit holder or designated management.

- 21.6 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 21.7 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:

the limits on participation fees, as set out in regulations, must be complied with;
all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;

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

- 21.8 The Boards may grant a permit only if the Chief Constable of Police Scotland has been consulted about the application.
- 21.9 The Boards may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally, in writing, or both.

## 22 TEMPORARY USE NOTICES

- 22.1 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. Premises that may be suitable for a temporary use notice could include hotels, conference centres and sporting venues  
or a vessel, whether moored or moving. They are often used to run poker tournaments.
- 22.2 A temporary use notice may only be granted where a relevant operating licence has been granted.
- 22.3 A set of premises may not be the subject of a temporary use Notice for more than 21 days in a period of 12 months but may be the subject of several notices provided that the total does not exceed 21 days. In determining what may constitute a set of premises for the purpose of a Temporary Use Notice, the Boards note the Commission's Guidance that this will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the Boards will look at, amongst other things, the ownership/occupation and the control of the premises.
- 22.4 An application for a Temporary Use Notice must be submitted to the relevant Board not less than 3 months and one day before the day on which the gambling event will begin. In addition a copy of the notice must also be served on:

The Gambling Commission
The Chief Constable of Police Scotland
HM Revenue and Customs
If applicable, any other licensing authority in whose area the premises are situated.

See **Appendix 2** for relevant addresses.

- 22.5 The person who is giving the temporary use notice must ensure that the notice and the copies are with the recipients within seven days of the date of the notice.
- 22.6 In our consideration of temporary use notice applications we will apply any regulations made under the provisions of the Act. Each application will be considered on its own merits.

## 23 OCCASSIONAL USE NOTICES

- 23.1 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. The calendar year will commence on 1 January.
- 23.2 In considering an application for an occasional use notice the Boards will consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.
- 23.3 A notice must be given in writing to the relevant Board and be copied to the Chief Constable of Police Scotland. The notice must be given only by a person who is responsible for the administration of events on the track, or by an occupier of the track.
- 23.4 The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall statutory limit of 8 days is not exceeded in a calendar year.
- 23.5 We will maintain a register of all applications to ensure that the statutory limit of 8 days is not exceeded.

## 24 CLUB GAMING PERMIT

- 24.1 A Club Gaming Permit authorises Members’ Clubs (but not Commercial Clubs as defined in the Act) to provide, subject to certain restrictions, no more than 3 gaming machines of categories B,C or D, equal chance gaming and other games of chance as prescribed in regulations. See **Appendix 3** for more information on gaming machines.
- 24.2 The Club Gaming Permit also allows a Club to provide facilities for gambling provided the gambling meets a number of conditions.
- 24.3 The Boards may grant or refuse a permit. The Boards may also refuse an application for a permit only on one or more of the following statutory grounds:-

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

- 24.4 Whilst the Boards cannot attach any conditions to a Club Gaming Permit, the Code of Practice on Gaming Machine Permits (available from the Gambling Commission’s website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)) sets out conditions that attach to both gaming permits and club machine permits. This document also contains best practice guidelines that the Commission considers should be implemented by permit holders. The Boards shall expect all permit holders to adhere to both the conditions specified in the Code of Practice and to follow the best practice guidelines in that document.

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

## 25 CLUB MACHINE PERMIT

- 25.1 If a Members' Club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming, they may apply to the relevant Board for a club machine permit.
- 25.2 A club machine permit allows the holder to have up to 3 gaming machines of categories B3A, B4, C and D). See **Appendix 3** for further information on gaming machines.
- 25.3 The Boards may grant or refuse a permit but may not attach any conditions.
- 25.4 In terms of Section 273 of the Act, a club machine permit shall be subject to the conditions that no child or young person may use a category B or C gaming machine on the club or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.
- 25.5 The Boards expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from the Gambling Commission at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)) and to follow the best practice guidelines in that document.
- 25.6 The Boards may only refuse an application on the same grounds as a club gaming permit. Please refer to paragraph 24.3 above.

## 26 ALCOHOL LICENSED PREMISES – GAMING MACHINE PERMIT

- 26.1 In terms of Section 282 of the Act, on written notification to the relevant Board, premises licensed to sell alcohol for consumption on the premises have an automatic entitlement to 2 gaming machines of category C or D. See **Appendix 3** for further information on gaming machines.
- 26.2 The Boards have no discretion to consider the notification or refuse it. However, upon the giving of at least 21 days' notice to the licence, the Boards may remove the automatic entitlement if they think that:

Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives,
Gaming has taken place on the premises that breaches a condition of Section 282 of the Act. For example, the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of gaming machines,
The premises are mainly used for gaming,
An offence under the Gambling Act 2005 has been committed on the premises.

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

- 26.4 The Boards expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)) and to follow the best practice guidelines in that document.
- 26.5 The Boards will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. These may include:
- ◆ A plan showing the location and category of gaming machines being sought, and
  - ◆ Evidence of measures in place to prevent persons under the age of eighteen years from using any category of gaming machine.
- 26.6 The Boards may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions.

## 27 REGISTRATION OF SMALL SOCIETY LOTTERIES

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

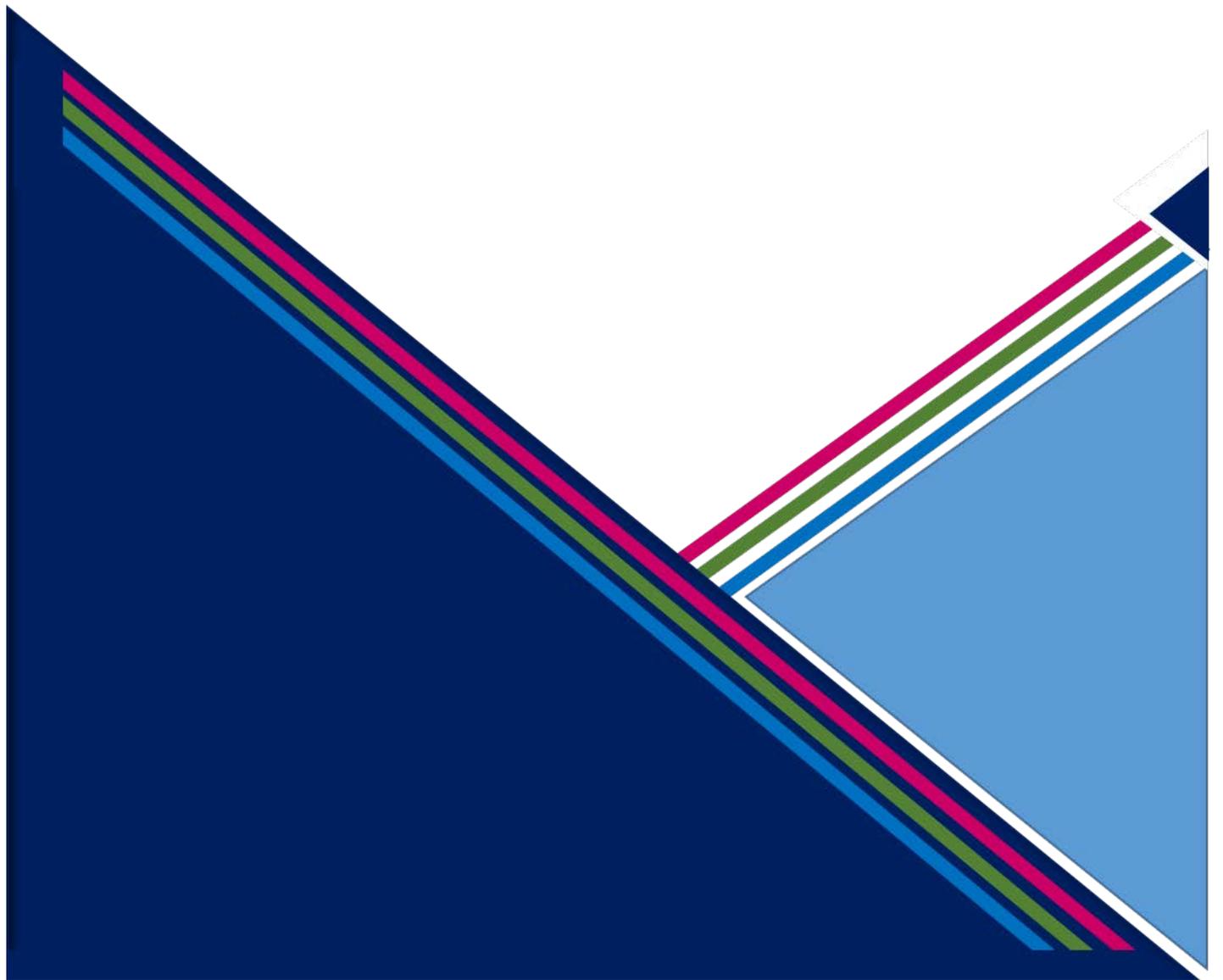
For charitable purposes,
For the purpose of enabling or participation in, or supporting, sport, athletics or a cultural activity, or
For any other non-commercial purpose other than private gain

- 27.2 Small society lotteries whose principle office is located within Aberdeenshire, require to register with the relevant Licensing Board.
- 27.3 All applications for registration must be made in the form specified by Scottish Ministers, and accompanied by all necessary documents specified by Scottish Ministers, or required by the Boards.
- 27.4 When considering an application for registration the Boards may request further information from an application such as:

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

- 27.5 The Boards maintain a register of small societies' lottery registrations and this register shall be made available for public inspection at a reasonable time, upon request.
- 27.6 If a relevant Board is intending to refuse an application for such a registration, the applicant will be notified in writing of the reasons why refusal is being considered and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters before the relevant Board makes a final determination on the application.

# APPENDICES



## APPENDIX 1:

### SCHEDULE OF CONSULTEES TO THE DRAFT STATEMENT OF PRINCIPLES

This document was made available on the Aberdeenshire Council website at: [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

This document was sent to all the consultees listed below and will be sent to any other interested party on request.

The consultation period was 8 weeks from 10<sup>th</sup> March until 5<sup>th</sup> May 2016. Thereafter, the responses were incorporated into this Statement of Principles where relevant.

1. All members of the Aberdeenshire North Divisional Licensing Board
2. All members of the Aberdeenshire Central Divisional Licensing Board
3. All members of the Aberdeenshire South Divisional Licensing Board
4. All members of the Aberdeenshire North Licensing Forum
5. All members of the Aberdeenshire Central Licensing Forum
6. All members of the Aberdeenshire South Licensing Forum
7. All elected members of Aberdeenshire Council
8. NHS Grampian, Summerfield House, 2 Eday Road, Aberdeen AB15 6RE
9. Aberdeenshire Alcohol and Drug Partnership, Summerfield House, 2 Eday Road, Aberdeen AB15 6RE
10. The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
11. The Chief Constable, Police Scotland, North East Division Headquarters, Queen Street, Aberdeen AB10 1ZA
12. The Chief Officer, Scottish Fire and Rescue Service, Headquarters, Westburn Drive, Cambuslang G72 7NA – and to the local Fire Safety Officers within Aberdeenshire
13. The Director of Planning and Building Standards Service, Aberdeenshire Council
14. The Director of Protective Services and Waste Management Service, Aberdeenshire Council
15. The Director of Social Services, Aberdeenshire Council
16. Education, Learning and Leisure Committee, Aberdeenshire Council
17. The Aberdeenshire Child and Family Protection Committee
18. HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ
19. The Chairman, British Casino Association, 38 Grosvenor Gardens, London SW11 0EB

20. Association of British Bookmakers Limited, Regency House, 1-4 Warwick Street, London W1B 5LT
21. The Bingo Association Limited, Lexham House, 75 High Street North, Dunstable, Bedfordshire LU6 1JF
22. All Community Councils within Aberdeenshire
23. The Chief Officer, The Integration Joint Board, Woodhill House, Westburn Road, Aberdeen, AB16 5GB
24. Community Planning Partnership, Strategic Development Officer (Community Planning), Aberdeenshire Council
25. Licence holders throughout Aberdeenshire
26. Permit holders throughout Aberdeenshire
27. The Chief Executive, Scottish Ambulance Service, National Headquarters, Gyle Square, 1 South Gyle Crescent, Edinburgh EH12 9EB – and to the North Division Headquarters, Ashgrove Road West, Aberdeen AB16 5EG

## APPENDIX 2:

### SCHEDULE OF RESPONSIBLE AUTHORITIES – GAMBLING ACT 2005

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1. Aberdeenshire North Divisional Licensing Board
2. Aberdeenshire Central Divisional Licensing Board
3. Aberdeenshire South Divisional Licensing Board
4. The Gambling Commission
5. The Chief Constable, Police Scotland
6. The Chief Officer, Scottish Fire and Rescue Service
7. Infrastructure Services (Planning and Building Standards), Aberdeenshire Council
8. Infrastructure Services (Protective Services and Waste Management), Aberdeenshire Council
9. Aberdeenshire Child and Family Protection Committee
10. HM Revenue & Customs
11. The Integration Joint Board
12. Education, Learning and Leisure Committee, Aberdeenshire Council

## APPENDIX 3:

### A: SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine)	30p	£8
D - non-money prize (crane grab machines only)	£1	£50
D - money prize	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

\* With option of max £20,000 linked progressive jackpot on premises basis only.

The above limits are current as at the time of publishing this document. They are updated from time to time. Please refer to the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) for up to date information.

### B: SUMMARY OF MACHINE PROVISIONS BY PREMISES

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small Casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D (except B3A machines)					
<b>Bingo Premises<sup>1</sup></b>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines	
<b>Adult gaming centre<sup>2</sup></b>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines	
<b>Licensed family entertainment centre<sup>3</sup></b>							No limit on category C or D machines
<b>Family entertainment centre (with permit)<sup>3</sup></b>						No limit on category D machines	
<b>Clubs or miners' welfare institute (with permits)<sup>4</sup></b>				Maximum of 3 machines in categories B3A or B4 to D*			

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises (with gaming machine permit)</b>						Number of category C-D machines as specified on permit	
<b>Travelling Fair</b>							No limit on category D machines

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13<sup>th</sup> July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13<sup>th</sup> July 2011 but before 1<sup>st</sup> April 2013 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1<sup>st</sup> April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

The above limits are current as at the time of publishing this document. They are updated from time to time. Please refer to the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) for up to date information.

## C: GAMING ENTITLEMENTS FOR PUBS AND CLUBS

	Members' club or MW institute with club gaming permit	Bridge or Whist Club	Members' Club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1,000 per week £250 per day £10 per person per game <u>Other Gaming</u> No limit	<u>Poker</u> £1,000 per week £250 per day £10 per person per game <u>Other Gaming</u> No limit	<u>Poker</u> £100 per premises per day <u>Other Gaming</u> £5 per person per game <u>Cribbage &amp; Dominoes</u> No limit
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or Whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or Whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or Whist*</u> £18 <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal</b>	Pontoon	None permitted	None permitted	None permitted	None permitted

<b>chance gaming</b>	<i>Chemin de fer</i>				
<b>Limits on Bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence

\* On a day when no other facilities for gaming are provided.

The above limits are current as at the time of publishing this document. They are updated from time to time. Please refer to the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) for up to date information.

