

STIRLING LICENSING BOARD

**STATEMENT
OF
GAMBLING
POLICY**

2019 – 2022

GAMBLING ACT 2005
(DRAFT) STATEMENT OF LICENSING POLICY

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PART A – GENERAL PRINCIPLES

1. LICENSING OBJECTIVES

- 1.1. When dealing with licensing matters Stirling Licensing Board (“**the Board**”) will promote the three Licensing Objectives set out in the Gambling Act 2005 (“**the Act**”). These Licensing Objectives are:
- 1.1.1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - 1.1.2. Ensuring that gambling is conducted in a fair and open way; and
 - 1.1.3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
 - 1.1.4. (“**the Licensing Objectives**”).
- 1.2. For the purposes of interpreting these Objectives:
- 1.2.1. The term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
 - 1.2.2. Reference to “vulnerable persons” 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 and/or drugs; and
 - 1.2.3. The phrase “harmed or exploited by gambling” can mean preventing children and vulnerable people from taking part in, or being in close proximity to, gambling, and controlling advertising so that gambling products are not aimed at vulnerable people or are advertised in such a way that makes them particularly attractive to such people.

2. INTRODUCTION

2.1. Application and Revision of Statement

- 2.1.1. This statement of principles is the Board’s published policy for the purpose of section 349 of the Act. It will come into effect on **19 January 2019** and will remain in place until **19 January 2022**.
- 2.1.2. This policy will be applied in the exercise of the Board’s functions under the Act.
- 2.1.3. The policy may be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 2.1.4. Should you have any comments as regards this policy statement, please send them via email or letter to the following contact:

Name: The Licensing Team Leader

Address: Licensing Services, Stirling Council, Old Viewforth, Stirling, FK8 2ET

Email: licensing@stirling.gov.uk
- 2.1.5. It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application,

or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Act.

2.2. Content of Statement

2.2.1. A summary of information contained within this statement is attached as an index at the front of this document.

2.2.2. The licensable activities covered by this statement are:

1. Premises Licences

- Adult gaming centres
- Licensed family entertainment centres;
- Casinos;
- Bingo;
- Betting premises;
- Tracks;
- Travelling fairs; and
- Provisional statements.

2. Permits and Temporary and Occasional Use Notices

- Unlicensed family entertainment centres;
- Gaming machines on alcohol licensed premises;
- Prize gaming;
- Club gaming and club machine permits.
- Temporary use notices; and
- Occasional use notices.

3. Registration of Small Society Lotteries

2.2.3. The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.

2.2.4. This statement is published on the Board's web site and is available at the offices of the Board during normal working hours.

2.2.5. The address of the Board's web-site is www.stirling.gov.uk

2.3. Geographical Application of Statement

2.3.1. Stirling Council is situated in the central belt of Scotland. It covers 2,196 square kilometres, from Tyndrum and Crianlarich in the southern highlands to the Glasgow commuter villages of Killlearn and Strathblane in the south west, and the former mining villages of Plean, Cowie and Fallin in the east. The population of the area is 93,750. The main urban centre is the City of Stirling (41,000) and its neighbouring communities of Dunblane (9,410) and Bridge of Allan (5,380). The population of the Stirling area continues to grow. Over the 25 year period from 2016 to 2041 Stirling's population is projected to increase by 10%, i.e. from 93,750 to 102,800. Stirling's increase represents the 8th highest increase in population amongst the 32 council areas and is almost double the national average.

2.3.2. Stirling Council has a wide variety of gaming establishments who carry out their day to day business in our communities and contribute to the employment and leisure opportunities in the area. Stirling Council will treat all applications under the Act on merit having regard to the Gambling Commission's advice and Codes of Practice.

- 2.3.3. A map showing the extent of the Stirling Council boundary is produced at Appendix 1.

2.4. Consultation Process

- 2.4.1. Before publishing this policy statement the Board consulted with the Chief Constable, Police Scotland, as per the statutory requirement and various persons/bodies who appear to represent the gambling businesses in the area. The Board also consulted with various persons/bodies who appear to represent the persons likely to be affected by the gambling businesses in the area. The Board also consulted with other regulatory services where appropriate. The Board also welcomed comments from any persons or body not listed. A full list of those consulted in review of this Policy Statement are listed below:

All Elected Members of Stirling Council
Stirling Council Chief Social Work Officer
Stirling Council Chief Education Officer
Stirling Council Licensing Standards Officer
Stirling Council Service Manager Regeneration and Wellbeing
Stirling Council Place Development Manager
Stirling MP and MSPs
Chief Officer Clackmannanshire and Stirling Health and Social Care Partnership
Community Councils
Police Scotland
Scottish Fire and Rescue Service
NHS Forth Valley
Clackmannanshire and Stirling Child Protection Committee
Clackmannanshire and Stirling Adult Protection Committee
Loch Lomond and the Trossachs National Park
SEPA
Active Stirling
Citizens Advice Scotland
Scottish Enterprise
Stirling Business Gateway
Stirling District Tourism
Gambling Commission
Association of British Bookmakers
British Horseracing Authority
British Harness Racing Club
Greyhound Board of Great Britain
Remote Gambling Association
Bingo Association
National Casino Forum
Lotteries Council
British Amusement Catering Trade Association
Gamcare
Gamblers Anonymous UK

- 2.4.2. A full list of comments will be made available on request to the Licensing Team Leader, Licensing Services, Stirling Council, Viewforth, Stirling FK8 2ET

2.5. Declaration

- 2.5.1. In producing this licensing policy statement, the Board declares that it has had regard to the Licensing Objectives of the Act, the guidance issued by the Gambling Commission and any responses received from those consulted on the policy statement.

2.6. Fundamental Principles

- 2.6.1. In carrying out its functions the Board will regulate gambling in the public interest.
- 2.6.2. Any application received will be considered on its merits and in accordance with the requirements of the Act.
- 2.6.3. The Board will seek to avoid any duplication with other regulatory regimes so far as possible.
- 2.6.4. The Board recognises that there is a clear separation between licensing legislation and planning legislation, and licensing applications will be viewed independently of planning applications.
- 2.6.5. The Board encourages licensed premises to promote responsible gambling. It also seeks to ensure that staff in licensed premises are made aware of the risks to members of the public around gambling, in particular to those members of the public who are wishing to cease gaming but find them unable to do so.
- 2.6.6. The Board is also committed to fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010 namely:-
 - Eliminated discrimination
 - Eliminating harassment and victimisation
 - Advancing equality of opportunity between people who share a protected characteristic and those who do not, fostering good relations between people who share a protected characteristic and those who do not.
- 2.6.7. The protected characteristics are; age, disability, gender reassignment, pregnancy and maternity, race – this includes ethnicity, colour and national origin, religion or belief, sex, sexual orientation, and marriage/civil partnership.
- 2.6.8. The Board recognises the links between equality, human rights and fairness; and seeks to help improve the quality of life for everyone in the Stirling Council area by working with community partners and the way in which it grants and regulates licences.
- 2.6.9. In carrying out its functions the Board will seek to ensure the mainstreaming of the general equality duty. In particular, the Board will ensure that people with protected characteristics are able to fully participate in the application process and in meetings of the Board.
- 2.6.10. The Board also expects licence holders to be aware of and address equality and diversity issues during the operation of their business. All applications for premises licences made to the Board must now include a Disabled Access and Facility Statement.
- 2.6.11. The Human Rights Act 1998 incorporates the European Convention on Human Rights (“ECHR”) and makes it unlawful for public bodies to act in a way which is incompatible with a convention right. The Board will have

particular regard to the following relevant provisions of the ECHR in exercising its functions under the Act:-

- Article 1: that every person is entitled to the peaceful enjoyment of their possessions;
- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law; and
- Article 8: that everyone has the right to respect for their home and private life.

2.6.12. More on the Board and Equality and Diversity is available on the Board's website.

3. RESPONSIBLE AUTHORITIES

3.1. General

3.1.1. The Act specifies various bodies as Responsible Authorities ("Responsible Authorities"). The contact details of all the Responsible Authorities for the area of the Board can be found on the Council's website at www.stirling.gov.uk and at Appendix 2.

3.1.2. The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.

3.2. Protection of Children from Harm

3.2.1. In exercising the Board's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Board about protection of children from harm the following principles are applied:

- The need for the body to be responsible for an area covering the whole of the Board's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
- Whether the body has experience in relation to protection of children issues.

3.2.2. The Board designates Stirling Council Chief Social Work Officer for the purpose of providing advice about protection of children from harm.

4. INTERESTED PARTIES

4.1. General

4.1.1. The Act identifies various categories of person who may be Interested Parties ("Interested Parties") in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Board:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfy either of the two sub-paragraphs above.

- 4.1.2. Interested parties can make representations about licence applications or apply for a review of an existing licence.

4.2. Principles Relating to Determination

- 4.2.1. The Board will apply various principles to determine whether a person is an Interested Party.

- 4.2.2. The Board will consider each situation on its merits.

- 4.2.3. In determining whether a person lives “sufficiently close to the premises”, the Board will have regard to such of the following factors as it considers appropriate to the circumstances:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- What might, in the opinion of the Board, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc.);
- The nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Board is likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and
- Such other factors as it considers are relevant.

- 4.2.4. In determining whether a business interest is “likely to be affected”, the Board will have regard to such of the following factors as it considers appropriate to the circumstances:

- The size of the premises;
- The “catchment” area of the premises (i.e. how far people travel to visit);
- The nature of the business that it is suggested is likely to be affected; and
- Such other factors as it considers are relevant.

- 4.2.5. In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Board in particular considers that the following may fall within this category:

- Members of Parliament or Elected Councillors;
- Local Authorities;
- Community Councils;
- Residents’ and tenants’ associations; and
- Trade unions and trade associations

- 4.2.6. The Board will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:

- That they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation; and / or
- That, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

- 4.2.7. Interested parties may also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors to ensure that they are not part of the Board dealing with the licence application. If there are any doubts then please contact the Licensing Team Leader on 01786 233612 for advice.

5. RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

5.1. Representations

- 5.1.1. Representation made by a Responsible Authority or Interested Party that is not withdrawn will normally result in a hearing taking place.
- 5.1.2. In certain circumstances however, a hearing need not take place. For example, where the Board considers that the representation:
- Is vexatious;
 - Is frivolous; or
 - Will certainly not influence the Board's determination of the application.

6. DISCLOSURE AND EXCHANGE OF INFORMATION

6.1. General

- 6.1.1. The Act, and other legislation such as the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, places various statutory duties and responsibilities upon the Board in relation to the exchange and disclosure of information that is available to it.

6.2. Principles

- 6.2.1. The Board will comply with all statutory duties imposed upon it, which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 6.2.2. Where the Board has discretion as to whether or not information may be disclosed/exchanged it will, in particular, normally have regard to the following principles:
- Any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - Upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Board that this may aid in the promotion of the Licensing Objectives, and does not unacceptably conflict with other factors which the Board considers as being of relevance to it; and
 - The Board may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the Licensing Objectives, and does not unacceptably conflict with other factors as identified above.
- 6.2.3. Where representations are received in relation to any function being exercised by the Board under the Act, those representations will normally be disclosed to an extent that the Board considers reasonable in the circumstances. In particular, in making this assessment, the Board will have regard to the interests of natural justice and Article 6 of the

Convention on Human Rights (the Right to a Fair Trial). Information will not be disclosed where statute expressly prevents its disclosure.

- 6.2.4. In so far as the law allows, the Board generally favour full disclosure of all relevant representations made in relation to an application that it is considering under the Act.
- 6.2.5. The Board in carrying out its duties will have full regard to the provisions of the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002. The Board's Freedom of Information Publication Scheme is available on the website.
- 6.2.6. Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Board. Some of this information may be accessible via the Board's website and registers that the Board is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Team.

7. ENFORCEMENT

7.1. General

- 7.1.1. The Act provides various bodies including the Board with power to authorise persons to undertake inspections for a variety of purposes. Furthermore the Board has the capacity to instigate criminal proceedings for various offences that are specified within the Act.
- 7.1.2. The Board 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 Board with a single named point of contact and contact details, who should be a senior individual, and whom the Board will contact first should any compliance queries or issues arise.

7.2. Inspections and Instituting Criminal Proceedings – Principles

- 7.2.1. In considering whether to undertake an inspection of a premises, the Board will in particular have regard to the following principles:
 - When considering whether to undertake any inspection each situation will be considered on its merits;
 - That the Board will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
 - In the case of enforcement action generally, will act having given due consideration to the enforcement policy adopted by Stirling Licensing Board or by Stirling Council (as may be amended from time to time); and
 - That it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.
- 7.2.2. The principles referred to in the paragraphs are that the Board will, in so far as it is appropriate, be:
 - Proportionate;
 - Accountable;
 - Consistent;
 - Transparent; and

- Targeted.

7.3. Carrying Out Enforcement Responsibilities - Risk

7.3.1. In carrying out its enforcement responsibilities, the Board will normally adopt a risk based approach.

7.3.2. Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- The size of the premises;
- The proximity of the premises to identified vulnerable persons;
- Whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- Information submitted from relevant persons or bodies; and
- Such other factors as the particular circumstances of the individual situation warrant.

PART B – SPECIFIC FUNCTIONS

8. PREMISES LICENCE

8.1. Fundamental Principles Applying to Premises Licences

- 8.1.1. Premises licences will be subject to the requirements set out in the Act and accompanying Regulations, as well as specific mandatory and default conditions, which will be detailed in, Regulations issued by the Secretary of State or, the Scottish Ministers. The Board is able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 8.1.2. 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.
- 8.1.3. As it does not relate to a Licensing Objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a premises licence.
- 8.1.4. In exercising its functions in relation to premises licenses, the Board will aim to permit the use of premises for gambling in so far as the Board thinks it:
 - 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 (subject to the two sub-paragraphs above); and
 - In accordance with this Statement (subject to the three sub-paragraphs above).
- 8.1.5. The Board will give sympathetic consideration to the re-sites of premises within the same locality and to extensions of existing premises in order to enhance the quality of the facilities provided for the benefit of the betting public.

8.2. Premises Licence - General

- 8.2.1. For the purposes of this Policy Statement, the term “premises” is defined as including any place and in particular a vessel and a vehicle.
- 8.2.2. The Act provides that different premises licences cannot apply in respect of single premises at different times. E.g. a premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 8.2.3. Whilst premises is defined in the Act as “any place” it is for the Board to decide whether different parts of a building can be properly regarded as being separate premises. In considering applications for multiple licences for a building or those for a specific part of the building to be licensed the Board will take particular note of the following:
 - The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling; and

- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

8.2.4. The Gambling Commission has published a guidance document for licensing authorities. The Board notes the terms of Part 6 of this Guidance (particularly paragraphs 6.47 onwards) regarding Local Area Profiling in connection with identifying risks etc. for the purposes of assisting licence holders and applicants for licences in preparing locally linked risk assessments for their premises.

8.3. Premises Licence – Decision Making

8.3.1. In making a determination in respect of a premises licence, the Board cannot have regard to irrelevant matters i.e. those that do not relate to gambling and the Licensing Objectives. Therefore issues relating to whether a planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

8.3.2. The Board will seek to avoid duplication with other statutory/regulatory systems where possible. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

8.3.3. Whilst each application will be considered on its merits, factors to which the Board may in particular have regard when determining an application include:

- Proximity of gambling premises to properties regularly frequented by vulnerable persons;
- The suitability of the premises for gambling in the context of the Licensing Objectives;
- The type of gambling that is proposed at the premises;
- Any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- Whether any relevant objections to an application could be addressed by the use of one or more conditions.

8.3.4. In circumstances where the Board proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Board determines to reject an application.

8.3.5. Local Risk Assessments: The Board notes the requirement introduced by the Commission for licence holders and applicants to carry out risk assessments for their premises.

8.3.6. Local Area Profile: The Board has not carried out any specific assessment of localities within its area at this stage. The Board will continue to make decision on applications etc. having regard to their particular circumstances.

8.4. Premises Licence - Conditions

- 8.4.1. The Act and associated provisions enables mandatory conditions to be attached to such premises licences as may be specified.
- 8.4.2. Furthermore, the Act also provides the power for default conditions to be attached to such premises licences as may be specified in regulations unless the Board excludes any of them.
- 8.4.3. Subject to certain legislative exceptions, power is also available to a Board to attach further conditions. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises.
- 8.4.4. Where a discretion exists, the Board will not impose its own Condition on a premises licence unless it relates to an issue arising in respect of the gambling proposal.
- 8.4.5. In exercising a discretion as to whether to impose any further condition, the Board will be proportionate to the circumstances being considered.
- 8.4.6. It is noted that there are conditions the Board cannot attach to premises licences which are:
 - Any condition on the premises licence which make it impossible to comply with an operating licence condition;
 - Conditions relating to gaming machine categories, numbers, or method of operation;
 - Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - Conditions in relation to stakes, fees, winning or prizes.
- 8.4.7. Applicants for new licences and premises licence holders are required to carry out risk assessments specific to their premises. The Gambling Commission's Guidance sets out reference risk assessments as being a matter for consideration by the Board in considering its Policy Statement. The Board may give more detailed consideration in due course to these matters, but at this stage the Board expects applications for new premises licence and application of existing licences to have due regard to the Commission's Guidance and risk assessments. Risk assessments become of relevance in connection with review applications in that the Board can have regard to the extent to which licence holders have taken steps to mitigate risks to the Licensing Objectives.

8.5. Premises Licence - Reviews

- 8.5.1. Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Board to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious will certainly not cause this Board to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review. The factors the Licensing Board will take into account are as follows:
 - In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the Licensing Objectives and

- In accordance with the Board's Statement of Licensing Policy.
- 8.5.2. Whilst the Board recognises the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of premises licences, the Board would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.
- 8.5.3. The Board can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

ADULT GAMING CENTRES PREMISES LICENCES

8.6. Adult Gaming Centres - General

- 8.6.1. An Adult Gaming Centre is a premises for which a premises licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.

8.7. Miscellaneous

- 8.7.1. An Adult Gaming Centre premises licence authorises the licence holder to make available for use a number of category B gaming machines (B3 or B4) not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. The holder of an adult gaming centre premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines.

8.8. Decision Making

- 8.8.1. The Board will particularly have regard to the need to protect persons under 18 and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Board, for example, that there will be sufficient measures to ensure that under 18 years old do not have access to the premises.
- 8.8.2. This Board will expect premises to offer their own measures to meet the Licensing Objectives. However, some appropriate measures/licence conditions may cover issues such as:
- Provision of CCTV;
 - Supervision of entrances / gaming machine areas;
 - Physical separation of different areas within the premises;
 - Numbers, locations and wording of signage / notices / rules;
 - Self-barring schemes;
 - Specific opening hours;
 - The location of adult gaming machines;
 - Provision of information leaflets / help line numbers for organisations such as Gamcare; and
 - Proof of age schemes.
- 8.8.3. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

LICENSED FAMILY ENTERTAINMENT CENTRES

8.9. Licensed Family Entertainment Centres – General

8.9.1. A Licensed Family Entertainment Centre is a premises for which a premises licence is granted to provide, subject to certain restrictions, gaming machines. Persons under eighteen years old will not be permitted to use certain gaming machine categories that the premises licence might authorise and there will need to be segregation between the different gaming machine types

8.10. Decision Making

8.10.1. The Board will particularly have regard to the need to protect children and young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Board, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.10.2. The Board will expect the applicant to offer their own measures / licence conditions may cover issues such as:

- Provision of CCTV;
- Supervision of entrances / gaming machine areas;
- Physical separation of different areas within the premises;
- Numbers, locations and wording of signage / notices / rules;
- Self-barring schemes;
- Specific opening hours;
- The location of adult gaming machines;
- Provision of information leaflets / help line numbers for organisations such as Gamcare; and
- Proof of age schemes.

8.10.3. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

CASINO PREMISES LICENCE

8.11. Casino Resolution

8.11.1. At the date of adoption of this Statement, the Board has not passed a resolution preventing the grant of Casino Premises Licences in line with Section 166 of the Act, but is aware that it has the power to do so. Should the Board decide in the future to pass such a resolution, it will update this statement with details of that resolution.

BINGO PREMISES LICENCE

8.12. Bingo Premises Licence - General

8.12.1. Bingo does not have a statutory definition.

8.12.2. The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore the holder of the licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming

machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

8.13. Decision Making

8.13.1. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

8.13.2. The Board will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Board, for example, that there will be sufficient measures to ensure that under 18 years olds do not have access to adult only gaming machines.

8.13.3. The Board will expect the applicant to offer their own measures to meet the Licensing Objectives however appropriate measures/ licence conditions may cover issues such as:

- Provision of CCTV;
- Supervision of entrances / gaming machine areas;
- Physical separation of different areas within the premises;
- Location of entry to premises;
- Numbers, locations and wording of signage / notices / rules;
- Self-barring schemes;
- Specific opening hours;
- The location of adult gaming machines;
- Provision of information leaflets / help line numbers for organisations such as Gamcare; and
- Proof of age schemes.

8.13.4. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures

8.13.5. The Board normally expects the applicant to identify the types of gaming machine that will be placed on the premises.

8.13.6. Whilst each application will be considered on its merits, factors to which the Board may have particular regard when determining an application of this nature include the suitability and layout of bingo premises.

BETTING PREMISES

8.14. Betting Premises – General

8.14.1. A Betting Premises Licence is usually required to enable betting to take place on premises (see Tracks below). The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.

8.15. Miscellaneous

8.15.1. By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines.

8.15.2. Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.

8.16. Decision Making

8.16.1. The Board will expect the applicant to offer their own measures to meet the Licensing Objectives however appropriate measures or licence conditions may cover issues such as:

- Provision of CCTV;
- Supervision of entrances / gaming machine areas;
- Location of entry to premises;
- Numbers, locations and wording of signage / notices / rules;
- Self-barring schemes;
- Specific opening hours;
- Provision of information leaflets / help line numbers for organisations such as Gamcare;
- The number and location of gaming and betting machines; and
- Proof of age schemes.

8.16.2. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures

8.16.3. In addition to the above and other relevant factors, the Board in having regard to the need to protect children, young persons and other vulnerable persons from harm and will normally when making a decision have regard to the size of the premises, the counter positions available for person to person transactions and the ability of staff to monitor the use of machines.

8.16.4. There is little, if any, evidence that the operation of betting offices has required CCTV, door supervisors or the separation of different operational areas within premises for the protection of the public. The Board will only impose the requirement for any of the above 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.

8.16.5. While the Board has discretion as to the number, nature and circumstances of use of betting machines, there is little or no evidence that such machines give rise to regulatory concerns. This Board will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the Licensing Objectives. Where there is such evidence, this Board may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

TRACKS

8.17. Tracks – General

8.17.1. Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.

8.18. Miscellaneous

8.18.1. For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.

8.18.2. Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.

8.18.3. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse

racetrack takes place. But having regard to the need to protect persons under 18 from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.

8.19. Decision Making

8.19.1. In recognition of the extant guidance on this matter, the Board will normally require detailed plans of the premises showing the following information:

- Location of gaming machines;
- Location of betting machines;
- Location of any race track;
- The location of any on-course betting facilities;
- The location of any off-course betting facilities; and
- The location of any areas to be the subject of additional Premises Licence applications.

8.19.2. The Board will expect the applicant to offer their own measures to meet the Licensing Objectives however appropriate measures/ licence conditions may cover issues such as:

- Provision of CCTV;
- Supervision of entrances / gaming machine areas;
- Physical separation of different areas;
- Location of entry to premises;
- Numbers, locations and wording of signage / notices / rules;
- Self-barring schemes;
- specific opening hours;
- Provision of information leaflets / help line numbers for organisations such as Gamcare;
- The number and location of gaming and betting machines; and
- Proof of age schemes.

8.19.3. In addition to the above and other relevant factors, the Board in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

TRAVELLING FAIRS - GENERAL

8.20. Travelling Fairs - General

8.20.1. A Travelling Fair “wholly or principally” provides amusements.

8.21. Miscellaneous

8.21.1. A Travelling Fair must take place on a site that has been used for fairs for no more than 27 days per calendar year.

8.21.2. Travelling Fairs do not require a permit or licence to provide gaming machines provided that these are only category D gaming machines. There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

8.22. Provisional Statement

8.22.1. The Board will consider the issue of a premises licence for buildings completed to the satisfaction of the Board will take into account the guidance from the Commission when deciding if a premises is finished.

- 8.22.2. A provisional statement may be applied for where the Board has deemed the premises has not been completed to the satisfaction of the Board.
- 8.22.3. Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant authorities or interested parties can be taken into account:
- Unless they concern matters which could not have been addressed at the provisional statement stage;
 - In the Board's opinion, they reflect a change in the applicant's circumstances;
 - Where the premises has not been constructed in accordance with the plans and information submitted with the provisional statement application.
- 8.22.4. The Board may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by objectors at the provisional statement stage; or
 - Which in the Board's opinion reflect a change in the operator's circumstances.

9. PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES

UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

9.1. General

- 9.1.1. This permit authorises the provision of specified low category gaming machines only.

9.2. Miscellaneous

- 9.2.1. In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Board will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:

- An up to date enhanced Disclosure Scotland check;
- Details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- Details of any other permit held by the applicant in respect of other premises;
- The nature of the prizes;
- The proposed frequency of prize gaming at the premises;
- Details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- Details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

- 9.2.2. Applications for this permit cannot be made if a premises licence has been granted under this Act.

9.3. Statement of Principles

- 9.3.1. In considering any application the Board will normally have regard to the following:

- Each case will be considered on its merits
- Any information received as part of the application process;
- The Licensing Objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- Such other factors as the Board considers relevant.

9.4. **Decision Making**

9.4.1. The Act imposes mandatory conditions on an Unlicensed Family Entertainment Centre Gaming Machine Permit. The Board cannot impose any other conditions.

9.4.2. The Board may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the Licensing Objectives.

ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

9.5. **General**

9.5.1. On notifying the Board, a premises licensed to sell alcohol for consumption on the premises can, subject to certain restrictions, have 2 Category D machines. Premises must notify the Board of their intention to do this, and pay a £50 fee. However, gambling on premises licensed to sell alcohol should remain ancillary to the main activity of the premises.

9.5.2. In certain circumstances the Board has the power to remove this right.

9.5.3. An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought.

9.5.4. The issue of such a permit replaces the automatic entitlement identified above.

9.6. **Miscellaneous**

9.6.1. In addition to the statutory requirements, as part of any application for an Alcohol Licensed Premises Gaming Machine Permit, the Board will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:

- A plan showing the location and category of gaming machine being sought; and
- Details of any proposed precaution for preventing persons under eighteen from using any category of gaming machine being sought and how it would be implemented.

9.7. **Decision Making**

9.7.1. The Board will consider applications taking into account the Licensing Objectives, Guidance issued by the Gambling Commission and such other matters as it considers relevant on a case by case basis.

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

PRIZE GAMING PERMITS

9.8. **General**

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

9.9. **Miscellaneous**

9.9.1. In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Board will require the following in writing in order to ensure that adequate information is provided to enable a proper assessment to be made:

- An up to date enhanced Disclosure Scotland check;
- Details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- Details of any other permit held by the applicant in respect of other premises;
- The nature of the prizes;
- The proposed frequency of prize gaming at the premises;
- Details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- Details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

9.10. **Statement of Principles**

9.10.1. In considering any application the Board will normally have regard to the following:

- Each case will be considered on its merits
- Any information received as part of the application process;
- The Licensing Objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- Such other factors as the Board considers relevant.

9.11. **Decision Making**

9.11.1. The Act imposes mandatory conditions on a Prize Gaming Permit. The Board cannot impose any other conditions.

CLUB GAMING

9.12. **General**

9.12.1. A Club Gaming Permit authorises establishments to provide, subject to certain restrictions, no more than three gaming machines, equal chance gaming and other games of chance as prescribed in regulations.

9.13. **Miscellaneous**

9.13.1. Before granting the permit the Board must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.

9.13.2. A person must be a member, or have applied or been nominated for membership of the club or institute for 48 hours before they can participate in gaming on the premises on reliance on the permit.

9.14. **General**

9.14.1. In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a Club Gaming

Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.

9.15. **Decision Making**

9.15.1. The Board cannot attach conditions to either of these permits.

9.15.2. Subject as provided below, the Board may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements of a member's or commercial club;
- The applicant's premises are used wholly or mainly by persons under the age of eighteen;
- An offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on
- A permit held by the applicant has been cancelled in the last ten years; or
- An objection to the application has been made by the Gambling Commission or the Police.

TEMPORARY USE NOTICES

9.16. **General**

9.16.1. A Temporary Use Notice may be used where a gambling operator wishes to use premises (as identified in the Act) where there is no premises licence for temporarily providing facilities for gambling.

9.17. **Miscellaneous**

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

9.17.2. The same set of premises may not be the subject of a temporary use notice for more than twenty-one days in any twelve month period, but may be the subject of several notices provided the total does not exceed twenty-one days.

9.17.3. It is for the Board to determine in each case what constitutes a set of premises.

9.18. **Decision Making**

9.18.1. Where an objection has been received in relation to a Temporary Use Notice, if the Board considers that it should not have effect or should have effect only with modification the Board may give a counter-notice.

9.18.2. A counter notice providing that a Temporary Use Notice will not take effect will be given by the Board where the notice would contravene the maximum number of days available for a set of premises.

9.18.3. The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.

9.18.4. The principles that the Board applies in deciding whether to issue a counter-notice are the same as those in determining premises licence applications.

OCCASIONAL USE NOTICES

9.19. **General**

9.19.1. Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a premises licence.

9.20. Miscellaneous

9.20.1. Occasional Use Notices may not be relied upon for more than eight days in a calendar year.

9.20.2. The Act prescribes the requirements and process for using Occasional Use Notices; this includes giving notice to the Board and copying it to prescribed parties.

10. REGISTRATION OF SMALL SOCIETY LOTTERIES

10.1. Small society lotteries are non-commercial societies that are established and conducted:

10.2. All applications must be made in the form specified by Scottish Ministers, and accompanied by any supporting documents specified by Scottish Ministers or required by the Board

- 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.

10.3. The Board will comply with any guidance produced by the Gambling Commission, and when considering an application for registration may request further information from an applicant regarding any matters of concern, which may include evidence that:

- The application is on behalf of a *bona fide* non-commercial society;
- That all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- The purpose of the society and the purpose of the fund raising are appropriate;
- There has been appointment of two members of the society who have the authority to sign and complete the required financial returns; and
- An external lottery manager holds an operator's licence issued by the Gambling Commission.

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

11. COMPLAINTS

11.1. General

11.1.1. A register of complaints is held within the Licensing Section with the details of the name and address of the person making the complaint; the nature of the complaint; information sought from consultees and any action taken in respect of the complaint.

11.1.2. The licence holder is given an opportunity to respond to the complaint before a decision is made on any further action required.

11.2. Miscellaneous

- 11.2.1. It is important that the licence holder keeps a record of complaints on the premises and any action taken to remedy the complaint. It is also useful to instruct staff on this particular issue as failure to acknowledge there is a problem or, to communicate with the person making the complaint can perhaps lead to more formal action which is costly and time consuming and sometimes unnecessary.
- 11.2.2. It is also hoped by using this informal system that, complaints are dealt with more speedily and, the licence holder is given an opportunity to rectify any particular problems associated with their licence.
- 11.2.3. More formal steps, including review of any licence under the Act, may be taken by the Licensing Board, if it considers it necessary to do so.

Licensing Services

Stirling Council
Old Viewforth
Stirling
FK8 2ET
Tel: 01786 233612

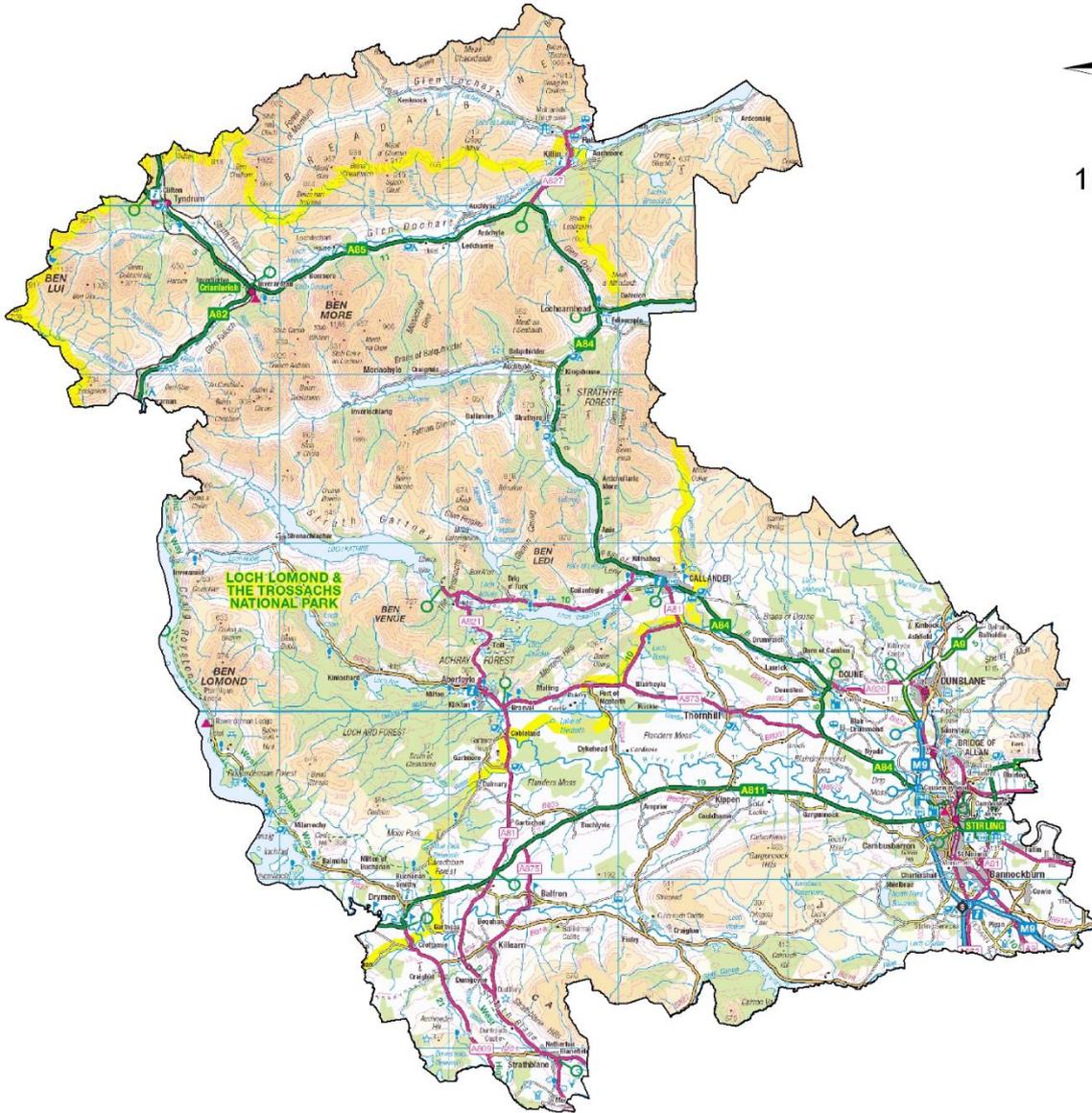
licensing@stirling.gov.uk

Policy with effect from **19 January 2019**.

STIRLING LICENSING BOARD MAP OF AREA

Stirling Council - Gambling Act 2005 Defined Area

Nov. 2012



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STIRLING LICENSING BOARD CONSULTEES FOR LICENSING APPLICATIONS

Copies of Applications will be circulated to the Gambling Commission and the following organisations/services:

Police Scotland A Division Police Headquarters Randolphfield Stirling FK8 2HD Tel: 01786 456000	Planning Service Stirling Council Teith House Kerse Road Stirling FK7 7QA Tel: 01786 233682
Central Scotland Fire & Rescue Service Stirling Fire Station Raploch Road Stirling FK8 1TH Tel: 01786 472223	Environmental Health Stirling Council Teith House Kerse Road Stirling FK7 7QA Tel: 0845 277 7000
Loch Lomond & The Trossachs National Park Authority Headquarters The Old Station Balloch Road Balloch G83 8SS Tel: 01389 722620	Trading Standards Stirling Council Teith House Kerse Road Stirling FK7 7QA Tel: 01786 233630
Head of Joint Services & Chief Social Work Officer Stirling Council Municipal Buildings Corn Exchange Road Stirling FK8 2HU Tel: 01259 225081	H & M Revenue & Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ Tel: 0141 555 3495

Applications will be circulated as a matter of routine to the above consultees however, there may be occasions where, the application will be circulated to services out with the above list where it is felt to be appropriate.