
**SCOTTISH BORDERS LICENSING BOARD
STATEMENT OF PRINCIPLES THE GAMBLING ACT 2005**

31 January 2019 to 30 January 2022

Report by the Clerk to the Licensing Board

Scottish Borders Licensing Board

22 March 2019

1 PURPOSE AND SUMMARY

Section 349 of the Gambling Act 2005 requires licensing authorities to publish a Statement of Principles that they propose to apply in exercising their functions under the Act, for a three year period. The Act requires the Statement of Principles to be reviewed every three years. This report seeks approval of the Scottish Borders Licensing Board to the draft Statement of Principles for the period 31 January 2019 to 30 January 2022 and also seeks authority to carry out the statutory consultation on the draft Statement to allow consideration of a final statement thereafter.

2 RECOMMENDATIONS

2.1 I recommend that the Board:-

- (a) Approve the Draft Statement of Principles for the period 31 January 2019 to 30 January 2022;
- (b) Agree to carry out the statutory consultation on the Draft Statement of Principles for the period 31 January 2019 to 30 January 2022;
- (c) Instruct the Clerk to bring forward a report to the Board on the outcome of the consultation following the expiry of the consultation period.

3 BACKGROUND

- 3.1 The Board's current Statement of Principles requires to be reviewed and a new Statement requires to be approved to cover the three year period from 31 January 2019 onwards. An updated draft Statement has been prepared for consideration by the Board and is attached as an Appendix to this report. Other Licensing matters, in particular the review and finalisation of the Board's Statement of Licensing Policy by November 2018, have resulted in a slight delay in the review of the Board's current Statement of

Principles. In addition, there have been no significant changes to regulations issued by the Secretary of State or the guidance issued by the Gambling Commission that the Board considers materially affect the current Statement of Principles. As a consequence no significant changes are proposed and the Board's position has not been materially prejudiced by the slight delay.

3.2 In addition to the public consultation, the following bodies will be asked to comment on the draft statement:-

- (i) The Chief Constable, Police Scotland;
- (ii) The Chief Fire Officer, Scottish Fire and Rescue Service;
- (iii) The Scottish Borders Alcohol and Drugs Partnership;
- (iv) The Scottish Borders Licensing Forum;
- (v) All Scottish Borders Community Councils
- (vi) The Gambling Commission;
- (vii) Lead Officer, Scottish Borders Child Protection Committee;
- (viii) HM Revenue and Customs;
- (ix) All Service Directors, Scottish Borders Council
- (x) HM Revenue and Customs
- (xi) Existing holders of betting office, bingo and track licences.

It is recommended that consultation takes place over a period of six weeks following the meeting.

3.3 Under Section 157(h) of the Act, a Licensing Authority is required to designate, in writing, a body which is competent to advise the Board about the protection of children from harm.

The Licensing Authority designates the Scottish Borders Child Protection Committee and this is highlighted in the draft report along with details of the public bodies who are specified by the Act as being Responsible Authorities and who must be notified of applications and who are entitled to make representations.

3.4 A copy of the proposed 2019 to 2022 Statement of Principles is attached at Appendix 1. Most of the suggested changes deal with formatting issues with a view to making the statement more user friendly but Board Members are specifically referred to the proposed change at the end of paragraph (iv) in Part B of the draft with regard to Premises Licences. The suggested change to the existing statement with regard to individual risk assessments is being made in accordance with Part 6 of the guidance provided by the Gambling Commission. Board Members are invited to suggest any amendments and otherwise to agree that the draft be put out for consultation.

4 IMPLICATIONS

4.1 Financial

There are no other costs attached to any of the recommendations contained in this report.

4.2 Risk and Mitigations

The information provided within these reports ensures transparency and helps to mitigate reputational risk to the Council by allowing further scrutiny of its Statement of Principles pertaining to the Gambling Act 2005.

4.3 Equalities

It is anticipated that there will be no adverse impact due to race, disability, gender, age, sexual orientation or religious belief arising from the proposals contained in this report. In addition the Board are required to comply independently of the Council in relation to their duties and the Equalities Act 2010 and the 2012 Regulations.

4.4 Acting Sustainably

There are no economic social or environmental effects as a result of the proposals contained in this report.

4.5 Carbon Management

There is no impact on the Councils carbon emissions as a result of the proposals contained in this report.

4.6 Rural Proofing

Not applicable as although this is a legislative requirement it is updating an existing policy.

4.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the recommendations in this report.

5 CONSULTATION

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer Human Resources, and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Name Nuala McKinlay

Signature

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Clerk, Scottish Borders Licensing Board

Author(s)

Name	Designation and Contact Number
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Background Papers:

Draft Statement of Principles for the period 31 January 2019 to 30 January 2022.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ron Kirk can also give information on other language translations as well as providing additional copies.

Contact us at Legal & Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. 01835 825225.

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