
**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

1 PURPOSE AND SUMMARY

- 1.1 This report advises Members of the responses received to the recent consultation on the draft Statement of Principles in terms of the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022 and sets out the proposed way forward.**
- 1.2 Following consultation on the draft Statement, eight responses were received and these are detailed in the copy of the consultation which appears at Appendix 1**
- 1.3 Taking the responses into account, it is considered that no changes are required to the draft Statement of Principles which appears at Appendix 2.**

2 RECOMMENDATIONS

- 2.1 I recommend that the Board:-
- (a) Consider the responses received;
 - (b) Review the draft Statement of Principles;
 - (c) Approve the draft Statement of Principles and adopt it as the Statement of Principles for the period 31 January 2019 to 30 January 2022; and
 - (d) Instruct the Clerk to the Licensing Board to take all necessary steps to publish the Statement.

3 STATEMENT OF PRINCIPLES

- 3.1 At the meeting on 22 March 2019, the Board approved a draft Statement of Principles in terms of the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022 for consultation. A six week consultation took place from 5 April 2019 to 17 May 2019.
- 3.2 A total of eight responses were received. Seven were from individuals and one was from a licensee.
- 3.3 A copy of the consultation with the responses received added therein is attached at Appendix 1.
- 3.4 Licensing Officers have considered all the responses already received. It is the view of these officers that the comments are either covered by the draft Statement of Principles or relate to matters which are outwith the Board's control. As a result it is the considered view of these officers that no changes are required to the draft Statement of Principles which appears at Appendix 2. As a consequence it is recommended that the Board approve the draft Statement and adopt it for the period 31 January 2019 to 30 January 2022.
- 3.5 In particular, the consultation sought views in connection with the Gambling Licensing Objectives relating to preventing gambling from being a source of crime or disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling. In addition the consultation also sought views on gambling premises risk assessments and invited other comments or suggestions.
- 3.6 With regard to the Gambling Licensing Objective preventing gambling from being a source of crime or disorder, consultees were asked if they thought that there are other factors that could be considered regarding this objective. Three of the individuals who responded to the consultation answered "yes" to this question. The factors highlighted together with officers response are as follows:
 - 3.6.1 Problems with on-line gambling and gambling adverts. Matters pertaining to on-line gambling and gambling adverts are outwith the control of the Board.
 - 3.6.2 Gambling can be harmful and has no benefit as it can lead to addiction, poverty and life-ruining situations. It is considered that this matter is already covered by the draft Statement of Principles in Pages 7, 8 and 10 of the draft Statement of Principles.
 - 3.6.3 Better protection should be provided to those who cannot afford to lose their money and young children should not be exposed to advertising. As with paragraph 3.6.2 above, it is considered that this is covered by the draft Statement of Principles in Pages 7, 8 and 10 of the draft Statement of Principles.
- 3.7 With regard to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling, the consultation asks

the consultees if they think that there are other measures that could be considered regarding this objective which are not included in the draft. Three Consultees answered "yes" to this question, though only two highlighted any measures. The following details these measures and the considered responses.

3.7.1 Advertising on television is a huge problem not the local bookmakers. Advertising on television is a factor which is outwith the control of the Board

3.7.2 The complete transparency of gambling profits and the harm that it does. The question of gambling profits is outwith the control of the Board.

3.8 In terms of matters falling under the heading Gambling Premises Risk Assessments, the consultation asks consultees if they think there are any locations in the Scottish Borders area where gambling activity has an adverse impact on the Licensing Objectives. Two of the individuals who responded answers "yes" to this question. Their reasons and officers response is as follows:

3.8.1 Gambling is a particular risk in areas that have low employment. It is considered that this response is addressed by the draft Statement of Principles in Part B on page 7 of the draft.

3.8.2 Concern about the Borders public being allowed to gamble whilst under the influence of alcohol and concerns about people losing money because they are vulnerable. It is considered that the Board are able to give consideration to these concerns when considering applications in terms of the draft Statement of Principles at Part B of the draft.

3.9 The consultation invited other comments and suggestions and three of the individuals who responded to the consultation provided the following additional comments:

3.9.1 There needs to be a wider understanding of gambling and its impact on health and wellbeing and inequalities. In addition resources should be ensured to reduce inequalities and improve health and wellbeing and problem gambling may be a symptom and cause of this. In response to this it is considered that whilst a wider understanding of the impact of gambling on health and wellbeing is largely outwith the control of the Board, nonetheless the draft Statement of Principles does allow the Board, when considering applications, to take into account factors relating to the protection of children and vulnerable persons, all as previously highlighted elsewhere in this report.

3.9.2 Concern about the impact instant gambling machines can have where it is easy to spend lots of money in a short period of time. In response it is considered that the draft Statement of Principles enables the Board to take all relevant factors into account when considering the protection of children and vulnerable persons from being harmed or exploited from gambling as set out in the various sections of the draft previously highlighted in this report.

3.9.3 Betting shops should have signage making people aware they should not gamble whilst under the influence of alcohol. In response it is that the draft Statement of Principles will allow the Board to attach any conditions of this nature to any Premises Licences the Board may wish to grant under the Conditions on Premises Licences heading in Part B.

4 IMPLICATIONS

4.1 Financial

There are no other costs attached to any of the recommendations contained in this report. There are no costs associated with the publication of the Statement as this is published online.

4.2 Risk and Mitigations

The information provided within this report 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**

Clerk, Scottish Borders Licensing Board

Author(s)

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Background Papers:

Previous Minute Reference: Licensing Board 22 March 2019.

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.

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