

## **Appendix 1**

### **CONSULTATION FROM 5 APRIL TO 17 MAY 2019**

#### **Overview**

The Gambling Act 2005 requires Licensing Boards to review and publish a Statement of their Gambling Principles every 3 years. The Statement of Principles provides guidance for the Board, applicants and anyone with an interest in gambling in relation to how licensed gambling activity is regulated in the Board's area.

This consultation seeks to comply with Scottish Borders Licensing Board's duty to review its Statement of Gambling Principles. You can read the draft 2019 - 2022 Statement below.

All responses to this consultation will be considered at a meeting of Scottish Borders Licensing Board before approval of a new Statement of Gambling Principles.

Once approved, the new Statement of Principles will be published on the Council's website.

#### **Introduction**

Section 349 of The Gambling Act 2005 requires Licensing Board's to review and publish a Statement of Gambling Principles every three years. The Statement provides guidance for the Board, applicants and anyone else with an interest in the regulation of gambling in their local area.

There have been no significant changes to the regulations issued by the Secretary of State or guidance issued by the Gambling Commission that materially affect the Board's current Statement of Principles. Therefore the Licensing Board does not propose to make any significant changes, and for these reasons it is proposed that the Statement of Principles will remain relatively unchanged for the forthcoming period until the end of January 2022.

The following questions will ask you about how the draft Statement fulfils the Board's regulatory obligations to consider the licensing objectives when exercising its functions in relation to licensing gambling premises and issuing permits and permissions.

At the end of the consultation, there is also a question which asks for any other comments or suggestions you think should be included in the new Statement.

Are you responding as...

(Required)   an individual  an organisation  a licensee   
other

## 8 Responses received from

7 individuals

1 licensee

# The Gambling Licensing Objectives

The Gambling Act 2005 requires the Board's Statement of Principles to have regard to the following statutory licensing objectives:-

- Preventing gambling from being a source of crime or disorder, being associated with crime 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

The next 3 pages will ask for your views about how the Statement of Gambling Principles can help the Board, applicants and any other interested persons achieve these objectives.

# Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime

v4.4.1

The draft Statement provides information relating to what the Board should pay attention to when considering this objective.

It states the following:

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

**Do you think there are other factors that could be considered regarding this objective?**

(Required)  \_deselected\_rao  Yes  No  Don't know/no opinion

**Yes – 3 individuals**

**No – 3 individuals; 1 licensee**

**Don't know – 1 individual**

**If Yes, please tell us what other factors you think could be considered and give us reasons for your answer.**

**Ind 1 - Biggest problem with Gambling is online gambling and gambling adverts, this far outways any concern about location of premises**

**Ind 2** - Addiction, poverty, life ruining, tighter restrictions, it is harmful to people it has no benefit whatsoever and only ever causes harm in the end

**Ind 3** - we should also try to better protect those that can not afford to lose their money and not expose young children to its advertising.

# Protecting children and other vulnerable persons from being harmed or exploited by gambling

v4.4.1

The draft Statement provides information relating to what the Board should pay attention to when considering this objective.

It states the following:

This Licensing Authority has noted that the Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling, (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority also expects that other gambling related issues will be a consideration and as suggested in the Gambling Commission's Guidance, will take all such matters into account when deciding whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

**Examples of measures to be put in place with regard to this objective are provided in the draft. Do you think there are any other measures that could be considered regarding this objective?**

(Required)   Yes  No  Don't know/no opinion

**Yes – 3 individuals**

**No – 3 individuals; 1 licensee**

**Don't Know – 1 individual**

**If Yes, please tell us what other measures you think could be considered and give us your reasons for your answer.**

**Ind 1 - again advertising on tv is a huge problem not local bookies**

**Ind 2 - The complete transparency of gambling profits and harm it does**

**Ind 3 – no reasons provided**

# Gambling Premises Risk Assessments

The Gambling Commission encourages Licensing Boards to consider carrying out local area profiling to assist applicants and licenceholders in preparing locally linked risk assessments for their premises.

v4.4.1

The Board has not carried out an area profile for its locality because it does not consider there to be a high risk of adverse impact on the gambling licensing objectives by continuing to consider each application individually. **The Board may carry out a local area profile in the future if it becomes necessary.**

With this in mind, do you think there are any locations in the Scottish Borders where gambling activity has an adverse impact on the licensing objectives?

(Required)   Yes  No  Don't know/no opinion

**Yes – 2 individuals**

**No – 4 individuals; 1 licensee**

**Don't know – 1 individual**

**If Yes, please tell us which locations and give us reasons for your answer**

**Ind 1 - Gambling in areas that have low employment is a risk!**

**Ind 2 - I think from my experience all over the Borders people are being allowed to gamble while under the influence of alcohol**

I have seen people losing a lot of money because they are making silly decisions while vulnerable

I recently witnessed a young married man with children lose all his wages On a Friday night because he went to the pub after work then popped into the bookies on the way home.

These people are vulnerable and should not be served

# Other comments or suggestions

The Board would welcome any other comments or suggestions you wish to make regarding matters which should or should not be included in its Statement of Gambling Principles.

## 3 individuals provided additional comments

v4.4.1

Please provide any other views and comments below and give us reasons for your answer.

**Ind 1 -** I think there needs to be wider understanding of gambling and its impact on health and wellbeing and inequalities.

Ensuring resources to help reduce inequalities and improve health and wellbeing is very important and 'problem' gambling may be a symptom and cause of this.

**Ind 2 -** we are lucky living in a rural area with regards to crime. however we need to remember the impact some of these instant gambling machine can have where it is easy to spend lots of money in short periods of time

think it should be made easier for charities or non profit organisations to have raffles, prize bingo etc.

**Ind 3 -** Betting shops should have signage making people aware they should not gamble while under the influence of alcohol

The managers know the rules but also know these people are good customers and lose money