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In exercising most of their functions under the Gambling Act 2005 (The Act), licensing authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.'

This Licensing Authority is aware that, as per Section 153 of the Act, in making decisions about Premises Licences and Temporary Use Notices it should aim to permit the use of premises for gambling in so far as it thinks it:

in accordance with any relevant Code of Practice issued by the Gambling Com0031 0 0 1 243.41 4640055]TJ1 4>110 90.0 1 2

A list of persons this Authority consulted is shown on the appendix to this policy:

Should you have any comments as regards this Policy Statement please send them via e-mail or letter to the following contact:

Name: Clerk to the Licensing Board

Address: Argyll and Bute Licensing Board, Kilmory, Lochgilphead, PA31 8RT

E-mail: licensing@argyll-bute.gov.uk

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
Tel: 0141 555 3633
Email: nru.betting&gaming@hmrc.gsi.gov.uk

Chief Constable
Police Scotland
173 Pitt Street
Glasgow
G2 4JS

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this Licensing Authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. This Authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

For the purposes of s.304 of the Act, the licensing board in its role as licensing authority has resolved to delegate the designation of local authority officers as authorised persons to the clerk to the licensing board, such local authority officers being designated as required.

The Licensing Authority will continue to investigate complaints and conduct proactive enforcement activities to ensure that conditions attached to licences are complied with, and that unlicensed activity is dealt with as appropriate.

The Licensing Authority will exercise its powers under the Act to instigate criminal proceedings where circumstances require.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better

Issue *Prize Gaming Permits*
Receive and Endorse

Premises Licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Scottish Ministers. In most cases licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it 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; and
- in accordance with the Authority's Statement of Licensing Policy.

It is appreciated that as per the Gambling Commission's Guidance for Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for Premises Licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that in terms of Section 153(2) of the Act, in determining whether to grant a Premises Licence a Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

This Licensing Authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

In making this determination, this Licensing Authority will have regard to the six indicators of betting as a primary gambling activity.

to issues about sub-division of a single building or plot in order to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its third edition of its Guidance to Licensing Authorities that (In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate Premises Licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.)

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities at paragraph 7.18 which states that: "*Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular, they should be aware 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 preventing them from being 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 gaming 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 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 should be able to participate in the activities named on the Premises Licence."

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from another gambling premises?

This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The principal access entrance to the premises must be from a street (as defined at paragraph 7.26 of the Gambling Commission's Guidance.)

yet have a right to occupy them, then an application for a _____ should be made instead.

In deciding whether a Premises Licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:

First, whether the premises ought to be permitted to be used for gambling.

Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

As per the Gambling Commissions Guidance

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives can. As per the Gambling Commission's Guidance for Local Authorities and Licensing Authorities

This Licensing Authority has noted the Gambling Commission's Guidance for Licensing Authorities states that *"The Objective refers of protecting children from being "harmed or exploited by gambling". That means preventing them from taking part in gambling..."* (as well as restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, 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.

This Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this Licensing Objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:

- specify steps that the Premises Licence holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino, do not enter the gambling area;

- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (the supervisor) who is responsible for compliance with the Code of Practice; and

- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

As regards the term [vulnerable persons,] it is noted that the Gambling Commission is not seeking to offer a definition but states that *"it will for regulatory purposes assume that this group includes people who gamble more than they want to; pe*

premises by a physical barrier which is effective to prevent access other than through a designated entrance;

only adults are admitted to the area where these machines are located;

access to the area where the machines are located is supervised;

the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to meet the Licensing Objectives (for example, ensure that under 18 year olds do not have access to the premises). Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage

As regards the protection of vulnerable persons, this Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to Operating Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these Premises Licences, when they have been published.

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Licensing Board.

This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. where such regulations have been made under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino.

In such situations the Licensing Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Gambling Commission's Guidance.

This Licensing Authority notes that the Gambling Commission's Guidance states:

Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where 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 premises.

This authority also notes that from 13 July 2011 a 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 which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of this change to the legislation.

This Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third Licensing Objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Authority will therefore expect the Premises Licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the Licensing Objectives such as:-

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

As regards the protection of vulnerable persons, this licensing authority will consider such measures, con

Section 151 of the Gambling Act, requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed ju

Requests for a review of a Premises Licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority 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:

- 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 Authority's Statement of Licensing Policy.

The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this Authority to wish to alter/ revoke/ suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- (a) Add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c)

The licensing authority must hold a hearing, unless the applicant and any person who has made representations that have not been withdrawn (that are not vexatious, frivolous or irrelevant) consent to the review being conducted without one.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005, states that a Licensing Authority may prepare a *Statement of Principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it 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. The Gambling Commission's Guidance for Licensing Authorities also states: "*In their three year Licensing Policy Statement, Licensing Authorities may include a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to matters relating to child protection issues.*" (24.6)

The

The Gambling Act 2005, states that a Licensing Authority *may "prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit".*

This Licensing Authority has prepared a Statement of Principles

The Gambling Commission's Guidance also makes it clear that *"Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age."* 25.4

This Licensing Authority notes that the Gambling Commission's Guidance states that the Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

whether a place falls within the definition of a 'set of premises,' the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority will normally object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities in part 14.5.

The Licensing Authority has very little discretion as

