

MEETING	WEST Lothian LICENSING BOARD
DATE	12-10-18
AGENDA ITEM NO	9

West Lothian Licensing Board

Review of Gambling Policy Statement 2018– Summary of Responses to Consultation

Report by Clerk to the Licensing Board

1. INTRODUCTION

Under section 349 of the Gambling Act 2005, the Board is required, every three years, to prepare and publish a policy statement with respect to the exercise of its functions under the 2005 Act.

The Board's current gambling policy expires on 30 January 2019. Therefore the Board's current statement of policy requires to be reviewed with a view to preparing and publishing a new statement of policy by 3 January 2019. As previously advised, such a review is underway and as part of this review an online public consultation ran from April to June 2018. This report provides information for Board members regarding the responses received to the online consultation and other responses from statutory consultees regarding the policy review.

2. BACKGROUND

The Board has a range of functions under the Gambling Act 2005. This includes determining applications for premises licences and permits for different gambling activities and issuing licences and permits where such applications are granted. For premises licences this may include attaching conditions to a licence. The Board's functions also include, for example, issuing notices permitting the temporary or occasional use of premises for gambling purposes. The current scheme of delegation for these functions sets out that all functions are capable of being delegated either to the Clerk of the Board or the Convenor. As you will appreciate it is very rare that a gambling application is required to be determined at a Board meeting. Similarly the Licensing Team rarely receives any complaints or concerns regarding the licensing of gambling in West Lothian.

At this time gambling premises licences/or permits and have been issued for the following number of premises in West Lothian, all of these premises have been licensed for a number of years:

- 25 Betting shops;
- 2 Bingo premises;
- 1 Family Entertainment Centre
- 2 Unlicensed Family Entertainment Centres
- 2 Adult gaming centres

The Board's current policy statement was last reviewed and published in 2016 and is available to view on the Board's webpages. Along with the provisions of the 2005 Act, and relevant caselaw, the policy underpins how the Board carries out its functions in relation to the 2005 Act. The purpose of the policy statement is to promote the three licensing objectives set out in the Act and to provide information to

applicants and potential applicants for licences/permits about what view the Board is likely to take on applications made to it. The three licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The purpose of the recent online consultation was to invite stakeholders and members of the public in West Lothian to submit responses with a view to influencing the preparation of the Board's new statement of policy. The consultation document and the responses received are attached as Appendix 1 to this report.

A number of other consultees were invited to submit a response to the consultation. Responses were received from the following:

- West Lothian Council;
- Police Scotland; and
- The Association of British Bookmakers(ABB) – submitted by Gosschaiks Solicitors

No other responses were received from the consultees invited to respond to the consultation. The responses from the Council, Police Scotland and the ABB are attached at Appendix 2.

The Licensing Team have prepared a summary of the responses to the consultation which is attached to this report at Appendix 3. This summary includes comments from the Licensing Team in red. In general terms the responses to the online consultation were anecdotal and did not provide any evidence or data to identify any local gambling issues or particular locations where gambling may be causing harm.

The proposed timetable for completion of the review is:-

- The Board to consider this report, the existing policy statement, and all the responses to the consultation and provide any comments or preliminary views they have at the Licensing Board's meeting on 12 October 2018;
- Thereafter the Licensing Team to update the policy statement in light of the consultation, comments/views from the Board and any other developments with respect to the licensing of gambling in the UK;
- The Licensing Team to prepare a report with the draft updated policy for Board approval at the Licensing Board's meeting on 9 November 2018.

3. RECOMMENDATION.

The Board is invited to consider the current policy statement and the responses to the consultation and indicate to the Licensing Team its comments and/or preliminary

views on any issues raised in the consultation to allow the Licensing Team to draft an updated gambling policy for the Board to approve.

The timetable suggested for completion of the review should be considered.

Appendix 1: Gambling Policy Review 2018 - Online consultation and responses received.

Appendix 2: Responses from West Lothian Council, Police Scotland and ABB

Appendix 3: Summary of responses prepared by the Licensing Team

Carol Johnston
Clerk of the Licensing Board

Contact - Audrey Watson, Managing Solicitor – Licensing (01506) 281624
audrey.watson@westlothian.gov.uk

Date: 12 October 2018

Gambling Policy Consultation 2018

1. Part 1

Number of participants: 9

- (0.0%): Gambling premises licence holder

- (0.0%): Gambling permit holder

- (0.0%): Premises licence holder

- (0.0%): Personal licence holder

- (0.0%): Club premises certificate holder

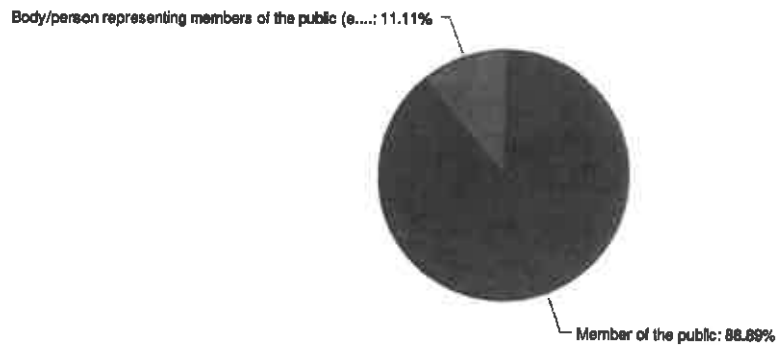
8 (88.9%): Member of the public

- (0.0%): Local business

- (0.0%): Body representing licence holders/clubs

1 (11.1%): Body/person representing members of the public (e.g. councillors, community council)

- (0.0%): Other organisation or group



2. Part 2

To what extent would you agree or disagree with the following statements:-

1. There are gambling related problems in my area.

Number of participants: 9

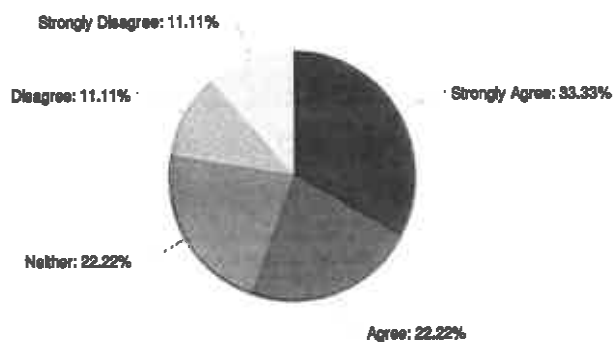
3 (33.3%): Strongly Agree

2 (22.2%): Agree

2 (22.2%): Neither

1 (11.1%): Disagree

1 (11.1%): Strongly Disagree



3. 2. Access to gambling by children, young people and other vulnerable persons is a problem in my area.

Number of participants: 9

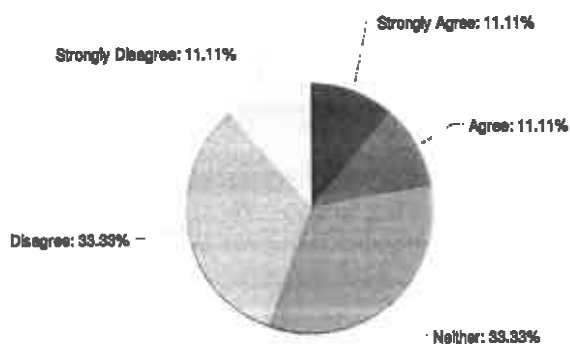
1 (11.1%): Strongly Agree

1 (11.1%): Agree

3 (33.3%): Neither

3 (33.3%): Disagree

1 (11.1%): Strongly Disagree



4. 3. I am aware of where to get advice or support locally / nationally for gambling related problems.

Number of participants: 9

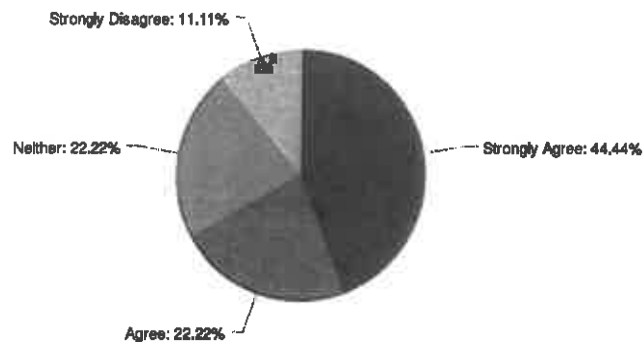
4 (44.4%): Strongly Agree

2 (22.2%): Agree

2 (22.2%): Neither

0 (0.0%): Disagree

1 (11.1%): Strongly Disagree



5. Part 3

1. Are there any changes you would wish to see to the Board's current statement of gambling policy?

Number of participants: 5

- West Lothian is full of bookies, it's about time there was a limit to the amount with a certain radius.
- I'd like to see more restrictions around proximities of betting shops. There seems to be more occasions with several shops by different operators within a close proximity to each other. I'd like to see a restriction to ensure that the shops are perhaps a minimum of 150-200m away from each other and perhaps a restriction on the number of shops in relation to the town/village's population.
- As a Whitburn resident there are 4 bookmakers and continuous pie pea and bingo advertised. It's everywhere in the town.
- No
- Gaming machines and such like should be banned.

6. 2. Are there any matters you would wish to see addressed in the Board's gambling policy which are not addressed in its current statement of gambling policy?

Number of participants: 2

- No
- Consideration in the policy of maximum numbers of different types of premises that are licensed. West Lothian is a growing Authority and this would be an opportune time to look at ways of avoiding over provision in future.

7. 3. Do you consider that there are gambling associated risks which especially affect:

Number of participants: 3

- Unsocial behaviour due to alcohol and gambling during the day when young kids are coming out of school.
- No
- Young people are often affected by gambling influences in the community and also the impact of gambling in their home situation

8. 4. Do you consider that there are problems arising from access to gambling premises in West Lothian?

Number of participants: 4

- There are too many betting shops all within a close proximity to one another.
- Yeah they are open for long hours 7 days and there is so many bookmakers and organised bingo events.
- No
- Poverty related issues

9. 5. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, colleges, children's play areas, treatment centres for drug, alcohol and other addictions?

Number of participants: 2

- Too much temptation for recovering and New gamblers. Family bingo nights are just opening gambling up to young people.
- No

10. 6. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?

Number of participants: 1

- Yes. Fobts. Ban them

11. 7. Do you have any local data you wish to provide related to gambling for the Board to consider in preparing its new statement of gambling policy?

Number of participants: 1

- No

12. 8. Are there any factors in particular you think the Board should take into account when considering applications for gambling licences, permits or permissions or deciding whether to review a gambling licence?

Number of participants: 6

- Parking issues in bathgate. You can't get access to the car park in bathgate due to the taxi drivers just stopping and running into the bookies.
- I'd like to see a restriction to ensure that the shops are perhaps a minimum of 150-200m away from each other and perhaps a restriction on the number of shops in relation to the town/village's population. The increased number of stores increases the temptations for those with gambling addictions and also the more stores there are, it makes an area seem less desirable.
- How many other gambling events are already taking place. How many bookmakers are in each town. Don't open any more
- Current legislation is fine and protects the right people, ensures the location is appropriate and should problems arise access to support is available as required.
- Fobts
- Number of similar permits in the area.
- Proximity of other premises where there are vulnerable people - schools, day care centres etc

13. 9. When considering applications for gambling licences, permits or permissions, are there any principles you wish the Board to apply with regard to the proposed location of the premises and the three licensing objectives?

Number of participants: 2

- No
- Impact on location
- Impact on young people
- Impact on the vulnerable

14. 10. Is there anything else you wish the Board to consider in preparing its new statement of gambling policy?

Number of participants: 1

- Close half them down, move them away from public houses, limit opening hours.



**West Lothian
Council**

Chief Executive Office

West Lothian Civic Centre
Howden South Road
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EH54 6FF

Our Ref: CEO/CHI
Your Ref:

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Private & Confidential
Ms Carol Johnston
Clerk to the Licensing Board
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

11 September 2018

Dear Ms Johnston,

RE: Review of Gambling Policy 2018

Thank you for your letter, received on 10 May 2018, in relation to the above. Officers in Finance and Property, Housing, Customer and Building Services, Planning, Economic Development and Regeneration and Social Policy have reviewed the data available to them and have provided comment on the following areas.

Anti-Social Behaviour (ASB) Concerns:

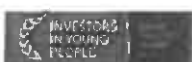
I am advised that for West Lothian there are no reported issues reflecting on the Gambling Policy. There have been no reports from Community Safety Partners in relation to ASB related issues. Similarly, there have been no reports from Licensees in relation to gambling issues within licensed premises. The council has not been notified of any reported issues in relation to violence or with serious organised crime groups relating to gambling across West Lothian.

Environmental Issues:

There is no evidence to suggest that licenced premises are a source of any particular 'environmental damage'. The external appearance can be controlled through any planning application for changes of use or for advertisement consent. The existing gambling policy does not go into detail about environmental considerations but it does seem that this is not a significant concern, so it seems there is no specific need to expand the scope of the revised policy to bring in additional controls.

Health Data:

The 2016 Scottish Health Survey reported that 66% of people had gambled in the previous year. 0.4% of the Scottish population are problem gamblers. In West Lothian, this would equate to 583 adults aged 16 and over or 725 people of all age groups. Further information is outlined in



westlothian.gov.uk

Appendix 1, as referenced below. A further 1.2% of adults identified in population-level surveys have been identified as at risk of gambling problems.[2] There are also significant inequalities in terms of who is most likely to experience harm; those living in the most deprived areas of Scotland are nearly three times more likely to be problem gamblers than those living in the least deprived areas (2.1% vs 0.8%).[2] Gambling is increasingly recognised as a public health concern.[3]

Research on the health impacts of gambling has focused primarily on 'problem gamblers'. Problem gambling is defined as 'gambling to a degree which compromises, disrupts or damages family, personal or recreational pursuits.[1] There is also research that highlights the link between gambling and socioeconomic deprivation which notes the way that gambling outlets can contribute to health harming environments. Gambling is also viewed as a risk-taking behaviour which can lead to negative health outcomes.

Understanding the pathways and processes which create problem gambling is key to a public health approach to mitigating or undoing the negative impacts.

Key health impacts of gambling

- Problem gamblers have a significantly higher risk of psychiatric disorders, alcohol and drug misuse and smoking compared to non-gamblers. There is some evidence that young people's gambling is associated with a range of other so-called risk taking behaviours.
- Families of problem gamblers may experience emotional distress, financial problems and health problems.
- There are higher rates of separation and divorce among problem gamblers compared to the general population.
- Children of problem gamblers are at risk of drug misuse, eating disorders and mental ill health. [2, 4]

Recent research has also highlighted the relationship of gambling outlets to the social and built environment. The distribution of gambling machines in Great Britain... displays a significant association with areas of socio-economic deprivation.[5] Research in Glasgow has identified concentrations of outlets providing gambling, tobacco and alcohol opportunities in socioeconomically deprived areas. As such, an excess of gambling (and alcohol and fast food) licenses can contribute to the creation of 'health damaging' environments.[6] These researchers note that online gambling is increasingly common but still advocate licensing restrictions for high street gambling operations due to their contribution to health harming environments. The association of low income and socioeconomic deprivation means that the problem gambling is contributing to health problems in these areas.

Potential policy options

Among the possible options for addressing the public health impacts of gambling are 'restrictions on fixed odds betting terminals (FOBT) and on stakes, speed of play and device numbers in betting outlets' which could be considered.[8]

Other policy options include licensing criteria which restrict alcohol sales in gambling premises and clear policies to identify problem gamblers within licensed premises and guide them to appropriate gambling support services. Although alcohol licensing and player provision controls exist within current West Lothian Statement of Principles, they might be strengthened by additional checks and enforcement.

The Board may also wish to consider whether the provision of gambling licenses contributes, along with fast food and alcohol licenses, to any areas within West Lothian possibly being identified as health harming environments.

The council supports the Board's no casino policy and hope that would continue.

Density of Licensed Premises:

I understand that the density of gambling premises is not currently seen as an issue given the relatively small number of premises. Officers have reviewed noise complaint records and there is no evidence to suggest that gambling premises are a source of significant noise or anti-social behaviour complaints. There is one recorded complaint in the recent past about noise disturbance but I am told that this appears to have been an isolated incident.

Changes of use to gambling premises would, generally, require planning consent. While *density of use* and *competition* would not generally be planning considerations, the likelihood of noise disturbance would be therefore Environmental Health would be consulted on any such applications. There is a development plan policy which restricts the density of non-retail uses in some town centres but it does not apply universally. In any case the existing policy has measures to deal with noise or anti-social behaviour and our recommendation is that these controls, as set out in Section 2.4, should be continued.

I trust that this information is of assistance.

Yours sincerely



Graham Hope
Chief Executive

Appendix 1

1. Scottish Government. *Health of Scotland's population - Gambling Behaviour*. [cited 2018 08 June]; Available from: <http://www.gov.scot/Topics/Statistics/Browse/Health/TrendGambling>.
2. Scottish Public Health Observatory. *Gambling*. 2017 [cited 2018 08 June]; Available from: <http://www.scotpho.org.uk/behaviour/gambling/key-points>.
3. The, L., *Problem gambling is a public health concern*. *The Lancet*, 2017. 390(10098): p. 913.
4. Cruickshank, H. and M. Casey, *Public health impacts of gambling: a summary of the evidence*. 2013: Southampton.
5. Wardle, H., et al., 'Risky Places?': *Mapping Gambling Machine Density and Socio-Economic Deprivation*. *Journal of Gambling Studies*, 2014. 30(1): p. 201-212.
6. Macdonald, L., et al., *Do 'environmental bads' such as alcohol, fast food, tobacco, and gambling outlets cluster and co-locate in more deprived areas in Glasgow City, Scotland?* *Health & Place*, 2018. 51: p. 224-231.

07/09/2018

Your Ref:

Our Ref: TW/JF-LBP2018



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Chief Constable

Livingston Police Station
Howden South Road
Livingston
West Lothian
EH54 6FF

FOR THE ATTENTION OF WEST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

Review of Gaming Policy 2018

Following your letter seeking the general views of Police Scotland on any parts of the Policy, which we consider require change.

After consideration of the Board's previous Statement of Gambling Policy, the local Police Licensing Team are of the opinion that there is no need for any real changes to the policy.

The local Board's Policy Document is comprehensive, covering everything from small society lotteries, through gaming machines to more large scale operations and compares favourably with other similar documents which are in place in other areas.

The discretionary conditions allowed under the Act and through the Policy Document provide sufficient flexibility for Police Scotland to make a representation to address any concerns they may have regarding any person, premise or organisation involved in a licensed activity.

Yours faithfully

Inspector Jocelyn O'Connor
Divisional Co-ordination Unit

For enquiries please contact the Licensing Team on 01506-833854.



GOSSCHALKS
SOLICITORS

BY EMAIL ONLY
Licensing Team,
West Lothian Council,
West Lothian Civic Centre,
Howden South Road,
Livingston, West Lothian, EH54 6FF

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS1945539
Your ref:
Date: 16th May 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the existing gambling Act 2005 statement of principles 31st January 2016 to 30th January 2019 with a view to these considerations being incorporated within the revised statement of principles.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also

believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account

based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the existing Gambling Act 2005 Statement of Principles 31st January 2016 to 30th January 2019 with a view to these considerations being incorporated within the revised statement of principles.

Paragraph 8 deals with premises licence conditions and the Licensing Board's approach to the imposition of conditions. This section would be assisted by a clear statement that the mandatory and default conditions that attach to all premises licences (unless the default conditions are specifically excluded) are usually sufficient to ensure operation that is reasonably consistent with

the licensing objectives. Furthermore, the statement of principles would be assisted if there was a clear statement that additional conditions will only be imposed where there is evidence that the mandatory and default conditions need to be supplemented.

On behalf of the ABB, we were pleased to see the statement in paragraph 14.6 that the Board has not received any responses to consultation identifying any gambling related risks.

On line Gambling Policy Consultation 2018

On behalf of the ABB, we have reviewed the on line policy consultation. We have detailed above the changes that we would wish to see to the Boards current Statement of Gambling Policy and wish to make it clear that we do not believe that the Policy needs to be any more prescriptive.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

Gambling Policy Consultation 2018 – Responses to Online Consultation & Responses from key stakeholders

Question number	Issue	Summary of responses	Licensing team comments
1	Number of participants	9 respondents to consultation – 8 members of the public; 1 body/person representing members of the public.	
2	Gambling related problems	5 out of 9 respondents agree that there are gambling related problems in their area.	
3	Children, young people and vulnerable persons	2 out of 9 respondents agree that access to gambling by children, young people and other vulnerable persons is a problem in their area.	
4	Support or advice for gambling problems	6 out of 9 respondents aware of where to get advice or support for gambling related problems. 1 respondent strongly disagreed.	Board could consider whether policy requires to be updated to signpost sources of advice/support for gambling related problems, particularly in relation to the Board's expectations for premises to carry out risk assessments (section 15 of current policy).
5	Changes to existing policy 5 responses	<ol style="list-style-type: none"> 1. Overprovision of bookies, should be a limit; 2. Overprovision of betting shops and close proximity to each other, should be restricted; 3. Overprovision in Whitburn of 4 bookmakers and continuous pie, pea and bingo advertised; 4. No changes suggested; 5. Gaming machines and such like should be banned. 	<p>Overprovision is not a relevant consideration under gambling law.</p> <p>See appendix A below for numbers of betting shops in West Lothian areas. The numbers of betting premises in West Lothian has remained static for many years.</p> <p>Bingo – West Lothian has 2 bingo premises. Bingo can also legally take</p>

			<p>place in other premises without a licence or permit subject to rules.</p> <p>The Board has no power to ban gaming machines. They are permitted and regulated by law. See section 6 of current policy.</p>
6.	<p>Any new matters that should be addressed in the new policy statement?</p> <p>2 responses</p>	<ol style="list-style-type: none"> 1. None; 2. Consideration of maximum numbers of different types of premises that are licensed and look at ways of avoiding over provision in the future. 	<p>See above for overprovision.</p>
7.	<p>Gambling risks affecting young people</p> <p>3 responses</p>	<ol style="list-style-type: none"> 1. Unsocial behaviour due to alcohol and gambling during the day when young kids are leaving school; 2. None; 3. Young people often affected by gambling influences in the community and impact on homes situations. 	<p>The concern raised provides no specific context – behaviour is not identified and area(s) in West Lothian not specified. No evidence/data to back this up. No evidence/data from other stakeholders regarding this issue.</p>
8.	<p>Problems arising from access to gambling premises</p> <p>4 responses</p>	<ol style="list-style-type: none"> 1. Too many betting shops in close proximity to one another; 2. Premises open for too long 7 days a week and so many betting shops and bingo events; 3. None; 4. Poverty related issues. 	<p>See above for Overprovision.</p> <p>See appendix A for numbers of betting shops in West Lothian areas.</p> <p>Bingo – see comments above.</p> <p>No further information or data provided in relation to poverty concern.</p>

9.	<p>Problems arising from proximity of gambling premises to sensitive buildings</p> <p>2 responses</p>	<p>1. Too much temptation for recovering and new gamblers and family bingo nights; are just opening gambling up to young people;</p> <p>2. None</p>	<p>No detail provided as to any particular location or premises.</p> <p>Bingo – see above.</p>
10.	<p>Any premises where problems have occurred as a result of gaming machines</p> <p>1 response</p>	<p>1. Ban FOBTs</p>	<p>The Board does not have the power to ban FOBTs. FOBTs are permitted and regulated by law.</p>
11.	<p>Local data</p> <p>1 response</p>	<p>1. None</p>	<p>No local data provided.</p>
12.	<p>Factors to be taken into by the Board when deciding applications</p> <p>6 responses</p>	<p>1. Parking issues in Bathgate, can't access car park in Bathgate due to taxi drivers stopping and running into bookies;</p> <p>2. Restricting numbers of shops and proximity to each other, also in light of town's population. Increased numbers increases temptation for addicts and makes area less desirable;</p> <p>3. Numbers of other gambling events taking place and number of bookmakers already in areas – don't open any more;</p> <p>4. Current legislation is fine and protects the right people, ensures the location is appropriate and access to support is available as required;</p> <p>5. FOBTs;</p>	<p>Parking is not a relevant consideration for applications under the legislation.</p> <p>Overprovision is not relevant to gambling law.</p> <p>FOBTs are permitted and regulated by law.</p> <p>The Board could consider proximity to vulnerable persons in considering an application if relevant (and evidence provided) to one or more of the licensing objectives. Current policy at 15.3 references that licence holders should consider proximity to vulnerable persons.</p>

	<p>6. Number of permits already in area and proximity of other premises where there are vulnerable persons – schools day care centres etc.</p>		
<p>13.</p>	<p>Principles to apply when considering applications with regard to location and 3 licensing objectives</p> <p>2 responses</p>	<p>1. None;</p> <p>2. Impact on location, young people, and vulnerable persons.</p>	<p>The Board must have regard to the three licensing objectives when deciding premises licence applications. One of these objectives is:-</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling</p> <p>The Board can consider location/proximity to vulnerable persons as part of considering applications if evidence/data was provided that engaged the licensing objectives.</p>
<p>14.</p>	<p>Any other considerations</p> <p>1 response</p>	<p>1. Close half them down, move them away from public houses and limit opening hours.</p>	<p>Not within the scope of the Board's powers to close down premises that are currently permitted and licensed under law.</p> <p>The Board can consider location as part of considering applications if evidence/data was provided that engaged the licensing objectives.</p> <p>No evidence/data provided to support or specify particular location where there is an issue regarding a</p>

West Lothian Council		<p>Suggested policy options:-</p> <ul style="list-style-type: none"> • Restrictions on FOBTs and on stakes, speed of play and device numbers in betting outlets; • Licensing criteria which restrict alcohol sales on the premises and clear policies to identify problem gamblers within licensed premises and guide them to appropriate gambling support services; • Additional checks and enforcement; • Along with alcohol availability and fast food creating areas as health harming environments in West Lothian. 	<p>premises located next to a public house.</p> <p>FOBTs/Gaming Machines - Not within the competence of the Board. Regulated by legislation.</p> <p>We currently have 2 bingo halls with alcohol licences, no history of any problems associated with these premises. Pubs/clubs have automatic entitlement to run 2 gaming machines.</p> <p>Board could consider strengthening the Local Risk Assessment section 15 of the current policy to include measures to protect and assist problem gamblers and signpost support services.</p> <p>No historic evidence of any issues/complaints with gambling premises in West Lothian. See section 25 in current policy regarding inspection.</p> <p>No evidence/data provided to support identification of health harming areas in West Lothian and that gambling is a contributory factor. No response to the</p>
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			consultation from the NHS or the Child Protection Committee. No issues raised by Police Scotland.
Police Scotland ABB		<p>No suggested changes to the current statement of policy.</p> <p>Suggested changes:-</p> <p>Section 8 (Premises Licence Conditions) –</p> <p>-Section would be assisted by inclusion of a clear statement that mandatory and default conditions are usually sufficient to ensure operation is consistent with licensing objectives.</p> <p>-Section would be assisted if there was a clear statement that additional conditions will only be imposed where there is evidence that the mandatory and default conditions need to be supplemented.</p> <p>-Additional licence conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so.</p>	Board to consider this and decide if section should be reworded to include a clear statement.

Appendix A:

2 Unlicensed Family Entertainment Centre Machine Permits:-

Leisureland Bathgate
Livingston Designer Outlet

2 Bingo Premises:-

Bathgate
Livingston

1 Family Entertainment Centre:-

Whitburn

1 Adult Gaming Centre:-

Bathgate

26 Betting Shops:-

6 Livingston
2 Blackburn
3 Whitburn
1 East Calder
2 Broxburn
1 Pumpherston

1 Uphall

2 Armadale

4 Bathgate

1 Fauldhouse

1 Mid Calder

1 West Calder

1 Linlithgow