

West Lothian Licensing Board

Gambling Act 2005

Review of Gambling Policy Statement 2021– 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 2022. 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 2022. As previously advised, such a review is underway and as part of this review an online public consultation ran from 12 April 2021 to 12 June 2021. This report provides information for Board members regarding the responses received to the online consultation and other responses received 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 premises in West Lothian and the other areas of gambling falling within the Board's remit such as gaming machines and non-commercial small society lotteries.

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

- 23 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 2017-2018 and is available to view on the Board's webpages. Along with the provisions of the

2005 Act, relevant caselaw, and codes of practice and guidance from the Gambling Commission, 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 online consultation responses received are attached as Appendix 1 to this report.

A number of other stakeholders were invited by email to submit a response to the consultation whether through the online consultation or otherwise. Responses were received from the following by email:

- West Lothian Council;
- Police Scotland;
- NHS;
- The Betting and Gaming Council (BGC);
- Gambleaware; and
- West Lothian Child Protection Committee (WLCPC)

No other responses were received from stakeholders invited to respond to the consultation. The responses from the council, Police Scotland, NHS the BGC, Gambleaware and the WLCPC are attached as Appendix 2.

In determining its policy statement, the Board must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations, the nature of their interest and their expertise;
- relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its policy statement

The Licensing Team have prepared a document with 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. Some of the responses to the consultation refer to matters that cannot be regulated by the Board in terms of its remit under the 2005 Act and its policy e.g. online gambling. At the last review of the policy a local area profile was approved which is referred to in the policy. This document contains the

locations of gambling premises, schools, colleges, addiction treatment centres, and places of worship in West Lothian and is referred to at section 14 of the Board's current policy. This document will require to be reviewed and updated and is attached as Appendix 4.

The proposed timetable for completion of the review is:

- The Board to consider this report, the existing policy statement and local area profile, and all the responses to the consultation and provide any comments or preliminary views they have at the Licensing Board's meeting on 8 October 2021;
- Thereafter the Licensing Team to update the policy statement and local area profile 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 and local area profile for Board approval at the Licensing Board's meeting on 10 December 2021.

3. **RECOMMENDATION**

The Board is invited to consider the current policy statement (including the local area profile) 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 statement and local area profile for the Board to approve.

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

Carol Johnston
Clerk of the Licensing Board

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

Date: 8 October 2021

Appendix 1: Gambling Policy Review 2021 - Online consultation and responses received

Appendix 2: Responses from West Lothian Council, Police Scotland, NHS, BGC, Gambleaware and WLCPC

Appendix 3: Summary of consultation responses and comments by the Licensing Team

Appendix 4: Current local area profile referred to at section 14 of the current gambling policy statement

West Lothian Licensing Board Gambling Policy Consultation 2021

1. Part 1

Number of participants:

41

- (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

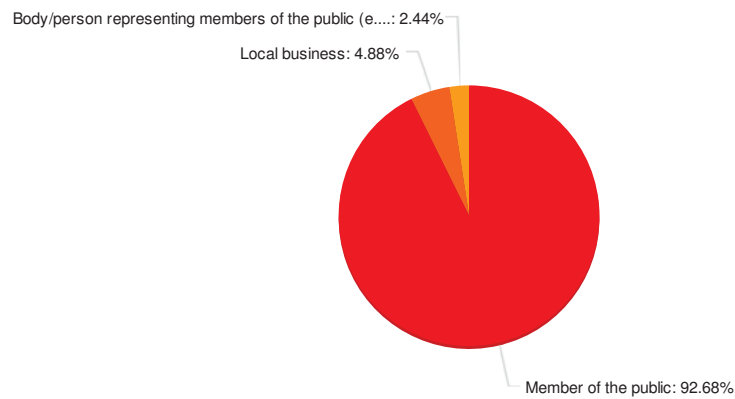
38 (92.7%): Member of the public

2 (4.9%): Local business

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

1 (2.4%): 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:

39

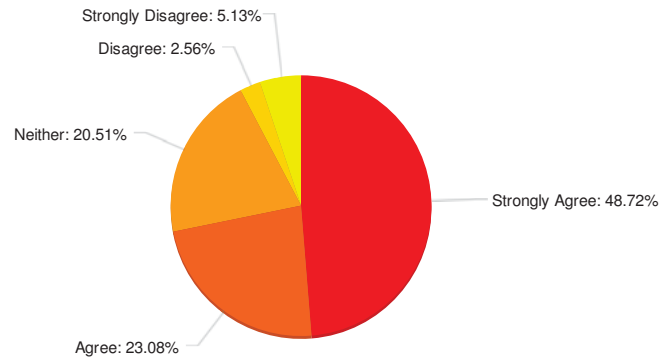
19 (48.7%): Strongly Agree

9 (23.1%): Agree

8 (20.5%): Neither

1 (2.6%): Disagree

2 (5.1%): Strongly Disagree



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

Number of participants:

38

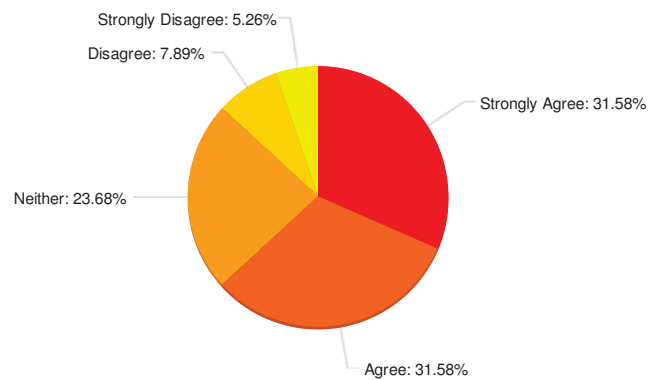
12 (31.6%): Strongly Agree

12 (31.6%): Agree

9 (23.7%): Neither

3 (7.9%): Disagree

2 (5.3%): Strongly Disagree



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

Number of participants:

39

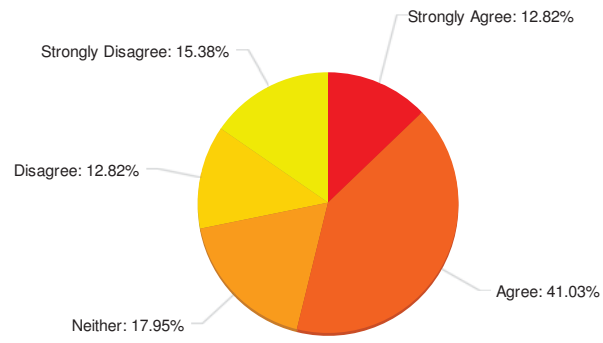
5 (12.8%): Strongly Agree

16 (41.0%): Agree

7 (17.9%): Neither

5 (12.8%): Disagree

6 (15.4%): 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: 17

- Too many betting shops on our high streets.
- Much tighter controls on both new betting shops and casinos, as well as places that may wish to renew a license
- Gambling almost ruined my life. I managed to stop myself and self ban. I then managed to turn my life around and start a successful business. Many others do not have it in them to stop. The less gambling establishments, the better. It adds nothing to culture, creates debt and contributes to depression, drug usage and suicides.
- There needs to be further restrictions and limitations
- I believe that gambling should not be promoted in our area as due to low income families putting them at risk to get into more financial situations
- I'm not sure I understand if the policy covers casinos, but a post on 15/4/21 on a Facebook page called 'Livingston - Our Town' posted a link to this council review with the heading "Who would like a Casino in Livingston?" So I would just like to take this opportunity to state how deeply I would oppose any proposed casino opening in Livingston. There are already far too many ways for people to gamble away their hard-earned money (and even money they don't even have), from the insidious, flashy, easy-to-use machines at pubs (where a person trying to recover from gambling has a few pints and loses all resolve and dumps all their money into a bottomless pit) to easy-access apps on phones. There is no good, legitimate reason for West Lothian to have a casino. Reading over the thread on both the 'Livingston - Our Town' page, as well as the post on West Lothian Council's page, most people who are reacting positively to having a casino in West Lothian cite jobs and 'something to do' as their reason for supporting the idea. The handful of jobs a casino might create are not worth the risks to our citizens that gambling addiction brings with it. As for people wanting 'something to do', there would be plenty of other things, besides a casino, that can be entertaining for the citizens of West Lothian, and people have been listing their alternative ideas in the FB threads. Gambling addiction is insidious and has far-reaching consequences on, not only the addict, but on the addict's family, friends and even employers. A family member gambled away tens of thousands of pound a couple years ago, even wiping out their entire pension; the overall impact on our family is hard to put into words. This family member's gambling started in a casino 'just for some fun'. Gambling is just way too easy as it is; don't make it easier by putting in regulations that would allow a casino in West Lothian.
- Gaming machines should be banned
- I would like there to be more discussion on gambling in schools.
So as to attempt to stop the raise of gambling in young men
- There should be no additional gambling services. These should be reduced not built on
- Don't know
- No
- Limit amount of premises within an area
- There should be a limit to the amount of gambling premises within a certain area (mile radius). In particular, bookmakers.
- restriction on the number of machines each venue has.
- Limit the number of locations approved
- Why are loot boxes in games still legal in Scotland. I am 26 and have had access to adult money for some time and can spend hundreds on opening a loot box or pack on a game and end up with nothing. Other countries have outlawed them and it's time we caught up.

Why on earth are sports betting shops allowed to be situated so close to public houses. There should be a minimum distance from any pubs to bookmakers. Even worse in stadiums I've seen sports betting shops.

- No

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: 14

- Na
- It just is not strict enough
- N/a
- far to many gambling shops and bookies in west Lothian far far to many
- Gambling is way too easy now with online apps. Gambling online is usually done alone, at home and is highly addictive; why make it more exciting by dressing it up as a fun night out with all the glitzy lighting, funky music, socialising, hen/stag do's, drink deals, etc. We don't need another way to get people hooked on gambling. NO CASINOS!
- Gaming machines banned
- What can be done on the limit of venues that are allowed to have gambling machines.
- Don't know
- Too many bookmakers in one town
- There is no local casino or joint gambling facilities in West Lothian (the closest being Maybury Casino in Edinburgh). I feel these are more regulated and better controlled and better regulated than the average betting shop / bookies. It is the betting shops where addictions manifest and these could be better identified in a more centralised 'gambling area'
- a limit on the number of betting shops in each town.
- Ensure licence rules are enforced and proper consideration is given for future sites
- Limits on the location of betting shops, maximum two per town, not within 1km of a school. complete ban on fixed odds betting terminals, restrictions on puggies to one per premises and switch off at 8pm.
- No

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

Number of participants: 17

- All west lothian
- Risk of gambling addiction particularly young men and could be gateway to online gambling which creates its own problems. Seems to be more gambling premises in areas of West Lothian with more deprivation and this links to the psychology of gambling and addiction.
- All of West Lothian. Especially with youngsters.
- It's highest in low income areas including where I live in Howden. Even something as simple as betting on football has reaching effects. I know kids that run around in out grown clothes and yet their dads are bragging about how much they've out on the footie that night. It isn't right.

Low income populations see this as the possibility to make money quickly, and instead end up even worse off.

- There is a high risk of problem areas near where it's proposed
- Gambling can affect anyone and everyone across the county. The 'benefit' of a handful of jobs a casino may bring is nothing compared to the benefits that will line the pocket of the casino owner - and leave West Lothian families financially devastated.
- The whole of West Lothian has problem with people losing money on gaming machines in licensed premises and bookmakers
- The centre in Livingston
- Gambling should be less available
- Bathgate Hopetoun Street.

Three bookmakers in close proximity to each other all open until 10pm, close to pubs which could lead to an increase in antisocial behaviour.

- There are risks for young people to be very open to the idea of gambling because of the amount of stores available on every main Street. Whitburn is a problem area as there are at least 2 betting shops within a very short walking distance from each other. Both of which has had violent incidents and robberies, these things seem to be more common in places like this. It worries me to think children have such easy access to witness these things and see people who have gambling addictions enjoy being in places like this without being able to realise how bad gambling can be
- No
- whitburn has 4 gambling shops which are open before 9am. Young people are passing on the way to school and home again.
- No
- Boghall, Bathgate; people using gambling to earn cash to buy drugs. If they loose too much, they seek other ways to get the cash for drugs. Both these problems need to be addressed.
- West Lothian has sports betting shops on most main streets and inside the Livingston designer outlet. That answers it all
- No

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

Number of participants: 15

- Yes

- Yes, as above. Seeing multiple premises on our high streets makes them appear acceptable and accessible. Gambling gives no real benefits to those who take part, even with some wins and even less so for those with gambling addiction.
- In the last year, with money having got tighter, many will be looking to gambling as a quick fix and an end to their money problems. Many will not take into account that they will almost certainly lose this money and be in a worse position
- Always risks involved not only for the people visiting but also members of the public as gambling can have an addiction
- How about when a problem gambler, who sincerely wants to stop gambling, goes to the pub for a few pints with his mates, and then the alcohol kicks in and lowers their inhibitions and the machine in the corner, with it's blinking lights and false hope of a big win, sends out its siren call? There goes his willpower and spare cash, not to mention him going and borrowing cash from his mates, not to mention he then goes and downloads a gambling app to try and pay back his mates, and then... the spiral back into deep debt that he was so sincerely trying to repair.
- Yes there is a problem with people becoming addicted to gaming machines
- Really not necessary to positive health and well being of population. Purely being used as a money making scheme.
- Bathgate Hopetoun Street.

Three bookmakers in close proximity to each other all open until 10pm. There is no need for them to be open to such a late time, especially given their closeness to numerous pubs. Alcohol-impaired people could be betting beyond their means by having access to bookmakers' gaming machines at such late hours.

- I believe that problems arise from gambling premises such as violence, hostility, family problems, mental health problems and much more. Due to the age restrictions (which I agree with) some people will leave their pets and often children outside the stores to put a bet on or see the scores and that can result in many problems. I understand this is their decision but when someone is addicted, they will do whatever they need to. Gambling can also cause a lot of family and relationship strain which leads to mental health problems and sometimes violence.
- I think there are too many individual betting shops and people who are addicted could easily float from bookie to bookie, without the shop attendees knowing.
- They have very long opening hours (pre-covid) and young people must be aware of the bright machines flashing all the time.
- No
- Robbery, drug taking, etc.
- Gambling should be illegal in West Lothian. They always seem to find shops within lower income areas taking advantage of the local population
- No

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: 9

- M/a
- No
- Alcohol-impaired people betting in betting shops is a common sight.
- The gambling premises in my local area (Whitburn) is surrounded by sensitive buildings. It's very close to the local high school. There is a pharmacy next door, where a lot of recovering drug addicts will pick up their prescription. There are many pubs which surround the most popular premises and alcohol consumption will cause people to be more adventurous when placing a bet.
- no
- No
- Yes; robbery from local shops which are all located next to 2 primary schools.
- When I went to college the whole class used to go to the bookmakers at lunch and spend a fortune
- 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: 7

- As above.
- No
- No
- There are a few premises I can think of which have puggy machines in places where children will go to eat or shop and underagers have had access to these machines which can be the start to decades of gambling.
- no
- No
- No

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: 6

- As above
- Shall I provide my own bank statements showing how much money I've paid out because of family member's gambling problem?
- No
- no
- No
- 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: 15

- Proximity to schools.
- Local area including deprivation, proximity to education establishments, proximity to public houses and number already in the area. Reduced number of gambling premises should be the aim.
- Remember that although you cannot regulate online gambling it is happening and in high numbers. People who will be online gambling are still using premises in Addition and it's exacerbating the situation.
- Gambling is insidious, and often it is innocent people who end up paying in the long run. It was someone else's choice to gamble, but it was not my choice to be financially impacted.
- If there are other gambling premises nearby then more licenses should not be issued
- The distance between venues.
As in parts of West Lothian there can be as little as 20 feet
- Totally unnecessary and not conducive to a healthy lifestyle. Usually those who can ill afford these places are those who use them.
- Their location and proximity to other betting shops and pubs.
- The number of existing bookmakers in the area
- People hanging about outside betting shops shouting swearing smoking
- Provision of gamble aware materials should be clear and visible in every store.
- How often are the licenced premises tested? People can self-ban yourself from entry but quite often staff dont check the information and addicted persons can easy bet again unchallenged. how often are age checks carried out by the council?
- Ensure no issues are recorded against the site, along with not approving locations where other sites are close or located near schools and community buildings
- Distances to pubs, schools, colleges, lower income areas

The promise of putting a 60/1 bet on for someone who is down to their last £5 which was needed to support them i.e food for the chance of making that £300 is too great, problem is this never happens and it leads to decent people taking desperate measures to survive

- No

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: 9

- Proximity to schools
- Make them as inaccessible as possible, and keep them away from low income areas. Do not put them in public transport routes or next to everyday premises like supermarkets where people are more likely to just "pop in" routinely. People should have to go out there way to gamble.
- NO CASINOS IN WEST LOTHIAN! And quite frankly I wish all gambling machines in pubs would disappear.
- Any where near schools.
On the principle that it normalise gambling at a subconscious level.
- No
- Objective :- Will this benefit the local economy
Principle :- ensure that gamblers can enjoy themselves in a safe way and controlled environment

This will allow for greater identification of people with addiction

- No
- Distance to schools, pubs and colleges
- No

14. 10. Is there anything else you wish the Board to consider in preparing its new statement of gambling policy including any Equality issues in relation to the policy and gambling generally in West Lothian?

Number of participants: 10

- Don't give permission to a casino there is enough problems within west lothian than adding gambling problems
- As above. Income has a huge part to play and the disadvantages of this is rife throughout West Lothian.
- I would not grant this due to we have parks schools and families we always take care and feel this would bring west lothian more problems
- In the end, gambling only ever ultimately benefits the owners of the casinos, machines, etc., never the gamblers or the community. Anyone who has ever won from gambling does so on the backs of other tears. Their 'winnings' were someone else's losses - and often losses that they couldn't afford. NO CASINOS IN WEST LOTHIAN! Please.
- No
- location of gambling premises ie proximity to schools , sheltered housing etc
- no
- No
- I can't understand why in this day in age when the book makers are making millions and the common man gets poorer we allow it.

We talk about how to gamble responsibly but in football terms we've got the ladbrokes premier league, William hill Scottish cup and betfred cup. As a Rangers supporter who have a top sponsor of red 32 we allow this but not tennants or alcohol sponsors.

Gambling starts as a child. I remember playing the fifa games and having to spend real money on packs and I got to the stage where I stole my parents cards to continue spending and gambling to get messi in a pack. Which is near impossible. It's time Scotland wakes up. I don't even vote SNP but I know the councillor and MP is a SNP candidate so it's time they stood up and took this into parliament that gambling is not acceptable in Scotland. From fifa packs to sports betting.

- No

West Lothian Licensing Board Gambling Policy Consultation 2021

West Lothian Council – Response

Part 1

1.	Are you responding as a...	Body/person representing members of the public (e.g. councillors, community council)
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Part 2

	<i>To what extent would you agree or disagree with the following statements:-</i>	
	<ul style="list-style-type: none"> • Strongly agree • Agree • Neither • Disagree • Strongly disagree 	
1.	There are gambling related problems in my area.	Disagree
2.	Access to gambling by children, young people and other vulnerable persons is a problem in my area.	Disagree
3.	I am aware of where to get advice or support locally / nationally for gambling related problems.	Agree

Part 3

1.	Are there any changes you would wish to see to the Board's current statement of gambling policy?	No
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?	No
3.	Do you consider that there are gambling associated risks which especially affect: <ul style="list-style-type: none"> • West Lothian • Parts of West Lothian e.g. a particular town, village or area • Parts of the population in West Lothian 	No
4.	Do you consider that there are problems arising from access to gambling premises in West Lothian?	West Lothian Council is not aware of any such problems. The council does not operate any licensed gambling premises. Where such premises form part of the council's commercial property portfolio (i.e. betting shops) the responsibility for compliance with licencing requirements rests with the tenants.
5.	Are you aware of any problems that have occurred as a result of gambling premises being	No

	located in close proximity to sensitive buildings e.g. schools, colleges, children's play areas, treatment centres for drug, alcohol and other addictions?	
6.	Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?	No
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?	No. Gambling has not been raised as a concern to the council in relation to anti-social behaviour or serious organised crime within West Lothian.
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?	None that the Board won't already be considering.
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?	The current principles and objectives are adequate.
10.	Is there anything else you wish the Board to consider in preparing its new statement of gambling policy including any Equality issues in relation to the policy and gambling generally in West Lothian?	<ul style="list-style-type: none"> • West Lothian Council appreciates that many tools to regulate the impacts of gambling are the responsibility of national governments however the local Board may wish to consider harms associated with deprivation as well as the potential harms to children and young people before approving significant expansions or opportunities to enable greater access to gambling in West Lothian. • On gambling more generally, discussion and consultation within schools and amongst young people should be undertaken to ascertain if there is an increase in the amount of online gambling via mobile devices. If so, perhaps there should be a requirement for more input from education services. • West Lothian Council, along with other partners, continue to endorse the 'Best Bar None' scheme and support premises to attain the accreditations and accolades associated with this worthwhile scheme. • The Citizens Advice Bureau has been funded by Gambleaware to raise awareness of the issues and signpost to those that can help and support. The funding has been in place from 2019 and finishes in 2022, covering the Lothians, Fife and the south of Scotland. The funding helps to provide

		<p>training which covers awareness raising activities relating to gambling harms, describing how the impact of gambling might impact on communities, explaining the best way to discuss these matters with a person who is experiencing gambling harms as well as making frontline workers aware of the specialist services available to clients in need of help. Neither WLC nor CAB are reporting an increase in referrals for gambling support despite the raising awareness campaign.</p>
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Wright, Lizanne

From: Lothian Scot Borders Licensing WestLothian
<LothianScotBordersLicensingWest@Scotland.pnn.police.uk>
Sent: 02 September 2021 12:23
To: McMullan, Gary
Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

OFFICIAL

Hi Gary

Barry is currently absent so I am assisting the Licensing Department where possible.

In relation to the below, I can confirm the following:

Police Scotland currently have no undue concerns in relation to gambling in the West Lothian area nor do they have any specific requests for any amendments to the current policy.

I trust this suffices.

Kind Regards

Donna

From: McMullan, Gary [mailto:Gary.McMullan@westlothian.gov.uk]
Sent: 16 August 2021 14:40
To: Lothian Scot Borders Licensing WestLothian
Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Hi Barry,

See attached.

Gary McMullan
Solicitor – Licensing
01506 281603

Postal address

Licensing Team
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Gary.McMullan@westlothian.gov.uk

Licensing Team email addresses:

licensingboard@westlothian.gov.uk (for liquor licensing and gambling enquires)

licensing@westlothian.gov.uk (for all other licensing enquiries)

West Lothian Council - Data Labels:

OFFICIAL - Sensitive: Contains Personal or Business Sensitive Information for authorised personnel only

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

NON-COUNCIL BUSINESS: Contains no business related or sensitive information

Link to **Information Security Guidance:** <https://intranet.westlothian.gov.uk/CHttpHandler.ashx?id=35022&p=0>

🔄 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

From: Lothian Scot Borders Licensing WestLothian <LothianScotBordersLicensingWest@Scotland.pnn.police.uk>

Sent: 16 August 2021 12:30

To: McMullan, Gary <Gary.McMullan@westlothian.gov.uk>

Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

OFFICIAL

Unfortunately I was not in post when the original email was sent. Can I get a copy of the letter which it refers to?

Once received I will look in to this and provide a response.

Thanks

Barry

Barry Collett
Police Constable(J362)
Divisional Licensing
Police Scotland
Howden South Road
Livingston
West Lothian
EH54 6FF
Direct Dial - 01506 833 854

From: McMullan, Gary [<mailto:Gary.McMullan@westlothian.gov.uk>]

Sent: 16 August 2021 12:21

To: Lothian Scot Borders Licensing WestLothian

Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

No Barry.

Gary McMullan
Solicitor – Licensing
01506 281603

Postal address

Licensing Team
West Lothian Civic Centre

Howden South Road
Livingston
EH54 6FF

Email: Gary.McMullan@westlothian.gov.uk

Licensing Team email addresses:

licensingboard@westlothian.gov.uk (for liquor licensing and gambling enquires)

licensing@westlothian.gov.uk (for all other licensing enquiries)

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From: Lothian Scot Borders Licensing WestLothian <LothianScotBordersLicensingWest@Scotland.pnn.police.uk>

Sent: 16 August 2021 12:09

To: McMullan, Gary <Gary.McMullan@westlothian.gov.uk>

Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

OFFICIAL

Good Afternoon Gary,

Apologies I have just returned from annual leave and just have picked up your email.

Did anyone respond to you while I was off?

Barry Collett
Police Constable(J362)
Divisional Licensing
Police Scotland
Howden South Road
Livingston
West Lothian
EH54 6FF
Direct Dial - 01506 833 854

From: McMullan, Gary [<mailto:Gary.McMullan@westlothian.gov.uk>]

Sent: 12 August 2021 10:23

To: Lothian Scot Borders Licensing WestLothian

Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Dear Police Scotland

Some months ago (per email below) the West Lothian Licensing Board consulted you by letter in relation to the current review of the Board 's statement of principles in relation to the functions it carries out under the Gambling Act 2005. We do not appear to have received a response from you, I would be grateful if you could advise of the position?

I would be grateful if you could respond to me as soon as possible.

Thanks

Gary McMullan
Solicitor – Licensing
01506 281603

Postal address

Licensing Team
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Gary.McMullan@westlothian.gov.uk

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From: Wright, Lizanne

Sent: 08 April 2021 14:50

Subject: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Gambling Act 2005

West Lothian Licensing Board Gambling Policy Statement – Consultation

West Lothian Licensing Board's current gambling policy will expire on 30 January next year. Before preparing and publishing its three year gambling policy for the period 31 January 2022 to 30 January 2025, the Board is undertaking consultation from 12 April to 12 June 2021 to inform its gambling policy. All parties with an interest in the Board's gambling policy are invited to respond to the consultation.

Please find attached letter regarding this consultation.

Lizanne Wright

Legal Assistant

West Lothian Council

West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

My work pattern is Monday to Thursday

Licensing Team email addresses;

licensingboard@westlothian.gov.uk - for liquor licensing and gambling issues

licensing@westlothian.gov.uk - for all other miscellaneous licensing queries including hire car

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Wright, Lizanne

From: Goodfellow, Ashley <ashley.goodfellow2@nhslothian.scot.nhs.uk>
Sent: 16 August 2021 14:32
To: McMullan, Gary
Cc: Dee, Katie
Subject: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]
Attachments: 2021 08 16 West Lothian Licensing Board Gambling Consultation 2021.doc

Dear Mr McMullan,

In relation to your email below, please find attached letter in response to the West Lothian Licensing Board Gambling Consultation 2021. This response has already been submitted in response to the consultation via West Lothian HSCP.

My view is that the Board's policy is reasonable in terms of its responsibilities under the legislation. However, it is important to emphasise the public health harms associated with gambling.

We welcome reference to the use of local area profiles to inform decision making. There are opportunities to support a preventative approach through assessment of the number and location of gambling establishments in a given area, as well as population demographics, health and social indicators.

I hope the attached is useful.

Best wishes,
Ashley

Ashley Goodfellow | Consultant in Public Health | NHS Lothian, Public Health & Health Policy, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG | Ashley.Goodfellow2@nhslothian.scot.nhs.uk | 07890 023 597

From: McMullan, Gary <Gary.McMullan@westlothian.gov.uk>
Sent: 12 August 2021 10:54
To: Dee, Katie <Katie.De@nhslothian.scot.nhs.uk>
Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

This email was sent directly to the NHS Lothian Network from West Lothian Council

DATA LABEL: OFFICIAL

Dear Katie,

Some months ago (per email below) the West Lothian Licensing Board consulted you by letter in relation to the current review of the Board 's statement of principles in relation to the functions it carries out under the Gambling Act 2005. We do not appear to have received a response from you.

If you wish to submit a response please do so by 2 September 2021.

Gary McMullan
Solicitor – Licensing
01506 281603

Postal address

Licensing Team
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Gary.McMullan@westlothian.gov.uk

Licensing Team email addresses:

licensingboard@westlothian.gov.uk (for liquor licensing and gambling enquires)

licensingervices@westlothian.gov.uk (for all other licensing enquiries)

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From: Wright, Lizanne

Sent: 08 April 2021 13:48

Subject: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Gambling Act 2005

West Lothian Licensing Board Gambling Policy Statement – Consultation

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Please find attached letter regarding this consultation.

Lizanne Wright

Legal Assistant

West Lothian Council

West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

My work pattern is Monday to Thursday

Licensing Team email addresses;

licensingboard@westlothian.gov.uk - for liquor licensing and gambling issues

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Gary McMullan
Licensing Team
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Date 22 September 2021
Your Ref
Our Ref

Enquiries to: Ashley Goodfellow
Extension:
Direct Line: 0131 465 5560
Email: Ashley.goodfellow2@nhsllothian.scot.nhs.uk

Dear Mr McMullan,

WEST LOTHIAN LICENSING BOARD GAMBLING CONSULTATION 2021

The 2017 Scottish Health Survey included a detailed consideration of gambling activity. Up to 1% of the Scottish population is classified as problem gamblers with a further 1.2% classified as at-risk of problem gambling.[1-3] In West Lothian, this would equate to approximately 1,475 problem gamblers and 1,770 people at risk of problem gambling aged 16 years and over. There are also significant inequalities in 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 (1.5% vs 0.5%).[2] Gambling is increasingly recognised as a public health concern.[4-6]

Research on the health impacts of gambling has focused primarily on 'problem gamblers'. But the extent to which gambling has become normalised across the whole population has meant that public health specialists recognise the need for whole population harm reduction approaches as well as specialist support for people at greatest risk from problem gambling. 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.

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. 24.6% of children in West Lothian live in households experiencing poverty.
- 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. [7, 8]

Recent research has emphasised the extent to which the availability of and profile of online gambling has increased in prevalence. Research also highlights 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.' [9] 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. [10] 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.

Many tools to regulate the impacts of gambling are the responsibility of national governments. But the local Board may wish to consider harms associated with deprivation as well as the potential harms to children and young people before approving significant expansions or opportunities to enable greater access to gambling in West Lothian.

References

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 Behaviour 2020* [cited 2021 02 June]; Available from: <https://www.scotpho.org.uk/behaviour/gambling/key-points/>.
3. McLean, J., et al., *Scottish Health Survey 2017 - volume one: main report*, Health, Editor. 2018, Scottish Government: Edinburgh.

4. The, L., *Problem gambling is a public health concern*. The Lancet, 2017. **390**(10098): p. 913.
5. Blank, L., et al., *Interventions to reduce the public health burden of gambling-related harms: a mapping review*. The Lancet Public Health, 2021. **6**(1): p. e50-e63.
6. Wardle, H., et al., *Gambling and public health: we need policy action to prevent harm*. BMJ, 2019. **365**: p. l1807.
7. Scottish Public Health Observatory. *Gambling*. 2017 [cited 2018 08 June]; Available from: <http://www.scotpho.org.uk/behaviour/gambling/key-points>.
8. Cruickshank, H. and M. Casey, *Public health impacts of gambling: a summary of the evidence*. 2013: Southampton.
9. Wardle, H., et al., *'Risky Places?': Mapping Gambling Machine Density and Socio-Economic Deprivation*. Journal of Gambling Studies, 2014. **30**(1): p. 201-212.
10. 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.

Yours sincerely



Ashley Goodfellow
Consultant in Public Health

GOSSCHALKS

BY EMAIL AND POST - licensing@westlothian.gov.uk

The Clerk to the Licensing Board

WEST Lothian COUNCIL

West Lothian Civic Centre

Howden South Road

Livingston EH54 6FF.

Please ask for: Richard Taylor

Direct Tel: 01482 590216

Email: rjt@gosschalks.co.uk

Our ref: RJT / MJM / 123267.00001
#GS3812739

Your ref:

Date: 20 April 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft consultation document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

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Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

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 the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- 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.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable and it is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the UK governments – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is one too many, both there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and government in Westminster have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission’s National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, ‘gambling activity’ mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC 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.

Differentiation between Licensing (Scotland) Act 2005 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing boards – the regimes, processes and procedures relating to Licensing (Scotland) Act 2005.

Many licensing boards have standard local conditions which are imposed upon premises licences authorising alcohol sales. It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications 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 submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have 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 BGC 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

Considerations specific to the online questionnaire

On behalf of the BGC we reviewed the online policy consultation. We cannot comment as the standard body for the UK's regulated betting and gaming industry on specific gambling related problems in the area, access to gambling by children or other vulnerable persons in the area or whether there are any gambling associated risks that especially affect any part of the West Lothian region.

Review of the existing Statement of Principles with a view to these considerations being incorporated within the review Statement of Principles

Part 6 of the existing Statement of Principles is headed "Gaming Machines in General". Paragraph 6.4 refers to the power of the Board to impose conditions on a betting premises licence to limit the number of betting machines. The policy would be assisted by a clear differentiation between AWPBs and SSBTs. The Statement of Principles should state that by virtue of Section 172(8) Gambling Act 2005, the holder of a betting premises licence is authorised to make up to four gaming machines of categories B, C or D available for use.

Paragraph 6.6 refers to fixed odds betting terminals and the proposal to reduce the maximum stake for such machines from £100 to £2. We assume that as this reduction was indeed implemented in April 2019 that this paragraph will be removed.

On behalf of the BGC, we welcome the statement at paragraph 8.3 that the Board considers that mandatory and default conditions applied automatically by the 2005 Act will usually be sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed when there is evidence that the automatic, mandatory and default conditions need to be supplemented.

Paragraphs 15.1 to 15.8 come under the heading "local risk assessments". Paragraph 15.6 lists matters that the Board expects an applicant to address where they are relevant. This list needs to be re-drafted as it contains matters that are not relevant to an assessment of risk under Gambling Act 2005.

The purpose of the risk assessment is to assess risk to the licensing objectives. Issues such as street drinking, youths participating in anti-social behaviour, drug dealing activities, graffiti/tagging/underage drinking are all issues of crime and disorder/anti-social behaviour but are

not relevant to gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. These are largely issues of nuisance which are not relevant considerations under Gambling Act 2005. Similarly, “gaming trends that may reflect days for financial payments” are not relevant to any assessment of risk to the licensing objectives unless the Board has pre-determined that those in receipt of benefits are automatically vulnerable or likely to commit crime as a result of gambling. We are certain that this predetermination has not taken place. Accordingly this whole section should be reconsidered and re-drafted.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Wright, Lizanne

From: Info <info@gambleaware.org>
Sent: 09 April 2021 10:32
To: Wright, Lizanne
Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

Dear Lizanne,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

GambleAware is an independent charity using best-practice in commissioning, including needs assessment, service planning, evaluation and outcome reporting to support effective, evidence-informed, quality assured prevention of gambling harms. We work in partnership with the Gambling Commission and its independent advisors, the Advisory Board for Safer Gambling, to deliver many aspects of the National Strategy to Reduce Gambling Harms.

Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.

Best wishes,
Natalie

BeGambleAware.org

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From: Wright, Lizanne <Lizanne.Wright@westlothian.gov.uk>
Sent: 08 April 2021 13:48
Subject: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Gambling Act 2005
West Lothian Licensing Board Gambling Policy Statement – Consultation

West Lothian Licensing Board's current gambling policy will expire on 30 January next year. Before preparing and publishing its three year gambling policy for the period 31 January 2022 to 30 January 2025, the Board is undertaking consultation from 12 April to 12 June 2021 to inform its gambling policy. All parties with an interest in the Board's gambling policy are invited to respond to the consultation.

Please find attached letter regarding this consultation.

Lizanne Wright

Legal Assistant

West Lothian Council

West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

My work pattern is Monday to Thursday

Licensing Team email addresses;

licensingboard@westlothian.gov.uk - for liquor licensing and gambling issues

licensing@westlothian.gov.uk - for all other miscellaneous licensing queries including hire car

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<http://www.westlothian.gov.uk>

From: [Ridgway, Jane](#)
To: [McMullan, Gary](#)
Subject: RE: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]
Date: 28 September 2021 12:15:39

DATA LABEL: OFFICIAL

Hi Gary

I do vaguely remember this. I would have circulated it to members of the CPC at the time asking for comments, received none and forgotten about it – sorry.

Section 3

Can the board expect all license and permit holders to have a safeguarding policy for staff or at the very least staff know who to contact if they have a concern about a child or a vulnerable adult? This would then be applicable to all the different types of gambling venues. So for example if a member of staff at the bingo hall saw an adult hit a child they would recognise this as a child protection issue and know what to do. Harm to a child or vulnerable adult may not be directly linked to the gambling activity.

The CPC is the competent body to advise re the protection of children from harm. For vulnerable adults (learning disability, mental health problems, addiction etc.) it would be the Adult Protection Committee

Jane

From: McMullan, Gary
Sent: 28 September 2021 08:47
To: Ridgway, Jane <Jane.Ridgway@westlothian.gov.uk>
Subject: FW: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Hello Jane,

Further to my last email attached is a copy of correspondence sent in April. (see also email below).

Gary McMullan
Solicitor – Licensing
01506 281603

Postal address

Licensing Team
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Gary.McMullan@westlothian.gov.uk

Licensing Team email addresses:

licensingboard@westlothian.gov.uk (for liquor licensing and gambling enquires)

licensingervices@westlothian.gov.uk (for all other licensing enquiries)

From: Wright, Lizanne

Sent: 08 April 2021 14:50

Subject: West Lothian Licensing Board Gambling Consultation 2021 - [OFFICIAL]

DATA LABEL: OFFICIAL

Gambling Act 2005

West Lothian Licensing Board Gambling Policy Statement – Consultation

West Lothian Licensing Board's current gambling policy will expire on 30 January next year. Before preparing and publishing its three year gambling policy for the period 31 January 2022 to 30 January 2025, the Board is undertaking consultation from 12 April to 12 June 2021 to inform its gambling policy. All parties with an interest in the Board's gambling policy are invited to respond to the consultation.

Please find attached letter regarding this consultation.

Lizanne Wright

Legal Assistant

West Lothian Council

West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

My work pattern is Monday to Thursday

Licensing Team email addresses;

licensingboard@westlothian.gov.uk - for liquor licensing and gambling issues

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Appendix 3

Gambling Policy Consultation 2021 – Responses to Online Consultation & Responses from stakeholders

Part	Issue	Responses	Licensing team comments
1	Number of participants 41 respondents	<ul style="list-style-type: none"> 38 members of the public; 2 local businesses; 1 body/person representing members of the public 	
2	There are gambling related problems in my area 39 respondents	<ul style="list-style-type: none"> 19 strongly agreed and 9 agreed that there are gambling related problems in their area 	
3	Access to gambling by children, young people and other vulnerable persons is a problem in my area 38 respondents	<ul style="list-style-type: none"> 12 strongly agreed and 12 agreed 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 39 respondents	<ul style="list-style-type: none"> 39 respondents. 5 disagreed and 6 strongly disagreed that aware of where to get advice or support for gambling related problems 	Currently the policy has links to sources of support in Appendix 8 of the policy. The Licensing Team can carry out some research to update links and identify any further sources that can be included.
5	Are there any changes you would wish to see to the Board's current statement of gambling policy? 17 responses	<ul style="list-style-type: none"> Too many betting shops on our high streets Much tighter controls on both new betting shops and casinos, as well as places that may wish to renew a license Gambling almost ruined my life. I managed to stop myself and self-ban. I then managed to turn my life 	Overprovision is not a relevant consideration under gambling law and cannot be a basis for the Board refusing or limiting number of premises. The current numbers and locations of gambling premises is stated below in Appendix A. The

around and start a successful business. Many others do not have it in them to stop

- The less gambling establishments, the better. It adds nothing to culture, creates debt and contributes to depression, drug usage and suicides.
- There needs to be further restrictions and limitations
- I believe that gambling should not be promoted in our area as due to low income families putting them at risk to get into more financial situations
- I'm not sure I understand if the policy covers casinos, but a post on 15/4 /21 on a Facebook page called 'Livingston - Our T own' posted a link to this council review with the heading "Who would like a Casino in Livingston?" So I would just like to take this opportunity to state how deeply I would oppose any proposed casino opening in Livingston. There are already far too many ways for people to gamble away their hard-earned money (and even money they don't even have), from the insidious, flashy, easy-to-use machines at pubs (where a person trying to recover from gambling has a few pints and loses all resolve and dumps all their money into a bottomless pit) to easy-access apps on phones. There is no good, legitimate reason for West Lothian to have a casino. Reading over the thread on both the 'Livingston - Our T own' page, as well as the post on West Lothian Council's page, most people who are reacting positively to having a casino in West Lothian cite jobs and 'something to do' as their reason for supporting the idea. The handful of jobs a casino might create are not worth the risks to our citizens that gambling addiction brings with it. As for people wanting 'something to do', there would be plenty of other things, besides a casino, that can be entertaining

numbers of gambling premises in West Lothian has remained static for many years (3 less than in 2018). As the Board will appreciate gambling is increasingly taking place remotely through on-line platforms. The Board has no powers or remit in terms of online gambling.

The Gambling Act places a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the

for the citizens of West Lothian, and people have been listing their alternative ideas in the FB threads.

Gambling addiction is insidious and has far-reaching consequences on, not only the addict, but on the addict's family, friends and even employers. A family member gambled away tens of thousands of pound a couple years ago, even wiping out their entire pension; the overall impact on our family is hard to put into words. his family member's gambling started in a casino 'just for some fun'. Gambling is just way too easy as it is; don't make it easier by putting in regulations that would allow a casino in West Lothian

- Gaming machines should be banned
- I would like there to be more discussion on gambling in schools. So as to attempt to stop the raise of gambling in young men
- There should be no additional gambling services. These should be reduced not built on
- Limit amount of premises within an area
- There should be a limit to the amount of gambling premises within a certain area (mile radius). In particular, bookmakers.
- restriction on the number of machines each venue has.
- Limit the number of locations approved
- Why are loot boxes in games still legal in Scotland. I am 26 and have had access to adult money for some time and can spend hundreds on opening a loot box or pack on a game and end up with nothing. Other countries have outlawed them and it's time we caught up.
- Why on earth are sports betting shops allowed to be situated so close to public houses. There should be a

relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

Advertising of gambling is regulated by law and not something that can be restricted by the Board. The UK Government is currently reviewing the advertising of gambling in the UK as part of a consultation about the Gambling Act 2005. If a particular issue or complaint was received by the Board regarding the promotion of gambling by a particular premises the Board could consider the matter and act in relation to that premises if it had a legal basis under the principles of the 2005 Act.

The Board has no power to apply tighter controls than allowed by law (mandatory and default conditions) unless the licensing objectives requires any additional conditions in the view of the Board. This would have to be based on evidence presented in regard to particular applications. Historically very few issues or concerns raised in West Lothian regarding gambling.

minimum distance from any pubs to bookmakers. Even worse in stadiums I've seen sports betting shops.

Section 166 empowers a Licensing Board in Scotland to pass a "no casino" resolution as part of its policy statement. As per part 10.2 of current policy the Board has not passed such a resolution. A specific consultation would need to take place on such a proposal before the Board could consider such a resolution. Therefore, this is something that the Board cannot do as part of this review. No application has ever been made to WLC in relation to a premises licence for a casino. An operator wishing to do so would require an operating licence from the Gambling Commission and then would need to apply to the Board for a premises licence. Such an application would be advertised and those objecting could submit a representation. The Board would then require to determine such an application in terms of the 2005 Act.

The Board has no power to ban gaming machines. They are permitted and regulated by law. The Board has powers to restrict numbers permitted in certain circumstances on a case by case

		<p>basis. See section 6 of current policy.</p> <p>The Board could highlight that the comment about education around gambling in schools could be communicated to Education Services in WLC.</p> <p>Loot Boxes are a feature of many online games and concerns have been raised about them being seen as a form of gambling or an avenue whereby young persons are introduced to gambling. In 2017 the Gambling Commission provided guidance that it does not currently fall within the legal definition for gambling however recognised the concerns of many parents at the possible impact on young persons. As a remote form of gambling not something the Board can address in its policy.</p> <p>No restriction in law regarding proximity of gambling premises to pubs/sports stadia. The Board cannot regulate this through its policy unless robust evidence/data provided which has not come forth in the responses to the consultation.</p>
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<p>6.</p>	<p>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?</p> <p>14 responses</p>	<ul style="list-style-type: none"> • It just is not strict enough • far to many gambling shops and bookies in west Lothian far far to many • Gambling is way too easy now with online apps. Gambling online is usually done alone, at home and is highly addictive; why make it more exciting by dressing it up as a fun night out with all the glitzy lighting, funky music, socialising, hen/stag do's, drink deals, etc. We don't need another way to get people hooked on gambling. NO CASINOS! • Gaming machines banned • What can be done on the limit of venues that are allowed to have gambling machines. • Too many bookmakers in one town • There is no local casino or joint gambling facilities in West Lothian (the closest being Maybury Casino in Edinburgh). • I feel these are more regulated and better controlled and better regulated than the average betting shop / bookies. It is the betting shops where addictions manifest and these could be better identified in a more centralised 'gambling area' • a limit on the number of betting shops in each town. • Ensure licence rules are enforced and proper consideration is given for future sites • Limits on the location of betting shops, maximum two per town, not within 1km of a school. complete ban on fixed odds betting terminals, restrictions on puggies to one per premises and switch off at 8pm. 	<p>The comment about not being strict enough provides no detail or further information (see comments above re: duty to permit, overprovision). The Board must determine application on basis of the law as it stands i.e. licensing objectives, codes of practice and guidance from the Gambling Commission and its policy statement.</p> <p>See comments above re: Overprovision (see current numbers of premises at Appendix A).</p> <p>See comments above re: online gambling - outwith Board's remit.</p> <p>See comments above re: casino.</p> <p>Gaming machines are permitted and regulated by law. The Board does not have the power to ban gaming machines or limit numbers of venues that are permitted to have gambling machines. Limits are regulated by law. The Board only has power to limit if evidence provided that licensing objectives require the numbers to be limited.</p> <p>The Licensing Team very rarely receive any complaints or issues regarding gambling and the</p>
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7.	Do you consider that there are gambling associated risks which especially affect young people? 17 responses	<ul style="list-style-type: none"> • All west lothian • Risk of gambling addiction particularly young men and could be gateway to online gambling which creates its own problems. Seems to be more gambling premises in areas of West Lothian with more deprivation and this links to the psychology of gambling and addiction. • All of West Lothian. Especially with youngsters. • It's highest in low income areas including where I live in Howden. Even something as simple as betting on football has reaching effects. I know kids that run around in out grown clothes and yet their dads are bragging about how much they've out on the footie that night. It isn't right. • Low income populations see this as the possibility to make money quickly, and instead end up even worse off. • There is a high risk of problem areas near where it's proposed • Gambling can affect anyone and everyone across the county. The 'benefit' of a handful of jobs a casino may bring is nothing compared to the benefits that will line the pocket of the casino owner - and leave West Lothian families financially devastated. • The whole of West Lothian has problem with people losing money on gaming machines in licensed premises and bookmakers 	<p>licences/permits issued by the Board in respect of gambling, including gaming machines whether in gambling premises or alcohol licensed premises.</p> <p>The Board does not have the power to ban FOBTs. FOBTs are permitted and regulated by law.</p>
<p>The law aims to permit gambling and when dealing with its gambling remit the Board must ensure consistency with the licensing objective of protecting children from harm and exploitation from gambling. See comments above that there is no overprovision in gambling law. The Board does not have the powers to restrict gambling in the way the responses seek. The UK Government is currently undertaking a wide-ranging reviewing of gambling regulation. The policy statement could include a statement noting the ongoing UK govt review in the context of the concerns raised in the consultation.</p> <p>Some of the responses do not provide specific detail to allow proper consideration.</p>			

	<ul style="list-style-type: none"> • The centre in Livingston • Gambling should be less available • Bathgate Hopetoun Street. • Three bookmakers in close proximity to each other all open until 10 pm, close to pubs which could lead to an increase in antisocial behaviour. • There are risks for young people to be very open to the idea of gambling because of the amount of stores available on every main Street. Whitburn is a problem area as there are at least 2 betting shops within a very short walking distance from each other. Both of which has had violent incidents and robberies, these things seem to be more common in places like this. It worries me to think children have such easy access to witness these things and see people who have gambling addictions enjoy being in places like this without being able to realise how bad gambling can be • whitburn has 4 gambling shops which are open before 9am. Young people are passing on the way to school and home again. • Boghall, Bathgate; people using gambling to earn cash to buy drugs. If they loose too much, they seek other ways to get the cash for drugs. Both these problems need to be addressed. • West Lothian has sports betting shops on most main streets and inside the Livingston designer outlet. That answers it all 	<p>More robust and reliable evidence/data would be required for the Board to consider making a policy determination that persons from particular localities should be classed as “vulnerable persons” based on the socio-economic profile of the area where they reside. Such data/evidence has not been made available in the responses to the 2021 consultation. See sections 2.6.5 and 2.6.6 of policy for the Board’s current approach to “vulnerable persons” for the purposes of the licensing objectives.</p> <p>The policy statement may comment on the location of premises and the general principles it will apply in considering the location so far as it relates to the licensing objectives. For example, a policy statement may set out that the licensing authority will carefully consider applications for premises licences and whether there is a need for conditions to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for those experiencing or at risk of gambling harm, in light of the third licensing objective. The policy statement must be clear that each</p>
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			<p>case will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises.</p> <p>No concerns raised by Police Scotland in their response.</p> <p>The current local area profile will require to be updated (see comments below), however the Board should note that it contains information regarding location of existing premises. This information can be utilised by operators and applicants to inform their local risk assessments in relation to possible harm to children and other vulnerable persons flowing from the location of the premises. This information can also be used by the Board when assessing applications and conducting reviews. See appendix A below for locations of gambling premises in West Lothian.</p>
8.	<p>Do you consider that there are problems arising from access to gambling premises in West Lothian?</p> <p>15 responses</p>	<ul style="list-style-type: none"> • Yes • Yes, as above. Seeing multiple premises on our high streets makes them appear acceptable and accessible. Gambling gives no real benefits to those who take part, even with some wins and even less so for those with gambling addiction. 	<p>See above for comments on limits of Board's powers with respect to restricting numbers and location of premises.</p>

- In the last year, with money having got tighter, many will be looking to gambling as a quick fix and an end to their money problems. Many will not take into account that they will almost certainly lose this money and be in a worse position
- Always risks involved not only for the people visiting but also members of the public as gambling can have an addiction
- How about when a problem gambler, who sincerely wants to stop gambling, goes to the pub for a few pints with his mates, and then the alcohol kicks in and lowers their inhibitions and the machine in the corner, with it's blinking lights and false hope of a big win, sends out its siren call? There goes his willpower and spare cash, not to mention him going and borrowing cash from his mates, not to mention he then goes and downloads a gambling app to try and pay back his mates, and then... the spiral back into deep debt that he was so sincerely trying to repair.
- Yes there is a problem with people becoming addicted to gaming machines
- Really not necessary to positive health and well being of population. Purely being used as a money making scheme.
- Bathgate Hopetoun Street.
- Three bookmakers in close proximity to each other all open until 10 pm. There is no need for them to be open to such a late time, especially given their closeness to numerous pubs. Alcohol-impaired people could be betting beyond their means by having access to bookmakers' gaming machines at such late hours.
- I believe that problems arise from gambling premises such as violence, hostility, family problems, mental

Applications for premises licences for gambling cannot simply be refused on the basis of ethical or moral objections to gambling. Gambling is permitted by the law and the Board's policy currently signposts support services for problem gamblers. The Board's policy currently highlights issues surrounding problem gambling to operators in order to promote the responsible operation of gambling premises through operators carrying out suitable risk assessments to inform their operations and processes.

The law permits gaming machines in alcohol licensed premises. Pubs/clubs have automatic entitlement to run 2 gaming machines and can apply for a permit for more than 2.

Speculative assertion about possibility of location of alcohol licensed premises being linked to gambling harm flowing from proximity to bookies and the closing time of betting shops. No evidence or data provided in the consultation to support this. Opening and closing times for premises could only be

		<p>health problems and much more. Due to the age restrictions (which I agree with) some people will leave their pets and often children outside the stores to put a bet on or see the scores and that can result in many problems. I understand this is their decision but when someone is addicted, they will do whatever they need to. Gambling can also cause a lot of family and relationship strain which leads to mental health problems and sometimes violence.</p> <ul style="list-style-type: none"> • I think there are too many individual betting shops and people who are addicted could easily float from bookie to bookie, without the shop attendees knowing. • They have very long opening hours (pre-covid) and young people must be aware of the bright machines flashing all the time. • Robbery, drug taking, etc. • Gambling should be illegal in West Lothian. They always seem to find shops within lower income areas taking advantage of the local population 	<p>restricted by the Board on a case-by case basis if evidence provided that it was required in relation to the licensing objectives.</p> <p>Lack of information or evidence provided in relation to crime being a problem associated with access to gambling premises in West Lothian.</p> <p>No concerns raised by Police Scotland re: gambling premises and crime per the licensing objectives.</p>
<p>9.</p>	<p>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?</p> <p>9 responses</p>	<ul style="list-style-type: none"> • Alcohol-impaired people betting in betting shops is a common sight. • The gambling premises in my local area (Whitburn) is surrounded by sensitive buildings. It's very close the local high school. There is a pharmacy next door, where a lot of recovering drug addicts will pick up their prescription. • There is many pubs which surround the most popular premises and alcohol consumption will cause people to be more adventurous when placing a bet. • Yes; robbery from local shops which are all located next to 2 primary schools. • When I went to college the whole class used to go to the book makers at lunch and spend a fortune 	<p>The consumption of alcohol on betting premises is prohibited during any time which facilities for gambling are being provided on the premises. Additionally, in Scotland the sale of alcohol on the premises is also specifically prohibited.</p> <p>Information from the Gambling Commission does state that anyone betting and drinking alcohol at the same time may lose their inhibitions and place more than they can afford</p>

		<p>on a bet. They stress that it is the responsibility of all licensed bookmakers to ensure gambling is carried out in a socially responsible manner. This is a matter to be managed by the operator and to have proper procedures in place.</p> <p>All the current locations of gambling premises are long standing and the Board has no legal basis to revoke their licences unless issues or complaints raised. The team rarely receives any gambling related concerns or complaints with gambling premises in West Lothian. Any complaint received could be considered by the Board at a review hearing.</p> <p>The local area profile requires to be updated and this is a tool to be used by gambling operators in carrying out appropriate risk assessments and implementing procedures to protect children and vulnerable persons from harm. However, there is no evidential basis for the profile to extend to pubs or pharmacies based on responses to the 2021 consultation.</p>
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10.	<p>Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?</p> <p>7 responses</p>	<ul style="list-style-type: none"> • There are a few premises I can think of which have puggy machines in places where children will go to eat or shop and underagers have had access to these machines which can be the start to decades of gambling. 	<p>No evidence to link crime with any established gambling premises in Appendix A. No concerns raised by Police Scotland.</p>
			<p>Premises or locality not identified. No history of complaints or issues raised about underage use of machines in West Lothian premises. Any such complaint would be considered if details provided in relation to a gambling premises licensed by the Board or authorised to provide gaming machines.</p> <p>The Board should note that certain types of machine can be played by young persons i.e. permitted by law.</p> <p>There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However, there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where</p>

			those are also located on the same premises.
11.	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? 6 responses	<ul style="list-style-type: none"> • No data provided in responses. 	No local data provided.
12.	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? 15 responses	<ul style="list-style-type: none"> • Proximity to schools. • Local area including deprivation, proximity to education establishments, proximity to public houses and number already in the area. Reduced number of gambling premises should be the aim. • Remember that although you cannot regulate online gambling it is happening and in high numbers. People who will be online gambling are still using premises in addition and it's exacerbating the situation. • Gambling is insidious, and often it is innocent people who end up paying in the long run. It was someone else's choice to gamble, but it was not my choice to be financially impacted. • If there are other gambling premises nearby then more licenses should not be issued • The distance between venues. As in parts of West Lothian there can be as little as 20 feet • Totally unnecessary and not conducive to a healthy lifestyle. Usually those who can ill afford these places are those who use them. 	<p>The location of schools and colleges and current betting premises are identified in the current local area profile and can be considered by operators and the Board when dealing with applications. The local area profile also provides information regarding locations for addiction treatment which relates to the protecting vulnerable persons from gambling harm and exploitation. As referred to above the local area profile should be reviewed and updated.</p> <p>The Board can consider proximity to locations frequented by children and vulnerable persons in considering an application if evidence provided that engages the licensing objective. The current</p>

		<ul style="list-style-type: none"> • Their location and proximity to other betting shops and pubs. • The number of existing bookmakers in the area • People hanging about outside betting shops shouting swearing smoking • Provision of gamble aware materials should be clear and visible in every store. • How often are the licenced premises tested? People can self-ban yourself from entry but quite often staff dont check the information and addicted persons can easy bet again unchallenged. how often are age checks carried out by the council? • Ensure no issues are recorded against the site, along with not approving locations where other sites are close or located near schools and community buildings • Distances to pubs, schools, colleges, lower income areas • The promise of putting a 60 /1 bet on for someone who is down to their last £5 which was needed to support them I.e food for the chance of making that £30 0 is too great, problem is this never happens and it leads to decent people taking desperate measures to survive 	<p>policy at 15.3 references that licence holders should consider proximity of premises to vulnerable persons.</p> <p>See Section 15 of the current policy about the expectations of the Board in terms of risk assessments that operators should carry out that should inform their operations and procedures, particularly 15.5 and 15.6 about measures addressed at assisting problem gamblers. This reflects guidance and codes of practice from Gambling Commission that operators are socially responsible.</p> <p>The Board never receives any complaints or concerns about gambling premises with regard to age verification or checking about self-exclusion schemes. Any such complaint would be fully investigated and action could potentially be taken by the Board. The current section in the policy regarding inspection is section 25.</p> <p>Detailed evidence/data would be required for the Board to consider making a policy determination that persons from particular localities</p>
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13.			<p>should be classed as “vulnerable persons” based on the socio-economic profile of the area where they reside. Similarly, in relation to pubs/alcohol licensed premises. Sufficient data/evidence has not been made available in the responses to the 2021 consultation to support such a determination. See 2.6.5 and 2.6.6 of current policy.</p> <p>See comments above re: limit on Board’s powers to restrict numbers and locations.</p>
	<p>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?</p> <p>9 responses</p>	<ul style="list-style-type: none"> • Proximity to schools • Make them as inaccessible as possible, and keep them away from low income areas. Do not put them in public transport routes or next to everyday premises like supermarkets where people are more likely to just “pop in” routinely. People should have to go out there way to gamble. • NO CASINOS IN WEST LOTHIAN! And quite frankly I wish all gambling machines in pubs would disappear. • Anywhere near schools. • On the principle that it normalise gambling at a subconscious level. • Objective:- Will this benefit the local economy Principle :- ensure that gamblers can enjoy themselves in a safe way and controlled environment. This will allow for greater identification of people with addiction • Distance to schools, pubs and colleges 	<p>Any consideration of location of premises must be grounded in concern for children and vulnerable persons, or otherwise justified in relation to the licensing objectives. No restriction possible with regard to location in relation to supermarkets/everyday premises/transport routes as no basis in law for such limitation and see comments above – no overprovision in gambling.</p> <p>See comments above re: gaming machines and casinos.</p> <p>See comments above regarding local area profile detailing locations</p>

14.	Is there anything else you wish the Board to consider in preparing its new statement of gambling policy including any Equality issues in relation to the policy and gambling generally in West Lothian? 10 responses	<ul style="list-style-type: none"> • Don't give permission to a casino there is enough problems within west lothian than adding gambling problems • As above. Income has a huge part to play and the disadvantages of this is rife throughout West Lothian. • I would not grant this due to we have parks schools and families we always take care and feel this would bring west lothian more problems • In the end, gambling only ever ultimately benefits the owners of the casinos, machines, etc., never the gamblers or the community. Anyone who has ever won from gambling does so on the backs of other tears. Their 'winnings' were someone else's losses - and often losses that they couldn't afford. NO CASINOS IN WEST LOTHIAN! Please. • location of gambling premises ie proximity to schools, sheltered housing etc • I can't understand why in this day in age when the book makers are making millions and the common man gets poorer we allow it. We talk about how to gamble 	of schools and colleges. No restriction possible in relation to pubs unless licensing objective engaged in relation to particular premises and/or detailed evidence/data provided to substantiate a policy determination that vulnerable persons should be deemed to include those likely to attend pubs. No such evidence/data provided in 2021 consultation responses.	See comments above re: casino. The Board can consider location as part of considering applications if evidence/data was provided that engaged the licensing objectives. Gambling is permitted and regulated by law and the ethos of the 2005 Act is to permit gambling insofar as it is consistent with the licensing objectives and regulators (i.e. the Gambling Commission and Licensing Authorities) are empowered to impose conditions and take action such as revocation or suspension to ensure gambling is operated in a regulated and responsible manner.
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		<p>responsibly but in football terms we've got the ladbrokes premier league, William hill Scottish cup and betfred cup. As a Rangers supporter who have a top sponsor of red 32 we allow this but not tenants or alcohol sponsors. Gambling starts as a child. I remember playing the fifa games and having to spend real money on packs and I got to the stage where I stole my parents cards to continue spending and gambling to get messi in a pack. Which is near impossible. It's time Scotland wakes up. I don't even vote SNP but I know the councillor and MP is a SNP candidate so it's time they stood up and took this into parliament that gambling is not acceptable in Scotland. From fifa packs to sports betting.</p>	
<p>West Lothian Council</p>		<p>West Lothian Council appreciates that many tools to regulate the impacts of gambling are the responsibility of national governments however the local Board may wish to consider harms associated with deprivation as well as the potential harms to children and young people before approving significant expansions or opportunities to enable greater access to gambling in West Lothian. On gambling more generally, discussion and consultation within schools and amongst young people should be undertaken to ascertain if there is an increase in the amount of online gambling via mobile devices. If so, perhaps there should be a requirement for more input from education services.</p> <p>West Lothian Council, along with other partners, continue to endorse the 'Best Bar None' scheme and support premises to attain the accreditations and accolades associated with this worthwhile scheme. The Citizens Advice Bureau has been funded by</p>	<p>The UK Government is currently carrying out a wide-ranging review of gambling regulation, including online gambling and advertising.</p> <p>Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises. The imposition of licence conditions might be prompted by locality specific concerns, for example the proximity of gambling premises to a school. In dealing with applications and reviews the Board has the power to impose conditions on this basis. The wording of the policy can be reviewed to see if this requires to be emphasised more clearly within the policy statement.</p>

		<p>Gambleaware to raise awareness of the issues and signpost to those that can help and support. The funding has been in place from 2019 and finishes in 2022, covering the Lothians, Fife and the south of Scotland. The funding helps to provide training which covers awareness raising activities relating to gambling harms, describing how the impact of gambling might impact on communities, explaining the best way to discuss these matters with a person who is experiencing gambling harms as well as making frontline workers aware of the specialist services available to clients in need of help. Neither WLC nor CAB are reporting an increase in referrals for gambling support despite the raising awareness campaign.</p>	<p>In considering applications under the Act the Board has to ensure consistency with the licensing objective of protecting children and would therefore require to actively consider that when carrying out functions under the Act i.e. considering new premises licence applications and reviews of existing premises licences. The current policy reflects this.</p> <p>See https://www.bbnsotland.co.uk/ for information regarding 'Best Bar None' which is focused on alcohol licensed premises rather than gambling premises. However, gambling in the form of gaming machines and other forms of gaming can be authorised on alcohol licensed premises including clubs and pubs.</p> <p>The Board has no functions, remit or powers in relation to online gambling and the council can raise its comment about education in schools about gambling with the relevant officers/services in the Council.</p>
Police Scotland		Police Scotland currently have no undue concerns in relation to gambling in the West Lothian area nor do they	See email from Police Scotland in Appendix 2.

NHS		<p>have any specific requests for any amendments to the current policy.</p> <p>My view is that the Board's policy is reasonable in terms of its responsibilities under the legislation. However, it is important to emphasise the public health harms associated with gambling. We welcome reference to the use of local area profiles to inform decision making. There are opportunities to support a preventative approach through assessment of the number and location of gambling establishments in a given area, as well as population demographics, health and social indicators.</p> <p>See letter from NHS in Appendix 2 to the Board report dated 8 October 2021 detailing public health harms of gambling.</p>	
			<p>As stated above there is no concept of overprovision in gambling law and applications cannot be refused on public health grounds.</p> <p>No local data provided re: gambling harms and particular areas of West Lothian in relation demographics, health and social indicators.</p> <p>The Board has not received any new applications for premises licences in many years. The Board has no power to regulate remote gambling and has limited powers to restrict gaming machines only in certain circumstances. The law aims to permit gambling and gaming machines.</p> <p>The policy already contains a local area profile that should be updated as part of this review (see comments above). This local area profile allows operators to carry out appropriate risk assessments regarding the location of premises in regard sensitive buildings such as schools, colleges and addiction treatment centres.</p>

Betting & Gaming Council (BGC)

Part 6 of the existing Statement of Principles is headed "Gaming Machines in General". Paragraph 6.4 refers to the power of the Board to impose conditions on betting premises licence to limit the number of betting machines. The policy would be assisted by a clear differentiation between AWP and SSBTs. The Statement of Principles should state that by virtue of Section 172(8) Gambling Act 2005, the holder of a betting premises licence is authorised to make up to four gaming machines of categories B, C or D available for use.

Paragraph 6.6 refers to fixed odds betting terminals and the proposal to reduce the maximum stake for such machines from £100 to £2. We assume that as this reduction was indeed implemented in April 2019 that this paragraph will be removed.

On behalf of the BGC, we welcome the statement at paragraph 8.3 that the Board considers that mandatory and default conditions applied automatically by the 2005 Act will usually be sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed when there is evidence that the automatic, mandatory and default conditions need to be supplemented.

Paragraphs 15.1 to 15.8 come under the heading "local risk assessments". Paragraph 15.6 lists matters that the Board expects an applicant to address where they are relevant. This list needs to be re-drafted as it contains matters that are not relevant to an assessment of risk under Gambling Act 2005.

See letter from Gosshalks Solicitors on behalf of BGC in Appendix 2.

AWP- Amusement with prize machines (slots, bandits).
SSBT – self service betting terminals commonly found in betting premises to place bets as an alternative method to traditional betting slip being handed over at the counter.

Para 6.4 of the policy already distinguishes gaming machines (AWPs) from self-serving betting terminals (SSBTs). The Board could consider whether it wishes to include a statement regarding gaming machine rules for betting premises in line with the BGC's suggestion.

Para 6.6 requires to be updated or removed. Max stake of £2 was implemented and is now law.

Licensing Team to consider and review section 15 of the policy in light of these comments and redraft.

Note guidance from the Gambling Commission that licensing

		<p>The purpose of the risk assessment is to assess risk to the licensing objectives. Issues such as street drinking, youths participating in anti-social behaviour, drug dealing activities, graffiti/tagging/underage drinking are all issues of crime and disorder/anti-social behaviour but are not relevant to gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. These are largely issues of nuisance which are not relevant considerations under Gambling Act 2005. Similarly, “gaming trends that may reflect days for financial payments” are not relevant to any assessment of risk to the licensing objectives unless the Board has pre-determined that those in receipt of benefits are automatically vulnerable or likely to commit crime as a result of gambling. We are certain that this predetermination has not taken place. Accordingly this whole section should be reconsidered and re-drafted.</p>	<p>authorities may wish to explain in their policy statements that any objections to new premises or requests for a review should be based on the licensing objectives of the Act. The policy statement could make it clear that – unlike the Licensing Act 2003 and the Licensing (Scotland) Act 2005 the Act does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.</p>
<p>Gambleaware</p>		<p>We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.</p>	<p>The Board should consider the current local area profile with regard to the gambling statement of principles. That profile identifies locations of schools, further education institutions, addiction treatment centres. This will require to be updated and this can be done by the Licensing Team to include with the updated Policy Statement for approval by the Board at its meeting in December 2021.</p>

			<p>No evidence or data provided in response to the consultation that would allow the Board to identify areas of increased risk due to locations of unemployed, homeless, ethnic minorities, lower socio-economic groups.</p> <p>The law permits the Board to attach conditions to gambling licences so far as necessary to ensure gambling is operated consistently with the licensing objectives. The Board should note the current policy at section 8 covers the Board's approach – this could be redrafted to include wording to the effect that the Board will consider additional licence requirements where necessary to mitigate any increased risk with relation to location of the premises with regard to vulnerable persons and the local area profile.</p>
<p>West Lothian Child Protection Committee (WLCPC)</p>		<p>Section 3</p> <p>Can the board expect all license and permit holders to have a safeguarding policy for staff or at the very least staff know who to contact if they have a concern about a child or a vulnerable adult? This would then be applicable to all the different types of gambling venues. So for example if a member of staff at the bingo hall saw an adult hit a child they would recognise this as a child protection issue and know what to do. Harm to a child or</p>	<p>See email response from Jane Ridgeway on behalf of WLCPC.</p> <p>Wording of Section 3 of the policy to be reviewed by the licensing team to consider removing reference to vulnerable persons as that section should only refer to protection of children.</p>

		<p>vulnerable adult may not be directly linked to the gambling activity.</p> <p>The CPC is the competent body to advise re the protection of children from harm. For vulnerable adults (learning disability, mental health problems, addiction etc.) it would be the Adult Protection Committee</p>	<p>The licensing team will consider whether the Board's policy can properly include the matter raised by WLCPC regarding a safeguarding policy.</p> <p>In relation to the reference to the Adult Protection Committee the Board should note that they were not individually contacted to invite a response to the Consultation. I am trying to establish if they responded through the online survey or if they fed into the council response. I will update the Board at the meeting on 8 October 2021.</p>
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Appendix A – Current Gambling Premises Licences in West Lothian

2 Unlicensed Family Entertainment Centre Machine Permits

Leisureland, 7 – 9 Whitburn Road, Bathgate
Livingston Designer Outlet, Almondvale Avenue, Livingston

2 Bingo premises

The Pavilion, 19/21 George Street, Bathgate
Carlton Clubs, Almondvale Centre, Livingston

1 Family Entertainment Centre

Pleasureland, 45 West Main Street, Whitburn

2 Adult Gaming Centre

Bathgate Leisure Ltd., 13 George Place, Bathgate
Admiral, 42 Almondvale Centre, Livingston

23 Betting Shops

5 Livingston – William Hill, 19 Almondvale Centre, Livingston
Ladbrokes, Unit 3 Newyearfield Neighbourhood Centre, Livingston
Ladbrokes, 2 The Mall, Craigshill, Livingston
Ladbrokes, 27a Almondvale Centre, Livingston
Ladbrokes, Unit 2/3 Carmondean Centre, Livingston
2 Blackburn – Betfred, The Mill Centre, 1 Sycamore Walk, Blackburn
Ladbrokes, Unit 11 Town Centre, Blackburn
3 Whitburn – Betfred, 8/10 West Main Street, Whitburn
Ladbrokes, 56/60 West Main Street, Whitburn
William Hill, 35 West Main Street, Whitburn
1 East Calder – William Hill, 246 Main Street, East Calder
2 Broxburn – William Hill, 35 East Main Street, Broxburn
Ladbrokes, 15 East Main Street, Broxburn
1 Pumpherston- William Hill, Adjacent to Cawburn Arms, Pumpherston
1 Uphall – William Hill, 1 West Main Street, Uphall

2 Armadale – Ladbrokes, 1 – 5 West Main Street, Armadale

William Hill, 9 – 11 West Main Street, Armadale

3 Bathgate – William Hill, 16 Hopetoun Street, Bathgate

Ladbrokes, 19-21 Hopetoun Street, Bathgate

Paddy Power, 15 Hopetoun Street, Bathgate

1 Fauldhouse – Coral, 2 Main Street, Fauldhouse

1 West Calder – Coral, 15 Union Square, West Calder

1 Linlithgow – Ladbrokes, 2D Regent Centre, Linlithgow

West Lothian Licensing Board

Gambling Act 2005 (“the 2005 Act”) – Local Area Profile

1. Introduction

This profile is referred to in Section 14 of the Board’s Statement of Principles 2019 to 2022 and is subject to periodic review by the Board and is updated as required.

The Gambling Commission’s Licence Conditions and codes of practice (LCCP) formalise the need for gambling operators to consider local risks. Section 10.1.1 of the Code requires licence holders to assess local risks to the licensing objectives and have policies, procedures and control measures to mitigate those risks. The information provided below in this local area profile is designed to help licence holders carry out local risk assessments and to promote a better understanding of the local environment and therefore allow operators to proactively mitigate risks to the licensing objectives.

The Board expects all applicants for licences, permits or authorisations under the Gambling Act 2005 and current operators to have regard to the information contained in this document when:

- Making applications under the 2005 Act;
- Carrying out local risk assessments (see Section 15 of the Board’s Statement of Principles);
- Operating in terms of their licence or permit in the provision of gambling activities.

2. West Lothian

The Board’s area is the West Lothian Council Local Government Area, a map of which is contained in Appendix 1 to the Board’s Statement of Principles. West Lothian is an area extending to 427 square kilometers bordered by the City of Edinburgh, Falkirk, North Lanarkshire, South Lanarkshire and Midlothian. The population of West Lothian has been steadily increasing over the last decade. It is currently 180,130 and it is predicted to increase throughout the period to 2035 with the population predicted to be 191,053 at 2035 (National Records of Scotland 2014 based population projections).

West Lothian has both urban and rural areas. There are five traditional towns, namely Armadale, Bathgate, Broxburn, Linlithgow and Whitburn as well as the former new town of Livingston where the council’s administration is based. In addition, West Lothian also has 26 villages, some of which have significantly increased in size in recent years.

3. Locations of Current Gambling Premises in West Lothian

Gambling licences and permits have been issued for the following numbers of premises in West Lothian:

- 25 Betting shops;
- 2 Bingo premises;
- 2 Adult Gaming Centres;
- 1 Family Entertainment Centre; and
- 2 Unlicensed Family Entertainment Centres

The location of these outlets is provided in Appendix 1 below.

4. Locations of Colleges, Schools and Nurseries

West Lothian College
Almondvale Crescent
Livingston
West Lothian
EH54 7EP

SRUC Oatridge Campus
Ecclesmachan,
Broxburn,
West Lothian
EH52 6NH

For information regarding the location of schools and nurseries in West Lothian please refer to West Lothian Council's website at the following link:-

<https://www.westlothian.gov.uk/schools-and-nurseries>.

5. Addiction Treatment and Counselling

Gambling Anonymous:

St Andrews Church
126 Victoria Street
Craigshill
Livingston

Blackburn and Seafield Church
41 East Main Street
Blackburn
EH47 7QU

Cyrenians:

Addiction Recovery Service (West Lothian)
Pre-Sync 27
27 George Street
Bathgate
West Lothian
EH48 1PW

West Lothian Drug and Alcohol Service:

First Floor,
The Almondbank Centre,
Shiel Walk,
Craigshill
Livingston
EH54 5EH.

Community Addictions Service
Civic Centre
Howden
Livingston

Addictions Care Partnership
Breakaway Recovery Clinics
Held at:-

Bathgate Primary Care Centre
Whitburn Road
Bathgate

Strathbrock Partnership Centre
Broxburn

Linlithgow Health Centre
High Street
Linlithgow

Howden Health Centre
Howden
Livingston

Psychology Department
St Johns Hospital
Howden
Livingston

Whitburn Health Centre
Weavers Lane
Whitburn

6. Places of Worship

For information regarding the location of places of worship in West Lothian please refer to the related document which can be found at the related documents section on the Board's webpage at the following link:-

<https://www.westlothian.gov.uk/article/3180/Gambling-Licences-and-Permits>

APPENDIX 1

Current gambling premises in West Lothian:-

Livingston

Betting Shops

William Hill, 19 Almondvale Centre, Livingston
Ladbrokes, Unit 3, Newyearfield Neighbourhood Centre, Ladywell, Livingston, EH54 6TW
Ladbrokes, 2 The Mall, Craigshill, Livingston, EH54 5ED
Ladbrokes, 27a Almondvale Centre, Almondvale South, Livingston, EH54 6NB
Ladbrokes, Units 2/3 Carmondean Centre, Livingston, EH54 8PT

Unlicensed Family Entertainment Centre Machine Permits

Livingston Designer Outlet, Almondvale Avenue, EH54 6QX

Bingo Premises

Carlton Club, Almondvale Centre, Livingston, EH54 6NB

Adult Gaming Centre

Quicksilver, 42 Almondvale Centre, Almondvale, Livingston, EH54 6NB

Bathgate

Betting Shops

William Hill, 16 Hopetoun Street, Bathgate, EH48 4EU
Ladbrokes, 19-21 Hopetoun Street, Bathgate, EH48 4PA
Ladbrokes, 4 King Street, Bathgate, EH48 1AX
Paddy Power, 15 Hopetoun Street, Bathgate EH48 4PA

Unlicensed Family Entertainment Centre Machine Permits

Leisureland, 7-9 Whitburn Road, Bathgate

Bingo Premises

The Pavilion. 19/21 George Street, Bathgate, EH48 1NX

Adult Gaming Centre

Amusements, Bathgate Leisure Limited , 13 George Place, Bathgate, EH48 1NX

Whitburn

Betting Shops

William Hill, 35 West Main Street, Whitburn, EH47 0QD

Ladbrokes, 56/60 West Main Street, Whitburn, EH47 0QX
Betfred, 8/10 West Main Street, Whitburn

Family Entertainment Centre

Pleasureland, 45 West Main Street, Whitburn

Fauldhouse

Betting Shops

Coral, 2 Main Street, Fauldhouse, Bathgate, EH47 9JA

Armadale

Betting Shops

William Hill, 9-11 West Main Street, Armadale, EH48 3PZ
Ladbrokes, 1-5 West Main Street, Armadale, EH48 3PZ

Blackburn

Betting Shops

Betfred, The Mill Centre, 1 Sycamore Walk, Blackburn, EH47 7LG
Ladbrokes, Unit 11 Town Centre, Blackburn, EH47 7LQ

West Calder

Betting Shops

Coral, 15 Union Square, West Calder, EH55 8EY

Mid Calder

Betting Shops

Coral, 27 Main Street, Mid Calder, EH53 0AW

East Calder

Betting Shops

William Hill, 246 Main Street, East Calder, EH53 0EE

Broxburn

Betting Shops

William Hill, 35 East Main Street, Broxburn, EH52 5AB

Uphall

Betting Shops

William Hill, 1 West Main Street, Uphall, EH52 6RU

Pumpherstoun

Betting Shops

William Hill, Adjacent Cawburn Arms, Pumpherstoun, EH53 0PD

Linlithgow

Betting Shops

Ladbrokes, 2D Regent Centre, Blackness Road, Linlithgow, EH49 7HU