

The Highland Licensing Board

Meeting – 5 November 2013

Agenda Item	7
Report No	HLB/122/13

Proposed Consultation Draft Policy Statement 2013-16 under the Gambling Act 2005

Report by the Clerk to the Board

Summary

Subject to any amendments which the Board may agree, the Board is invited to approve the publication and issue of the proposed Consultation Draft Policy Statement set out in the Appendix as a formal Consultation Draft and to invite statutory consultees and members of the public to submit consultation responses by 31 December 2013.

1. Background

- 1.1 The Board is required to publish, every three years, a statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005. The previous policy Statement was agreed on 19 October 2010.
- 1.2 In determining its policy, the Board must have regard to the Gambling Commission's Guidance to Licensing Authorities http://www.gamblingcommission.gov.uk/shared_content_areas/publications_2012/gla.aspx and give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
- who is making the representations (what is their expertise or interest)
 - 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.

2 Consultation

2.1 Section 349 (3) of the Act requires the licensing authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:

- in Scotland, the Chief Constable of the police force maintained for the police area comprising that area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

However the recommended list of consultees in Appendix 2 of the Consultation Draft Policy also includes a range of organisations including various services of Highland Council, NHS Highland, businesses that are the holders of a premises licence, organisations named as responsible authorities in the Act, organisations working with people who are problem gamblers and community councils.

In addition to those named consultees, any person can respond and the Consultation Draft Policy will be published on the Highland Council's website and can be made available to anyone on demand.

3. Equalities

3.1 Screening of the proposed Consultation Draft for equality relevance will be completed once the final content of the Consultation Draft has been agreed by the Board for publication. Should screening identify the need for full assessment of the equality impact of any aspect of the Statement, this will be carried out during the consultation period. Further screening and, if necessary, further equality impact assessment will be required once the Board has considered any adjustments which, following consideration of consultation responses, the Board is minded to make. Any further adjustments required as a result of impact assessment will require to be made prior to implementation.

Recommendation

The Board is invited to approve the publication and issue of the proposed Consultation Draft Policy Statement set out in the Appendix as a formal Consultation Draft and to invite consultation responses by 31 December 2013.

Designation: Clerk to the Licensing Board

Date: 23 October 2013

Author: Alasdair H Mackenzie

Appendices:

Appendix – Proposed Consultation Draft Policy Statement

THE HIGHLAND LICENSING BOARD

STATEMENT OF POLICY – GAMBLING ACT 2005 2013-16

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FOREWORD

This Policy Statement is the third one published by the Highland Licensing Board as required in terms of the Gambling Act 2005. *Further detail is contained at page 5, paragraph 1.1. herein.*

All references in the Policy Statement refer to the Gambling Commission's Guidance to licensing authorities 4th edition published in September 2012.

Consultation on the draft Policy Statement took place during the period from ** November 2013 to **.

A report providing details of comments received from consultees and consideration given to those comments was considered at the meeting of the Highland Licensing Board which was held on **. A copy of the report is available on-line at <http://www.highland.gov.uk/yourcouncil/committees/highlandlicbrd/>

This finalised version of the Policy Statement incorporates amendments which were approved by the Licensing Board on ** in response to comments received.

The Policy Statement will be in force for a period of three years. It will be kept under review and revised if appropriate during the three year period.

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PART A

INTRODUCTION

1 Statutory Background

The Gambling Act 2005 (“the Act”), which came into full force and effect on 1 September, 2007, created a new system of licensing and regulation for all commercial gambling in Great Britain, other than the National Lottery and spread betting. Section 349 of the Act required all licensing authorities to publish a Policy Statement to be applied in exercising their functions under the Act.

The Act provided that a Policy Statement shall apply for a period of three years and may be reviewed and revised during that period if appropriate.

The predecessor three Divisional Licensing Boards of the Highland Licensing Board approved their first Policy Statements in 2007. The First Policy Statement of the Highland Licensing Board (“the Board”) was approved on 19th October 2010.

As required in terms of Section 349 of the Act, the Board have consulted on and reviewed and revised its Policy Statement. The following is the third Policy Statement for Highland which the Board proposes to apply in exercising its functions under the Act during the three year period beginning on **. This Policy Statement will be kept under review and revised, if appropriate, during the three year period.

2 The Board’s Area

Highland Licensing Board, referred to in this Policy Statement as “the Licensing Authority”, is the Licensing Authority for the Highland Council area for the purpose of the Gambling Act 2005 and any subsequent regulations and guidance.

The Highland Council area extends to 26,484 square kilometres – one third of the land area of Scotland.

The 2011 Census figures (published December 2012 rounded to the nearest thousand) indicate a population of 232,000 in the Licensing Authority’s area (following a previous 2011 mid-year estimate of 222,370). This is the seventh highest population of the 32 licensing board areas in Scotland.

Population by settlement (main towns plus selected smaller settlements providing locally important services) is approximately as follows:

Settlement	Population	Settlement	Population
Inverness	67,960	Portree	2,220
Fort William	9,823	Ullapool	1,498
Nairn	9,203	Golspie	1,413

Thurso	7,337	Kingussie	1,360
Wick	6,770	Dornoch	1,310
Alness	5,313	Brora	1,210
Dingwall	5,076	Mallaig	792
Invergordon	3,969	Broadford	753
Tain	3,396	Fort Augustus	720
Conon Bridge and Maryburgh	2,791	Kyle of Lochalsh	645
Aviemore	2,734	Gairloch	641
Grantown-on-Spey	2,400	Lochinver	353
Muir of Ord	2,358	Kinlochbervie	182

Population by ward (based on 2011 mid-year estimate) and current numbers of licensed premises are approximately as follows.

Ward	Population	Premises Licences	Type
01 North West and Central Sutherland	5,568		
02 Thurso	7,218	1	Betting Office
03 Wick	6,587	2	Betting Office
04 Landward Caithness	11,355		
05 East Sutherland and Edderton	7,952		
06 Wester Ross, Strathpeffer and Lochalsh	11,372		

07 Cromarty Firth	11,748	2	Betting Office
08 Tain and Easter Ross	8,860	1	Betting Office
09 Dingwall and Seaforth	12,399	3	Betting Office
10 Black Isle	9,639		
11 Eilean a' Cheo	10,114		
12 Caol and Mallaig	7,882	1	Betting Office
13 Aird and Loch Ness	10,658		
14 Inverness West	8,204		
15 Inverness Central	13,654	11	Betting Office
16 Inverness Ness-side	10,008	1	Betting Office
17 Inverness Millburn	8,050	2	Bingo Premises Licence Betting Office (Track)
18 Culloden and Ardersier	11,030	1	Betting Office
19 Nairn	11,593		
20 Inverness South	14,092		
21 Badenoch and Strathspey	12,983	2	Betting Office
22 Fort William and Ardnamurchan	11,404	2	Betting Office

3 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

3.2 The Licensing Authority is aware that, in terms of Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority’s Policy Statement.

4 Requirement to Publish Policy Statement

The aim of this Policy Statement is to promote consistency of decision-making and to give advance notice to applicants of the Licensing Authority’s likely approach to determining applications. Although there is a presumption that the Licensing Authority will follow the terms of this Policy Statement in determining individual applications, it is open to applicants to seek the grant of applications which are contrary to the Licensing Authority’s Policy Statement. In such cases, applicants will be required to demonstrate to the Licensing Authority good reason why the Licensing Authority’s Policy Statement should not be followed. In particular, they will require to satisfy the Licensing Authority that the decision sought will not conflict with any of the licensing objectives.

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” with further consultation taking place on proposed amendments. The statement must be then re-published.

4.2 Nothing in the Statement will override the right of any person to make an application under the Act, or to have the application considered on its individual merits, or undermine the right of any person to make representations on an application, or to seek a review of a licence where there is a legal power to do so.

4.3 In making decisions under the Act, the Licensing Authority will have regard to this Policy Statement but every application will be considered on its own merits.

4.4 This statement is intended to be a general Statement of Principles and is not to be regarded as a comprehensive guide to the application of the Act by the Licensing Authority. Applicants and others should always have regard not only to this Statement of Principles but also to the Act, any regulations made under the Act and any Guidance or Codes of Practice issued by the Gambling Commission. Guidance and Codes of Practice issued by the Gambling Commission may be accessed on the Commission’s web site (www.gamblingcommission.gov.uk).

5 Consultation on the Statement of Principles

5.1 The Licensing Authority requires to consult widely upon this statement before it is finalised and published. A list of those persons/organisations that were consulted is contained in Appendix 2.

5.2 The Gambling Act requires that the following parties are consulted by Licensing Authorities:-

- The Chief Officer of Police;
- One or more persons who appear to the Board to represent the interests of persons carrying on gambling businesses in the Board’s area;
- One or more persons who appear to the Board to represent the interests of persons who are likely to be affected by the exercise of the Board’s functions under the Gambling Act 2005.

5.3 The consultation took place between *** and *** *and a number of matters have Been dealt with in this revision.*

5.4 The Policy Statement was approved at a meeting of the Licensing Authority on *** and was published on the Highland Council’s website on ***. Copies are available in the offices of Highland Council at the addresses shown in Appendix 2.

5.5 Should you have any comments as regards this policy statement please send them via email to alaisdair.mackenzie@highland.gov.uk or by letter to the following contact:

Alaisdair Mackenzie
Clerk to the Licensing Board
Tigh na Sgìre
Park Lane
Portree
Isle of Skye
IV51 9GP

5.6 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

6 Declaration

In producing this Policy, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

7. Responsible Authorities

7.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates The Highland Council, per the Director of Health and Social Care and the Director of Education, Culture and Sport for this purpose.

7.3 The responsible authorities under the Gambling Act 2005 are:-

- The Gambling Commission.
- The Chief Constable, Police Scotland.
- The Chief Fire Officer, Scottish Fire and Rescue Service.
- Highland Council.
- Highland Council, Planning and Development Service.
- Highland Council, Transport, Environmental & Community Services (Environmental Health).
- Highland Council, Health and Social Care Service.
- Highland Council, Education, Culture and Sport Service.
- HM Revenue and Customs.
- Any other person prescribed in regulations by the Secretary of State or Scottish Ministers.

The contact addresses for these authorities are provided in Appendix 4.

8. Interested Parties

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for, or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence, or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;*
- b) has business interests that might be affected by the authorised activities; or*
- c) represents persons who satisfy paragraph (a) or (b)”.*

8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

This authority will decide each case on its merits and will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at paragraphs 8.14 and 8.15. (see Appendix 4) It is noted that decisions on premises licences and temporary use

notices must be “in accordance” with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities paragraph 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors, MPs and MSPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP/MSP represents the ward/constituency likely to be affected. Likewise, Community Councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Board dealing with the licence application. If there are any doubts then please contact the Clerk to the Licensing Board at the address shown in Appendix 3.

9. Exchange of Information

9.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

9.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

9.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

10. Compliance and Enforcement

10.1 In exercising its functions under Part 15 of the Act with respect to the inspection of premises this authority will be guided by the Gambling Commission's Guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

10.2 In terms of the Gambling Commission's Guidance for local authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

10.3 This licensing authority will also, as recommended by the Gambling Commission's Guidance for licensing authorities, adopt a risk-based inspection programme when assessing risk, consideration will be given to:-

- the nature of the gambling activities carried out on the premises;
- the location of the premises in relation to schools;
- the procedures put in place by the management of individual premises to meet the licensing objectives.

Like the Commission, the Licensing Authority will take into account better regulation best practice as set out in the Hampton Review on regulatory inspections and enforcement published on 16 March 2005 and updated in 28 November 2006. Accordingly the Council's compliance and enforcement role is in accordance with that of the Commission, whose risk modelling system is set out in their August 2007 Information Paper on 'The Compliance Process, The Risk Modelling System and the Annual Visit Programme'.

10.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. For the purposes of enforcement and compliance the Highland Council will employ Licensing Inspectors under sec 304 of the Act who shall, for the purposes of this Act be a “Local Authority Authorised Person”. It is anticipated that forthcoming legislation will permit any Licensing Standards Officer appointed for the area of the Highland Licensing Board to be a Licensing Inspector in terms of Section 304 with the powers as set out in Sections 309, 310, 311 and 314 of the Act.

10.5 The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

10.6 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to provide the authority with the contact details for a senior individual within the organisation, whom the authority will contact first should any compliance queries or issues arise.

11. Licensing Authority Functions

11.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing (Scotland) Act 2005) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing (Scotland) Act 2005, where more than two machines are required.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.

- Receive and Endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of Information').
- Maintain registers of the permits and licences that are issued under these functions

11.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

12. Equalities Strategy

12.1 The Board aims at all times to act in accordance with the Public Sector Equalities Duties. The Board's Equality Strategy, which was agreed on 2 April 2013, can be accessed at

<http://www.highland.gov.uk/NR/rdonlyres/797578EC-9803-4063-9752-0738C2E57695/0/HLBEqualityStrategy.pdf>

This will be subject to continuous review.

The Board also expects licence holders to address equalities issues in all aspects of the operation of their premises.

13. Publication Scheme

13.1 The Freedom of Information (Scotland) 2002 provides for a duty to be placed on Public Authorities (of which the Board is one) to publish information on the basic structure of the Board and how it is administered and details of the type of information available to the public and how it can be extracted. The Board's publication scheme, setting out this information, can be accessed at

<http://www.highland.gov.uk/NR/rdonlyres/3FC23D54-4A7E-4CB1-8978-EA7ED5810E61/0/HIGHLANDLICENSINGBOARDPUBLICATIONSCHEME19Aug2010.pdf>

PART B

PREMISES LICENCES

1. General Principles

1.1 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing principles.

1.3 It is appreciated that in terms of the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences".

In considering an application for a premises licence no regard may be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.

1.4 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be genuinely regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. Factors which will assist the licensing authority in making their decision may include:-

- is a separate registration for business rates in place for the premises?
- is the premises' neighbouring premises owned by the same person or someone else?

- can each of the premises be accessed from the street or a public passageway?
- can the premises only be accessed from another gambling premise?

1.5 The Gambling Commission states in the 4th edition of its Guidance to Licensing Authorities that: *“In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”*

1.6 This licensing authority takes particular note of the Gambling Commission’s Guidance for licensing authorities which states that:- *“Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:-*

- *The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.*
- *Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.*
- *Customers should be able to participate in the activity named on the premises licence.”*

1.7 In respect of whether Premises are “ready for gambling” – The 4th edition of the Guidance states (in particular at parts 7.60 to 7.67) that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alteration required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

See also section 9 below regarding provisional statements.

1.8 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission’s Guidance for licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. In this regard, it may well be the case that the Licensing Board would take the view that it would be undesirable to allow Adult Gaming Centres or Family Entertainment Centres to be located in close proximity to schools. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.9 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. When considering a licence application, this authority may not consider whether the premises are likely to be awarded planning permission or building regulations approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.10 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance generally cannot be addressed via the Gambling Act provision.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'Tracks' section below – page 22).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

1.11 Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines (which may only be used by persons over the age of 18) are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the

impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casinos and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.12 Door Supervisors - The Gambling Commission advises in its Guidance for licensing authorities that authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Part 33 of the Guidance outlines the position with regard to section 178 of the Gambling Act 2005 that a person employed as a 'door supervisor' is required to be licensed as a Security Industry Authority(SIA). 'In house' employees working as door supervisors at bingo premises are exempt from requirements to be SIA licensed. Further details are contained in Part 33 of the Guidance with regard to 'Door Supervision'. At present this licensing authority has not formulated a policy requiring door supervisors working at bingo premises to be registered with the authority. Should such a policy be developed in recognition of the nature of the work of door supervisors in terms of searching individuals, dealing with potentially aggressive persons, etc. it will be made available publicly.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but, in accordance with the relevant legislation.

2. Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that under 18 year olds do not have access to the premises.

2.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres:

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV

- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

3.3 This licensing authority will, in terms of the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Bingo premises

4.1 This licensing authority notes that the Gambling Commission's Guidance states:- Paragraph 18.6 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that these must be separated from areas where children and young persons are allowed.

4.2 Part 18.20 to 18.25 of the Gambling Commission's Guidance to Licensing Authorities 4th Edition sets out the mandatory conditions attached to different types of bingo premises, and regard will be given any further guidance from the Gambling Commission and in particular to the Gambling Commission's publication 'Licence Conditions and Codes of Practice' (Consolidated Version) published in December 2011 and subsequent amendments thereto.

5. Betting premises

5.1 **Betting machines** - This licensing authority will, in terms of the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

6. Travelling Fairs

6.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it will be a matter for this licensing authority to decide whether the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met. Category D machines have a minimum stake of 10p in cash or 30p when non-exchangeable prizes are staked. The maximum prize is £5 in cash or £8 in non-cash prizes.

6.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

6.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

7. Provisional Statements

7.1 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy

7.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

7.3 The Authority may refuse the premises licence (or grant it on terms different to Those attached to the provisional statement) only by reference to matters:-

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

7.4 This authority has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning permission or building standards approval for the proposal.

8. Reviews

8.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations relating to the same premises or requests for review.

Requests for reviews should be:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

8.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

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PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

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

1.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit.

1.3 The Gambling Act 2005 states that a licensing authority may prepare a *Statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission's Guidance for local authorities also states: "In their licensing policy statement, a licensing authority may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits.... Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to child protection issues." (Paragraph 24.6)

1.4 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes (Paragraph 24.7).

1.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

1.6 Statement of Principles - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, in terms of the Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. Gaming Machines on Alcohol Licensed Premises other than Clubs.

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, automatically to have 2 gaming machines, of categories C and/or D. To take advantage of this entitlement, the licence holder must give notice to the Licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. The automatic entitlement to have 2 gaming machines relates to premises as a whole and not to each individual bar or lounge area within premises. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category C machines). Measures which will satisfy the authority that there will be no access

may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. The licensing authority will impose the conditions and support best practice as detailed in the Gambling Commission's Gaming Machine Permits Code of Practice June 2007 and subsequent amendments thereto. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. Under 18 year olds may play category D machines.

2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

3.1 A prize gaming permit is a permit issued by a licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

3.2 The Gambling Act 2005 states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".

3.3 This licensing authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

3.4 In making its decision on an application for this type of permit the licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.5 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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4. Temporary Use Notices

4.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They may only be granted where a relevant operating licence has been granted.

4.2 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance(4th Edition). As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

5. Occasional Use Notices

5.1 Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice, without the need for a full premises licence.

5.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

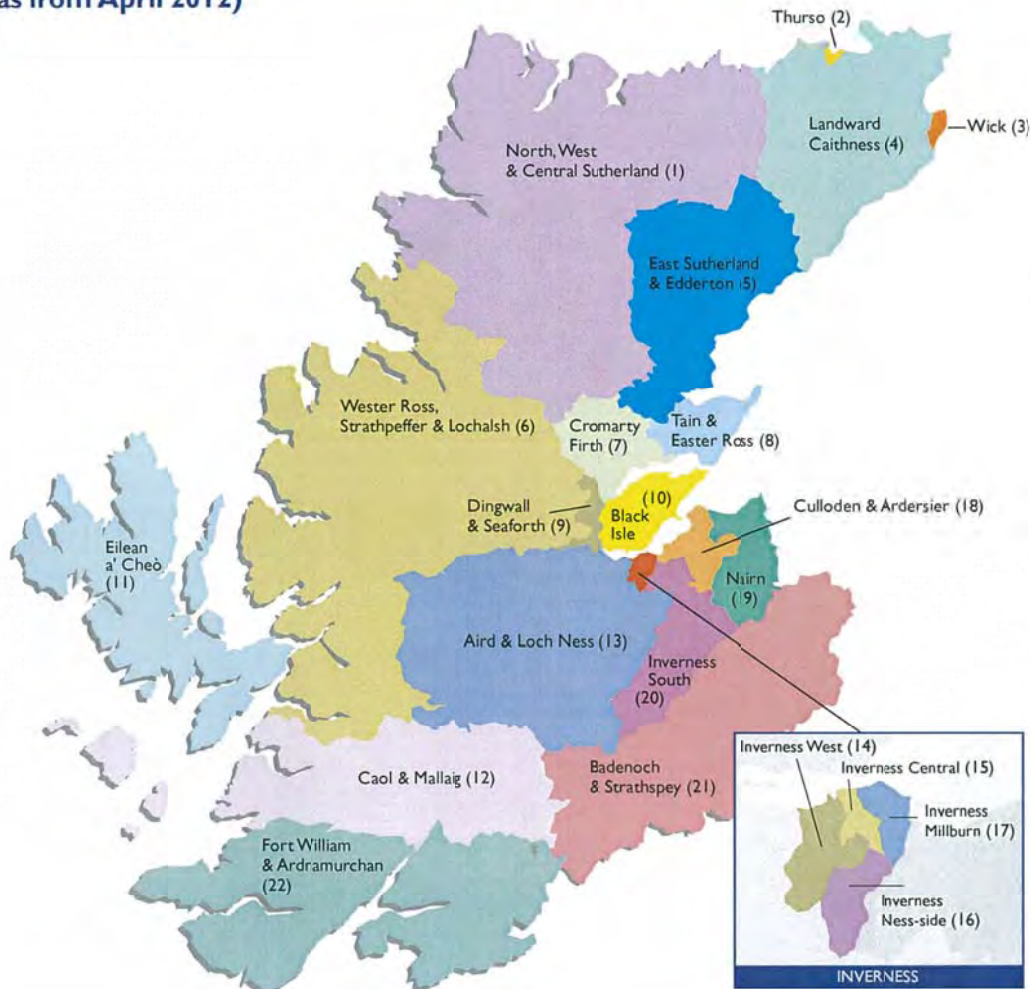
APPENDIX 1 – MAP OF HIGHLAND COUNCIL AREA AND WARDS

19/12/10



MULTI-MEMBER WARDS

(as from April 2012)



Ward No./ Ward Name	No. of Members	2011 Population	Ward No./ Ward Name	No. of Members	2011 Population	Ward No./ Ward Name	No. of Members	2011 Population
1 North, West & Central Sutherland	3	5,568	7 Cromarty Firth	4	11,748	16 Inverness Ness-Side	4	10,008
2 Thurso	3	7,218	8 Tain & Easter Ross	3	8,860	17 Inverness Millburn	3	8,050
3 Wick	3	6,587	9 Dingwall & Seaforth	4	12,399	18 Culloden & Ardersier	4	11,030
4 Landward Caithness	4	11,355	10 Black Isle	4	9,639	19 Nairn	4	11,593
5 East Sutherland & Edderton	3	7,952	11 Eilean a' Cheò	4	10,114	20 Inverness South	4	14,092
6 Wester Ross, Strathpeffer & Lochalsh	4	11,372	12 Caol & Mallaig	3	7,882	21 Badenoch & Strathspey	4	12,983
			13 Aird & Loch Ness	4	10,658	22 Ft William & Ardnamurchan	4	11,404
			14 Inverness West	3	8,204	TOTAL	80	222,370
			15 Inverness Central	4	13,654			

APPENDIX 2 - SCHEDULE OF CONSULTEES

The draft Statement of policy was made available on the website of Highland Licensing Board -

<http://www.highland.gov.uk/businessinformation/licensing/gambling/>

during the consultation period from *** to ***

- The Chief Constable per Police Scotland, Highlands & Islands Policing Division, Divisional Coordination Unit, Old Perth Road, Inverness IV2 3SY
- The Chief Fire Officer - per Highlands and Islands Fire & Rescue Service, 64 Seafield Road, Inverness, IV1 1SG
- The Scottish Environment Protection Agency, North Region HQ, Graesser House, Fodderty Way, Dingwall, IV15 9XD
- All members of Highland Licensing Board
- All members of Highland Council
- Highland Licensing Forum
- The Director of Health and Social Care, Highland Council, Glenurquhart Road, Inverness IV3 5NX
- The Director of of Transport, Environmental & Community Services (Environmental Health), Highland Council, Glenurquhart Road, Inverness IV3 5NX
- The Director of Planning and Development, Highland Council, Glenurquhart Road, Inverness IV3 5NX
- All Community Councils within Highland
- The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- The Association of British Bookmakers Limited, Ground Floor, Warwick House, 25 Buckingham Palace Road, London SW1W 0PP
- The Bingo Association, Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF
- The British Casino Association, 38 Grosvenor Gardens, London, SW1W 0EB
- Existing Holders of Betting Office and Bingo Licences
- NHS Highland, Assynt House, Beechwood Business Park, Inverness, IV2 3BW
- The Highland Alcohol and Drugs Partnership
- HM Revenue & Customs, Portcullis House, 21 India Street, Glasgow, G2 4PZ
- Addiction Counselling Inverness, 70 Tomnahurich Street, Inverness, IV3 5DT
- Gamblers Anonymous Scotland, St Columkilles Hall, 2 Kirkwood Street, Rutherglen, Glasgow, G73 2SL
- GamCare, 2nd Floor, 7-11 St John's Hill, London, SW11 1TR
- SMART Recovery UK

APPENDIX 3 - LIST OF OFFICES AND CONTACTS

Highland Licensing Board - Clerk's Offices

Clerk to the Licensing Board :

Alasdair Mackenzie
Tigh na Sgìre
Park Lane
Portree
Isle of Skye
IV51 9GP
Tel:(01478) 613826
E-mail: alasdair.mackenzie@highland.gov.uk

Local Area Offices:

Caithness, Sutherland and Easter Ross Licensing Standards Officer (LSO)

Council Offices
Government Buildings
Girnigoe Street
WICK
Caithness
KW1 4HW
Tel: (01955) 609508

David Inglis
Council Offices
Government Buildings
Girnigoe Street
WICK, Caithness, KW1 4HW

Tel: (01955) 609507
Fax: (01955) 609527
Email: david.inglis@highland.gov.uk

Council Offices
Drummuie
GOLSPIE
Sutherland
KW10 6TA
Tel: (01408) 635205

Ross, Skye & Lochaber

Ross:

Council Offices
High Street
Dingwall
IV15 9QN
Tel: (01349) 86854

Skye:

Council Offices
Tigh na Sgìre
Park Lane
PORTREE
Isle of Skye
IV51 9GP
Tel: (01478) 613826

Lochaber:

Council Offices
Lochaber House
High Street
Fort William
PH33 6EL
Tel: (01397) 707233

Inverness, Nairn and Badenoch and Strathspey

Council Offices
Town House
INVERNESS
IV1 1JJ
Tel: (01463) 724265

Licensing Standards Officer (LSO)

Elizabeth Treasurer
Lochaber House
Fort William
PH33 6EL

Tel: (01397) 707200
Fax: (01397) 704016
Email: elizabeth.treasurer@highland.gov.uk

Licensing Standards Officer (LSO)

Ian Cox
Town House
Inverness, IV1 1JJ
Tel: (01463) 724385
Fax: (01463) 724302
Email: ian.cox@highland.gov.uk

Gambling information can be found on the Council's website at –

<http://www.highland.gov.uk/businessinformation/licensing/gambling/>

APPENDIX 4 – RESPONSIBLE AUTHORITIES

The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP www.gamblingcommission.gov.uk/gh-contact_us.aspx

The Chief Constable per Police Scotland, Highlands & Islands Policing Division, Divisional Coordination Unit, Old Perth Road, Inverness IV2 3SY

The Chief Fire Officer - per Highlands and Islands Fire & Rescue Service, 64 Seafield Road, Inverness, IV1 1SG

Highland Council, Glenurquhart Road, Inverness IV3 5NX

The Director of Health and Social Care, Highland Council, Glenurquhart Road, Inverness IV3 5NX

The Director of of Transport, Environmental & Community Services (Environmental Health), Highland Council, Glenurquhart Road, Inverness IV3 5NX

The Director of Planning and Development, per the Area Manager:

Inverness, Nairn, Badenoch & Strathspey and Lochaber:

Area Planning Manager (South): Allan Todd, Kintail House, Inverness, IV2 3BW

Caithness, Sutherland, Ross and Skye:

Area Planning Manager (North): Dafydd Jones, Council Offices, High Street, Dingwall, IV15 9QN

HM Revenue and Customs - www.hmrc.gov.uk/

APPENDIX 5 – Paragraphs 8.14 and 8.15 of the Gambling Commission’s Guidance to licensing authorities 4th edition

People living close to the premises

8.14 The approach taken by licensing authorities in determining who is an interested party is also a function that should be dealt with in their Licensing Authority Statement of Policy. As with responsible authorities, regulation¹ requires this information to be in a separate section of the Licensing Authority Statement of Policy.

8.15 The factors that licensing authorities should take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

For example, it could be reasonable for an authority to conclude that ‘sufficiently close to be likely to be affected’ could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

¹SSI No. 154: The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006