

ANGUS COUNCIL

ANGUS LICENSING BOARD – 16 MAY 2024

GAMBLING POLICY STATEMENT

REPORT BY DEPUTE CLERK TO THE BOARD

1. ABSTRACT

- 1.1 The purpose of this report is to present a consultation draft Statement of Principles under the Gambling Act 2005 and to seek authority from the Board to proceed to formal consultation on its terms.

2. RECOMMENDATION

- 2.1 It is recommended that the Board agrees to:-

- (i) approve the terms of the consultation draft Statement of Principles (“the Policy Statement”) prepared under section 349 of the Gambling Act 2005 (“the Gambling Act”) annexed to this report as Appendix 1;
- ii) authorise the Clerk to proceed with formal consultation upon its terms; having agreed the consultees, including the Angus Alcohol and Drugs Partnership and the Protecting People Angus Strategic Committee
- iii) following the 4-week consultation period, and having regard to the consultation responses, authorise the Clerk to adopt the Policy Statement, subject to minor alterations as are necessary to reflect any legislative or Board policy changes and provided no substantive changes are recommended by the consultees. Should any substantive changes be proposed, the matter would be referred back to the Board.

3. BACKGROUND

- 3.1 In terms of Section 349 of the Gambling Act, every three years the licensing authority is obliged to prepare and publish a statement of principles which they propose to apply in exercising their functions under the Gambling Act. On 28 March 2024 members agreed to commence preparation of the Board’s new draft Policy Statement. The new Policy Statement requires to be in place by 16 August 2024.
- 3.2 In carrying out most, but not all, of its functions under the Gambling Act, the Board is required to have regard to the licensing objectives set out in section 1 of the Gambling Act, namely:-
- (i) preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime;
 - (ii) ensuring that gambling is conducted in a fair and open way, and
 - (iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 Section 25 of the Gambling Act requires the Board to have regard to guidance issued by the Gambling Commission in carrying out its functions under the Gambling Act.
- 3.4 The Policy Statement must be in a form as prescribed by the Scottish Ministers in the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006.

4 LEGAL

- 4.1 The draft Policy Statement, Appendix 1, has been prepared having regard to the requirements of the Gambling Act and the Gambling Commission Guidance to Licensing Authorities (published April 2021 and updated April 2023).
- 4.2 The draft Policy Statement seeks to retain relevant existing policies and practices of the Board while providing guidance on the way in which the Board will carry out its functions under the Gambling Act.
- 4.3 The current Policy Statement designates: -
- (i) The Angus Child Protection Committee as a body from which to seek advice about the protection of children from harm.
 - (ii) Angus Council per its Director of Children, Families and Justice/ Chief Social Work Officer for the purpose of advising the Board about the protection of vulnerable persons from harm; and
 - (iii) The Angus Alcohol and Drug Partnership c/o Angus Health and Social Care Partnership for the purposes of advice in relation to people who are vulnerable due to dependency on alcohol or drugs.

The designees have been advised that the draft Policy Statement is in preparation and invited to intimate any matters which they wish the Board to consider for the consultation draft Policy Statement. There have been no additional matters suggested.

- 4.4 In preparing its new Policy Statement, the Board must consult with the Chief Constable, one or more persons who appear to the Board to represent the interests of persons carrying on gambling businesses in the authority's area, and 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 authority's functions under the Gambling Act. When the Board met on 28 March 2024, the following consultees were agreed: -
- (i) The Chief Constable, Police Scotland
 - (ii) Angus Adult Protection Committee, c/o Angus Council
 - (iii) Angus Child Protection Committee, c/o Angus Council
 - (iv) Director of Infrastructure and Environment, Angus Council
 - (v) Director of Children, Families and Justice, Angus Council
 - (vi) Angus Health and Social Care Partnership
 - (vii) All Angus Community Councils
 - (viii) Scottish Licensed Trade Association
 - (ix) All local Gambling Act premises licence and permit holders and parties who specifically request consultation.
 - (x) GamCare
 - (xi) GambleAware
 - (xii) The Tayside Council on Alcohol
 - (xiii) The Faculty of Procurators and Solicitors in Angus
 - (xiv) The Gambling Commission
 - (xv) The Scottish Fire and Rescue Service
 - (xvi) HM Revenue and Customs Commissioners

- (xvii) Scottish Environment Protection Agency
- (xviii) Bingo Association
- (xix) Association of British Bookmakers Ltd.
- (xx) Scottish Independent Bookmakers Association
- (xxi) British Amusement Catering Trade Association
- (xxii) Citizens' Advice Scotland

4.5 Angus Alcohol and Drugs Partnership and the Protecting People Angus Strategic Committee were not previously included in the consultee list.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly from the recommendations of this Report.

6. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

6.1 An Equality Impact Assessment has been carried out and is attached.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

The Licensing Board's current Statement of Policy (dated 17 August 2021)

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