**NORTH LANARKSHIRE LICENSING BOARD**

**STATEMENT OF LICENSING POLICY**

**GAMBLING ACT 2005**

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**PART A - GENERAL PRINCIPLES**

# **Introduction**

* 1. North Lanarkshire Licensing Board (“the Licensing Board”) is a Licensing Authority in terms of the Gambling Act 2005. The Licensing Board is the relevant Licensing Authority for the geographic area of North Lanarkshire Council, whose principal centres of population are :

### The Southern Area - Motherwell, Wishaw Shotts and Bellshill;

### The Central Area - Coatbridge and Airdrie; and

### The Northern Area - Cumbernauld and Kilsyth.

The full area of North Lanarkshire Council is detailed on the plan at Appendix A. The area profile for North Lanarkshire is provided at 11.

* 1. Licensing Authorities are required by the Gambling Act 2005 (“the Act”) to publish a statement of the principles which they propose to apply when exercising their functions. The statement must be published at least every three years, following consultation. The statement must also be reviewed “from time to time” and any amended parts consulted upon before the statement is republished. North Lanarkshire Licensing Board in fulfilment of its duty under Section 349 of the Gambling Act 2005 approved its first Statement of Licensing Policy on 12 January 2007. The Licensing Board's first Statement of Licensing Policy applied for the 3 year period commencing on 31 January 2007. As required in terms of Section 349 of the said Act the Board has consulted on and reviewed and revised its Statement of Licensing Policy at three yearly intervals. The following is the Board’s Statement of Licensing Policy for the three year period commencing on 31 January 2022.
  2. This Statement of Licensing Policy will describe the Licensing Board’s functions under the Gambling Act 2005, and give notice of the principles it will apply when exercising these functions. The Licensing Board shall aim to permit the use of premises for gambling in accordance with Section 153 of the Act. The aim of the Licensing Board in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that the location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Board recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so the Board will consider each application on its own merits within the context of this Statement, the legislation and guidance and Codes of Practice issued by the Gambling Commission.
  3. The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Licensing Board to act in a way which is incompatible with a Convention right. The Licensing Board has had particular regard to the following relevant provisions of the European Convention on Human Rights when determining this policy:-
* Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
* Article 8 that everyone has the right to respect for his home and private and family life;
* Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
  1. The Licensing Board consulted widely on this statement before finalising and publishing. A list of all organisations and individuals with whom the Licensing Board consulted is provided at Appendix B.
  2. The Gambling Act 2005 requires that the following parties are consulted by the Licensing Board when it determines or reviews its Statement of Licensing Policy:
* The Chief Constable of the police force maintained for the police area comprising the Licensing Board’s area;
* One or more persons who appear to the Licensing Board to represent the interests of persons carrying on gambling businesses in the Licensing Board’s area; and
* One or more persons who appear to the Licensing Board to represent the interests of persons who are likely to be affected by the exercise of the Licensing Board’s functions under the Act.

# The consultation has taken place.

* 1. Following the consultation period this statement was agreed by North Lanarkshire Licensing Board and was published on North Lanarkshire Council’s website. Copies were made available at Council Headquarters. The first day of this 3 year period will be 31 January 2022.
  2. It should be noted that this statement will not override the right of any person to make an application, to make representations about an application, or to 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.
  3. The Statement of Licensing Policy can be made available on request in other formats and languages. Any such request should be made to the Clerk to the Licensing Board, North Lanarkshire Council, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB or on telephone number 01698 302459.

# **The Licensing Objectives**

* 1. In carrying out its functions under the Gambling Act 2005, the Licensing Board will seek to promote the three licensing objectives set out at Section 1 of the Act. The licensing objectives are those of:
* 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.

# In producing this statement the Licensing Board have 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.

Guidance and Codes of Practice issued by the Gambling Commission may be accessed on the Commission's website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

# **The Licensing Framework**

# The Gambling Act 2005 has brought about changes to the way that gambling is administered in Scotland, and indeed throughout the rest of the United Kingdom. The Gambling Commission (“the Commission”) is now the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

# The Commission issues operating licences and personal licences, whilst the Licensing Board issue premises licences. In almost all circumstances any operator wishing to provide gambling at certain premises must hold, or have made an application for, an operating licence before they can approach the Licensing Board for a premises licence. In this way the Gambling Commission is able to assess applicants and organisations to ensure they have the appropriate attributes to operate gambling premises.

# The Licensing Board’s role is to ensure that premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Licensing Board also issues various permits and notices to regulate smaller scale and/or ad hoc gambling in various other locations such as pubs, clubs and hotels.

# Remote gambling, Operator and Personal Licences are dealt with by the Gambling Commission. The National Lottery is now regulated by the Gambling Commission. Spread betting is now regulated by the Financial Services Authority.

# **Declaration**

# 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 application/representation will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

* 1. In producing the final Statement of Licensing Policy the Licensing Board 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 policy statement.

1. **Child Protection**

# The Licensing Board 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 Licensing Board 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 Board’s area;
* the need for the body to be answerable to democratically elected persons, rather than any particular interest group etc.

# In accordance with the regulations the Licensing Board designates the North Lanarkshire Child Protection Committee for this purpose. This is a body which has the specialist knowledge and expertise to advise the Board about the protection of children from harm.

# The contact details of the Child Protection Committee and all other responsible authorities under the Gambling Act 2005 can be found at Appendix C.

1. **Responsible Authorities**
   1. Responsible authorities are public bodies that must be notified of applications and which are entitled to make representations to the Board in relation to premises licences and applications for premises licences.
   2. The responsible authorities in the Board's area are:

* the Licensing Board
* the Gambling Commission
* the Chief Constable of Police Scotland
* Scottish Fire & Rescue Service
* the Head of Planning and Regeneration, North Lanarkshire Council
* North Lanarkshire Council
* the Head of Regulatory Services and Waste Solutions, North Lanarkshire Council
* North Lanarkshire Child Protection Committee
* Her Majesty's Revenue and Customs

# **Interested Parties**

# Interested parties have the right to make representations about licence applications or apply for a review of an existing licence. Interested 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 a premises licence or 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).”

# The Licensing Board is required to state the principles it will apply in determining whether a person is an interested party. These principles are:

* Each case will be decided upon its own merits.
* The Licensing Board will not apply any rigid rule to its decision making.
* The Licensing Board will have regard to the considerations provided by way of example in the Gambling Commission’s Guidance to Local Authorities.
  1. In order to determine if an interested party lives sufficiently close to the premises or has business interests that might be affected, the Licensing Board will consider factors such as the size of the premises and the nature of the activities taking place.
  2. Within this framework the Licensing Board will accept representations from trade associations, trade unions and residents’ and tenants’ associations, provided these bodies have at least one member who can be classed as an interested party in terms of the Gambling Act 2005.

# **Exchange of Information**

# The Licensing Board is required to include in its policy statement the principles to be applied with regard to the exchange of information between it and the Gambling Commission, as well as others listed in Schedule 6 of the Act.

* 1. The Licensing Board will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Board will also have regard to the guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Scottish Ministers under the powers provided in the Act.

1. **Compliance and Enforcement**

# The Board is required to state the principles to be applied by it in exercising its functions under Part 15 of the Gambling Act with respect to inspection of premises.

# The Licensing Board has powers in terms of Part 15 of the Gambling Act to inspect premises, to monitor compliance with the provisions of the Act and with licence conditions and to investigate suspected offences.

* 1. The Licensing Board’s principles are that it will be guided by the Gambling Commission’s Guidance for Local Authorities. In line with this Guidance the Licensing Board will seek to ensure that its approach to compliance and enforcement is:-
* Proportionate: regulators should only intervene when necessary, 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: regulators should be focused on the problem, and minimise side effects.
  1. As per the Gambling Commission’s Guidance for Local Authorities, the Licensing Board will endeavour to avoid duplication with other regulatory regimes so far as possible.
  2. The Licensing Board will also, as recommended by the Gambling Commission’s Guidance for Local Authorities, adopt a risk-based inspection programme.

# **Licensing Board Functions**

# In terms of the Gambling Act 2005, the Licensing Board are required 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 premises licensed under the Licensing (Scotland) Act 2005 (excluding off-sales) of their intention to make available for use one or two gaming machines;
* Grant Licensed Premises Gaming Machine Permits for premises licensed under the Licensing (Scotland) Act 2005 (premises only selling alcohol for on-sale consumption), where more than two machines are required, in accordance with any Regulations passed by the Scottish Ministers;
* Register small society lotteries below the 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 Paragraph 8 - ‘Exchange of Information’); and
* Maintain registers of the permits and licences that are issued under these functions.

# It should be noted that the Licensing Board will not be involved in licensing remote gambling. This responsibility will fall to the Gambling Commission via Operator Licences.

* 1. The Board will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

# **Local Area Profile**

Based in the heart of Scotland North Lanarkshire has a population of around 341,000 people and covers one of the largest unitary authority areas in the country. The principal centres of population are:-

(a) the Southern Area – Motherwell, Wishaw, Shotts and Bellshill;

(b) the Central Area – Coatbridge and Airdrie; and

(c) the Northern Area – Cumbernauld and Kilsyth.

The full area of North Lanarkshire Council is detailed on the plan at Appendix A. In the North Lanarkshire area 61.9% of the population are aged between 18 and 64. 17.5% of the population are aged 65 and over.

The wider national and international economic conditions continue to pose significant challenges for the North Lanarkshire area not least in terms of tackling regeneration priorities.

The health and wellbeing of the residents in North Lanarkshire is improving with people living longer and opting for healthy lifestyles. It is noted, however, that life expectancy in the North Lanarkshire area is still below the Scottish average (81.1 for women and 77.1 for men). The regeneration of the former Ravenscraig Steel Works will revitalise the North Lanarkshire area further with the creation of a vibrant new community providing housing, employment, retail and major sporting and leisure facilities.

The local area profile has been prepared based on local knowledge and taking into account data and information held by this local authority and its partners. It is hoped that the local area profile will give operators a better awareness of the local area.

1. **Local Risk Assessments**

## The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) which were revised and published in October 2020, formalise the need for operators to consider local risks. Local Risk Assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non‑remote general betting (limited) and betting intermediary licences. This provision came into force on 6 April 2016.

* 1. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. In undertaking the risk assessments they must take into account relevant matters identified in this policy statement.
  2. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:
* when applying for a variation of a premises licence;
* to take account of significant changes in local circumstances, including those identified in a Licensing Board’s Policy Statement;
* when there are significant changes at a licensee’s premises that may affect their mitigation of local risks.
  1. The new social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with Licensing Boards when applying for a premises licence or applying for a variation to existing licensed premises or otherwise at the request of the Licensing Board. Both provisions took effect on 6 April 2016.
  2. Where concerns do exist, perhaps prompted by new or existing risks, a Licensing Board may request that the licensee share a copy of its own Risk Assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises licence review and the imposition of conditions is required.
  3. The Licensing Board have an expectation that all local risk assessments will take into account the local social profile of the area.
  4. The Local Risk Assessment must be kept on the premises to which the licence relates in order to assist staff in carrying out their duties and, to ensure it is available during inspection by authorised officers.

**PART B - PREMISES LICENCES**

# **General Principles**

# The Licensing Board will issue premises licences to allow premises to be used for certain types of gambling. For example premises licences will be issued to bingo halls, casinos and bookmakers. These licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and subsequent regulations, as well as any specific mandatory and default conditions specified in regulations issued by the Scottish Ministers. The Licensing Board will be able to exclude default conditions and also attach other conditions where they believe it to be appropriate.

* 1. In exercising their functions in relation to premises licences, the Licensing Board will aim to permit the use of premises for gambling insofar as they think 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 Board’s Statement of Licensing Policy.
  1. **Definition of “Premises” -** the Act defines “premises” so as to include “any place”. It is therefore not possible to have more than one premises licence applying to any place. It is, however, possible that a single building could 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 reasonably be regarded as being different premises. This will always be a question of fact in the circumstances, though areas of a building that are artificially or temporarily separated (for example by ropes or moveable partitions) are unlikely to be considered different premises.
  2. The Licensing Board will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Licensing Board will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area.

# The Licensing Board will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). The overriding consideration will be whether, taken as a whole, the co‑location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

# 1.6 There is one exception to the rule that only one premises licence may be issued for any particular premises at any one time. A track (i.e. a horse race course, dog track or other premises where races or sporting events take place) may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

# 1.7 An Applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed, and also until the Applicant has a right to occupy the premises. It is a question of fact and degree whether premises are finished to the extent that they can be considered for a premises licence. Requiring a building to be complete ensures that the Licensing Board can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

# 1.8 Where premises are not yet built or are about to altered for the purposes of providing gambling and ultimately a premises licence will be required, the Applicant should in the first instance consider making an application for a Provisional Statement. (see Part B paragraph 10).

# 1.9 **Location –** In considering an application for premises licence no regard will be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought. Considerations in terms of the licensing objectives will be relevant and the Licensing Board will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues relating to crime and disorder.

# 1.10 With regard to these objectives it is the Licensing Board’s policy, upon receipt of any relevant representations, to look at specific location issues including:-

* the proximity of the premises to schools and vulnerable adult centres;
* the proximity of the premises to any gambling addiction or similar centres;
* the proximity of the premises to residential areas where there may be a high concentration of children;
* the size of the premises and the nature of activities to take place thereon; and
* levels and types of crime and disorder in the relevant area.

# 1.11 Such information may be used to inform the decision the Licensing Board makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application. This policy does not, however, preclude any application being made and each application will be decided on its merits.

# **Duplication with other Regulatory Regimes -** The Licensing Board will seek to avoid any duplication with other statutory/regulatory regimes where possible. In its consideration of an application the Licensing Board will not consider whether a licence application is likely to be awarded the relevant planning or building permissions. It will, however, 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.

1.13 The Licensing Board 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 Licensing Board with a single named point of contact and contact details, who should be a senior individual, and whom the authority may contact first should any compliance queries or issues arise. This does not prevent the Licensing Board from contacting any relevant person at the specific premises, should any issues arise.

# **Conditions**

* 1. The Licensing Board has the power to attach certain conditions to premises licences. Such conditions may be general in nature or they may be specific to particular licences. Conditions may also be attached to premises licences automatically, having been set out on the face of the Act, or through regulations by the Scottish Ministers.

# 2.2 The Licensing Board will act in accordance with the principles set out in Section 153 of the Gambling Act 2005. As such, they will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:-

* in accordance with guidance issued by the Gambling Commission, the Gambling Commission Codes of Practice or the Licensing Policy Statement; or
* in a way that is reasonably consistent with the licensing objectives.

# 2.3 Any conditions attached to licences will be proportionate and:-

* 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.

# 2.4 Decisions on individual conditions will be decided on a case by case basis.

# 2.5 The Licensing Board cannot attach conditions to premises licences which:-

* make it impossible for the applicant to comply with an operating licence condition;
* relate to gaming machine categories, numbers, or method of operation;
* provide that membership of the club or body be required; and
* relate to stakes, fees, winnings or prizes.

# 2.6 The Licensing Board will consider utilising a wide variety of control measures such as the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult‑only areas. The Licensing Board will also expect the applicant to offer his or her own suggestions as to ways in which the licensing objectives can be met effectively. Further comment in relation to conditions for the different types of licence are given below.

# 2.7 **Door Supervisors -** The Licensing Board will specifically consider whether there is a need for door supervisors in terms of the licensing objectives or 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. The Licensing Board may impose specific requirements for door supervisors working at casinos or bingo premises, in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons etc.

# **Adult Gaming Centres**

# Adult Gaming Centres are a category of licensed premises provided for by the Act, which allow premises to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B machines, or 20% of the total number of gaming machines, whichever is the greater. No one under 18 is permitted to enter the premises.

# The Licensing Board will specifically have regard to the need to protect children and other vulnerable persons from harm or from being exploited by gambling and will expect the applicant to ensure that under 18 year olds do not have access to the premises. Among the issues which may be covered by licensing conditions are:-

* Proof of Age Schemes;
* Closed Circuit Television;
* Door supervisors;
* Supervision of entrances/machine areas;
* Staff training in age related issues;
* Location of entry;
* Notices/Signage; and
* Specific opening hours.

This list is neither mandatory nor exhaustive.

# The Licensing Board will also have regard to the location of such premises in so far as they are situated in areas where children or other vulnerable persons are likely to be. Thus, for example, it may be considered relevant that an adult gaming centre is to be situated where it is likely that there will be large number of unsupervised children passing, such as near a school.

# The Licensing Board will also consider specific measures in relation to the protection of vulnerable persons, such as the provision of leaflets and signage in appropriate areas within adult gaming centres which give contact details for gambling help organisations such as GamCare.

# **Licensed Family Entertainment Centres**

# Licensed Family Entertainment Centres are premises which are permitted to provide category C and D machines. (They can be distinguished from unlicensed family entertainment centres which can only provide category D machines). These premises usually provide a range of amusements which are category D machines together with a separate section set aside for adult only gaming on category C machines. No one under 18 is permitted access to category C machines. Category C machines must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults.

* 1. The Licensing Board will specifically have regard to the need to protect children and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to ensure that under 18 year olds do not have access to the areas where category C machines are located. Among the issues which may be covered by licensing conditions are:-
* Proof of Age Schemes;
* CCTV;
* Door supervisors;
* Supervision of entrances/machine areas;
* Staff training in age related issues;
* Location of entry;
* Notices/Signage;
* Specific opening hours;

This list is neither mandatory nor exhaustive.

Since staff training in age related issues is a business advice matter assistance can, on request, be provided by the Council’s Trading Standards Service.

* 1. The Licensing Board will also consider specific measures in relation to the protection of other vulnerable persons, such as the provision of leaflets and signage in appropriate areas containing the contact details of gambling help organisations such as GamCare.
  2. The Licensing Board will refer to the Commission’s website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Board will also make itself aware of any mandatory or default conditions on these premises licences.

1. **Casinos**

# In terms of the Gambling Act a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games, casino games being defined as games of chance which are not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against a house or bank at different odds to their fellow players.

* 1. The Act introduces three new categories of casino, and prescribes overall limits on the number of premises licences which may have effect in respect of each type. The new casinos will be sited in various regions around Britain in line with decisions made by the independent Casino Advisory Panel. The limit on the number of each type of casino can be amended by the Secretary of State.
  2. **Casino Resolution** - The Licensing Board can resolve not to issue casino premises licences in respect of the types of casino mentioned in the previous paragraph. If such a decision is taken, it requires to be published in the Statement of Licensing Policy. North Lanarkshire Licensing Board has not yet taken a decision to pass such a resolution. If and when such a decision is taken, the Statement of Licensing Policy will be updated accordingly.
  3. The Licensing Board will have regard to any guidance issued by the Gambling Commission regarding the particular issues that the Licensing Board should take into account in relation to the suitability and layout of casino premises.
  4. The Licensing Board will have regard to any guidance issued by the Gambling Commission regarding the particular issues that the Licensing Board should take into account in relation to the suitability and layout of casino premises.
  5. Section 181 of the Act contains a power for the Licensing Board to restrict, by way of casino premises licence conditions, the number of betting machines on the premises, the nature of those machines and the circumstances in which those machines are made available for use. In deciding whether or not to impose such conditions the Licensing Board will, amongst other things, take into account the size of the premises, the number of counter positions available for person to person transactions, the layout of the premises, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

1. **Bingo Premises**

# The 2005 Act provides that there will be a category of premises licence specifically for bingo premises. Bingo is not defined in the Act and should be given its ordinary and natural meaning. The licence for bingo premises permits the holder to offer any type of bingo game, whether cash bingo or prize bingo.

* 1. The holder of a bingo premises licence may also make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use in the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available eight category B machines, or 20% of the total number of gaming machines, whichever is the greater. It is important that if children and young persons are allowed to enter premises licensed for bingo they do not participate in gambling other than on category D machines. As such, where category C or above machines are available the Licensing Board will ensure that:-
* all such machines are located in an area of the premises 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 the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
* at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

# The Licensing Board will have regard to any guidance issued by the Gambling Commission about the particular issues that the Licensing Board should take into account in relation to the suitability and layout of bingo premises.

1. **Betting Premises**
   1. A betting premises licence will be required where there is the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets. Within this single class of licence, however, there will be different types of premises which require licensing. There are specific issues relating to betting at tracks, and these will be considered in paragraph 8 below.
   2. With the exception of tracks, as will be discussed in paragraph 8, children and young persons will not be able to enter premises with a betting premises licence.

7.3 Betting will be permitted in casinos as part of the casino premises licence, and therefore a separate betting premises licence will not be required. Casinos are discussed in more detail at paragraph 5 above.

* 1. Betting premises are permitted to make available for use up to four gaming machines of category B, C or D. Machines that takes bets on virtual races are gaming machines, rather than betting machines, and will therefore count towards the maximum permitted number of gaming machines.

7.5 Betting machines are distinguished from gaming machines in that they are designed or adapted for use to bet on future real events. They are not gaming machines and as such neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Section 181 of the Act provides a power allowing the Licensing Board to restrict, by way of betting premises licence conditions, the number of betting machines on the premises, the nature of those machines and the circumstances in which those machines are made available for use. In deciding whether or not to impose such conditions as regards betting premises, the Licensing Board will, amongst other things, 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 or vulnerable persons.

1. **Tracks**
   1. Tracks are sites (including horse race courses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting and also general betting, often known as “fixed-odds” betting. All tracks require a general betting premises licence that will be held by the track operator.
   2. The general betting premises licence will cover the entire track and, as long as the appropriate operating licence is held, will allow a number of “on-course” and “off-course” betting operators to operate on the track.
   3. Premises licences in relation to tracks are unusual in that, because the track operator does not require to have an operating licence, the premises licence will need to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. In addition, the track operator will have a role to play in ensuring, for example, that the betting areas are properly administered. Tracks are also the only premises which may be the subject of more than one premises licence, provided each licence relates to a specified area of the track. Thus, there can be a general betting premises licence for the track as a whole, and, in addition, subsidiary premises licences for other gambling activities taking place on the track. The track operator therefore requires only to hold a general premises licence, whilst each individual operator who comes on to the track on race days requires only to hold an operating licence.

8.4 **On-course betting operator** - An on-course betting operator is one who comes on to the track, temporarily, while races are taking place and operates at the track side. Such operators tend only to offer betting on the events taking place on the track that day. The on-course betting operator must have an operating licence but will not require a premises licence as they will be covered by the general betting premises licence that the track operator will hold.

8.5 The Applicant for the premises licence for the track must submit a plan of the premises. A Licensing Board will expect this to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities, and in the case of dog tracks and horse race courses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. This will allow the Licensing Board to ensure the correct licence conditions are applied. In considering an application, the Licensing Board will take into account the arrangements proposed for the administration of the betting, having regard to the licensing objectives. Thus, for example, the Licensing Board will consider whether the arrangements will help prevent a person offering betting illegally to trade without detection.

8.6 The Licensing Board will have regard to any guidance relating to on‑course betting.

8.7 **Off-course betting** - Off-course betting operators may operate self-contained betting premises within track premises. Such self-contained premises provide facilities for off-course betting (on other events, not just those taking place on the track), although they normally operate only on race days. Generally, the rules that apply to betting premises away from tracks will apply equally to self-contained betting premises on tracks. The Licensing Board will have regard to any guidance issued by the Commission about how such premises should be delineated.

8.8 Whilst a premises licence is not required for each self-contained betting office or a track, the Licensing Board is in agreement with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of a separate premises licence. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8.9 **Gaming machines** - The general betting premises licence in relation to a track does not give any automatic entitlement to use gaming machines. However, if the track operator also holds a pool betting operating licence (see paragraph 8.11 below) then the operator may have up to four gaming machines sited on the track (of categories B to D). The Licensing Board will have regard to any guidance provided by the Gambling Commission relating to such machines.

8.10 **Betting machines** - Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. The Licensing Board, under Section 181 of the Act, has the power to restrict the number of betting machines, their nature, and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. In deciding how to use this power, the Licensing Board will consider the ability of track staff to supervise the machines and the ability of the track operator to comply with the law to prevent children betting on the machines. The Licensing Board may therefore wish to restrict the number and location of betting machines in light of the particular circumstances of each track.

8.11 **Pool betting** - Pool betting may be offered at a horse race course and at a dog track by the holder of the premises licence for the track. It should be noted that if the holder of a premises licence for a dog track wishes to offer pool betting, they must now apply to the Commission for a pool betting operating licence. This is a change from the Betting, Gaming and Lotteries Act 1963, under which the Licensing Board was responsible for the regulation of the totalisator at dog tracks.

8.12 **Display of Rules** - The Licensing Board will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. The Licensing Board will have regard to any guidance on this issue offered by the Commission.

8.13 **Access by children and young persons** - Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, though they will still be prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Board 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;
* door supervisors;
* supervision of machine areas;
* staff training on age related issues;
* location of entry;
* notices/signage;
* specific opening hours; and
* the location of gaming machines.

This list is neither mandatory nor exhaustive.

8.14 Occasional use notices, which can only be issued in relation to tracks, are discussed in paragraph 6 of Part C below.

# **Travelling Fairs**

# 9.1 A travelling fair is a fair consisting wholly or principally of the provision of amusements by persons who travel from place to place for the purpose of providing fairs at a place no part of which has been used for the provision of a fair on more than twenty seven days in that calendar year. It should be noted that the twenty seven day maximum is during a calendar year as opposed to any twelve month period, and applies to the piece of land on which fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Board will therefore monitor the use of land and maintain a record of the dates on which it is used. The Licensing Board will also work with neighbouring Licensing Boards to ensure that land which crosses the Licensing Board’s boundary is monitored to ensure that the statutory limits are not exceeded.

9.2 Travelling fairs are authorised to provide an unlimited number of Category D gaming machines and/or equal chance prize gaming without the need for a permit, as long as the gambling amounts to no more than an ancillary amusement at the fair.

# **Provisional Statements**

10.1 The Act provides that a provisional statement application can be made in respect of premises that a person expects to be constructed, expects to be altered or expects to acquire a right to occupy. The provisional statement is not a licence, but if granted it restricts the matters that can be taken into account by the Licensing Board in a subsequent premises licence application for the same premises. A provisional statement will usually be applied for where the relevant premises are not yet in existence, and accordingly will require to include a plan and other information in relation to the construction, alteration or acquisition.

10.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, with the exception that applicants do not require to have applied for an operating licence nor must they have the right to occupy the premises in respect of which the application is made. The Licensing Board will not take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement. Similarly, the Licensing Board will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law. The responsible authorities and interested parties may make representations at the application stage and there are rights of appeal.

10.3 If the provisional statement has been granted, the holder of the statement can return to the authority and submit an application for the necessary premises licence when the premises have been constructed, altered or acquired. In these circumstances the Licensing Board will consider no further representations from relevant authorities or interested parties 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.

Further, the Licensing Board may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

* which could not have been raised by objectors at the provisional licence stage; or
* which in the Licensing Board’s opinion reflect a change in the operator’s circumstances.

1. **Review**

11.1 A premises licence can be reviewed by the Licensing Board of its own volition or following receipt of an application for a review received from a responsible authority or interested party. The Licensing Board will follow the procedure set out in any Regulations made by the Scottish Ministers.

11.2 The Licensing Board may initiate a review in relation to a particular class of premises licence or in relation to particular premises. The Licensing Board may try informal mediation or dispute resolution techniques prior to a full scale review being conducted. Generally, the Licensing Board is likely to be acting as a result of specific concerns or complaints about premises or particular types of premises, and a review may take place if the Licensing Board has reason to suspect that licence conditions are not being observed, or for any other reason which gives them cause to believe that a review may be appropriate.

11.3 An application for review may be received from a responsible authority or an interested party. The Licensing Board will follow the procedure set out in any Regulations governing the process made by the Scottish Ministers.

11.4 An application for a review may be rejected if the Licensing Board consider that the grounds on which the review is sought:-

* are not relevant to the principles that must be applied by the Licensing Board;
* are frivolous;
* are vexatious;
* are irrelevant;
* will not cause the Licensing Board to revoke or suspend a licence or to remove, amend or attach conditions on the premises licensed;
* are substantially the same as grounds cited in a previous application relating to the same premises; or
* are substantially the same as representations made at the time of the application for a premises licence was considered.

11.5 The Licensing Board will attempt to avoid delay in processing applications for review, and all reviews will 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 Licensing Board’s Statement of Licensing Policy.

11.6 It should be noted that the Licensing Board may review a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. The purpose of such action is to prevent persons from applying for licences in a speculative manner without intending to use them.

**PART C – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES**

# **Unlicensed Family Entertainment Centre Gaming Machine Permits**

1.1 Unlicensed family entertainment centres are premises which are wholly or mainly used for making Category D gaming machines available for use. They are unlicensed as they do not require a premises licence under the Act. In order to make these gaming machines available for use, an unlicensed family entertainment centre gaming machine permit must be obtained. Schedule 10 paragraph 7 of the Act provides that the Licensing Board may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for such a permit.

* 1. In exercising their functions with regard to unlicensed family entertainment centre gaming permits the Licensing Board will, amongst other things, have regard to the licensing objectives and to any relevant guidance issued by the Commission. In particular, the Licensing Board will give weight to child protection issues when considering applications for permits.

1.3 The Licensing Board 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 Licensing Board will assess any such policies and procedures on their merits. They may, however, include appropriate measures/training for staff as regards suspected truant schoolchildren on the premises, measures/training covering how staff would deal with unsupervised and/or very young children being on the premises, and measures/training for staff as regards children causing problems on or around the premises. They may also include criminal record checks for staff.

1.4 The Licensing Board will also expect applicants to demonstrate that they have a full understanding of the maximum stakes and prizes permissible in unlicensed family entertainment centres, that staff are trained to have a similar understanding, and that the applicant has no relevant convictions (relevant convictions being detailed in Schedule 7 of the Act).

1.5 The Licensing Board are aware that they cannot attach conditions to this type of permit and that the Statement of Principles applies only to initial applications and not to renewals. The Licensing Board is also aware that it may only refuse an application for renewal of a permit on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

1.6 One of the reasons a permit may lapse is if the premises are not being used as an unlicensed family entertainment centre. In this regard, the Licensing Board will have regard to the extent to which further activities have been introduced on the premises that mean that the gaming machines have become ancillary.

1. **Gaming Machine Permits in Premises Licensed for the Sale of Alcohol**
   1. The Act provides that premises which have a premises licence granted under Section 1 of the Licensing (Scotland) Act 2005 authorising on sale consumption of alcohol will be entitled to provide a total of two gaming machines, which can be of Category C and/or D. The person holding the licence must simply give notice to the Licensing Board of their intention to make the gaming machines available for use and pay the prescribed fee. The Licensing Board will have no discretion to consider this notification or turn it down.

2.2 The Licensing Board can, however, remove the automatic authorisation in respect of any particular premises by making an Order under Section 284 of the Act. Such an Order can be made 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 – for example if the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of gaming machines;
* the premises are mainly used for gaming; or
* an offence under the Gambling Act 2005 has been committed on the premises.

2.3 An application may be made for a licensing premises gaming machines permit, which allows for further category C or D machines to be available in alcohol licensing premises. The Gambling Act 2005 does not limit the number of additional machines that may be authorised. It will be for the Licensing Board to determine in each case.

1. **Prize Gaming Permits**

3.1 Gaming is defined in the Act as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. Certain premises will not necessarily require a prize gaming permit in order to provide prize gaming, though they may require a permit for particular types of prize gaming. Such premises include casinos, bingo premises, adult gaming centres, family entertainment centres and travelling fairs.

3.2 The Gambling Act 2005 provides conditions that must be met by premises offering prize gaming. The Licensing Board cannot attach further conditions. The conditions in the Act are that:-

* the limits on participation fees, as set out in the Regulations, must be complied with;
* all charges to participate in the gaming must be allocated on the premises on which the gaming is taking place on one day; the game must be played and completed on the day the charges are allocated; 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 a non monetary prize); and
* participation in the gaming must not entitle the player to take part in any other gambling.

3.3 The Licensing Board will expect anyone applying for a prize gaming permit to set out the types of gaming that he or she is intending to offer and be able to demonstrate:-

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

3.4 In making a decision on an application for prize gaming permits the Board will, amongst other things, have regard to the licensing objectives and to any Gambling Commission guidance. The Licensing Board will give weight to child protection issues. The Licensing Board will also consider the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, and the suitability of the premises in regard to their location and issues concerning disorder.

1. **Club Gaming and Club Machine Permits**
   1. Members Clubs’ and Miners’ Welfare Institutes (but not commercial Clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (a total of three machines from Categories B, C or D), equal chance gaming and games of chance as set out in legislation/regulations. A club gaming machine permit will enable the premises to provide gaming machines (a total of three machines from Categories B, C or D).

4.2 To qualify for these special club permits a Members’ Club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. A Members’ Club must be permanent in nature, established and conducted for the benefit of its members and not otherwise established or conducted as a commercial enterprise. Examples include Working Men’s Clubs, branches of The Royal British Legion and clubs with political affiliations.

4.3 Miners' Welfare Institutes are associations established for recreational or social purposes.

1. **Temporary Use Notices**
   1. There is provision in the Act for temporary use notices, which 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. The temporary use notice may only be granted to a person or company holding a relevant operating licence, and the same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12 month period, although it may be subject of several notices provided that the total does not exceed 21 days.

5.2 The temporary use notice applies to a “set of premises” and thus prevents one large set of premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises. The Licensing Board considers that the determination of what constitutes a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises” the Licensing Board will look at, amongst other things, the ownership/occupation and control of the premises. The Licensing Board will 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.

5.3 In deciding whether or not they wish to give notice of objection to the notice, the Licensing Board will have regard to the licensing objectives. The Licensing Board will aim to permit the provision of facilities for gambling under a temporary use notice in so far as the Licensing Board think it accords with Section 153 of the Act.

1. **Occasional Use Notices (For Tracks)**

6.1 The Gambling Act 2005 provides that 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. Track Operators and occupiers should be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

6.2 The Licensing Board has little discretion as regards these notices aside from assuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Board will, however, consider the definition of a “track” and whether the applicant is permitted to avail them self of the notice.

1. **Small Society Lottery Registration**
   1. The Gambling Act 2005 states that a lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery. One of the classes of exempt lottery is a small society lottery, and the Licensing Board is responsible for the registration of small society lotteries in its area.

7.2 Certain conditions in relation to the value of tickets put on sale must be met to qualify as a small lottery. Also, to be “non commercial” a society must be established and conducted:

* for charitable purposes;
* for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity, or
* for any other non commercial purpose other than that of private gain.

7.3 The Licensing Board will refuse an application for registration if in the period of 5 years ending with the date of the application:

* an operating licence held by the applicant for registration has been revoked under Section 119(1);
* an application for an operating licence made by the applicant for registration has been refused.

7.4 The Licensing Board may refuse an application for registration if they think that:

* the applicant is not a non-commercial society;
* a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
* information provided in or with the application for registration is false or misleading.

**PART D – APPENDICES**

**APPENDIX A – PLAN OF LICENSING BOARD AREA**

Plan of the licensing board area

**Appendix B - List of Consultees**

|  |  |  |
| --- | --- | --- |
| Chief Constable  Police Scotland | Scottish Fire and Rescue | Pinsent Masons  Solicitors |
| Head of Education (North, Central and South)  Education Youth and Communities  North Lanarkshire Council | Head of Housing Solutions  North Lanarkshire Council | Head of Planning and Regeneration  North Lanarkshire Council |
| Head of Regulatory Services and Waste Solutions  North Lanarkshire Council | Her Majesty's Revenue and Customs | Head of Adult Social Work Services  North Lanarkshire Council |
| Airdrie & Villages Community Forum | Bellshill & District Community Forum | Coatbridge Community Forum |
| Cumbernauld Community Forum | Kilsyth & Villages Community Forum | Motherwell Community Forum |
| Northern Corridor Community Forum | Wishaw, Newmains & Shotts Community Forum | Chief Executive's Office  North Lanarkshire Council |
| North Lanarkshire Child Protection Committee | The British Casino Association | BACTA |
| The Association of British Bookmakers | Remote Gambling Association | Scottish Independent Bookmakers Association |
| The British Horseracing Authority | The Bingo Association | The Scottish Beer and Pub Association |
| The Casino Operators Association of the UK | NSPCC | NCH Scotland |
| Children 1st | GamCare | Responsible Gambling Trust |
| Gamblers Anonymous | Citizens Advice Scotland | Money Advice Scotland |
| SAMH | Penumbra | Cumbernauld Church of Christ |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| Church of Scotland | Bishop of Motherwell | Action of Churches Together in Scotland |
| Lanarkshire Muslim Welfare Society | Glasgow Buddhist Centre | Scottish Council of Jewish Communities |
| Hindu Council UK | Young Scot North Lanarkshire | The Scottish Licensed Trade Association |
| Shepherd & Wedderburn  Solicitors | The Gambling Commission | Brunton Miller  Solicitors |
| Ness Gallagher & Co  Solicitors | Lindsays  Solicitors | Hill Brown Licensing  Solicitors |
| Poppleston Allen  Solicitors | TLT  Solicitors |  |
|  |  |  |

**APPENDIX C – CONTACT DETAILS OF RESPONSIBLE AUTHORITIES**

|  |  |  |
| --- | --- | --- |
| North Lanarkshire Licensing Board  Civic Centre  Motherwell  ML1 1TW | The Gambling Commission  Victoria Square House  Victoria Square  Birmingham  B2 4BP | Chief Constable  Police Scotland  Lanarkshire Divisional Headquarters  217 Windmillhill Street  Motherwell  ML1 1RZ |
| Scottish Fire & Rescue Service  North Lanarkshire Area Headquarters  Dellburn Street  Motherwell  ML1 1SE | Head of Planning and Regeneration  North Lanarkshire Council  Fleming House  2 Tryst Road  Cumbernauld  G67 1JW | Chief Executive's Office  North Lanarkshire Council  Civic Centre  Windmillhill Street  Motherwell  ML1 1AB |
| Head of Regulatory Services and Waste Solutions  North Lanarkshire Council  Civic Centre  Windmillhill Street  Motherwell  ML1 1AB | North Lanarkshire Child Protection Committee  Regent House  9 High Patrick Street  Hamilton  ML3 7ES | Her Majesty’s Revenue and Customs  Portcullis House  21 India Street  Glasgow  G2 4PZ |

**APPENDIX D – SCHEME OF DELEGATION**

The Gambling Act allows for certain functions to be delegated to assist the smooth processing of matters. The legislation is quite specific that certain functions cannot be delegated and the first two functions that cannot be delegated are:-

The passing by the Board of a resolution not to issue casino premises licences and the issuing of a Statement of Principles that the Board propose to apply for exercising their functions under this Act.

In relation to applications the legislation is quite specific in not allowing the following to be delegated:-

## (a) determination of applications for premises licences or permits in respect of which representations have been made and not withdrawn;

(b) determination of applications for variation of premises licences in respect of which representations have been made and not withdrawn;

(c) determination of applications for a transfer following representations by the Gambling Commission;

(d) determination of an application for a provisional statement in respect of which representations have been made and not withdrawn, and

(e) review of premises licences.

The Licensing Board have delegated to the Clerk to the Board all Board functions under the Gambling Act 2005 with the exception of those specifically excluded by the Act and narrated above.