

# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

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If calling please ask for  
**Leisel Malcolmson**  
Direct Dial: 01595 744599

Dear Sir/Madam

Date: 8 January 2019

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Tuesday 15 January 2019 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Depute Clerk to the Board

Clerk to the Board: Jan R Riise

## **AGENDA**

- (a) Hold circular calling the meeting as read.
  - (b) Apologies for absence, if any.
  - (c) Declarations of Interest.
1. Licensing Scotland Act 2005 - Applications for Occasional Licence
  2. Gambling Act 2005 - New Three Year Policy Statement - 2019/2022



**SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 15 JANUARY 2019**

**1. Application for Extension of Licensed Hours**

<b><u>Applicant</u></b>	<b><u>Premises</u></b>	<b><u>Extended Hours Applied For</u></b>	<b><u>Event or Occasion</u></b>
(a) Sandwich Social Club	Sandwich Social Club Central Sandwich Shetland ZE2 9HN	8am – 11am Wednesday 30 January 2019	Up Helly A' Breakfast

LSO comments: I have the following comments to make, which are similar to the comments from previous years:

- There is a general legislative requirement to protect public health and there exists the possibility of alcohol being consumed for a prolonged period, potentially between 8am and the 11pm terminal hours. However, Committee members of the club have stated to the Licensing Board on many occasions, that although they are permitted to serve alcohol from 11am they only do this at weekends.
- This event at Sandwich is well run and the extended opening hours until 11am granted in previous years have not caused any reported issues.

I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the club.

Police comments: No objections.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**15 January 2019**

## **Gambling Act 2005 New Three Year Policy Statement - 2019/2022**

### **1. Introduction**

- 1.1 The purpose of this report is to invite the Board to conclude their review of the Statement of Gambling Licensing Principles and adopt their reviewed policy with effect from 31 January 2019.

### **2. Background**

- 2.1 In terms of the Gambling Act 2005, Section 349, the Board is required to review every three years their statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005. The Policy Statement has to conform to the terms of the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006. The Policy Statement is important as it provides potential applicants with information on local practices and can be referred to in compliance action. The current Policy Statement can be accessed here:

[https://www.shetland.gov.uk/about\\_introduction/documents/PolicyStatementofGamblingLicensingPrinciples.pdf](https://www.shetland.gov.uk/about_introduction/documents/PolicyStatementofGamblingLicensingPrinciples.pdf)

- 2.2 The reality is that this Board has had little business to consider under the Gambling Act 2005. There has only ever been one licensed premises under the Act within the area since the Act came into force (Shetland Turf Accountants). In addition there are 7 Gaming Machine Permits; 1 Club Gaming Machine Permit; 1 Club Gaming Permit and 104 Small Society Lotteries (i.e. raffles) which are administered under this Act. In these circumstances where there is very little business under the Act there has been no particular issues identified from practice with respect to the current Policy Statement.
- 2.3 The Board resolved at their meeting on 7 November 2018 to initiate a public consultation on their Statement of Gambling Licensing Principles with a closing date of 31 December 2018. Comments were invited on the Board's website and the Depute Clerk wrote to interested parties listed on page 26 of the Policy Statement seeking any comments.
- 2.4 There has been one response received to the consultation exercise. The response is from NHS Shetland and is produced as Appendix One to this report.

- 2.5 NHS Shetland stress that gambling related harm has become a serious and worsening health problem in the UK and includes financial hardship, psychological distress, interpersonal conflict or relationship breakdown. NHS Shetland goes on to refer to the Guidance issued by the Gambling Commission regarding the importance of identifying and understanding of local issues and priorities and raises the possibility of the Board compiling a Local Area Profile.
- 2.6 At their meeting on 5 June 2017 the Board decided against developing a Local Area Profile. My advice at that time, which remains unchanged, was that the amount of work involved in developing such a profile was disproportionate to the potential benefit. The main purpose of the Local Area Profile is to identify areas where there are gambling related problems as areas where further gambling related activity would not be encouraged. The Board has not had a single applicant for a gambling act premises licence since the Act was introduced in 2005.
- 2.7 When the Depute Clerk highlighted the previous decision of the Board to NHS Shetland, they as an alternative suggested that the Board could narrate that applicants for a premises licence should have a policy regarding how they identify vulnerable persons and refer them to appropriate supports.
- 2.8 The Board has sought to understand local issues and priorities through the consultation exercise by contacting voluntary organisations which work with vulnerable people and local democratic representatives, including the MSP and MP for the area. There has been no response.
- 2.9 This lack of response is unsurprising given the low level of Gambling Act business which comes before the Board and that the previous review was only completed on 24 August 2017.
- 2.10 The carrying out of a Local Area Profiling exercise need not prevent the Board from adopting an updated Statement of Gambling Act Licensing Principles in the meantime. Members should note that in the event that any need for changes is identified during the period of the next Policy Statement of Gambling Licensing Principles the Board can issue a supplementary Policy Statement.

### 3. Recommendation

3.1 The Board is asked to decide whether to:

- a) carry out a Local Area Profiling exercise
- b) amend clause 15.16 by adding in the following or such other wording as the Board see fit

“The Board expects an applicant for a premises licence to have a policy in place to identify persons who might be regarded as vulnerable persons and procedures for referring them to suitable support agencies.”

and

- c) adopt the current Statement of Gambling Licensing Principles as the Statement of Gambling Licensing Principles for the period 2019-2022 with effect from 31 January 2019.

Depute Clerk to the Licensing Board

Ref: Z/0/20 SB

3 January 2019





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**Shetland NHS Board**

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Depute Clerk to the Licensing Board  
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Date 3<sup>rd</sup> January 2019

Your Ref

Our Ref

Enquiries to Elizabeth Robinson

Extension

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E-mail [elizabethrobinson2@nhs.net](mailto:elizabethrobinson2@nhs.net)

Dear Susan

**Shetland Islands Area Licensing Board  
Policy Statement of Gambling Licensing Principles**

Thank you for your letter of 21<sup>st</sup> November 2018, which invited comments on the Shetland Area Policy Statement of Gambling Licensing Principles. I'm afraid I have missed your deadline of 31<sup>st</sup> December and hope that you will still accept this submission.

As you are aware, responsibility for policy and for the regulation of gambling is not currently devolved to the Scottish Parliament. Policy responsibility for gambling is held by the UK Department of Culture, Media and Sport and is regulated by the Gambling Commission. The Gambling Commission has published guidance on the role and responsibilities of licensing authorities in gambling regulation.

The three licensing objectives (s.1 of the Act) which guide the way that the Commission and licensing authorities perform their functions and the way that gambling businesses carry on their activities, 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

The Gambling Commission, Scottish Public Health Observatory (ScotPHO) and the Faculty of Public Health consider gambling a public health issue. While many people are able to gamble without experiencing harm, gambling-related harm has become a serious and worsening public health problem in the UK and includes financial hardship, psychological distress, interpersonal conflict or relationship breakdown. Harm to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating gambling addiction, associated anxiety and depression and harm to others from reduced usable income. There are significant inequalities in who is most likely to experience harm and young people can also be affected either from their own gambling or harm caused by parental gambling. Statistics place gambling as a significant public health problem which requires more attention than it currently receives.

We have quoted below from the Gambling Commission Guidance for Licensing authority policy statements ([https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-6-Licensing-authority-policy-statement.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_5](https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-6-Licensing-authority-policy-statement.aspx#DynamicJumpMenuManager_1_Anchor_5)), which strongly encourages the identification and understanding of local issues and priorities, in order to develop a policy which is responsive to local need; for example, in understanding the people who are most vulnerable to harm from gambling and how harm might be avoided.

**‘1.31** The statement of licensing policy is a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out **the local issues, priorities and risks that inform and underpin its approach to local regulation.**

**1.32** It provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of the local authority area to deal **with local concerns and issues**. It provides clarity of expectation for licensees and prospective licensees about how their businesses are likely to be treated in different localities. The existence of a clear and agreed policy statement will provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

**1.33** The policy statement is the primary vehicle for setting out the licensing authority’s approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority’s requirements and approach, including its’ view **on local risks**, to help them comply with local gambling regulation.

**6.4** The Commission encourages licensing authorities to have a policy statement that is genuinely reflective of local issues, local data, local risk and the expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future. The existence of a clear and robust policy statement provides greater scope for licensing authorities to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.

**6.47** Licensing authorities will find it useful to complete their own assessment of the local environment as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. For the purpose of this guidance, we refer to such assessments as local area profiles. **Completion of a local area profile is not a requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks.** Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

**6.48** An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to map local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.’

We would also recommend that links are developed with the Shetland Adult Protection Committee, to ensure that vulnerable adults as well as children are protected from harm associated with gambling.

I note that the [Gambling Commission's Feb 2018 Briefing Paper \(Quick guide here\)](#), specifically recommends that public health engages strategically to inform the work of their licensing authorities and in particular the review of the gambling Statement of Principles and the local area profile, and therefore would be pleased to work with you in order to support the development of a policy which supports and promotes public health.

Yours sincerely

Elizabeth Robinson  
Public Health Principal

Cc Ralph Roberts  
Chief Executive, NHS Shetland