

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

04/08/2022

A Meeting of the **Licensing Board** will be held virtually on **Monday, 15 August 2022** at **10:00**.

LISA SIMPSON
Clerk of the Licensing Board

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Members of Licensing Board
C Elliott
S Douglas

PERTH AND KINROSS LICENSING BOARD

Monday, 15 August 2022

***MEMBERS ARE REMINDED OF THEIR STATUTORY DUTY TO DECLARE ANY
DIRECT OR INDIRECT FINANCIAL INTEREST THEY MAY HAVE IN ANY ITEM ON
THIS AGENDA***

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF MEETINGS**
- 3(1) MINUTES OF MEETING OF 4 JULY 2022 FOR APPROVAL AND SIGNATURE 5 - 12**
- 3(ii) MINUTES OF MEETING OF 7 JULY 2022 FOR APPROVAL AND SIGNATURE 13 - 16**
- 4 AGENDA - 15 AUGUST 2022 17 - 20**
- 5 REPORT TO BOARD ANNUAL FUNCTIONS REPORT 2021-2022 21 - 32**
- 6 REPORT TO BOARD FINANCIAL REPORT 2021-2022 33 - 38**
- 7 REPORT TO BOARD GAMBLING STATEMENT OF PRINCIPLES 2022 39 - 70**
- 8 PREMISES LICENCE APPLICATIONS**
- 8(i) CAFE KISA**
- 8(ii) HARRISONS FINE WINES**
- 8(iii) HUFFMAN'S LIMITED TA BOXWORX**

9 VARIATION (MAJOR) APPLICATIONS

9(i) NEWSAGENT, 33 GARTH AVENUE, PERTH

9(ii) SPAR, MEIGLE

10 OCCASIONAL LICENCE APPLICATION

10(i) OTHERLANDS

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PERTH AND KINROSS LICENSING BOARD

Minute of Meeting of the Licensing Board

Held in Chambers, 2 High Street, Perth and virtually on 4 July 2022

Present:-

Councillors Anderson; Ahern; Barrett; Brock; James; MacPherson; Parrott; G Stewart; and Williamson.

Councillor Barrett presiding for Items 3-5, Councillor Williamson presiding for items 6-7

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Shona Douglas, Licensing Paralegal; and Louise Cormack, Licensing Standards Officer.

1. ELECTION OF CONVENOR

Motion (Cllrs Brock and Ahern) Nominate Councillor James.

Amendment (Cllrs Parrott and MacPherson) Nominate Councillor Barrett

Votes:

Motion – 4 votes; Amendment – 5 votes.

Councillor Barrett was elected Convenor of the Board.

2. ELECTION OF VICE CONVENOR

Motion (Cllrs Barrett and G Stewart) Nominate Councillor Williamson

Amendment (Cllrs James and Brock) Nominate Councillor Ahern

Votes:

Motion – 5 votes; Amendment – 4 votes.

Councillor Williamson was elected Vice Convenor of the Board.

3. WELCOME AND APOLOGIES

The Convener welcomed those present.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

The Minutes of the Meeting of 21 April 2022 were submitted and approved as a true record and authorised for signature.

6. VARIATION (MAJOR) APPLICATIONS

Premises	Applicant	Decision
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Premises	Applicant	Decision
Longforgan Bowling Club 23 Main Street Longforgan By Dundee DD2 5ET	Longforgan Bowling Club	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>2 Amend terminal licensed hour as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight Thursday 12 midnight Friday 12:30am Saturday 12:30am Sunday 12 midnight</p> <p>5 Amend as follows: Bar Meals YYN Receptions YYN Club or Group Meetings YYN Recorded Music YYN Live Performances YYN Dance Facilities YYN Indoor/outdoor sports YYN Televised Sports YYN Outdoor drinking YYN</p> <p>5(f) Add the following: ‘Club or other group meetings – bar facilities not operational during these meetings. Hall used by community groups and others. Children aged 7 years and over and young persons are allowed to play on bowling green and attend coaching sessions. Club has qualified children’s coach and child wellbeing officer, both of whom are</p>

Premises	Applicant	Decision
		<p>Committee Members.'</p> <p>6(b) Remove the existing and insert instead: 'Entry allowed for outdoor bowling/coaching. Children and young persons will be supervised by an adult/club official at all times.'</p> <p>6(c) Remove the existing and insert instead: '7 years and over'</p> <p>6(d) Remove the existing and insert instead: 'Times of entry 11am to 9.30pm when the bowling green is open for play.'</p> <p>6(e) Remove the existing and insert instead: 'All public areas'</p> <p><u>Layout Plan</u></p> <p>Amend location plan and layout plan as sought.</p>
<p>The Sandeman Sandeman Building Kinnoull Street Perth PH1 5EZ</p>	<p>Stonegate Pub Company C/o Miller Samuel Hill Brown The Forsyth Building 5 Renfield Street Glasgow G2 5EZ</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>2 Amend On Sales terminal licensed hour as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight</p> <p><u>Conditions</u></p> <p>Amend local conditions 4 and 5 to read as follows:</p> <p>(4) Friday and Saturday 2 door supervisors from</p>

Premises	Applicant	Decision
		<p>7:30pm until after the terminal hour. There will also be a minimum of 1 front of house management/supervisor on Friday and Saturdays from 7pm and additional licensed door supervisors will be provided when Live Performances and Events are scheduled to take place on the premises.</p> <p>(5) When functions take place, the provision of alcohol is ancillary to the function. No general public entry is permissible and entry shall be limited and controlled. The bar for the premises or part of premises utilised for a function shall be closed such that no alcohol is sold for 30 minutes prior to the commencement of the function.</p>
The Golf Inn 138 High Street Auchterarder PH3 1AD	The Partnership of Curly Lloyds C/o Harry Dunn 1 Bowerswell Waterloo Bankfoot Perth PH1 4FG	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>2 Amend On Sales terminal licensed hours as follows: Monday 12 midnight Tuesday 12 midnight Wednesday 12 midnight</p> <p>4 Insert 'YES', delete the existing narrative and insert instead: 'Festive social demand hours per Board Policy.'</p>
The Grill Bar Fleshers Vennel Perth PH2 8PF	BM Taverns Limited C/o Harry Dunn 1 Bowerswell Waterloo	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Conditions</u></p>

Premises	Applicant	Decision
	Bankfoot Perth PH1 4FG	Delete local condition 9 and renumber existing local condition 10 accordingly

7. PREMISES LICENCE APPLICATIONS

Premises	Applicant	Decision
77 Scott Street Perth PH2 8JR	Kevin Flynn C/o Harry Dunn 1 Bowerswell Waterloo Bankfoot Perth PH1 4FG	Grant subject to mandatory conditions, and Local Condition (1) Written policies shall be in place for the premises and immediate external area and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for: (i) dispersal of patrons The premises licence is not to be issued until Frank Burger-Seed is no longer the designated premises manager for another premise or is replaced by another designated premises manager.
Moonlight Café and Bistro 57 South Street Perth PH2 8PD	Furkan Caliskan	Downgrade the application to a provisional premises licence. Thereafter, grant subject to mandatory conditions
The Larder Deli 161 High Street Auchterarder PH3 1AD	Diane Victoria Valentine	Grant subject to mandatory conditions, and Local Condition

		<p>(1) Written policies shall be in place for the premises and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for:</p> <p>(i) the taking of orders and subsequent delivery of alcohol out with the premises</p>
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PERTH AND KINROSS LICENSING BOARD

Minute of Special Meeting of the Licensing Board

Held in Chambers, 2 High Street, Perth on 7 July 2022

Present:-

Councillors Brock; James; and Williamson.

Councillor Williamson presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; Shona Douglas, Licensing Paralegal; Louise Cormack, Licensing Standards Officer; Councillor Ahern (as an observer); Inspector Jamie Allen and Sgt James Gordon, both Police Scotland.

1. INTRODUCTION

Vice Convenor introduced those present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PREMISES LICENCE REVIEW

Premises	Applicant	Decision
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Premises	Applicant	Decision
J.L Gill 26 West High Street Crieff Perthshire PH7 4DL	Police Scotland	<p>Having regard to the licensing objectives:</p> <ul style="list-style-type: none"> (a) preventing crime and disorder (b) securing public safety (c) preventing public nuisance <p>the licence holder is not a fit and proper person to be the holder of a premises licence, given his conviction and behaviour.</p> <p>Consequently, as a matter of law, the premises licence must be revoked with the revocation taking effect within 28 days of today.</p> <p>Members agreed to delegate (i) the recall of the revocation, and (ii) a possible extension of the 28 day period pending determination of a transfer application, to the Clerk to the Licensing Board or licensing staff.</p>

4. PERSONAL LICENCE REVIEWS – S.83 & S.84A

Licence Holder	Applicant	Decision
Andrew Steuart Cuthbert	Police Scotland	<p><u>Section 83 Hearing</u></p> <p>Having regard to the licensing objectives:</p> <ul style="list-style-type: none"> (a) preventing crime and disorder (b) securing public safety (c) preventing public nuisance <p>the licence holder is not a fit and proper person to be the holder of a personal licence given his conviction and</p>

		behaviour, and, as a consequence, it is necessary to revoke the licence, with immediate effect.
Andrew Steuart Cuthbert	Police Scotland	<p><u>Section 84A Hearing</u></p> <p>Having regard to the licensing objectives:</p> <ul style="list-style-type: none"> (a) preventing crime and disorder (b) securing public safety (c) preventing public nuisance <p>the licence holder is not a fit and proper person to be the holder of a personal licence given his conviction and behaviour, and, as a consequence, it is necessary to revoke the licence, with immediate effect.</p>

PERTH AND KINROSS LICENSING BOARD

Meeting 15 August 2022 at 11:00 am Virtual and, Council Chambers, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

New Grant(s)

	Premises	Applicant	Date Received	Comments
1	CAFE KISA 127 - 129 HIGH STREET AUCHTERARDER PH3 1AA	CAFE KISA AUCHTERARDER LTD	21 June 2022	Cited for 10.30am Participation by: Applicant - Video
2	HARRISONS FINE WINES 39-41 KING STREET CRIEFF PERTHSHIRE PH7 3AX	HARRISONS FINE WINES LIMITED	28 June 2022	
3	HUFFMAN'S LTD, T/A BOXWORX UNIT 1 LAWGROVE PLACE INVERALMOND INDUSTRIAL ESTATE PERTH PH1 3XQ	HUFFMAN'S LIMITED	14 June 2022	

PERTH AND KINROSS LICENSING BOARD

Meeting 15 August 2022 at 11:00 am Virtual and, Council Chambers, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
4	NEWSAGENT 33 GARTH AVENUE PERTH PH1 2LG	KAMALASEELAN KANAGASINGAM	8 June 2022	Objections Cited for 10.30am Participation by Telephone - Agent
5	THE SPAR THE SQUARE MEIGLE BLAIRGOWRIE PH12 8RN	CJ LANG & SON LIMITED C/O TLT SOLICITORS 140 WEST GEORGE STREET GLASGOW G2 2HG	22 June 2022	Cited for 10.45am Participation by: Agent - Video

PERTH AND KINROSS LICENSING BOARD

Meeting 15 August 2022 at 11:00 am Virtual and, Council Chambers, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Occasional(s)

	Premises	Applicant	Date Received	Comments
6	OTHERLANDS - BR7 - ARTIST & GUEST CAMPSITE BAR SCONE PALACE GROUNDS SCONE PERTH PH2 6BD	MICHAEL DONOVAN	23 June 2022	Start date of event: 19/08/2022 End Date of Event: 22/08/2022 Music Festival Event - Otherlands Festival 2022 Brand New, 3 Day Camping Festival To Take Place Over 3 Days At Scone Palace. Maximum Capacity Of Event - 7,000 Per Day Including Artists, Crew And Contractors. Audience Age Range Is Expected To Be 18-35 Year Olds. Ticketed Event, Strictly Over 18's Only. In Brief - 5 Stages - Covered By Tpel. 22 Food/trade Vendors - Covered By Tmol 12 Bars - Covered By Tmol And Individual Ol Applications. Representation Cited for 11am Participation by Applicant - TBC Participation by Police - TBC

PERTH AND KINROSS

Meeting 15 August 2022 at 10:00am in Virtual and, Council Chambers, 2 High Street, Perth, PH1 5PH

Licensing (Scotland) Act 2005

Occasional(s)

Premises

Applicant

Date Received

Comments

Participation by LSO - In
Person

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 15 August 2022

ANNUAL FUNCTIONS REPORT 2021-2022

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report provides the Board with an Annual Functions Report required under Section 9A of The Licensing (Scotland) Act 2005.

1. BACKGROUND/MAIN ISSUES

- 1.1 In terms of The Licensing (Scotland) Act 2005, section 9A a Licensing Board must publish an annual functions report within 3 months of the end of the financial year.
- 1.2 In preparing an annual functions report a Licensing Board must include: -
 - (a) a statement explaining how the Board has had regard to: -
 - (i) the licensing objectives, and
 - (ii) the licensing policy statement and any supplementary licensing policy statement including the Board's statement under section 7 (1) (duty to assess overprovision) in the exercise of their functions under this Act during the financial year.
 - (b) a summary of the decisions made by the Board during the financial year
 - (c) information about the number of licences held under this Act in the Board's area (including information about the number of occasional licences issued during the year) and
 - (d) any other information about the exercise of the Licensing Board's functions under this Act as the Board consider appropriate.

2. CONCLUSION AND RECOMMENDATIONS

- 2.1 This Report summarises the activity of the Licensing Board during the last financial year.

2.2 It is recommended that the Board:

- (i) approve the Annual Functions Report as shown as Appendix 1.

Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manager	Ext. No. [REDACTED] Email: [REDACTED] [REDACTED]

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	[REDACTED]
Date 30 June 2022		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	No

1. CONSULTATION

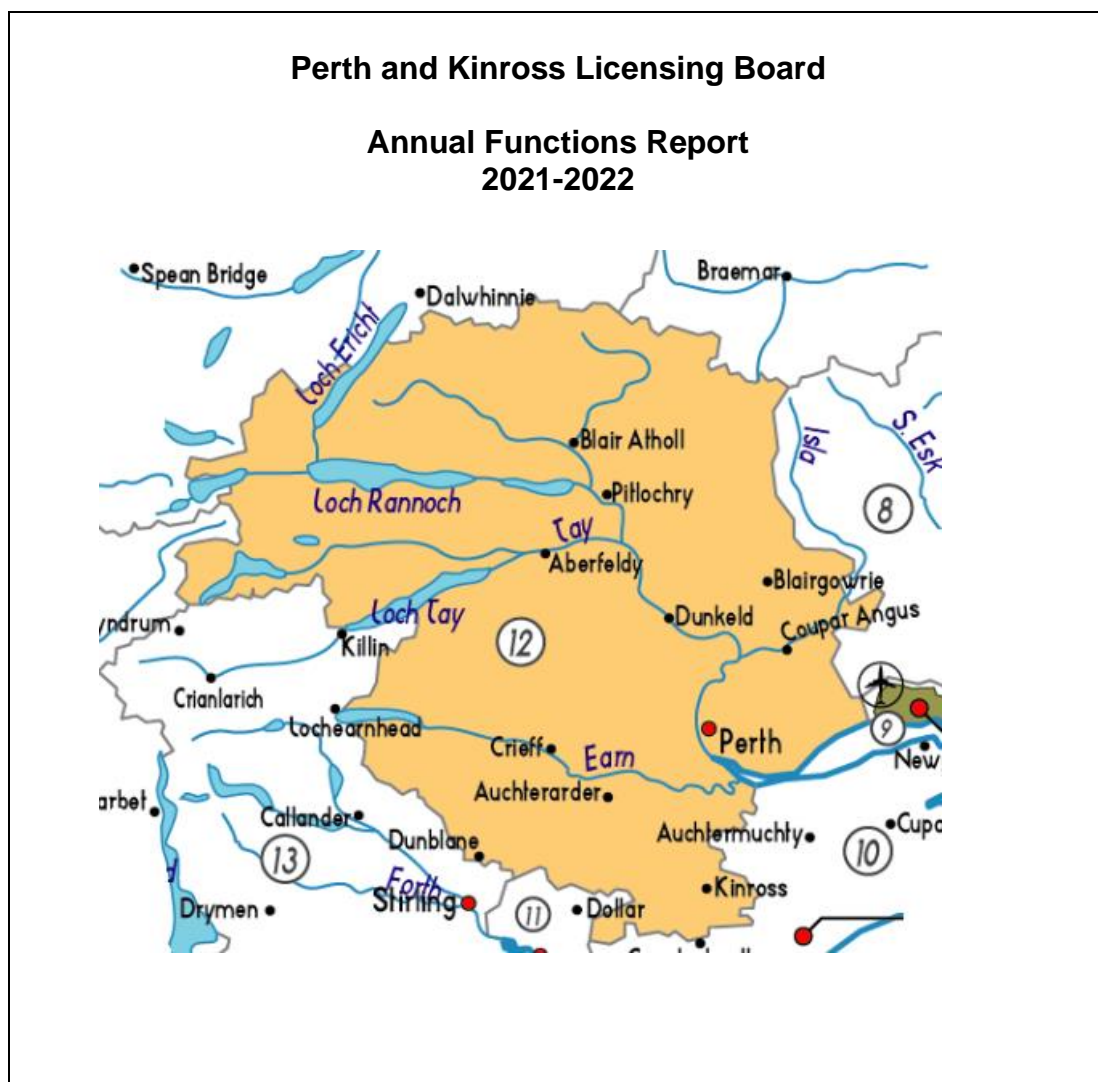
1.1 As this report is for information to the Board no consultation is required.

2. APPENDICES

2.1 Annual Functions Report 2021-2022.

Appendix 1 – Annual Functions Report

**PERTH AND KINROSS
LICENSING
BOARD**



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Introduction – Section 1 and 2

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Licensing Forum – Section 8

Perth and Kinross Licensing Board Policy Statement 2018-2023 – Section 9

**Covid-19 challenges and changes in relation to Alcohol
Licensing – Section 10**

Conclusion – Section 11

1.0 Introduction – Perth and Kinross Licensing Board

- 1.1 Perth and Kinross Licensing Board (“the Board”) is the licensing authority for the local government area of Perth and Kinross for the purposes of the Act. The current Board was formed in May 2017 and comprises 10 members all of whom are elected members of Perth and Kinross Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within Perth and Kinross.
- 1.2 Perth and Kinross shares borders with Dundee, Fife, Clackmannanshire, Highland, Aberdeenshire, Angus, Argyll and Bute and Stirling Councils and covers 5285 square kilometres. The 2011 Census states that 146,652 people live within the area, which stretches from the Spittal of Glenshee in the north to Blairingone in the South,; in the East from Alyth and Blairgowrie and to the West, St. Fillans on the banks of Lochearn. The main administrative centre for Perth and Kinross is based in Perth.
- 1.3 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold. The Gambling Act 2005 makes provision for regulating betting and gaming. It gives responsibility for licensing some forms of gambling to local authorities
- 1.4 Under the Acts, Licensing Boards are responsible for considering applications for: -
- All licences related to the sale of alcohol including premises licences, personal licences and occasional licences
 - betting offices, gaming machines, small lotteries, bingo premises, track betting, adult gaming centres, family entertainment centres.

The vast majority of licences issues by the Licensing Board relate to the regulation of the sale of alcohol. Licensing under the Gambling Act forms only a small part of the work of the Board. For that reason, this report focuses on the work of the Board in relation to alcohol licensing.

2.0 The Licensing Objectives

- 2.1 The Licensing (Scotland) Act sets out the following five alcohol licensing objectives (“the licensing objectives”): -
- preventing crime and disorder
 - securing public safety

- preventing public nuisance
- protecting and improving public health
- protecting children and young people from harm

2.2 The licensing objectives provide the basis for the administration of the alcohol licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may relate to any one or more of the licensing objectives.

2.3 In exercising its alcohol licensing functions under the Act, the Board is required to have regard to the licensing objectives.

3.0 Annual Function Report

3.1 In the year from 1 April 2021 to 31 March 2022 the Board met every five to six weeks with one exception.

3.2 All applications before the Board were dealt with in accordance with licensing legislation and the Board's Statement of Licensing Policy 2018 – 2023.

3.3 Information and assistance was made available to those wishing to apply for a licence, make representations or lodge objections.

3.4 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process.

3.5 At the six weekly meetings, the Board adopts as informal a process as possible but consistent with the carrying out of the Board's quasi-judicial functions.

3.6 The shift to virtual meetings has meant that people have had to engage in a different way than was previously the case, as there have been no face-to-face meetings of the Board. However, a range of options are available to enable people to participate virtually, or in writing. Support is given to enable people to engage in this way.

4.0 Decisions of the Board

4.1 The Board experiences a busy year with new premises licence applications and occasional licence applications, despite the ongoing effects of the covid 19 pandemic. The following table sets out the information relating to the number of applications approved by the Board:

Premises licences	21
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Major variations to existing premises licence	25
Personal licence	158
Minor variations	120
Transfer/Transfer and variation	29
Occasional licences	987
Extended hours	5

4.2 Applications for new premises licences and applications for major variation are all dealt with at Licensing Board meetings. The vast majority of other applications are all dealt with under delegated powers.

4.3 The Board considered 13 objections and 3 representations to new premises licence applications. Five objections were considered in relation to applications to vary an existing licence. Four objections were received in relation to Occasional Licences.

Where the Board received objections/representations to occasional licences, new premises licences or Major Variations the Board granted these applications subject to mandatory and local conditions being imposed. Local conditions imposed dealt with the following issues:-

- compliance with any relevant legislation, directions and guidance of the UK and Scottish Governments in relation to coronavirus;
- the extent to which an outdoor area could be used, and if so, what measures must be followed such as for maximum occupancy, hygiene, and social distancing, use of music or television;
- noise mitigation and dispersal of patrons policies and
- policies to manage the taking of orders and delivery/collection of alcohol.

4.4 In assessing applications, the Board used a considerable number of different sources of information to enable them to reach determinations. These sources included reports from Police Scotland, Scottish Fire and Rescue Service, Licensing Standards Officer, Building Standards, Planning and Environment Services.

5.0 Reviews

5.1 In the period 1 April 2021 to 31 March 2022 the Board considered 7 premises licence reviews. It was determined that grounds were not established in 5 of these cases. In regard to the remaining two, grounds for review were established on the basis of breach of mandatory condition 10(2) of the premises licence (payment of annual fees). The premises licences were revoked, on the basis that this was both necessary and appropriate for the purposes of all of the licensing objectives.

- 5.2 Two personal licence reviews were considered by the Board, both of which led to the offence being noted on their personal licences with no other action.

6.0 Licensed Hours

- 6.1 In granting licences the Board recognised that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board did not wish to unnecessarily inhibit the development of thriving and safe evening and night-time local economies which are important for investment, employment, and tourism. The Board was also particularly mindful of its role in supporting licensed premises to adapt their trading to mitigate the impact of the covid 19 pandemic.
- 6.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am or after 10.00 pm.
- 6.3 Each application for a premises licence is assessed on its own merits against the policy hours appropriate to the type of activity and venue for which a licence is being sought.
- 6.4 Should an application be received in respect of opening earlier than 11 am for on sales, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.
- 6.5 Extended hours applications are individually assessed on their own merits. When the extended hours sought are in respect of on sale premises and are outwith on sale policy hours appropriate to the applicant's premises, the applicant is required to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:-
- the hours sought;
 - a description of the special event or occasion;
 - the proposed activities to take place during these hours;
 - when each activity will take place;
 - management arrangements to be in place for the special event or occasion.

7.0 Licensing Board Training

- 7.1 As stated at the beginning of this report, the Board comprised 10 members who are elected Councillors for Perth and Kinross Council. They are appointed by the Council as Board Members.
- 7.2 In May 2017, Board members attended a day's mandatory training from Alcohol Focus Scotland, covering licensing legislation and Board functions. This mandatory training included an examination which all were required to pass. A further two members completed their training in December 2020 and January 2021 following their appointment to the Board. All members of the Board passed the required exam to enable them to sit as members of the Licensing Board.

8.0 Licensing Forum

- 8.1 The role of the Licensing Forum is to keep under review the operation of the Licensing (Scotland) Act in the Perth and Kinross area and to give advice and make recommendations to the Board in relation to those matters as the Forum deems appropriate. The Forum is the community's voice on alcohol issues.
- 8.2 In January 2018 the group re-formed. Members include representatives from the Drugs and Alcohol Partnership, Police Scotland, Licensing Standards Officer, on and off sales representatives and an officer from the local University. However due to Covid-19 restrictions and the impact of the covid 19 pandemic, no meetings have taken place since 2020. Support will be given to enable the group to re-form this year in preparation to discuss the new Licensing Board Policy Statement due in 2023.

9.0 Perth and Kinross Licensing Board Policy Statement – 2018-2023

- 9.1 Consultation on the revised Statement took place between June and August 2018. The Statement will be due for review again in 2023.

10.0 Covid-19 challenges and changes in relation to alcohol Licensing

These past few years have been particularly challenging for licensed premises due to Covid-19 . Alternative ways of operating businesses had to

be developed in line with guidance issued by the Scottish Government. When indoor drinking was not permitted during the summer of 2020, a surge of occasional licences were sought to permit the use of outside drinking areas. Licensed premises continued to use these outdoor areas during the period covered by this report. This accounts for a significant number of the occasional licences granted during the period.

At the beginning of 2022, an influx of occasional licences began to be received for the return of events within Perth and Kinross such as Galas, Music Festivals and Highland Games as well as weddings and other celebrations.

11.0 Conclusion

- 11.1 Licensed premises in Perth and Kinross have been generally well run and generally problem free in the last year. With restrictions largely eased, it is hoped licensed premises can get back to some form of normality and begin to prosper before the end of the coming year.
- 11.2 The efforts of Council staff and partners are recognised in ensuring that licensed premises in Perth and Kinross are compliant and kept well informed of the requirements of licensing legislation and regulations. Licence holders' efforts are acknowledged with regard to compliance with legal requirements and the management of well-run businesses in trading conditions which have continued to be extremely challenging.
- 11.3 The Board will continue to ensure that good practice continues, and the licensing objectives are complied with during the period 2021-2022.

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 15 August 2022

FINANCIAL REPORT

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report provides the Board with an annual Financial Report required under Section 9B of the Licensing (Scotland) Act 2005.

1. BACKGROUND / MAIN ISSUES

Background

1. The Perth and Kinross Licensing Board is required under Section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on 11 May 2022. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited.

Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

2. CONCLUSION AND RECOMMENDATIONS

- 2.1 This Report will be produced no later than three months of the end of the financial year and presented to the Board for their information.
- 2.2 It is recommended that the Board:
 - (i) Note the contents within the Financial Statement as shown as Appendix 1
 - (ii) Publish the report

Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manager	Ext. No. [REDACTED] Email: [REDACTED]

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	[REDACTED]
Date: 25 May 2022		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	Yes
External	No
Communication	
Communications Plan	No

1. CONSULTATION

- 1.1 The terms of this Report have been considered internally with the Assistant Accounts Exchequer Manager.

2. APPENDICES

- 2.1 Financial Report – Financial year 2021-2022.

APPENDIX 1

Licensing (Scotland) Act 2005 Perth and Kinross Council Board Financial Report Financial Year: 2021-2022

The Perth and Kinross Licensing Board is required under Section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on 11 May 2022. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited.

Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005. The financial statement is as follows:

Income

Premises/Provisional/Confirmation Licences	£22,210
Annual Fees	£211,684
Transfers	£1,190
Major/Minor Variations	£11,860
Extended Hours	£40.00
Occasional Licence	£12,535
Personal Licence	£5,570

Total	£265,089
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Direct Staff Costs

Licensing Standards Officers	£ 39,469.00
Administrative Support	£ 48,255.00
Legal Services	£ 49,449.00

Total	£137,173.00
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Other Direct Costs

Board Members	£11,557.00
Northgate licensing management system	£4,095
Training and Development	£495.00
Stationery	£0.00
Supplies and Services	£2,429
Catering	£0.00
Travel	£178.00

Total	£18,754.00
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Indirect Costs	£43,732.00
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Financial Services/Procurement/Accommodation N/A*

* The accommodation costs for 2 High Street are a single figure incurred by the Council therefore an accurate figure for accommodation in respect of the Licensing Board cannot be determined at the present time, however if these were factored in it is unlikely there would be a surplus figure in the net income-expenditure as detailed below.

Net Income-Expenditure	+ £65,430.00
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PERTH AND KINROSS LICENSING BOARD

Board Meeting: 15 August 2022

DRAFT STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report advises of the consultation responses received on the Draft Statement of Principles – Gambling Act 2005 and asks the Board to finalise its Statement of Principles to have effect until January 2025.

1. BACKGROUND / MAIN ISSUES

- 1.1 Section 349 of the Gambling Act 2005 requires all Licensing Boards to prepare and publish every three years a statement of the principles that it proposes to apply in exercising its functions under the Act. The content of the Statement of Principles is largely dictated by the legal framework, and therefore there is limited scope for the Licensing Board to deviate from this.
- 1.2 The Board's Statement of Principles lasts for a maximum of three years but can be reviewed and revised by the Board at any time. A draft Statement of Principles for 2022-2025 has been prepared and is attached as an Appendix to this report.
- 1.3 In accordance with Section 349 (3) of the Act, the final Statement of Principles must be produced following consultation with:
 - The Chief Constable of Police Scotland
 - One or more persons who appear to the Board to represent the interests of persons carrying on gambling business 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 authority's functions under the Act.
- 1.5 The list of persons to be consulted is deliberately wide and this enables the Board to undertake a comprehensive consultation exercise with anyone who may be affected or otherwise have an interest.
- 1.6 Consultation took place on a draft of this Policy Statement from 10 January 2022 with the closing date for responses to consultation being 6 February 2022. One representation has been received from the Racecourse Association (see comments at Appendix B).

2. PROPOSALS

- 2.1 It is proposed that the Board note the comments provided by the Racecourse Association and the amendment made at paragraph 13.5. The amendment adds a cross reference to Paragraph 19.5, recognising that children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place.
- 2.2 It is further proposed that the Board then approves its Statement of Principles and that the Policy have effect until January 2025.

3. CONCLUSION AND RECOMMENDATIONS

The Board is requested to:

- (i) Approve the amended Statement of Principles under the terms of the Gambling Act 2005 for the purpose of publication.

Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manager	

Approved

Name	Designation	Signature
Sarah Rodger	Legal Manager	
Date 4 July 2022		

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting D. Gilkison



Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	No

3. Assessments

3.1 Equality Impact Assessment

A full EFIA has determined that the proposal is **relevant** for the purposes of EFIA, with the following outcome being decided:”

1. No major change is required. The Policy, Practice, Project, Service Reform or Budget Option is robust and can continue without amendment.

4. Consultation

4.1 Internal consideration and external consideration has taken place on the draft Statement of Principles.

5. APPENDIX

1. Perth and Kinross Licensing Board Draft Statement of Principles 2022-2025

PERTH AND KINROSS LICENSING BOARD

**STATEMENT OF PRINCIPLES UNDER SECTION 349
OF THE GAMBLING ACT 2005**

DRAFT 2022-2025

FOREWORD

Consultation on this document took place between 10 January 2022 and 6 February 2022. A copy of the responses received, and consideration given to those comments will be available on request to the Clerk to Perth and Kinross Licensing Board, Council Building, 2 High Street, Perth, PH1 5PH and provided to the Licensing Board when reviewing the final policy statement.

This Statement of Principles will be published on the Licensing Board's website at www.pkc.gov.uk by selecting from the 'Browse' section Law and licensing/ Licences, permits and permissions/ Licences – gambling and is available for inspection at the Licensing Section, Perth and Kinross Council, 2 High Street, Perth, PH1 5PH between 9 a.m. and 5 p.m. Mondays to Fridays.

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

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PART A – GENERAL PRINCIPLES

1 Introduction

- 1.1 Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to prepare and publish a statement of principles which will be applied in exercising their functions under the Act. This Statement of Principles fulfils that statutory requirement for Perth and Kinross Licensing Board.
- 1.2 This Statement of Principles was adopted by Perth and Kinross Licensing Board (the licensing authority) on xxx. This Statement of Principles will have effect from January 2022 until January 2025. During that period it will be subject to review and revisal, as appropriate. It will be available online at <https://www.pkc.gov.uk/article/15592/Alcohol-licences>
- 1.3 This statement has been prepared taking into account the statutory guidance of the Gambling Commission (updated 1 April 2021).
- 1.4 We will carry out our role under the Act in a transparent manner and in the public interest.
- 1.5 We are committed to avoid duplication with other legislation and regulatory regimes as far as possible. Legal requirements under other legislation such as health and safety and fire precautions are not replicated in this statement.
- 1.6 This document should be read in conjunction with the Act, regulations made under the Act and guidance issued by the Gambling Commission. This is designed to be a strategic gambling statement, not an operational guide. The contents are not a full or authoritative statement of the law and do not constitute professional or legal advice.

2 Licensing Objectives

2.1 In exercising its functions under the Gambling Act 2005, Perth and Kinross Licensing Board, as a licensing authority, will have regard to the statutory licensing objectives, which are set out in Section 1 of the Act: -

- **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.**

2.2 Section 153 of the Act requires us, in exercising our functions in relation to premises licences and temporary use notices, to aim to permit the use of premises for gambling in so far as we 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 this Statement of Principles.

2.3 Nothing in this statement shall override the right of any person to make an application, make representations on an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3 Content of Statement

3.1 A summary of matters dealt with in this statement is shown as an Index on page 3 of this document.

3.2 The licensable activities covered by this statement are: -

Premises Licences

- Adult Gaming Centres
- Betting Premises
- Bingo Premises
- Casino Premises
- Licensed Family Entertainment Centres
- Provisional Statements
- Tracks
- Travelling fairs

Permits, Temporary and Occasional Use Notices and other activities

- Club gaming and club machine permits
- Gaming machines on alcohol licensed premises
- Occasional use notices
- Prize gaming permits
- Temporary use notices
- Unlicensed family entertainment centres
- Registration of small society lotteries

- 3.3 A scheme of delegation has been prepared in accordance with the Act and Gambling Commission Guidance to ensure the effective management of the Board's functions under the Act.

4 **Geographical Application of Statement**

- 4.1 Perth and Kinross Licensing Board's geographical remit extends to the same area covered by Perth and Kinross Council. Perth and Kinross is located at the heart of Scotland and covers 5286 square kilometres. It is characterised by a diverse mix of rural and urban communities, from the main population centre of Perth and towns such as Auchterarder, Blairgowrie, Crieff, Kinross and Pitlochry, to remote communities such as Kinloch Rannoch. According to the 2011 census Perth and Kinross had a population of 146,652.

- 4.2 A map indicating the extent of Perth and Kinross is shown below.



5 Consultation Process

- 5.1 Perth and Kinross Licensing Board is required by the Gambling Act 2005 to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be prepared and published at least every three years. It may also be reviewed from time to time and in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 5.2 The Act requires that the following parties are consulted by each licensing authority: -
- the Chief Constable for the licensing authority's 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; and
 - one or more persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 5.3 We will consult widely on this Statement of Principles before finalising and publishing it. A list of the persons we will send this document to is set out below: -
1. The Gambling Commission
 2. The Chief Constable
 3. The Chief Fire Officer, Scottish Fire and Rescue Service
 4. Executive Director, (Communities), Perth and Kinross Council
 5. Executive Director, (Education and Children's Services), Perth and Kinross Council
 6. HM Revenue & Customs
 7. Directorate of Public Health, NHS Tayside
 8. Association of British Bookmakers Limited (as represented by Harper MacLeod LLP, Solicitors)
 9. Chief Executive, Premier Bingo Club
 10. Chief Executive, Fair City Amusements Ltd
 11. The Racecourse Association Ltd
 12. Chief Executive, Perth and Kinross Association of Voluntary Services
 13. GamCare
 14. Perth and Kinross Health and Social Care Partnership
 15. All Perth and Kinross Community Councils
 16. Scottish Licensed Trade Association
 17. Perth and Kinross Adult Protection Committee
 18. Perth and Kinross Child Protection Committee

The consultation draft Policy Statement will be made available on the Council's Consultation Hub and Posts will be placed on Perth and Kinross Council's Facebook

page and Twitter feed. Comments and suggestions will be directed to civiclicensing@pkc.gov.uk

6 Declaration

- 6.1 In producing this statement, Perth and Kinross Licensing Board declares that it will have regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission and the responses received from those consulted on this statement.

7 Responsible Authorities

- 7.1 A responsible authority under the Act must be notified of applications in relation to premises licences and is entitled to make representations in relation to them.
- 7.2 We are required under section 157(h) of the Act to designate, in writing, a body competent to advise the licensing authority about the protection of children from harm. In such designation, the following principles are applied:-
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.
- 7.3 We designate Education and Children's Services, Perth and Kinross Council for the purpose of providing advice about protection of children from harm.
- 7.4 The list of responsible authorities in respect of Perth and Kinross Licensing Board is:
1. The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4SP.
 2. The Chief Constable, Police Scotland, Western Division, Divisional Headquarters, Barrack Street, Perth, PH1 5SF.
 3. The Chief Fire Officer, Scottish Fire and Rescue Service, 401 High Street, Perth, PH1 1PL.
 4. Executive Director, (Communities), Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD – Planning and Development.
 5. Executive Director, (Communities), Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD – Environmental Health
 6. The Executive Director, (Education and Children's Services), Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
 7. HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ.

8 Interested Parties

- 8.1 The Act identifies interested parties in relation to an application for or in respect of a premises licence and who can make representations in writing about that application or apply for a review of an existing licence, namely a person who in the opinion of the licensing authority: -
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the two sub-paragraphs above.
- 8.2 Perth and Kinross Licensing Board will consider whether a person is an interested party on a case by case basis judging each possible interested party on their own merits.
- 8.3 In determining whether a person “lives sufficiently close to the premises to be likely affected” or “has business interests that might be affected” by the authorised activities, the licensing authority may have regard to such factors as it considers appropriate to the circumstances including: -
- the size of the premises;
 - the nature of the activities taking place on the premises;
 - the distance of the premises from the location of the person making the representation or from the business interests;
 - in respect of a person, the circumstances of the complainer. This does not cover the personal characteristics of the complainer, but the nature of the interest of the complainer. For example, the licensing authority may apply a different interpretation for a private resident, a residential school for children with truanting problems or a residential hostel for vulnerable adults;
 - what might, in the opinion of the licensing authority, be reasonably regarded as a likely or potential impact of the particular premises upon the person or business interests; and
 - such other factors as it considers are relevant.
- 8.4 In determining whether a person is regarded as representing persons in either of the two other categories above, the licensing authority may request that that person demonstrates in writing:-
- that they have specifically been requested to represent that person(s) and/or business interests in relation to the submission of the representation; and/or
 - that, in the case of a body, it represents a significant number of persons falling under either of the two categories above.

9 Interested Parties - Representations

- 9.1 Representation made by a responsible authority or interested party which is not withdrawn will normally result in a hearing taking place unless the applicant and/or interested party consent to the application being determined without a hearing.
- 9.2 In certain circumstances, however, a hearing need not take place. For example, where the licensing authority considers that the representation: -
- is vexatious;
 - is frivolous; or
 - will certainly not influence the authority's determination of the application.

10 Disclosure / Exchange of Information

- 10.1 In fulfilling its functions and obligations under the Act, the licensing authority will exchange relevant information with other regulatory bodies and will establish protocols as necessary. In exchanging such information, the licensing authority will conform with the requirements of the Act, data protection and freedom of information legislation as well as the Gambling Commission's Guidance to Licensing Authorities.
- 10.2 Contact details of those persons making representations and details of their representations will be made available to applicants for a licence. Should a hearing take place, they will form part of a public document. Any party who lodges representations or applies for a review of a premises licence will be informed that these details will be disclosed.

11 Enforcement

- 11.1 The Act provides various bodies including the licensing authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the licensing authority has the capacity to report various offences that are specified within the Act for prosecution. Any proposal to undertake an inspection or initiate criminal proceedings will be considered on its own merits.
- 11.2 In exercising our functions under the Act with regard to the inspection of premises we will be guided by the Gambling Commission's Guidance and our approach will be: -
- proportionate;
 - accountable;
 - consistent;
 - transparent; and
 - targeted.

- 11.3 In carrying out our enforcement responsibilities, we will normally adopt a risk based approach. Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed; those premises considered to pose the greatest risk will be subject to more frequent inspections than those presenting a lower risk.
- 11.4 Criteria which may normally contribute to an assessment to determine the level of risk that applies to premises may include: -
- the size of the premises;
 - the proximity of the premises to identified vulnerable persons;
 - whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
 - information submitted from relevant persons or bodies; and
 - such other factors as the particular circumstances of the individual situation warrant.
- 11.5 The main enforcement and compliance role for this authority under the Act will be to ensure compliance with premises licences and other permissions which it authorises. According to the principle of transparency, this authority shall make available upon request copies of any enforcement and compliance protocols which it may adopt.
- 11.6 It is recognised that premises licensees may have a number of premises including in this Authority's area and may not personally be present on the premises. In order to ensure that any compliance issues are recognised and resolved at an early stage, operators are requested to provide this Authority with a named point of contact and contact details, who should be a senior individual responsible for the particular premises, and whom the Authority may contact, in addition to the premises licensee, should any compliance queries or issues arise.

12 Licensing Authority Functions

- 12.1 This authority will make decisions upon applications or notifications made for:-
- premises licences
 - provisional statements
 - temporary use notices
 - occasional use notices
 - permits required under the Act
 - registrations required under the Act
- 12.2 This statement of principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely: -
- adult gaming centres

- betting premises
- bingo
- casinos
- club gaming and club machine permits
- licensed family entertainment centres
- unlicensed family entertainment centres
- permits for gaming machines on alcohol licensed premises
- prize gaming and prize gaming permits
- registration of small society lotteries
- tracks
- temporary and occasional use notices
- travelling fairs

12.3 We will provide information to the Gambling Commission regarding details of licences issued and will maintain registers of the permits and licences that are issued under these functions.

PART B – PREMISES LICENCES

13 Premises Licences

- 13.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, including specific mandatory and default conditions. We may also exclude default conditions and attach other conditions where that is considered appropriate.
- 13.2 In considering an application for a 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 or moral objections to gambling in general. Expected demand or moral objections to gambling are not criteria which we can consider under the Act or under the terms of the Gambling Commission's Guidance for Licensing Authorities. These matters do not relate to the licensing objectives.
- 13.3 In exercising our functions in relation to premises licences, we shall aim to permit the use of premises for gambling in so far as we 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 this Statement of Principles.
- 13.4 Premises are defined in the Act as "any place", including vessels and vehicles and must be premises which are ready to be used i.e. not under construction. More than one premises licence cannot apply in respect of a single premise at the same time unless the premises can be configured acceptably so as to constitute different premises. Artificial or temporary separations are not acceptable. We will assess each case on its individual merits to decide as a matter of fact whether different parts of a building can properly be regarded as being separate premises.
- 13.5 In accordance with the Gambling Commission's Guidance to Local Authorities 5th edition, we will pay particular attention to:-
- 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. (It is recognised at Paragraph 19.5 that children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place).

- 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.

13.6 In determining whether two or more proposed premises are truly separate, factors which could assist in making a decision 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 any other gambling premises?

13.7 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located although it will pay particular regard to the proximity of gambling premises to properties and places regularly frequented by children and other vulnerable persons. Should any such policy be adopted, this statement will be updated and the policy will be publicly available.

13.8 Any future policy will not preclude an application for a premises licence being made. The practical onus will be on the applicant to show how any potential concerns could be overcome.

13.9 In making a determination in respect of a premises licence, we shall not consider whether or not an application is likely to be awarded planning permission or building approval. We will consider carefully any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

13.10 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Its Guidance envisages that attention is paid to the proposed location of gambling premises in terms of this licensing objective. We recognise the Commission's distinction between disorder and nuisance. Disorder means an activity that is more serious and disruptive than mere nuisance, which is not a Gambling Act objective. We will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, to assess a disturbance.

Objective 2: Ensuring that gambling is conducted in a fair and open way

13.11 The Gambling Commission has stated that it would generally not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will relate either to the management of the business and therefore subject to an operating licence, or to an individual and therefore subject to a personal licence. Both of these are the responsibility of the Gambling Commission.

13.12 However, in relation to the licensing of tracks the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

13.13 The Gambling Commission Guidance for Local Authorities states that “harmed or exploited by gambling” means preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.

13.14 We will consider whether specific measures are required at individual premises to promote this licensing objective. Appropriate measures may include supervision of access points or machines or segregation of areas. We will consult with Education and Children’s Services, Perth and Kinross Council on any application that indicates there may be concerns over access for children or vulnerable persons.

13.15 The term “vulnerable persons” is not defined but the Gambling Commission states that it will, for regulatory reasons, assume that this group includes people who gamble more than they want to, people who gamble 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.

Applications

13.16 In light of the three licensing objectives, in considering licence applications, we will have regard to the following: -

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises, which may include matters such as the position of cash registers or the standard of CCTV that is installed;
- where premises are subject to age-restrictions, the procedures in place to conduct age verification checks; and

- the likelihood of any violence, public order or policing problem if the licence is granted.

13.17 Whilst each application will be considered on its own merits, factors to which the licensing authority may in particular have regard to when determining an application include:-

- proximity of gambling premises to properties regularly frequented by children and other vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed by the use of one or more conditions.

Conditions

13.18 Any conditions we attach to licences will be proportionate and will be: -

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

Decisions on individual conditions will be made on a case by case basis. The control measures which we may consider using include door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas.

13.19 We may consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children, the supervision of gaming machines in non-adult gambling specific premises and the display of notices regarding age restrictions.

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

- any condition on the premises licence which make 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 casino and bingo clubs; and
- conditions in relation to stakes, fees, winning or prizes.

- 13.21 In circumstances where the licensing authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the licensing authority determines to reject an application.

Door Supervisors

- 13.22 In accordance with the Gambling Commission's Guidance, Perth and Kinross Licensing Board may consider whether there is a need for door supervisors in terms of the licensing objectives relating to children and vulnerable persons and the prevention of crime.
- 13.23 A condition for door supervision may be attached to a premises licence requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, outbreaks of disorder or against damage.
- 13.24 The Gambling Act 2005 has amended the Security Industry Act 2001, so that door supervisors at casinos or bingo premises are not also licensed by the Security Industry Authority. However, door supervisors at other premises may require to be licensed by the Security Industry Authority.
- 13.25 The Board may formulate a policy relating to registration with the licensing authority of all door supervisors working at casinos or bingo premises. This would be in recognition of the nature of the work which might include searching individuals, dealing with potentially aggressive and young and vulnerable persons. If so, the policy will be made available publicly.

14 Adult Gaming Centres

- 14.1 An adult gaming centre consists of premises for which a premises licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over. The following machines can be provided: -

- up to four category B3 or B4 gaming machines;
- any number of category C gaming machines; and
- any number of category D gaming machines.

- 14.2 This licensing authority will have particular 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 persons under 18 years of age do not have access to the premises. Appropriate licence conditions may cover but are not limited to issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances/gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices/signage, specific opening

hours, self-barring schemes, provision of information leaflets/help line numbers for organisations such as GamCare.

- 14.3 We will normally expect the applicant to identify the type of gaming machine which will be placed on the premises and their location.

15 Licensed Family Entertainment Centres

- 15.1 A licensed family entertainment centre consists of premises for which a premises licence is granted to provide, subject to certain restrictions, gaming machines. Persons under 18 years old will not be permitted to use certain gaming machine categories that the premises licence might authorise. There may be need for segregation between the different gaming machine types.

- 15.2 This licensing authority will particularly 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 that persons under 18 years of age do not have access to adult only gaming machine areas. Appropriate licence conditions may cover but are not limited to issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances/ gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices/signage, specific opening hours, self barring schemes, provision of information leaflets/help line numbers for organisations such as GamCare.

- 15.3 We will normally expect the applicant to identify the types of gaming machine which will be placed on the premises and their location.

16 Casinos

- 16.1 Perth and Kinross Licensing Board has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Board decide in the future to pass such a resolution, this statement will be updated with details of that resolution.

- 16.2 Perth and Kinross is not presently listed as an area for a Regional, Large or Small Casino.

17 Bingo Premises

- 17.1 Bingo does not have a statutory definition.

- 17.2 The holder of a bingo premises licence will be able to offer any type of bingo game, whether cash or prize. Furthermore, the holder of the licence may make available for use: -

- up to four category B gaming machines (B3 or B4);
- any number of category C machines; and

- any number of category D machines.

17.3 Perth and Kinross Licensing Board notes Gambling Commission Guidance, which states that 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, Perth and Kinross Licensing Board shall seek 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.

17.4 This licensing authority will have particular 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 persons under 18 years of age do not have access to adult only gaming machines. Appropriate licence conditions may cover but are not limited to issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances/gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices/signage, specific opening hours, self barring schemes, provision of information leaflets/help line numbers for organisations such as GamCare.

17.5 We will normally expect the applicant to identify the types of gaming machine which will be placed on the premises and their location.

17.6 Whilst each application will be considered on its merits, factors to which we may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.

18 Betting Premises

18.1 The Act contains a single class of licence for betting premises. There will be different types of premises which require a license, including betting offices on tracks that have a separate premises licence from the track licence. The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate betting premises licence. Licence holders may, subject to certain restrictions, make available for use up to 4 gaming machines. Other than in the case of tracks,

for which special rules apply, children and young persons will not be able to enter licensed betting premises.

- 18.2 We note the Gambling Commission's Guidance for Local Authorities which states that "Section 181 [of the Act] contains an express power for licensing authorities 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 or to a casino premises licence (where betting is permitted in the casino)". When considering whether to impose a condition to restrict the number of betting machines in particular premises, we will 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 such machines by children and young people or by vulnerable persons.

19 Tracks

- 19.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.
- 19.2 The Act contains rules which apply to applicants for a premises licence in relation to a track. The applicant need not hold an operating licence because the betting that is provided upon the track will be provided by other operators, who come on-course. Since those people will require the necessary operating licence, the Act allows the track operator to obtain a premises licence without also having to hold an operating licence. This track premises licence then authorises anyone upon the premises with an operating licence to offer betting facilities.
- 19.3 For betting to take place on a track a betting premises licence will be required unless an occasional use notice or temporary use notice is in place.
- 19.4 Tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track.
- 19.5 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.
- 19.6 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 19.7 Premises licence applicants will have to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

Appropriate licence conditions may cover but are not limited to issues such as:

proof of age schemes, CCTV, door supervisors, supervision of entrances/gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices/signage, specific opening hours, self barring schemes, provision of information leaflets/help line numbers for organisations such as GamCare.

- 19.8 We will follow guidance issued by the Gambling Commission addressing where gaming machines may be located on tracks and any special considerations that should apply to promote the licensing objectives and in particular the third objective.
- 19.9 The Act enables us 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 accordance with the Gambling Commission's Guidance in relation to betting premises away from tracks, we will take into account the size of the premises and the ability of staff to monitor the use of such machines by vulnerable people when determining the number and nature of machines permitted.
- 19.10 We note the Gambling Commission's Guidance that it would be preferable, though not mandatory, for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure a clear division of responsibilities.
- 19.11 Applications should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (also known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what other areas are to be subject to a separate application for a different type of premises licence.

20 Travelling Fairs

- 20.1 We will consider whether the applicant falls within the statutory definition of a travelling fair i.e. a travelling fair which "wholly or principally" provides amusements.
- 20.2 A travelling fair must take place on a site that has been used for fairs for no more than 27 days per calendar year.
- 20.3 Travelling fairs do not require a permit or licence to provide category D gaming machines or equal chance prize gaming. It will fall to this 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.

21 Provisional Statements

- 21.1 A provisional statement may be applied for where we deem that premises have not been completed to our satisfaction.
- 21.2 It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence and that requiring the building to be complete ensures that this authority could, if necessary, inspect it fully.
- 21.3 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 by this authority unless they concern matters which could not have been addressed at the provisional statement stage, or, in our opinion, they reflect a change in the applicant's circumstances.

Further, we 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 statement stage; or
- which in our opinion reflect a change in the operator's circumstances.

22 Reviews

- 22.1 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 wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review: -
- 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 policy.
- 22.2 We may also initiate a review of a licence on the basis of any reason which we think is appropriate.

- 22.3 Whilst we recognise the importance of the right of responsible authorities and interested parties to request reviews of premises licences, we would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing in respect of the same grounds within 12 months.

PART C – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES AND OTHER ACTIVITIES

23 Unlicensed Family Entertainment Centre Gaming Machine Permits

23.1 Where premises are not the subject of a premises licence but they wish to provide gaming machines, the applicant may apply to the licensing authority for this permit. This permit authorises the provision of category D gaming machines only. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. Permits cannot be issued in respect of vessels or vehicles.

23.2 In addition to the statutory requirements, as part of any application for an Unlicensed FEC gaming machine permit, the licensing authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made: -

- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- details of any other permit held by the applicant in respect of other premises;
- the nature of the prizes;
- the proposed frequency of prize gaming at the premises;
- details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- details of any proposed precautions, including policies and procedures and, where appropriate, staff having undergone valid and up to date Disclosure Scotland checks, to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

23.3 In considering any application the licensing authority will normally have regard to the following: -

- each case will be considered on its merits;
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as the licensing authority considers relevant.

23.4 We note that the Act imposes mandatory conditions on Unlicensed FEC gaming machine permits. We cannot impose any other conditions.

24 Alcohol Licensed Premises - Automatic Entitlement and Gaming Machine Permits

- 24.1 On notifying the licensing authority, premises licensed to sell alcohol for consumption on the premises *and contain a bar at which alcohol is served (where alcohol is not served only with food)* can, subject to certain restrictions, have *an automatic entitlement to 2 gaming machines of categories C and/or D.*
- 24.2 We have the power to remove this automatic authorisation if: -
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises in breach of section 282 of the Act;
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises.
- 24.3 An alcohol licensed premises gaming machine permit is required if more than 2 gaming machines are sought. The issue of such a permit replaces the automatic entitlement identified above.
- 24.4 It is the policy of Perth and Kinross Licensing Board to permit up to 4 gaming machines of categories C and/or D under an alcohol licensed premises gaming machine permit. Where the application is for more than 4 gaming machines, the practical onus is on the applicant to explain why the permit should be granted.
- 24.5 In addition to the statutory requirements, as part of any application for a permit, we will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made: -
- a plan showing the location and category of gaming machine being sought; and
 - details of any proposed precaution for preventing persons under eighteen from using any category C gaming machine being sought and how it would be implemented.
 - where more than 4 gaming machines are sought, an explanation as to why the permit should be granted.
- 24.6 We may decide to grant an application with a smaller number of machines and/or a different category of machine but note that we cannot attach any other conditions.

25 Prize Gaming Permits

- 25.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.2 In addition to the statutory requirements, as part of any application for a permit, we will require the following in writing in order to ensure that adequate information is provided to enable a proper assessment to be made: -
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
 - details of any other permit held by the applicant in respect of other premises;
 - the nature of the prizes;
 - the proposed frequency of prize gaming at the premises;
 - details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
 - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.
- 25.3 In considering any application we will normally have regard to the following: -
- each case will be considered on its merits;
 - any information received as part of the application process;
 - the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
 - such other factors as we consider relevant.
- 25.4 We note that the Act imposes mandatory conditions on prize gaming permits. We cannot impose any other conditions.

26 Club Gaming and Club Machines Permits

- 26.1 A club gaming permit authorises establishments to provide, subject to certain restrictions, no more than 3 gaming machines in total of categories B, C or D, equal chance gaming and other games of chance as prescribed in regulations.
- 26.2 Before granting the permit, we must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.
- 26.3 A 48-hour period of membership rule applies in respect of all 3 types of gaming.

- 26.4 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a club gaming machine permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.
- 26.5 We note that we cannot attach conditions to either of these permits.
- 26.6 We note that we may only refuse an application on the grounds that: -
- the applicant does not fulfil the requirements of a member's or commercial club;
 - the applicant's premises are used wholly or mainly by persons under the age of 18;
 - an offence under the Act, or a breach of permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous 10 years; or
 - an objection to the application has been made by the Gambling Commission or the Police.
- 26.7 We note that in the case of a club registered under the Licensing (Scotland) Act 2005 we may only refuse an application on the grounds that: -
- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last 10 years has been cancelled.

There is no right of objection by the Gambling Commission or the Police to such applications.

27 Temporary Use Notices

- 27.1 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.
- 27.2 The same premises may not be the subject of a temporary use notice for more than 21 days in any 12 month period, but may be the subject of several notices provided the total does not exceed 21 days.

- 27.3 It is for us to determine in each case what constitutes premises. We may consider ownership, occupation and control of the premises.
- 27.4 Where an objection has been received in relation to a temporary use notice, if we consider that it should not have effect or should have effect only with modification we may give a counter-notice.
- 27.5 A counter notice providing that a temporary use notice will not take effect will be given where the notice would contravene the maximum number of days available for premises.
- 27.6 The counter-notice can prevent the temporary use notice from having effect or may limit the temporary use notice in other various prescribed ways.
- 27.7 The principles that we will apply in deciding whether to issue a counter-notice will be the same as those in determining premises licence applications.

28 Occasional Use Notices

- 28.1 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 premises licence.
- 28.2 The Act prescribes the requirements and process for using such notices, which includes giving notice to the licensing authority and copying it to prescribed parties.

29 Small Society Lotteries

- 29.1 A lottery is unlawful unless run in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery including non-commercial lotteries, private lotteries, customer lotteries and small society lotteries.
- 29.2 Perth and Kinross Licensing Board is responsible for the registration of small society lotteries in its area. These are non-commercial societies established and conducted:
- for charitable purposes;
 - for enabling participation in, or of supporting sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than private gain.

Appendix B

Access by Children (Paragraph 13.5) – It is recognised at Paragraph 19.5 that children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place – please can a note or cross reference to this paragraph be included at paragraph 13.5 to recognise in this paragraph the provisions in place for tracks.

Betting Premises (Paragraph 18.1, Paragraph 19.10) – Please note at paragraph 18.1 that betting offices on tracks *may* have a separate betting premises licence, but this is not mandatory. At paragraph 19.10, please note that paragraph 20.61 of The Gambling Commission's Guidance to Licensing Authorities (<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-20-betting-on-tracks>) states that tracks and betting operators should identify the most appropriate arrangements for the individual circumstances of the track, rather than recommending separate licenses for self-contained areas operated by off-course operators.

Conditions (Paragraph 19.7) – In certain circumstances the Council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.