



# **GAMBLING ACT 2005**

## **STATEMENT OF GAMBLING PRINCIPLES**

**2022 - 2025**

The Gambling Act 2005

# Milton Keynes Statement of Principles

2022 - 2025

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# Milton Keynes Council

## Gambling Act 2005

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# Statement of Gambling Principles

## EXECUTIVE SUMMARY

- 1.1 This policy contains information about legal requirements; relevant guidance; and Milton Keynes Council (MKC) policy and procedures relevant to how, as the Licensing Authority under the Gambling Act 2005 (the Act) for the Borough of Milton Keynes, it will execute its duties.
- 1.2 There is a legal obligation upon MKC to have a statement of gambling principles.
- 1.3 Appendices that form part of this policy may be updated from time to time. A glossary of terms used can be found in Appendix A

## PART 1

### INTRODUCTION

The Gambling Act 2005 provides the regime for licensing and regulation of commercial gambling in the UK.

The Act is founded on a generic concept of 'gambling' that encompassed the majority of commercial and non-private acts of gaming, betting and participation in non-exempted lotteries in the UK. Separate types of licences authorise a range of gambling activities. The responsibility for administering these is divided between the Gambling Commission who grant operating and personal licences, and Local Authorities who deal with Premises Licence applications and other forms of permission such as permits and registrations.

#### 1. **The Licensing Objectives**

- 1.1 MKC recognises the potential impact of gambling on the community of Milton Keynes. In adopting this policy, MKC will seek to address the needs of the residents and other persons to ensure a safe and healthy environment in which to live and work together with safe and well-run premises that will benefit the local economy.
- 1.2 In exercising its functions under the Gambling Act 2005, MKC must have regard to the licensing objectives as 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.

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 These objectives are supplemented by the core principle of 'social responsibility' that will be given effect:

- through the licensing and regulatory decision-making of the Gambling Commission and Licensing Authorities; and
- by the publication of Codes of Practice and Guidance by the Gambling Commission; and
- In the case of Licensing Authorities, by the preparation of a Statement of Principles.

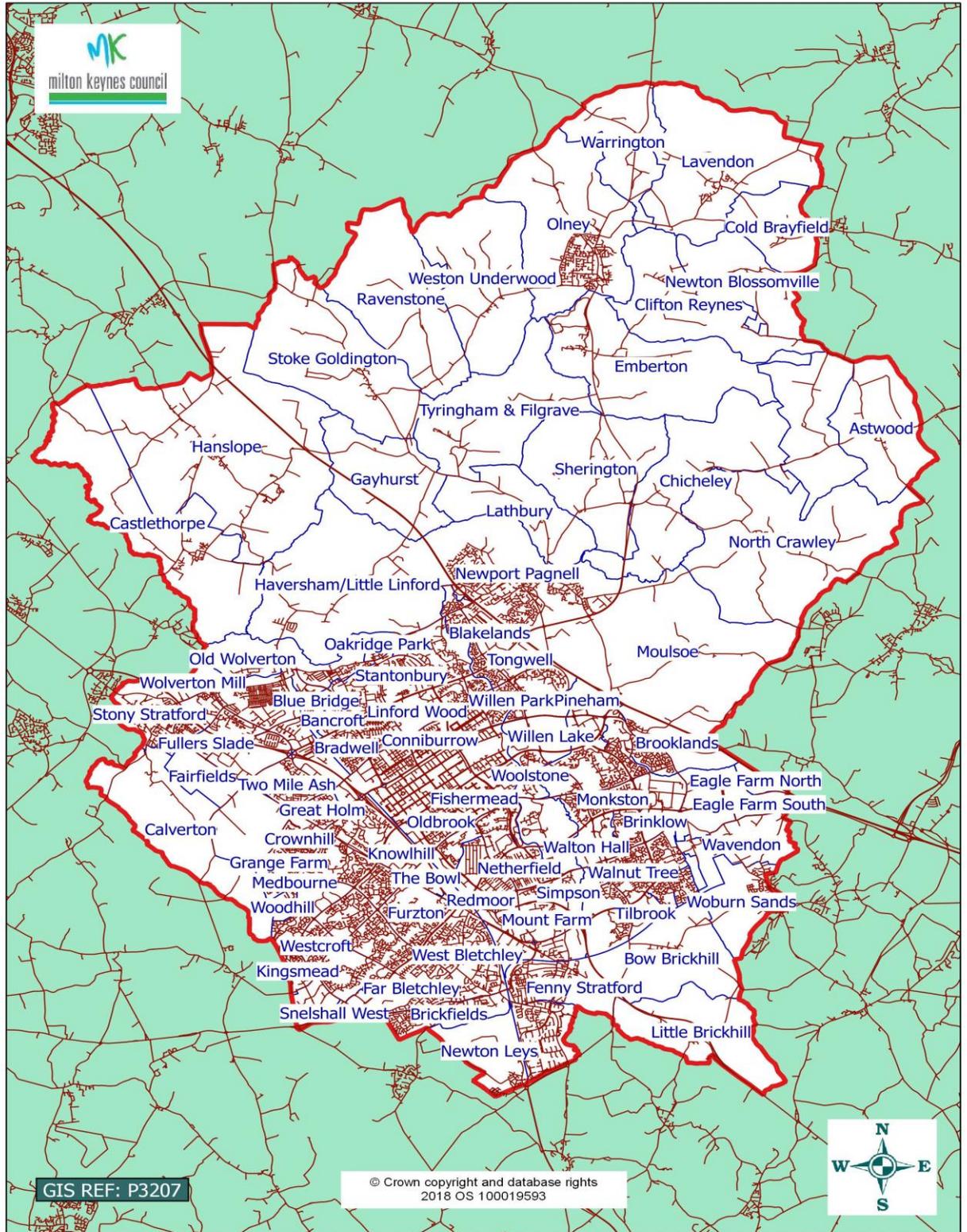
## 2. **Geographic Area covered by the Statement of Principles**

2.1 MKC became a unitary authority on 1 April 1997. It was formerly part of Buckinghamshire. Milton Keynes was a new town designated by the Government in 1967 and celebrated its fiftieth birthday in 2017. MK benefits from good rail and motorway transport links.

2.2 Although a success story Milton Keynes does have deprivation problems resulting in health inequalities and social exclusion in some of its wards.

2.3 Milton Keynes is unique in the UK as it was the last of the new towns. It was designed to join up new communities with those of constituent towns built in the 1870's at the time when the canals and railway were being built through North Buckinghamshire. The northern half of the borough is still predominantly rural with villages dating back to medieval times whereas new development has taken place over the last fifty years predominantly in the southern and western areas. As a consequence, the leisure and hospitality sector are varied, but there is an increasing amount of mixed-use development.

# A map of the Borough of Milton Keynes



### **3.0 The Statement of Principles**

- 3.1 In drafting this statement of policy MKC has had regard to the licensing objectives of the Act; guidance issued by the Gambling commission and responses received from those consulted.
- 3.2 MKC is required by Section 349 of the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. This must be published at least every three years. The Statement may be reviewed from 'time to time' and any amendments consulted upon. The Statement must then be re-published.
- 3.3 This Statement of Gambling Principles sets out the policies that the MKC will apply when making decisions upon applications or notifications made for:
- Premises Licences
  - Temporary Use Notices
  - Permits as required under the Act
  - Registrations as required under the Act
  - Any other duties imposed upon it by the Act
- 3.4 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police; and
  - 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 the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 3.5 MKC consulted those organisations; businesses and individuals as listed at Appendix B in respect of this policy. The list of consultees will be updated as considered necessary
- 3.6 MKC reserves the right to amend this Policy should it be necessary to do so following Regulations issued by the Secretary of State, further guidance from the Gambling Commission; or as considered necessary by MKC.

### **4. Declaration**

- 4.1 This Statement of Gambling Principles sets out MKC's general approach as the Licensing Authority to the exercise of its functions under the Gambling Act 2005. MKC, in undertaking licensing functions, will have due regard to the need to eliminate

discrimination, harassment and victimisation and will seek to promote equality and good relations between all persons having particular regard to their human rights.

- 4.2 In exercising its discretion in carrying out its functions MKC will have regard to this policy document. Where it is considered appropriate to depart substantially from its policy clear reasons will be given for doing so.
- 4.3 MKC will not seek to use the Gambling Act to resolve matters more readily dealt with under other legislation.
- 4.3 The statement of principles will not override the right of any person / party to make an application; make representations about an application; apply for a review of a licence or appeal a decision as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 4.4 Demand and need are not considerations that MKC will consider in relation to applications submitted to them for determination.
- 4.5 In accordance with Section 153 of the Gambling Act, in making decisions about permissions, MKC will aim to permit the use of premises for gambling provided that the premise operates:
- 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 consistently with the licensing objectives; and
  - In accordance with the Statement of Principles and its associated appendices.

## **5. Licensing Authority (MKC) Functions**

- 5.1 In order for MKC to undertake its role accurately, there is a need to scope what the key issues are as gambling is a complex issue. To that end the following points may assist:
- Gambling is defined in the Act as either gaming, betting, or taking part in a lottery,
  - Gaming means playing a game of chance for a prize,
  - Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not,
  - A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

- 5.2 A 'gaming machine' can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 5.3 The Gambling Act and its subordinate Regulations prescribe the number and category of gaming machines that are permitted in each type of gambling premises. There are however four categories A to D based on pay-out and stake amounts. Details can be found in the Gambling Act and can be subject to change
- 5.4 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- Casinos
  - Bingo premises
  - Betting premises (including tracks)
  - Adult gaming centres
  - Family entertainment centres
  - Clubs
  - Pubs and other alcohol licensed premises
  - Travelling fairs
- 5.5 A machine is not a gaming machine if the winning of the prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.
- 5.6 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences subject to a primary use test to any applications)
  - Issue Provisional Statements
  - Regulate Members' Clubs who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed and licensed Family Entertainment Centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of one or two gaming machines
  - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
  - Register Small Society Lotteries below prescribed thresholds
  - Issue Prize Gaming Permits
  - Receive and Endorse Temporary Use Notices

- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 11 below on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

5.7 It should be noted that local Licensing Authorities are not involved in licensing remote gambling or the regulation of online gambling. This falls to the Gambling Commission through their Operating Licences.

5.8 National lotteries are not regulated at Local Authority level but by the Gambling Commission

5.9 MKC licensing functions under the Act will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

## **6.0 Fees**

6.1 Fees are prescribed by legislation at either a set amount for certain permissions or up to a maximum level for particular applications. This latter point requires MKC to set certain fees. These will be done at a cost recovery basis. Fees are subject to a review process to ensure they remain appropriate

6.2 Information regarding the fees to be charged, including the level of fees, for applications for premises licences and other permissions under the Act will be made available to the public via the MKC website or upon request.

6.3 MKC takes the matter of non-payment of annual fees seriously and in accordance with Paragraph 193 of the Gambling Act 2005 where a licence holder fails to pay the fees due, it will revoke the Premises Licence, save where there is evidence that the failure to pay is attributable to administrative error. With regard to Club Gaming Permits, Club Machine Permits and Licensed Premises Gaming Machine Permits, the same principles will apply, and the Licensing Authority will exercise its powers under Schedule 12 paragraph 22 and Schedule 13 paragraph 17 of the Gambling Act and cancel the Permit should the holder fail to pay.

6.4 Where payment of an application or registration fee is not made MKC will regard the application as not properly made. For purposes of enforcement action, the operator will be treated as managing premises without a Premises Licence or Permit.

- 6.5. The non-payment of annual licence and permit fees will be reported to the Gambling Commission as necessary who may wish to check their own records on the applicant accordingly.
- 6.6 An optional charging mechanism for giving advice and assistance to applicants and licensees may be introduced but where it does so it will remain separate from any application or enforcement processes so as not to compromise the role of MKC as the Licensing authority

7. **Principles to be applied regarding Responsible authorities including the competent authority to advise about the protection of children from harm**

- 7.1. MKC will notify Responsible Authorities of Premises Licence applications in addition to any requirement of an applicant to do so. These bodies will be entitled to make representations in relation to such applications and also for other permissions as stated in the legislation; or where the legislation allows discretion.
- 7.2 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website
- 7.3 MKC is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the MKC area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, MKC designates MK Together (as the body incorporating the former Milton Keynes Safeguarding Board) for this purpose.

8. **Principles to be applied in respect of Interested parties**

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

"For the purposes of this part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications are made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities.
  - b) has business interests that might be affected by the authorised activities; or
  - c) represents persons who satisfy paragraph (a) or (b)
- 8.2 MKC is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
  - MKC will not apply a rigid rule to its decision-making.
  - It will consider the examples of considerations given in the Gambling Commission's Guidance to Local Authorities.
  - It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation.
- 8.3 Those that represent persons living close to the premises or have business interests that may be affected by it may include trade associations and trade unions and residents and tenants' associations. The type of organisations that may be considered to have business interests is given a wide interpretation to include partnerships, charities, faith groups, and medical practices etc. A larger premise may be considered to affect people over a broader geographical area on a case-by-case basis.
- 8.4 Interested parties can be persons who are democratically elected, such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish / Town / Community Councils likely to be affected, or whose constituents are likely to be affected, will be considered to be interested parties. MKC will generally require written evidence that a person/body (e.g., an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter or email from one of these persons, requesting the representation is sufficient.
- 8.5 In respect of an application for a casino premises licence an interested party is additionally defined so as to include each competing applicant in relation to each of the other competing applications.
- 8.6 MKC may choose to notify persons (such as Town and Parish Councils and Councillors) that an application has been received

## 9. **Representations**

- 9.1 Only responsible authorities and interested parties may make representations. Advice on how to make a representation is available on the Council's website. Where there are representations, MKC will encourage negotiation between the representor and the applicant regarding the possible use of conditions on the licence or other measures.
- 9.2 Where there are representations MKC will determine whether or not they can be accepted. This requires that they are either a) related to one or more of the licensing objectives, b) raise issues under the Statement of Principles or c) raise issues under the Gambling Commission Guidance or raise issues under the Gambling Commission's Codes of Practice. Where representations are rejected, an explanation will be given in writing.
- 9.3 Representations will not be considered where they relate to demand or competition. In addition, MKC cannot consider representations made to the moral issues of gambling as these do not relate to the three licensing objectives and are not a valid reason to refuse applications. Where MKC refuses an application, it will rely on reasons that demonstrate that the licensing objectives are not being met. Neither can it base any decision on the 'dislike of gambling' nor that it considers gambling undesirable.
- 9.4 Representations can be rejected, where they are considered vexatious, frivolous or where they will certainly not influence the authority's determination of the application. In deciding this MKC will consider:
- a) Who is making the representation and whether there is a history of making representations that are as described above.
  - b) Whether or not it raises an issue that may influence the authority's determination of the application, or
  - c) Whether it raises issues specifically to do with premises that are the subject of the application
- 9.5 MKC recommends that representations be submitted at the earliest opportunity to allow the maximum time to explore a possible solution.
- 9.6 MKC will issue Provisional Statements for premises that are to be constructed / altered or are in the course of being constructed or altered. 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 considered, unless they concern matters which could not have been addressed at the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, MKC may

refuse the premises licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:

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

## 10. **Conditions**

10.1 The Gambling Act and its associated Regulations specify certain mandatory and default conditions applicable to specific gambling permissions. Licensing authorities are able to exclude default conditions on application and also attach additional premises specific conditions in certain circumstances

10.2 MKC Council will not impose standardised additional conditions based on the gambling use of premises.

Imposition of any non-mandatory conditions will be proportionate to the circumstances they are intended to address; be related to the Licensing Objectives and be:

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

In applying conditions MKC will also have regard to any Local Area Risk Assessment in place.

10.3 Decisions upon individual conditions will be made on a 'case-by-case' basis, although there will be a number of measures MKC will consider utilising reasonably consistent with the licensing objectives such as the use of door supervisors, or appropriate signage for certain premises areas.

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

- 10.5 Where Category C or above gaming machines are on offer in premises to which children are admitted, the Authority may consider the following measures:
- all such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
  - only adults are admitted to the area where these machines are located.
  - access to the area where the machines are located is properly supervised.
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are displayed notices indicating that access to the area is prohibited to persons under 18 and persons believed to be under this age may be required to produce a PASS accredited proof of age card, driving licence or passport.
- 10.6 It is noted that there are certain conditions which MKC cannot attach to premises licences, these are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition.
  - conditions relating to gaming machine categories, numbers, or methods of operation.
  - conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated), and
  - conditions in relation to stakes, fees, winnings or prizes.
- 10.7 MKC may exclude a default condition relating to hours of operation and substitute it with one that is either more or less restrictive. In this instance it will give clear reasons for so doing.
- 10.8 Where an operator breaches licence conditions, initially a warning will normally be given to correct the breaches. If these are disregarded by the licensee, or a repeated non-compliance occurs, then MKC will normally seek to review the permission in addition to any enforcement action considered necessary.

## 11. **Door Supervisors**

- 11.1 The Gambling Commission's Guidance to Local Authorities states that Licensing Authorities may consider whether there is a need for door supervisors to be employed at a premise in order to ensure that

the licensing objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling.,

- 11.2 Where MKC decides that supervision of entrances is appropriate then these persons will need to hold a door supervisor licence issued by the Security Industry Authority (SIA) unless an exemption applies under legislation.

## 12. **Principles to be applied in respect of Information Exchange**

- 12.1 The principle that MKC applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that General Data Protection Legislation (and any subsequent replacement legislation) will not be contravened. Further we will share information with relevant agencies in the interests of promoting the licensing objectives. In respect of individuals, details of those making representations will normally be made available to applicants and responsible authorities to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a Premises Licence will be informed that their details will normally be disclosed. In addition, MKC will share information with relevant agencies in accordance with licensing objectives and preventing crime.
- 12.2 MKC will work with the Gambling Commission, Thames Valley Police and with the other Responsible Authorities or relevant agencies where there is a need to exchange information on specific premises or individuals or to support relevant policies such as the National Strategy to Reduce Gambling Harms. If necessary, a Protocol for the sharing of such information will be established between MKC; Responsible Authorities, and others detailed under Section 350 and Schedule 6 of the Act. This will be in order to target agreed problems and high-risk premises that require greater attention, whilst also providing a lighter touch in respect of well-run, low risk premises.

## 13. **Register**

- 13.1 MKC maintains a Licensing Register of all Premises Licences and Permits issued. This is available on the Council's website [www.milton-keynes.gov.uk](http://www.milton-keynes.gov.uk). A hard copy can also be made available at the Council's Civic Offices during normal working hours. MKC may charge a reasonable fee for providing copies of such information.

14. **Planning Permission/Building Regulation Approval**

- 14.1 The issue of planning permission or building regulation approval for a premise associated with gambling shall not be considered by MKC in determining an application unless guidance or legislation changes.

## **PART 2**

15. **General Principles**

- 15.1 MKC recognises that there can be voluntary codes on social responsibility and age restrictions and other matters in respect of gambling premises. In addition, there can also be third party accreditation (for example from Gamcare) regarding an operator's player protection measures and social responsibility standards, policy and practice. MKC acknowledges the adoption of these codes and accreditations as a way of demonstrating best practice and standards. These are in addition to the binding Gambling Commission's Licensing Conditions and Code of Practice for all operators which set out standards in addition to these.
- 15.2 MKC recognises that the majority of people are able to enjoy and control their gambling, however, where there are those who are unable to exercise this level of self-control. In line with operator licence requirements, MKC will require premises and operators to demonstrate compliance with Site, area and national Self-Exclusion schemes together with appropriate information on problem gambling support to be displayed in a prominent area of a premises. It is accepted that mandatory conditions and codes are imposed upon the bingo and casino sectors by the Gambling Commission.
- 15.3 When determining an application, the location and mitigation of the proposed gambling facilities may be considered relevant. This will include that that any local area profile (LAP) in place has been satisfactorily considered and addressed under a local risk assessment which will therefore need to be provided with any premise's application. It is not possible to list every high-risk location or mitigation but our LAP lists those matters MKC consider relevant considerations in terms of applications. Please see Appendix C. This will be updated as considered necessary.
- 15.4 In determining what weight to give representations, MKC will consider the following factors:-
- Who has made the representation, i.e., what is their expertise, interest or status e.g., an 'Interested Party'.
  - What their motivation is for those views.

- How far the representations relate to matters within this Policy; and
  - How the representations relate to the three Licensing Objectives.
  - The Guidance issued by the Gambling Commission
- 15.5 All applications and representations will be decided on their own merit and a relevant factor will be the type of gambling that is proposed and how it will be managed.
- 15.6 'Premises' is defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and that the different parts of the building can be reasonably distinguished as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 15.7 There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- 15.8 It should also be noted that an applicant can obtain a Premises Licence although the premises in which it is proposed to offer gambling activities are not constructed. However, it is anticipated that in such circumstances the applicant would normally apply for a Provisional Statement. The Gambling Commission's Guidance to Local Authorities should be referred to in respect of the detail of converting a Provisional Statement to a Premises Licence.
- 15.9 MKC may consider compliance history, when considering contested applications and when assessing an applicant's ability to satisfactorily promote the licensing objectives and comply with legislative requirements.
- 15.10 In respect of submitted plans applicants should expect to clearly show the extent of licensed and non-licensed areas and may need to provide more detail than the minimum legal requirements in order for the potential impact on the licensing objectives to be assessed. For example, the location of fixed structures such as counters, toilets, internal doors and screens etc will provide information on supervision of the gambling area

## 16 Licensing Objectives

### **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime**

- 16.1 MKC recognises it is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. However, if during the course of considering a Premises Licence application, or at any other time, MKC receives information that causes it to question the suitability of the applicant; those concerns will be brought to the attention of the Gambling Commission.
- 16.2 MKC will consider the location of premises, particularly if the premises are in an area where there is evidence of criminal activity. Where this is the case, it will consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, it may be considered appropriate conditions to be attached to the Licence, such as door supervisors, CCTV, etc.
- 16.3 MKC recognises that low level disorder can occur at or outside particular premises as a result of the licence in place. Therefore, it recommends that an applicant puts in place such control measures considered proportionate to prevent and minimise such issues. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence where the licensing objectives are compromised, e.g., governing opening hours or in the case of disorder, the use of door supervisors
- 16.4 Where there are persistent levels of disorder, MKC will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator.
- 16.5 MKC will determine the definition of disorder when determining what action to take in circumstances in which it may be a factor. However, in doing so it is accepted that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Public nuisance and anti-social behaviour are not licensing objectives under the Gambling Act but could form part of disorder occurring. Further, in determining 'disorder' MKC will consider whether situations were serious enough to require Police or security assistance; how threatening the behaviour was to those who could see or hear it.

### **Ensuring gambling is conducted in a fair and open way**

- 16.6 All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include

easily understandable information being made available on the rules and probability of winning/losing, and ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public, and that machines, equipment and software meet the required standards set by the Gambling Commission.

### **Protecting children and other vulnerable persons from being harmed or exploited by Gambling**

- 16.7. As children and young persons are prohibited from the majority of gambling then they must be prevented from entering adult only gaming environments. One purpose of this Licensing Objective is to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. MKC will consider whether or not specific measures are needed to protect children at particular premises. Such measures may include staff training, careful consideration of the siting of ATM's (cash machines), additional requirements to provide supervision at entrances, steps taken to segregate gambling from non-gambling areas frequented by children and the supervision of gaming machines in non - adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling. These measures will be particularly relevant on mixed use premises and at tracks where children have freedom of movement in betting areas. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 16.8 As regards the term 'vulnerable persons', it is noted that the Gambling Commission is not seeking to offer a definition, however it states that, "it will for regulatory purposes 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 mental impairment, alcohol or drugs. MKC will consider this licensing objective on a case-by-case basis but in terms of adults will also apply the Milton Keynes Safeguarding Adult definition: "A person (aged 18 or over) who is or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be unable to take care of himself or herself or protect him or herself against significant harm or exploitation". Further and notwithstanding an applicant's general health and safety at work responsibilities MKC will expect local risk assessments to have adequately considered risks to staff (as vulnerable persons) in gambling premises and put in appropriate design and control measures. In any event the Council recognises the co-morbidity

between gambling and substance misuse'). Further detail can also be found Appendix A of this policy.

- 16.9 With this licensing objective in mind, MKC will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure that children and young persons are not in close proximity to gambling. It is not possible to predict every scenario, but some circumstances might include siting certain machines where they cannot be seen by children; restricting advertising; and ensuring there is no accidental access to enter premises by design.
- 16.10 In the absence of a definition of “direct access”, it could be said that there must be an area separating the premises concerned which the public go to for purposes other than gambling, in order to show no direct access between an Adult Gaming Centre and a Licensed Family Entertainment Centre or Unlicensed Family Entertainment Centre. MKC has identified a Statement of Principles within this Policy to be followed in decision making on this point. Should it be established that these Principles are inconsistent with the legislation or common law authority, it reserves the right to amend this Statement of Principles. The Gambling Commission’s Guidance to Local Authorities provides detail on the issue.
- 16.11 MKC recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, and the supervision of entrances.
- 16.12 MKC will pay particular attention to applications where access to the licensed premises is through a different premise and will consider whether or not children can gain access; the compatibility of the two establishments and the ability to comply with requirements of the Gambling Act and in accordance with the licensing objectives. MKC will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, it expects access to all adult areas in licensed premises to be monitored in accordance with any mandatory conditions and the Gambling Commission Codes of Practice.
- 16.13 MKC will consider multiple licences carefully. Applicants are recommended to configure these buildings carefully if they seek to develop multi - purpose developments, and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling.

- 16.14 MKC expects that all relevant staff shall be suitably trained with an awareness of the Gambling legislation, corporate social responsibility; statutory requirements related to age restrictions on gaming machines; and the safeguarding/responsible behaviour of children and young people. Appropriate measures should be taken to prevent the underage use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street.
- 16.15 MKC will expect that staff employed in those parts of the premises that children (under 18's) can legally have access should be appropriately Criminal Record checked prior to being employed on the premises by the Licensee/Permit holder.

## 17. **A Casino**

- 17.1 The Licensing Authority through its Licensing Committee passed a resolution on the 22 February 2006, which was endorsed by the Full Council on the 14 March 2006 stating that the Council as the Licensing Authority would not at a future date pass a 'no casino' resolution under Section 166 of the Gambling Act 2005.
- 17.2 On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved, and MKC was authorised to issue a Large Casino Premises Licence under the Gambling Act 2005.
- 17.3 In June 2012 following competition under Schedule 9 of the Gambling Act a casino premises licence was awarded to an operator.
- 17.4 MKC recognises that applicants may apply for a Premises Licence or a Provisional Statement as part of the process.
- 17.5 MKC has a document of principles that it applied when making the determination to award and grant the casino licence in 2012. This is available on request as Appendix D to this policy.

## 18. **Adult Gaming Centres (AGC's)**

- 18.1 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, MKC will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by

gambling for such premises. The applicant will need to satisfy all mandatory conditions and Gambling Commission Codes of Practice and their local area risk assessment will need to identify and comply with any additional measures considered appropriate. Appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/ machine areas
- Statutory requirement to display of Gam Care stickers
- Physical separation of areas
- Location of entry
- Notices/Signage
- Specific Opening Hours

The list above is not exhaustive, and applicants are expected to consider this licensing objective carefully

- 18.2 When the Adult Gaming Centre is situated in a complex such as a shopping area or motorway services station, MKC will pay particular attention to the location of entry points and the entry controls in place to minimise opportunities for children gaining access.

## 19. **Family Entertainment Centres (FECs)**

- 19.1 There are two classes of Family Entertainment Centres. Licensed FECs provide Category C and D machines which require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits.

## 20 **Licensed Family Entertainment Centres**

- 20.1 Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. MKC will expect the applicant to ensure that there will be sufficient measures to prevent under 18-year-olds having access to adult only gaming machine areas. MKC will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.
- 20.2 With regard to vulnerable persons, MKC will consider measures such as the use of self-exclusion schemes, and the provision of information leaflets/help line numbers for organisations such as GamCare.
- 20.3 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation

between the two types of machine to ensure that children do not have access to Category C machines. MKC will consider any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

21. **Statement of Principles relating to Direct Access between AGCs and Licensed FECs/Unlicensed FECs**

21.1 In the absence of a definition of 'direct access', MKC will take a premises specific approach and sets out below its principles governing access between Adult Gaming Centres and Licensed/Unlicensed Family Entertainment Centres. It could be said that there should be an area separating the premises concerned which the public go to for purposes other than gambling, for there to be shown to be no direct access.

21.2 The following standards shall normally be adopted:

- All partitions between premises shall be permanently fixed.
- Partitions shall be opaque.
- No part of any partition shall be formed from any part of a gaming or skills with prizes machine or any other type of machine.
- Partitions shall be a minimum height of 1.75 metres (5'9").
- Partitions shall be a maximum height of 0.15 metres (6") from the floor.
- Entrances to the AGC will be monitored in accordance with the mandatory conditions.
- In all cases the applicant must consider the third Licensing Objective and ensure children and vulnerable persons do not have access to adult premises.
- In all cases the applicant must ensure that children and young people are not enticed into adult only areas.

21.3 Notwithstanding the above steps, MKC recognises that the definition of "separation" and "direct access" may be subject to further definition through legislation, the courts or guidance.

22. **Vessels and Vehicles**

22.1. Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. MKC will in particular consider the licensing objectives on board a vessel. Vehicles may not be the subject of a Premises Licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle.

## 23. **Gaming Machines**

- 23.1 Where MKC is uncertain whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 23.2 Where MKC has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.
- 23.3 MKC will expect the holder of a permit or Premises Licence to comply with the Codes of Practice issued by the Gambling Commission on the location of, and access to, such machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.

## 24 **Permits**

- 24.1 The Act introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low, or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premise.
- 24.2 MKC can grant or refuse applications and may consult with what it considers to be relevant parties (such as the Police) on certain applications. MKC will have regard to the Gambling Commission's Guidance to Licensing Authorities in making decisions.
- 24.3 Where a Permit is granted, MKC will issue the Permit as soon as is reasonably practicable.

## 25 **Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits**

- 25.1 When an operator does not hold a Premises Licence but wishes to provide gaming machines, he may apply to MKC for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. The location of machines will therefore need to be in distinct and separate areas and not on general thoroughfares etc.
- 25.2 MKC must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and will consult with parties considered necessary on applications.

25.3 As these premises can particularly appeal to children and young persons, MKC will give weight to child protection issues. An application for a permit may be granted only if MKC is satisfied that the premises will be used as an unlicensed FEC, and we will expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling which is permissible in unlicensed FECs.
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- Applicant's previous history and experience of running similar premises.

## 26 **Statement of Principles for Unlicensed Family Entertainment Centres**

26.1 As these premises are open to children and young persons, MKC require additional information when an applicant applies for this Permit, as follows:

- An acceptable scaled plan of the premises indicating the location of Category D machines, Automated Telling Machines (ATM's) and any appropriate notices that are to be displayed.
- The number of Category D machines.
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible.
- Evidence of staff training by way of a Premises Logbook or equivalent which should be signed and dated by staff to prove that training has been undertaken and understood.
- Policies and procedures are in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
  - Appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises.
  - The amount of space around gaming machines to prevent jostling of players or intimidation.
  - Details of opening hours.

- Details of the external appearance of premises
- Numbers of staff employed.
- Current Public Liability Insurance documents and any other such information MKC will from time to time require.

26.2 This Statement of Principles applies to initial applications only and not to renewals. With regard to renewals, MKC may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives including non-compliance issues.

26.3 Where an applicant fails to comply with the above requirements, MKC may refuse the application. When it intends to refuse an application, it will notify the applicant of its intention and will give its reasons. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal if it decides to refuse the application.

26.4 Where the Permit has been granted MKC will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless it is surrendered or lapses.

26.5 Details of premises with unlicensed FEC permits are available on the Council's website or by contacting the Licensing Team.

26.6 MKC recommends that applicants for unlicensed FEC Permits consider adopting BACTA's Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## 27. **Alcohol-Licensed Premises Gaming Machine Permits/Notifications**

27.1 With regard to gaming machines on premises that sell alcohol for consumption on the premises, the applicant is entitled to up to 2 gaming machines in categories C or D, subject to the applicant notifying MKC, paying the prescribed fee and complying with any relevant Codes of Practice issued by the Gambling Commission.

27.2 Where an applicant wishes to operate more than 2 gaming machines, they must obtain a licensed premises gaming machine permit. The location of all machines shall comply with the Gambling

Commission's Code of Practice on location and operation of such machines. MKC may require a plan of the proposed location of these machines to assist the MKC in its determination.

27.3 MKC may remove the automatic authorisation detailed in 27.1 where:

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

27.4 MKC will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that under 18's do not have access to the adult only gaming machines. MKC recommends considering such measures as:

- The adult machines being sited close to the bar.
- The adult machines being sited where staff can monitor them.
- Appropriate notices and signage.
- Provision of information leaflets/help line numbers for organisations such as GamCare.

## 28. **Gaming in alcohol licensed premises**

28.1 MKC recognises that low level gaming may take place in alcohol licensed premises. This exempt gaming is called 'equal chance' gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. Gaming in public houses should be supervised by the Designated Premises Supervisor (DPS) and all gaming should comply with the Code of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, MKC expects the applicant to be aware of and adopt the principles of the Code of Practice and to ensure that all gaming in such premises is suitably managed e.g., record keeping.

## 29 **Bingo Premises**

- 29.1 In accordance with the Gambling Commission's Guidance, MKC recognises 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, MKC will seek to ensure that:-
- No more than the permitted categories of machines are provided in the premises.
  - All such machines are located in an area of the premises separated 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 these 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.
  - 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.
- (MKC notes that an unlimited number of Category C & D machines can be available in the premises)
- 29.2 The Gambling Commission has issued a Licence Conditions and Codes of Practice document that must be complied with along with any other supplementary information.
- 29.3 Where bingo is permitted in alcohol licensed premises, this must be 'low level' bingo only and applicants are expected to comply with any information issued by the Gambling Commission, particularly in respect of record keeping. 'High level' bingo will require a Bingo Operating Licence.
- 29.4 With regard to turnover, where MKC suspects that a licensee or club exceeds the turnover in the required 7-day period, it will check all records kept and if considered appropriate contact the Gambling Commission.
- 29.5 MKC will consider any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

30. **Betting Premises**

30.1 MKC is responsible for issuing and monitoring Premises Licences for all betting premises. Children will not be permitted entry to premises with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, MKC recommends that an application for such premises carefully considers the location of gaming and other machines in accordance with the licensing objectives both within and external to the premises.

31. **Tracks**

31.1 Tracks are different from other premises in that there may be more than one Premises Licence in effect and the track operator is not necessarily required to hold an Operating Licence as there may be several bookmakers at the track who hold Operating Licences of their own. However, as children and young persons will be permitted to enter track areas where facilities for betting are provided it is important that they do not have access to any adult only gaming facilities or be able to bet. MKC will thus require applicants and licence holders to satisfy all mandatory conditions and Gambling Commission Codes of Practice. Further local area risk assessments will need to identify and comply with any additional measures considered appropriate to meet the Licensing Objectives. Appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas
- Notices/signage
- Specific Opening Hours
- Location of entry and gaming machines

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

31.2 MKC will consider on their own merit applications for venues such as athletics tracks or sports stadia for track betting licences to cover the whole track.

31.3 Where appropriate, in order for MKC to gain a proper understanding of what it is being asked to licence, applicants will be required to:

- Provide a detailed plan of the track and grounds, indicating the fixed and mobile betting facilities along with any other proposed gambling facilities.
- Evidence measures taken to ensure the third Licensing Objective will be complied with.
- Indicate what arrangements are being proposed for the administration of the betting. The Gambling Commission and MKC recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
- Define the areas of the track that will be used by on course operators visiting the track on race days.
- Define any temporary structures erected on the track for providing facilities for betting.
- Define the location of any gaming machines (if any).

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

31.5 MKC will carefully consider the location of any adult gaming machines at tracks to ensure that these machines are in areas from which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.

### **Betting and Gaming Machines on Tracks**

31.6 MKC recognises the potential space for such machines may be considerable, bringing problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason that MKC may consider restricting the number and location of machines. However, each application will be considered on its own merits.

### **Self-contained betting offices on Tracks**

31.7 In general, the rules that apply to betting premises away from tracks will apply to self-contained betting premises on tracks and the MKC will expect premises to be properly delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. MKC will consider any advice by the Gambling Commission on this matter.

31.8 On advice from the Gambling Commission, MKC may supplement the mandatory condition requiring display of the rules for betting by attaching a condition to track premises licences requiring the track

operator to take other measures to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. MKC would welcome other suitable methods.

## 32. **Prize Gaming Permits**

32.1 MKC may issue prize gaming permits under section 289 of the Gambling Act 2005. As children and young persons may participate in equal chance prize gaming, MKC has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that MKC propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

### **Statement of Principles for Prize Gaming Permits**

32.2 MKC may wish to see additional information when an applicant applies for this Permit, as follows:

- An acceptable scaled plan of the premises indicating the location of the machines and any notices to be displayed.
- Evidence of staff training by way of a Premises Logbook or equivalent, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. The Logbook should be signed and dated by staff to prove that training has been undertaken and understood.
- Evidence that staff are aware of the limits to stakes and prizes as set out in the Regulations and that the gaming is offered within the law.
- Proof of Age scheme.
- Details of opening hours.
- Details of external appearance of premises.
- Numbers of staff employed.
- Current Public Liability insurance documents and any other such information MKC will from time to time require.
- Any other policies or procedures in place to protect children from harm.

32.3 In making its decision on an application for this permit, MKC will also consider any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.

32.4 Where MKC intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and

offering the applicant an opportunity to make representations orally or in writing or both.

- 32.5 Where an application is granted MKC will issue it as soon as is reasonably practicable.

### 33. **Club Gaming and Club Machine Permits**

- 33.1 Members Clubs and Miners' Welfare Institutes etc, may apply for a Club Gaming Permit or Club Machine Permit. Commercial Clubs may only apply for a Club Machine Permit. Before granting a Permit, MKC must be satisfied that the premises meet the requirements of a Members' club. Holders of club permits are required to comply with the Gaming Machine Permit Code of Practice issued by the Gambling Commission.

- 33.2 MKC recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Gambling Commission or the Police and the grounds upon which MKC may refuse a permit are specified in the Act.

### 34. **Gaming in Commercial Clubs**

- 34.1 A commercial club is a club that is established as a commercial enterprise and differs from a members' club that is conducted for the benefit of its members. Commercial Clubs may only apply for Club Machine Permits, not Club Gaming Permits. MKC expects Commercial Club licence holders to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

### 35. **Temporary Use Notices (TUN)**

- 35.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are a number of statutory limits as regards TUNs. In particular notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. MKC will decide what constitutes a 'set of

premises' where TUNs are received relating to the same building/site.

- 35.2 In considering whether a place falls within the definition of a 'set of premises' MKC will look at the ownership/ occupation and control of the premises and will consider whether different units are in fact different sets of premises. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as single premises and would not be granted a temporary use notice for each of its exhibition halls.
- 35.3 On receipt of a TUN the Council will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 35.4 MKC may object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. MKC and other bodies to which the notice is copied may give notice of objection, but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN. Objectors other than the MKC itself must copy any such notice to the Council.

## 36. **Occasional Use Notices (OUN)**

- 36.1 An Occasional Use Notice may be used where there is betting on a track on eight days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and MKC will maintain a register of all applications.
- 36.2 Tracks are normally thought of as permanent racecourses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. MKC will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of eight days in a calendar year is not exceeded.

## 37. **Travelling Fairs**

- 37.1 There is a statutory exemption from the need for premises licences for travelling fairs operating category D machines where these are an ancillary amusement at the fair and fairs takes place on a particular site for no more than 27 days in a calendar year. When computing

the 27-day exemption, it does not matter whether it is the same fair or different fairs occupying the land.

- 37.2 MKC will monitor whether a fair is a travelling fair and whether these conditions are fulfilled. MKC will also work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **PART 3**

### **SMALL SOCIETY LOTTERIES**

#### **38. Small Society Lotteries**

38.1 The Gambling Act 2005 defines two categories of lottery.

- Licensed Lotteries requiring an Operating Licence from the Gambling Commission – for example the National Lottery; and
- Exempt Lotteries (where required registered by the MKC)

For those lotteries requiring an Operating Licence from the Gambling Commission, no separate consent is needed from MKC.

38.2 Exempt Lotteries are lotteries permitted to be conducted without a licence from the Gambling Commission and these are:

- Small Society Lotteries.
- Incidental Non-Commercial Lotteries.
- Private Lotteries, which comprise:
  - A Private Society Lottery
  - A Work Lottery
  - A Residents' Lottery
- Customer Lotteries

38.3 Small society lotteries, which fall below the staking and prize levels necessitating an Operating Licence, still require to be registered with MKC. Other exempt lotteries do not require to be registered. However, all exempt lotteries are subject to rules set out in the Gambling Act with which organisers should familiarise themselves. MKC recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are available on the Gambling Commission website or by contacting MKC.

38.4 Applicants for small society lotteries must apply to the Council in the area where their principal office is located. Where MKC believes that

the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Council concerned.

- 38.5 In exercising its functions with regard to small society and exempt lotteries, MKC will have due regard to the Gambling Commission's Guidance.
- 38.6 MKC will keep a Public Register of granted Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by MKC. As soon as the entry on the Register is completed, MKC will notify the applicant of registration. In addition, MKC will make available for inspection by the public the financial statements/returns submitted by Societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not exceeded. If there is any doubt, MKC will notify the Gambling Commission in writing, copying this to the Society concerned. MKC will accept return information manually but preferably electronically by e-mailing: [licensing@milton-keynes.gov.uk](mailto:licensing@milton-keynes.gov.uk).
- 38.7 MKC will normally refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where MKC is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 38.8 MKC may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society.
  - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - Information provided in or with the application for registration is false or misleading.
  - Previous lottery returns have not been provided as required
- 38.9 MKC will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. MKC may, however, seek further information from the Society.
- 38.10 Where MKC intends to refuse registration of a Society, it will inform the Society of the reasons why it is minded refusing the registration and supply evidence on which it has reached that preliminary conclusion. The Society will be given an opportunity to make representations.

- 38.11 MKC may revoke the registered status of a society if it thinks that they would have had to or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. MKC will inform the society of the reasons why it is minded to, revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 38.12 Where a Society does not intend to operate under a small society lottery registration or wishes to operate beyond the limits allowed by such registration, it may run lotteries through an external lottery manager. However, in such a case, it will need to satisfy itself that the external manager holds an Operator's Licence issued by the Gambling Commission and MKC will expect this to be verified by the Society.

## **PART 4**

### **DECISION MAKING**

#### **39. Committee Terms of Reference**

- 39.1 A Licensing Sub-Committee will hear applications where relevant representations have been received from interested parties and/or responsible authorities. In certain circumstances a hearing may not be required if representations have been withdrawn and all parties have agreed a hearing is not required.

Specifically, in respect of a new application for a Casino Premises Licence the Licensing Sub-Committee determining the applications application will comprise of up to 9 members representing the political composition of the Council at that time. It will be quorate with 3 members.

Ward Councillors will not sit on a sub-committee involving an application within their ward.

- 39.2 Every determination of a licensing decision by the Licensing Sub-Committee shall be accompanied by clear, concise reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed.
- 39.3 Decisions as to whether representations vexatious or frivolous or will certainly not influence the authority's determination of the application

will normally be made by Council Officers. They will also make the decisions on whether representations or applications for licence reviews shall be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

#### 40. **Delegated Powers**

- 40.1 The Licensing Committee has delegated certain decisions and functions and has established a sub-committee to deal with them. Any delegations shall be in accordance with as detailed under Section 162 of the Gambling Act
- 40.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made or made and then withdrawn, will be delegated to Council Officers.
- 40.3 This form of delegation is without prejudice to Officers referring an application to the sub-committee if considered appropriate in the circumstances of any particular case.
- 40.4 The table sets out the agreed delegation of decisions and functions to Full Council, Licensing Sub-Committee and Officers but any application can be referred to subcommittee by Officers if considered appropriate.
- 40.5 Regardless of whether the determination of an application for a premises licence is made by the Licensing Sub-Committee or officers, when granting an application, MKC will issue a notice of grant in addition to the premises licence and summary of the terms and conditions of the licence.

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	COUNCIL	LICENSING COMMITTEE / SUB-COMMITTEE	OFFICERS
Final approval of three-year statement of gambling principles and revisions	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (to be approved by Cabinet via Committee if referred by Officers)
Applications for <ul style="list-style-type: none"> <li>a) premises licences (other than in respect of casinos) and variations to premises licences</li> <li>b) Transfers of premises licences</li> <li>c) Provisional statements (other than in respect of a casino licence)</li> </ul>		<ul style="list-style-type: none"> <li>a) Where representations have been accepted and not withdrawn</li> <li>b) where the MKC propose to attach an agreed condition(s) to the Licence under Section 169 1(a)</li> <li>c) Where MKC propose to exclude under Section 169 1(b) a condition(s) that would otherwise be attached under Section 168</li> <li>d) Where referred by Officers</li> </ul> <p>Unless Section 162(2) of the Gambling Act is satisfied in the above cases in which case such matters are delegated to officers at their discretion</p>	Where no valid representations are received about an application or where Section 162(2) is satisfied when issues under 162(1) are relevant
Application for a Provisional Statement and / or Premises licences including variations* in respect of a casino licence		<p>In respect of more than one stage 1 application being received</p> <p>In respect of applications with valid unwithdrawn representations</p> <p>In respect of all applications received for Stage 2 process.</p>	<p>Where only one application is received at Stage 1 and the 'regulatory' test is met with no valid representations received.</p> <p>In respect of variations where there are no accepted representations concerned or where Section 162 of the Gambling Act 2005 is satisfied *</p>
Revocation/cancellation for non-payment of annual fee			X
Review of a premises licence		X	

Application for club gaming /club machine permits		Where objections have been accepted and not withdrawn	Where no objections have been accepted or where objections have been withdrawn
Cancellation of club gaming/ club machine permits or licensed premises gaming machine permits		If referred by Officers	All cases unless referred
Cancellation, revocation, or reduction of entitlement in respect of gaming permits or notifications		If referred by Officers	All cases unless referred
Applications for other permits		if referred by Officers	All cases unless referred
Consideration of temporary use notice		If referred by officers	All cases unless objection notice given and not withdrawn
Decision to give a counter notice to a temporary use notice		X	
Refusal of small society lottery application		if referred by Officers	All cases unless referred
Rejection of incomplete applications or for failing to comply with other process related statutory requirements		If referred by Officer	All cases unless referred

## 41. **Reviews**

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

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

41.2 MKC can also initiate and administer a review of a licence on the basis of any reason which it thinks is appropriate. This could include compliance issues or matters connected to the licensing objectives

## 42. **Complaints against Premises**

42.1 MKC will investigate complaints against premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants may be encouraged to raise the complaint directly with the business concerned to seek a local resolution.

42.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, MKC may arrange a conciliation meeting to address and clarify the issues of concern.

42.3 This process will not override the right of any interested party to ask that the Licensing Committee consider their valid representations or of any licence holder to decline to participate in a conciliation meeting.

## 43. **Inspection and Enforcement**

43.1 MKC is required by Regulation under the Act to state the principles to be applied in exercising their functions with respect to the

inspection of premises; and the powers to institute criminal proceedings in respect of the offences specified.

- 43.2 MKC will take the lead in ensuring compliance with licences/permits and any relevant Gambling Commission Codes of Practice that it issues. The Gambling Commission will be the enforcement body for Operating and Personal Licences and illegal gambling. Concerns about the manufacture, supply or repair of gaming machines will be referred to the Gambling Commission for investigation as appropriate.
- 43.3 In order to ensure compliance with the law, MKC may use a risk-based inspection programme. Officers of the Council will carry out visits and inspections at a time considered appropriate; depending on if it is a programmed inspection, a complaint or is intelligence led. This may include test purchase or test entry operations. Compliance work will include consideration of any Primary Authority procedures and agreements in place
- 43.4 Factors that will influence inspection decisions will include the nature of the gambling activity taking place; the size of the premises; compliance history; intelligence received; any local area profile information; failure to undertake or comply with an adequate local risk assessment. It is expected that premises licensed venues will have a copy of their local risk assessment on site and that the document is kept under review.
- 43.5 In considering enforcement action, MKC will bear in mind the Human Rights Act, in particular Article 1 Protocol 1 (peaceful enjoyment of possessions); Article 6 – right to a fair hearing; Article 8 – respect for private and family life, and Article 10 – right to freedom of expression

#### 44. **Statement of Principles – Inspection and Enforcement**

- 44.1 MKC shall aim to protect and enhance the safety of people who live in, work in, or visit the Borough of Milton Keynes through the application and enforcement of gambling legislation and in accordance with the Licensing Objectives.
- 44.2 MKC in carrying out its regulatory functions as detailed under the Act and will follow the Regulators Code and the principles of better regulation. As a consequence, the principles that will be followed are:-
- **Proportionate:** regulators should only intervene when necessary,
  - **Accountable:** regulators must be able to justify decisions,
  - **Consistent:** rules and standards to be joined up and implemented fairly.

- **Transparent:** regulations to be simple and user friendly should be open, and keep regulations simple and user friendly; and
- **Targeted:** focused on the problem.

44.3 Any decision to instigate legal proceedings will also consider the MKC Enforcement Policy.

44.4 MKC will adopt a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging licence/permit holders understand and meet their regulatory requirements; and
- Responding proportionately to regulatory breaches.

44.5 MKC will work with other partners as necessary and in accordance with any signed Memorandum of Understanding and/or Joint Enforcement Protocol.

44.6 MKC will endeavour to avoid duplication with other regulatory regimes such as fire safety and health and safety.

44.7 MKC will act in accordance with the relevant legislation and guidance from the Gambling Commission

#### 45. **Information**

45.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from: The Licensing Team, Milton Keynes Council, 01908 252800 or email at [licensing@milton-keynes.gov.uk](mailto:licensing@milton-keynes.gov.uk),

# APPENDIX A

## GLOSSARY

**Act-** refers to the Gambling Act 2005

**Admissible Representations** - Representations submitted by a Responsible Authority or interested party

**AGC** – Adult Gaming Centre

**Area Map** - the area of the County and Borough of Milton Keynes administered by Milton Keynes Council

**ATM** – Automatic Telling Machine (cash machines)

**Authorised Local Authority Officer** - A MKC Officer who is an authorised person for a purpose relating to premises in that authority's area.

**Authorised Person** - A Licensing Officer and an officer of an authority other than MKC, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under Fire Safety legislation.
- Inspectors appointed under the Health and Safety at Work, etc. Act 1974
- A person in a class prescribed in regulations by the Secretary of State.

**AWP Machines** - Amusement with Prizes Machines

**BACTA** - British Amusement Catering Trade Association

**Bingo** - A popular game of equal chance which is a form of lottery played as a game.

**Casino** - An arrangement whereby people are given an opportunity to participate in one or more casino games.

**Casino Games** - Games of chance that are not equal chance gaming.

**Casino Resolution** - Resolution not to issue Casino Premises Licences

**CCTV** – Closed Circuit Television

**Child** - Individual who is less than 16 years old.

**Club Gaming Machine Permit** - Permit to enable the premises to provide

gaming machines (3 machines of Categories B, C or D).

**Club Gaming Permit** - Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.

**Conditions** - Conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Secretary of State
- Conditions provided by Gambling Commission
- Conditions provided by MKC

Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

**Customer Lotteries** - Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

**Default Conditions** - Conditions that will apply unless MKC decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

**Delegated Powers** - Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

**Disorder** - MKC will determine the definition of disorder. However, in doing so it is accepted that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Public nuisance and anti-social behaviour alone may not be sufficient to be termed disorder relevant factors are likely to include whether situations were serious enough to require Police or security assistance; how threatening the behaviour was to those who could see or hear it.

**Equal Chance Gaming** - Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

**Enforcement Officers** -The Gambling Commission have power to appoint Enforcement Officers.

**Exempt Lotteries** - Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non-Commercial Lotteries
- Private Lotteries
- Customer Lotteries.

**FEC** – Family Entertainment Centre.

**Fixed Odds Betting** - General betting where the prize is known when the bet is struck.

**Gaming** - Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.

**Gaming Machine** - Machine covering all types of gambling activity, including betting on virtual events.

**Guidance to Licensing Authorities**- Guidance issued by the Gambling Commission. The document that Licensing Authorities should refer to when discharging their functions under the Gambling Act 2005.

**Human Rights Act 1998- Articles: 1, 6, 8 and 10**

Article 1: Protocol 1 – the right to peaceful enjoyment of possessions

Article 6: - the right to a fair hearing

Article 8: - the right of respect for private and family life

Article 10: - the right to freedom of expression

**Inadmissible Representation** - A representation not made by a Responsible Authority or an Interested Party.

**Incidental Non-Commercial Lottery** - A lottery promoted wholly for purposes other than private gain, and which is incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).

**Information Exchange** - Exchanging of information with other regulatory bodies under the Gambling Act.

**Inspector** - A constable, enforcement officer or authorised person.

**Interested Party** - A person who:

- Lives sufficiently close to the premises to be likely affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of the above groups

**Irrelevant Representations** -

- Where other legislation can cover the representation
- Demand
- Competition
- Likelihood of obtaining planning consent

**Large Casino** - having a minimum customer area of 1500 sq. holding casino games, bingo, betting and up to 150 gaming machines (5 gaming machines categories B to D for each table available for use).

**Large Lottery** - Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

**Licensing Authority** - Milton Keynes Council (MKC)

**Licensed Lottery** - Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.

### **Licensing Objectives**

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
2. Ensuring that gambling is conducted in a fair and open way; and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

**Live Gaming** - Gambling on a live game as it happens.

**Lottery** - An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

**Lottery Tickets** - Tickets that must:

- Identify the promoting society
- State the price of the ticket, which must be the same for all tickets
- State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- State the date of the draw or enable the date of the draw to be determined.

**Mandatory Conditions** - Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

**Members Club** - A club that must:

- have at least 25 members
- be established and conducted 'wholly or mainly' for purposes other than gaming
- be permanent in nature
- not established to make commercial profit
- controlled by its members equally.

**Non commercial event** - An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

**Non-Commercial Society** - A society established and conducted:

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

**Occasional Use Notice** - Betting may be permitted on a 'track' without the need for a full Premises Licence.

**Off Course Betting** - Betting that takes place other than at a track, i.e., at a licensed betting office.

**Off Course Betting – Tracks** - Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e., on other events, not just those taking place on the track. Normally operate only on race days.

**On Course Betting – Tracks** - Betting that takes place on a track while races are taking place

**Operating Licences** - Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.

**Permits** - Authorisation to provide a gambling facility where the stakes and prizes are very low, or gambling is not the main function of the premises.

**Personal Licence** - Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

**Pool Betting – Tracks** - Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

**Premises-** Defined as including 'any place'. It is for MKC to decide whether different parts of a building can be properly regarded as being separate premises.

**Premises Licence** - Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

**Private Lotteries-** 3 Types of Private Lotteries:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society

- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.

**Prize Gaming** - Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

**Prize Gaming Permit** - A permit to authorise the provision of facilities for gaming with prizes on specific premises.

**Provisional Statement** - Where an applicant can make an application to MKC in respect of premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy.

**Representations** - Representations that relate to the Licensing Objectives or that raise issues under the Gambling Policy Statement or the Gambling Commission's Guidance or Codes of Practice.

**Responsible Authorities** - Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:

- The Licensing Authority in whose are the premises is partly or wholly situated
- The Gambling Commission
- The Chief Officer of Police in whose area the premises are partly or wholly situated
- Buckinghamshire Fire & Rescue Service
- Planning Authority – Milton Keynes Council or Milton Keynes Development Partnership (in certain areas)
- Environmental Health – Milton Keynes Council (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm - MK Together.
- HM Revenue & Customs
- Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e.
  - Environment Agency
  - British Waterways Board

**SIA** - Security Industry Authority

**Simple Lottery** - An arrangement where:

- Persons are required to pay to participate in the arrangement

- In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- The prizes are allocated by a process which relies wholly on chance.

**Skills with Prizes** - A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g., trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.

**Small Lottery** - Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

**Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e., lotteries intended to raise funds for good causes.

**Small Operations** - Independent on course betting operators with only one or two employees or a bookmaker running just one shop.

**Society** - The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.

**Statement of Principles** - Matters considered when considering an applicant's suitability for applications.

**Temporary Use Notice** - To 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.

**Totalisator or Tote** - Pool betting on tracks.

**Touch Bet Roulette** - Where a player gambles on a live game of chance on an electronic terminal.

**Track** - Sites where races or other sporting events take place e.g., horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.

**Travelling Fair** - A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

**UFEC** – Unlicensed Family Entertainment Centre.

**Vehicles** - Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

**Vessel** - Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

**Vessel and Relevant Licensing Authority** - The Licensing Authority for the area in which the vessel is usually moored or berthed.

**Virtual Betting** - Machine that takes bets on virtual races, i.e., Images generated by computer to resemble races or other events.

**Vulnerable Persons** - There can be no precise definition of what makes a person vulnerable as it depends on the circumstances at the time, but MKC includes it to mean a person who is or may need community care services by reason of mental or other disability, age, or illness; and who is or may be unable to take care of themselves or protect themselves against significant harm or exploitation. Further, MKC will also consider those persons who share a relevant protected characteristic under the Public Sector Equality Duty as potentially vulnerable. These include age, disability, pregnancy, race, religion, gender and sexual orientation.

**Young Person** - An individual who is not a child but who is less than 18 years old.

## **Appendix B - Consultees**

AGE CONCERN  
ASPERS  
ASSOCIATION OF BRITISH BOOKMAKERS LTD (ABB).  
BACTA  
BETFRED  
BETTING AND GAMING COUNCIL  
BGBET.COM  
BINGO ASSOCIATION LETTER  
BLAKE MORGAN SOLICITORS  
BRITISH BEER AND PUB ASSOCIATION LETTER  
BRITISH INSTITUTE OF INNKEEPING  
BOYLE SPORTS  
CASHINO GAMING  
CHARLES WELLS BREWERY.  
CORAL LADBROKE  
COMMUNITY ACTION RESPONSIBLE GAMING (CARG) MEMBERSHIP  
CLINICAL COMMISSIONING GROUP FOR MILTON KEYNES.  
EQUALITIES COUNCIL  
GAMCARE  
GAMESTEC LEISURE  
GOLDEN SLOTS  
GREENE KING  
GOSSCHALKS SOLICITORS  
HM REVENUES AND CUSTOMS  
JENNINGSBET  
LEON RESIDENTS' ASSOCIATION  
LESLIE LMM ASSOCIATES  
LOCAL HEALTH PARTNERSHIP  
LOTTERIES COUNCIL  
MILTON KEYNES BOROUGH COUNCILLORS: COUNCILLOR NEWS  
MILTON KEYNES CHAMBER OF COMMERCE  
MILTON KEYNES COUNCIL ADULT SOCIAL CARE  
MILTON KEYNES CITIZEN ADVICE BUREAU  
MILTON KEYNES COUNCIL – JOINT COMMISSIONING  
MILTON KEYNES COUNCIL – PLANNING  
MILTON KEYNES COUNCIL – ENVIRONMENTAL HEALTH  
MILTON KEYNES COUNCIL – REGENERATION TEAM  
MILTON KEYNES COUNCIL – HEAD OF POLICY AND PERFORMANCE  
MILTON KEYNES COUNCIL PUBLIC HEALTH  
MILTON KEYNES COUNCIL – EQUALITIES  
MILTON KEYNES MK TOGETHER)  
MILTON KEYNES FIRE SAFETY  
MILTON KEYNES INTERNAL AUDIT  
MILTON KEYNES TRADING STANDARDS  
MILTON KEYNES PRIMARY AUTHORITY FOR LADBROKE CORAL  
MIND  
PADDY POWER  
PARISH COUNCILS IN MILTON KEYNES: COUNCILLOR NEWS  
RGT  
POPPLESTON ALLEN  
THAMES VALLEY POLICE  
TOWN COUNCILS IN MILTON KEYNES: COUNCILLOR NEWS

THE GAMBLING COMMISSION  
WELCOME BREAK GROUP  
WILLIAM HILL  
XPLAIN  
YGAM  
MKC SUPPLIER OF VULNERABLE GAMBLERS SUPPORT  
GAMING MACHINE SUPPLIERS

# **APPENDIX C**

## **LOCAL AREA PROFILE**

AVAILABLE AS A SEPARATE DOCUMENT



## **MILTON KEYNES COUNCIL LOCAL AREA PROFILE (LAP)**

In respect of applications (new and variations) for Gambling premises licences MKC may consider local issues that might compromise the licensing objectives if an application is granted.

The information below are factors we expect applicants to consider when undertaking their local risk assessment for new or variation applications. Risk assessments also need to be reviewed regularly if local circumstances change in any event.

In essence local risk assessments should show how vulnerable people, including people with gambling dependencies are protected. Geographical locations of higher risk may need additional controls or may be unsuitable for licenses to be granted.

Applicants may find the following information sources useful in terms of mapping the location of higher risk locations when considering whether a location is suitable for a gambling premise, and /or what additional controls they will require under their local area risk assessment.

<https://mapping.milton-keynes.gov.uk/mymiltonkeynes.aspx>

<https://mkinsight.org/>

<https://www.adt.co.uk/crime-in-my-area>

<https://www.police.uk/>

The following are examples of where vulnerable persons can predictably be present and thus where specific local controls should be considered:

### **Locations**

Proximity to the following

- a) youth centres and hostels
- b) rehabilitation centres including gambling or addiction support or treatment centres where children or vulnerable groups may be present.
- c) schools, playgrounds, leisure/community centres; colleges, universities and other areas where children and young people will gather including entertainment venues such as bowling alleys, shopping centres, cinemas

etc., as well as bus stops, café's, shops, parks, and school routes. In such cases MKC will expect licensees to take appropriate steps to ensure that inappropriate advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- d) Facilities in proximity to the licensed premises such as banks, post offices, refreshment and entertainment type facilities
- e) Religious premises and places of worship where they can be a focal point for a percentage of vulnerable members of the local community, including the homeless community and youth population
- f) Other gambling premises given the potential link to increased levels of problem gambling where there are multiple gambling premises in the vicinity
- g) supported accommodation/hostels
- h) Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, or where there are Residential areas where there is a high concentration of families with children

#### **Other location specific issues to consider**

- i) the demographics of the area in relation to vulnerable groups including areas of income deprivation
- j) whether the premises are in an area subject to high levels of crime and/or disorder
- k) Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, locations of or a customer base likely to include individuals with a predilection to gambling etc.

In respect of the areas above the licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks and, if not, the licensing authority would consider other controls themselves or if it was appropriate to grant a licence. The list is not exhaustive and other factors not in this list that are identified must be taken into consideration:

Applicants are advised to also consider the following as part of their applications if relevant

- l) Making Information held by the licensee regarding self-exclusions and incidences of underage gambling available to MKC

- m) The arrangement for localised exchange of information regarding self-exclusions and gaming trends
- n) The assessment of staffing levels when vulnerable persons are more likely to present (such as school children)
- o) The proximity of machines to the entrance door
- p) Age verification policies including 'Think 21' and 'Think 25' relevant to the location
- q) Consideration of line of sight from counter(s) to gambling machines and overall capacity to supervise the gaming area
- r) Making results of test purchase operations available to the local authority on request
- s) Participation in test purchase programmes
- t) Notifying MKC with details of where a child or young person repeatedly attempts to gamble on their premises, thus providing the Council with an opportunity to consider safeguarding concerns.
- u) The view from the exterior of the premises in terms of attracting young or vulnerable people

#### Document Control

Date	Version	comments
30.04.2018	1.0	1 <sup>st</sup> draft consultation
06.08.2018	1.1	Final draft for consideration
12.09.18	1.2	Endorsed version
02.11.21	1.3	Three-year consultation review
09.02.22	1.4	Endorsed version

## **APPENDIX D**

### **DOCUMENT OF PRINCIPLES TO BE APPLIED WHEN AWARDING A CASINO LICENCE**

This is available on request