

## CONSULTATION RESPONSES TO STATEMENT OF GAMBLING PRINCIPLES

Response number	Consultee	Comments	Consideration	Outcome
1	Head of Regulatory Services	Does the new paragraph 2.3 sufficiently cover Statutory Instrument 2006 Reg 4 and would it be prudent to mention that the borough continues to expand with the potential to be home to 500,000 people in the longer term?	<p>The legislation requires '<i>a description of the geographical area in respect of which the authority exercises functions under the Act</i>'</p> <p>The proposed paragraph meets the legal requirement. No change required but comments accepted for purposes of transparency</p>	Revised paragraph 2.3 to policy covering population.
2	Head of Regulatory Services	Insertion of new paragraph 4.1a. Paragraph needs to be clear what document is being referred to.	<p>Response agreed.</p> <p>Additional wording added to refer to 'correct' document</p>	Revised paragraph 4.1a
3	Head of Regulatory Services	Paragraph 6.1 Does the legislation allow MKC to set some fees at a cost recovery basis or requires the Council to do so	<p>Response agreed.</p> <p>Paragraph to be reworded to make clear that MKC must set certain fees as the legislation only provides a framework on some.</p>	Revised paragraph 6.1
4	Head of Regulatory Services	Paragraph 15.2 The paragraph should not expect compliance with a mandatory requirement, it should require it	Response agreed	Revised paragraph 15.2

5	Head of Regulatory Services	<p>Paragraph 16.5</p> <p>Query on whether the first sentence of the paragraph is correct against the second half of the paragraph which provides a definition. Further would the definition be better in the policy glossary – which also needs updating.</p> <p>Proposed amendment to final sentence ‘In determining ‘disorder’ MKC it will consider the following factors including: Whether the situation was serious enough to require Police or security assistance How threatening the behaviour was to those who could see or hear it’.</p>	<p>Response agreed.</p> <p>Existing proposed paragraph is confusing and can be reworded to be clearer</p>	<p>Revised paragraph 16.5</p> <p>Revised definition of disorder in policy glossary</p>
6	MKC Audit	<p>How will the document be communicated to individuals, businesses and other organisations that may be interested and also to the general public</p>	<p>The policy document will be available on MKC website.</p> <p>The consultation document has been on the Council website.</p> <p>The consultation process has involved notifying those parties as detailed in Annex B in terms of businesses and organisations Prior to adoption a notice will be displayed at all public libraries</p> <p>Prior to adoption a notice will be displayed at the Council</p>	<p>No further action considered necessary.</p>

			<p>Prior to adoption a notice will be placed in the MK Citizen</p> <p>The policy will be subject to public scrutiny at Licensing Committee and full Council as part of an adoption process.</p> <p>Any applicants for licences should consider policy as part of their submission and there are 7 statutory consultees obliged to consider it when scrutinising applications</p>	
7	MKC Audit	<p>Paragraph 5.8 Existing paragraph refers to the National Lottery, does this include all the other kinds of lotteries at shops</p>	<p>Local Authorities have no jurisdiction over national lotteries for sale throughout Milton Keynes other than in respect of information sharing on issues with the Gambling commission and underage matters for referral to Trading Standards. However, the paragraph could make this clearer. Response accepted</p>	Revised Paragraph 5.8
8	MKC Audit	<p>Do licence applicants/holders have the right/ability to appeal conditions?</p>	<p>There is a statutory right of appeal under the Gambling Act and the policy does not list statutory requirements as it is duplication. However broader point accepted, and policy should refer to right of appeal</p>	Revised paragraph 4.3

9	MKC Audit	What are the differences/definitions for category A, B, C machines?	The differences and definitions of gaming machines are specified in legislation and the policy does not seek to repeat the information. However, the policy could provide more information on this subject	Revised paragraph 5.3
10	MKC Audit	What is the frequency for Licence renewals?	Premises licences last indefinitely and there is no renewal. Small society lotteries are renewable annually. Gaming permits are also indefinite other than specific types of club permits which can have a 10-year renewal. The Policy does not seek to repeat what the legislation specifies and so this information is not included in the policy save where renewals are appropriate at paragraph 26 and 32	No change to policy
11	MKC Audit	The document mentions “expectations” in several paragraphs, e.g. 16.14, 16.15, 18.1, is compliance reviewed when the licences are renewed to ensure that the licence holder continues to implement those stated in their applications and licences	Compliance with legal and policy requirements are dealt with on inspections which are normally biannual unless risk assessed sooner. There are few licence renewals allowed for under the legislation but there is an inspection programme in place. See section 42 to 44 of policy.	No change to policy required
12	MKC Audit	Consultees Should state Milton Keynes Council – Internal Audit (not head of) per other MKC services listed.	Response Agreed.	Consultee details updated

13	MKC Licensing Officer	The policy must refer to underage sales as relevant to the licensing objective of protecting vulnerable persons	The policy does not include specific reference to underage sales, but children are listed at section 16 as a vulnerable person. Agreed that policy could be clearer	Paragraph 43.3 amended to include reference to underage sales and entry as enforcement tool.
14	MKC Licensing Authority	The policy should acknowledge primary authority work in terms of enforcement and compliance as certain operators have agreed national compliance standards	Agreed.	Paragraph 43.3 amended
15	MKC Trading Standards	Local Area Profile " <i>Locations of or a customer base likely to include individuals with a predilection to gambling</i> "  Are there any studies or data that shows certain individuals have a predilection for gambling above others?	As part of its Public Sector Equality Duty the local authority has recognised race as a protected characteristic. In certain localised areas of the UK there have been predilection for gambling by a particular race and this in turn identifies potentially vulnerable persons.  Whilst there is no evidence to suggest that position in MK at this time it is appropriate for the Local Area Profile to identify it as a risk to assess on any new application and to identify relevant steps that could be taken (for example safer gambling information in a relevant language)	No change to draft policy proposed

16	MKC Licensing Officer	The policy should contain a reference to the casino licence as follows: 'Milton Keynes was one of eight local authorities that was granted permission to build a large casino. Section x of this policy considers the necessary policy inclusions for this process'.	The information on the casino licence is already outlined at section 17.2 and an additional paragraph would be duplication.	No change to draft policy proposed.
17	MKC Licensing Officer	Paragraph 9.3 is incorrect. Representations should be admissible if they relate to the licensing objectives even if they can be addressed by other legislation	The statutory guidance says at 4.7 ' <i>if other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not necessary or appropriate to impose similar conditions on a premises licence issued in accordance with the Act</i> '. However, it is for the Council to conclude if the licensing objectives are compromised by issues arising notwithstanding other legislation. Response agreed.	Paragraph 9.3 removed from policy
18	MKC Licensing Officer	Paragraph 9.5 and 39.3 are legally incorrect. This is because they state that representations can be rejected if they are irrelevant whereas this is not a reason listed under Section 162 of the Gambling Act.	Section 182 confirms that representations can be rejected where they are vexatious or frivolous or will 'certainly not influence the authority's determination of the application'. Consultation response accepted.	Paragraphs 9.5 and 39.3 revised to account for Section 162 (3) (c) of Gambling Act removing reference to 'irrelevant' and including the absent reason.

19	MKC Licensing Officer	Paragraph 17.5 relates to the Casino and a document of principles that it applied when making the determination to grant a casino licence in 2012. This paragraph would be improved with the word 'new' in front of 'casino'.	Consultation response accepted as a change to the paragraph would remove ambiguity about any variation applications subsequently received in relation to the casino licence and how they should be decided.	Paragraph 17.5 revised to demonstrate process was for awarding of 'the' licence at the time.
20	Betting and Gaming Council	Revised paragraph 16.5. There appears to be a missing word in the second sentence which, as drafted, states that public nuisance and anti-social behaviours are licensing objectives under the gambling act. The word 'not' needs to be inserted in order that public nuisance and matters of low level anti-social behaviour are not issues which can be considered.	Consultation response accepted.	Paragraph 16.5 revised
21	Betting and Gaming Council	It is important that the draft statement of principles does not conflate the requirements of Licensing Act 2003 applications. In paragraph 18.1, MKC will expect the applicant to offer their own measures to meet the licensing objectives and comply with the mandatory conditions and the Gambling Commission Codes of Practice. There is a similar statement in paragraph 31.1 relating to tracks.  These paragraphs should be re drafted so an applicant is not expected to	Consultation response accepted.  Since the Gambling Act 2005 came into force the concept of local area risk assessments has become a mandatory requirement on operators to do and now forms part of an application and ongoing requirement in terms of assessing premises and locality risks.	Paragraphs 18.1 and 31.1 revised

		<p>“suggest conditions” as would be the case under Licensing Act 2003. This is because applicant is required to conduct a local area risk assessment and detail policies, procedures and mitigation measures to address identified risks within that document which then accompanies an application.</p> <p>It is important that these policies, procedures, and mitigation measures to address risks are dealt with via the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document which (in accordance with SR code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policy, procedures mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the licensing authority.</p>		
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22	Betting and Gaming Council	<p>Section 10 is headed “Conditions” and the first paragraph (10.1) refers to the mandatory and default conditions and the ability of the Licensing Authority to also apply additional premises specific conditions in certain circumstances.</p> <p>This section would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. In the circumstances, this should state that the imposition of additional conditions will only be considered where there is clear evidence of a risk to licensing objectives which is not already adequately addressed by the applicant’s risk assessment.</p>	<p>Paragraph 10.1 is considered legally correct</p> <p>Paragraph 10.2 makes clear that additional conditions will be applied on a case-by-case basis, but the paragraph could be clarified on this point and to account Local Area Risk Assessments.</p>	Revised paragraph 10.2
23	MKC Licensing Officer	The table of delegations is unclear in respect of variations to a casino licence and whether this is a subcommittee matter or not.	<p>In respect of sub committee’s variation applications may or not be required to referred. It depends on the representations received and the legislation.</p> <p>Agreed current delegation table is ambiguous and needs clarification.</p>	Revised table of delegations to clarify the delegated position in respect of sub committees – variations will be referred to committee unless the legislation permits otherwise.
24	VOID	VOID	VOID	VOID
25	Cllr McLean	15.2 – In the proposed wording there is MKC and Council. The word Council should be replaced by MKC for consistency	Agreed.	Revised paragraph 15.2

26	Cllr McLean	Table of delegations – the list of reasons has “revocations” twice In respect of gaming permits	Agreed.	Table of delegations amended to remove duplicated word.
27	Cllr McLean	Appendix A, Vulnerable Persons – The final sentence of the proposed paragraph is shown below; would “gender” be better than sex?  These include age, disability, pregnancy, race, religion, sex or sexual orientation.	Agreed.	Definition revised within Appendix A to reflect better terminology.
28	Cllr McLean	Page 47, bullet point 5: Milton Council should be Milton Keynes Council	Agreed	Revision made to Appendix A
29	Cllr Mclean	Page 47, bullet point 5: Milton Keynes Partnership – Should this be Milton Keynes Service Partnership or Milton Keynes Development Partnership?	Agreed. Wording is incorrect. Amended to reflect Milton Keynes Development Partnership	Revision made to Appendix A
30	Cllr McLean	Appendix C, Local Area Profile, Other Locations Point j refers to high levels of crime. What is the measure that determines if an area has a high level of crime?	Details on crime levels are available on the website referred to in the Local Area Profile: <a href="https://mkinsight.org/">https://mkinsight.org/</a> The website includes a breakdown on type of crime and additional comparators in terms of perspective are available here. <a href="https://www.adt.co.uk/crime-in-my-area">https://www.adt.co.uk/crime-in-my-area</a> . <a href="https://www.police.uk/">https://www.police.uk/</a> Response accepted	Appendix C amended to provide further ways of assessing crime levels in a location.

31	Licensing Officer MKC	Paragraph 15.10 details the need for licensed plans to show details beyond the minimum requirements in the legislation on occasion. The paragraph would be better with more detail	Agreed. Revised paragraph with examples of additional information that may be required.	Revision made to paragraph 15.10
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