



# **GAMBLING ACT 2005**

## **STATEMENT OF GAMBLING PRINCIPLES**

**2016-2019**



**MILTON KEYNES  
COUNCIL**

<b>Date</b>	<b>Version</b>	<b>Period</b>	<b>Comments</b>
12.12.2006	1	2007 - 2010	Adopted full Council December 12 <sup>th</sup> 2006 published January 3 <sup>rd</sup> 2007 commencement date 31 <sup>st</sup> January 2007
08.12.2009	2	2010 - 2013	Adopted full Council 8 <sup>th</sup> December 2009 commencement date 31 <sup>st</sup> January 2010
October 2012	3	2013 - 2016	Adopted full Council 9 <sup>th</sup> January 2013
October 2015	4	2016 -2019	Consultation October to November 2015
December 2 <sup>nd</sup> 2015	4.1	2016-2019	Draft for adoption Licensing Committee on 02.12.2015

# Milton Keynes Council

## Gambling Act 2005

### Statement of Gambling Principles 2016-2019

Item	Page
<b>Part 1</b>	
<b>Introduction</b>	1
1. The Licensing Objectives	1
2. Geographic Area covered by the Statement of Gambling Policy	3
Social Deprivation and Regeneration	4
The Statement of Principles	6
Consultees	7
Statement of Gambling Principles Publication and Review	9
3. Declaration	9
4. Licensing Authority Functions	10
5. Fees	12
6. Responsible Authorities	13
7. Interested parties	14
8. Representations	15
9. Conditions	17
10. Door Supervisors	18
11. Information Exchange	18
12. Register	19
13. Planning Permission/Building Regulation Approval	20
<b>Part 2 - Premises Licences/Permits</b>	20
14. Premises Licences	20
15. General Principles	21
16. Licensing Objectives	25
Preventing Gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime	25
Ensuring Gambling is conducted in a fair and open way	26
Protecting Children and other vulnerable persons from being harmed or exploited by Gambling	26
17. A Casino	28
18. Adult Gaming Centres (AGC's)	29
19. Family Entertainment Centres (FECs)	30
20. Licensed Family Entertainment Centres	30
21. Statement of Principles relating to Direct Access between AGCs and Licensed FECs/Unlicensed FECs	31
22. Vessels and Vehicles	31
23. Gaming Machines	32
24. Permits	32
25. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits	33
26. Statement of Principles for Unlicensed Family Entertainment	33

Centres	
27. Alcohol-Licensed Premises Gaming Machine Permits	35
28. Gaming in alcohol licensed premises	36
29. Bingo Premises	36
30. Betting Premises	37
31. Tracks	38
Betting and Gaming Machines on Tracks	39
Self contained betting offices on Tracks	39
32. Prize Gaming Permits	40
Statement of Principles for Prize Gaming Permits	40
33. Club Gaming and Club Machines Permits	41
34. Gaming in Commercial Clubs	41
35. Temporary Use Notices (TUN)	41
36. Occasional Use Notices (OUN)	42
37. Travelling Fairs	42
<b>Part 3. - Small Society Lotteries</b>	42
38. Small Society Lotteries	43
<b>Part 4 – Decision Making</b>	45
39. Committee Terms of Reference	45
40. Delegated Powers	46
Table of Delegations of Licensing Functions	47
41. Reviews	48
42. Complaints Against Licensed Premises	49
43. Inspection and Enforcement	49
44. Statement of Principles – Inspection and Enforcement	50
45. Information	50
<b>Appendix A – Glossary of Terms</b>	52
<b>Appendix B – List of consultees</b>	60
<b>Appendix C - Document of principles to be applied when awarding a casino licence (available on request)</b>	62
<b>Appendix D – Local Area Profiles (available on request)</b>	62

## Statement of Gambling Principles

<b>Proposed Change</b>
<b>Include Executive Summary</b>
<b>Reason</b>
<b>Corporate style. Proposed wording as below</b>

### **EXECUTIVE SUMMARY**

**1.1 This policy contains information about legal requirements; relevant guidance; Council policy and procedures relevant to how Milton Keynes Council as the Licensing Authority under the Gambling Act 2005 for the borough of Milton Keynes will execute its duties.**

**1.2 There is a legal obligation upon the Council 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.

Milton Keynes Council is the Licensing Authority under the Gambling Act 2005 for the geographic area of the Borough of Milton Keynes.

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

1.1 The Licensing Authority recognises the potential impact of gambling on the community of Milton Keynes. In adopting this policy, the Licensing Authority will seek to address the needs of the residents 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.

Proposed Change
-----------------

Include other persons in addition to residents
Reason
Visitors from outside the borough may use gambling facilities within the borough

1.2 The Gambling Act 2005 strengthens consumer protection and modernises gambling legislation. The Licensing Authority has prepared this third edition Statement with this in mind and will consider the primary purpose of premises when considering relevant matters.

Proposed change	
The Gambling Act modernised gambling Laws in the UK and the Licensing Authority has prepared this statement having had regard to relevant guidance and regulations issued by the Gambling Commission and Parliament.	
Reason	
Previous paragraph needed updating	

1.3 In exercising its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 153 of the Act:-

Proposed Change
Amend Section 153 to read Section 1
Reason
Legal correction

- **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**

1.4 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;
- by the publication of Codes of Practice and Guidance by the Gambling Commission;
- in the case of Licensing Authorities, by the preparation of a Statement of Gambling Principles.

2. **Geographic Area covered by the Statement of Gambling Policy**

2.1 Milton Keynes Council 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 fortieth anniversary in 2007. It covers approximately 30,869 hectares.

Proposal: Amend paragraph to include: 'It is in a strategic location, being approximately half-way between London - Birmingham and Oxford – Cambridge with rail and motorway networks.'

Proposal
Amend proposal above to read "benefiting from good rail and motorway transport links instead of 'rail and motorway networks'"
Reason
Consultation response

2.2 It is a strategic location, being approximately half-way between London - Birmingham and Oxford – Cambridge. Its conferencing role has been strengthened with new facilities being completed in Central Milton Keynes and Denbigh North. As a consequence 'business tourism' is increasing. Milton Keynes is a thriving commercial centre and 'destination resort' for the retail and leisure/hospitality sectors.

Proposed Change
Delete paragraph 2.2
Reason
Unnecessary detail

2.3 The borough falls into two distinct areas with the northern half comprising historic villages, traditional market towns and undulating farmland. In contrast, the southern half comprises the designated area of the 'new town' built around a horizontal and vertical numbered grid road system that interfaces with villages and Victorian towns, The current trend is for higher density mixed use developments.

Proposed Change: Add 'A map of the borough is provided overleaf'

2.4 Since its creation, Milton Keynes has been a tremendous commercial success. There are a high percentage of service sector employers along with niche manufacturing in the engineering and specialist food sectors. Owing to its location half way between London and Birmingham via the M1 / M6 it is a logistics 'hub'.

Proposed Change
-----------------

Delete para 2.4
Reason
Unnecessary detail

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

2.6 **Social Deprivation and Regeneration**

2.6.1 The following estates are consistently ranked under this category because they have more socio-economic difficulties. This order is based on the aggregation of a range of social and economic parameters produced by the Milton Keynes intelligence Observatory Social Atlas in 2011 and includes:

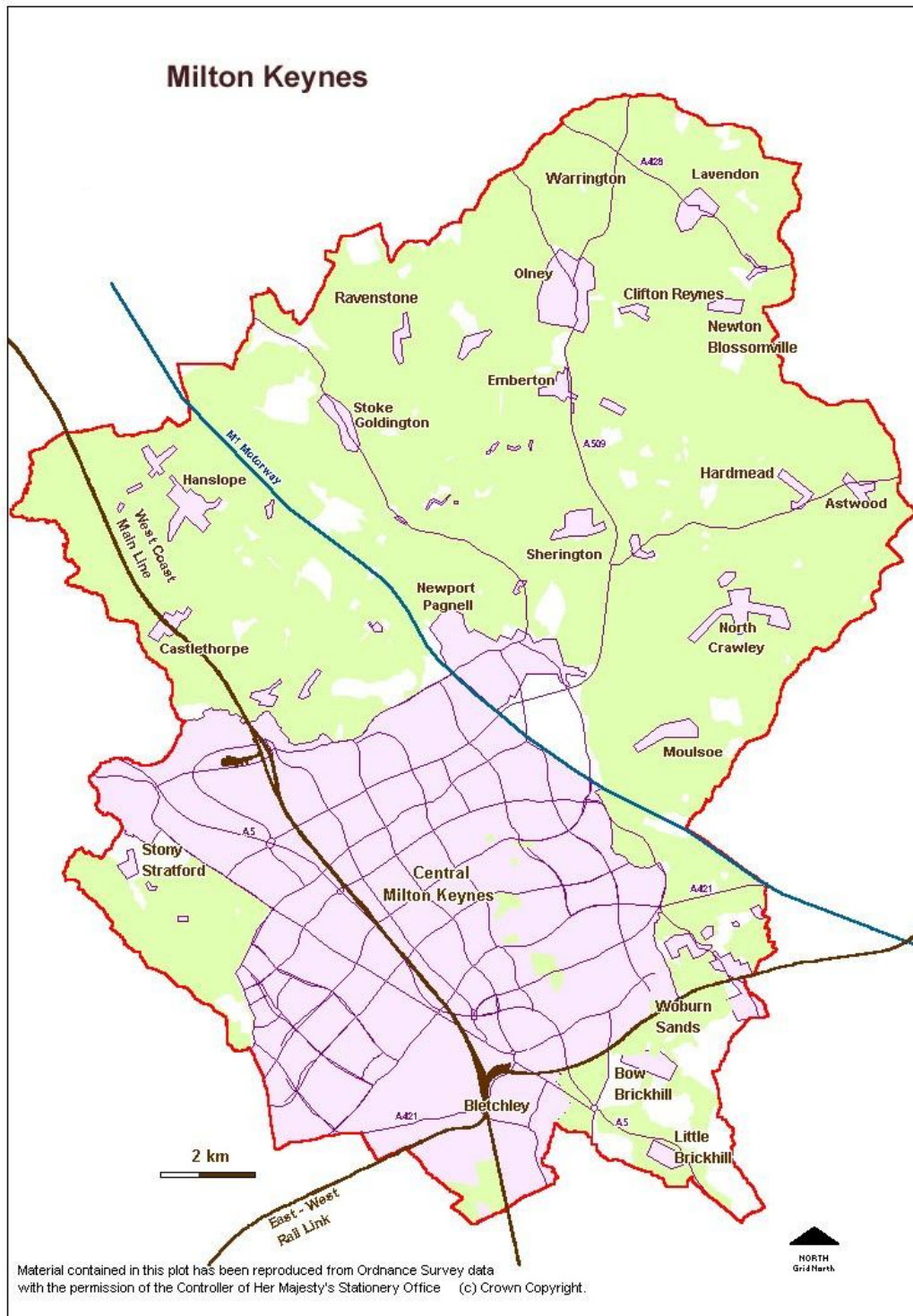
- Housing/Council Tax Benefit
- Children with Special Education Needs
- Teenage conceptions
- Student Awards
- Clients of Older People Services
- Domestic fires
- Violent Crime, Burglary, Criminal Damage
- Neighbour complaints
- Adult Continuing Education
- Educational Assistance Indicators
- Disabled clients of Social Services
- Hospital Admissions data

Rank	Milton Keynes Locality (Grid Square)
1	Netherfield
2	Coffee Hall
3	Beanhill
4	Water Eaton
5	Fullers Slade
6	Fenny Stratford

Proposal;
Remove section 2.6
Reason



The information can become outdated and thus inaccurate and policy continues to recognise deprivation; social exclusion and inequalities as relevant at 2.5 regardless of location.



A map of the Borough of Milton Keynes

## 2.7 The Statement of Principles

2.7.1 In drafting this document the Licensing Authority has sought to achieve a consistent standard of regulation to minimise the impact on businesses.

Proposal: Delete paragraph 2.7.1
----------------------------------

Reason: Unnecessary
---------------------

Proposal: insert new paragraph to state 'In drafting this statement of policy the Licensing Authority has had regard to the licensing objectives of the Act; Guidance issued by the Gambling commission and responses received from those consulted
---

Reason: as recommended under statutory guidance section 6.54
--

2.7.2 Licensing authorities are required by Section 349 of the Gambling Act 2005 to publish a Statement of the 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.

2.7.3 This Statement of Gambling Principles sets out the policies that the Licensing Authority 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

2.8 This Statement of Gambling Principles relates to all those licensable premises notices, permits and registrations identified as falling within the provisions of the Act: -

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming Permits
- Prize Gaming Permits
- Temporary Use Notices
- Registration of Small Society Lotteries
- Alcohol licensed premises

2.9 The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- 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.

2.10 **Consultees**

- Age Concern - MK
- All Parish and Town Councils in Milton Keynes
- Aspers
- Association of British Bookmakers Ltd (ABB)
- BACTA
- Bar Entertainment & Dance Association
- Betfred
- BGbet.com
- British Amusement & Catering Trade Association (BACTA).
- British Beer and Pub Association
- British Institute of Innkeeping
- Buckinghamshire Fire and Rescue
- Business in Sport and Leisure (BISL)
- Casino Operators Association
- Citizens Advice Bureau
- Done Bookmakers
- Elected Councillors
- Gala Coral
- GAMCARE
- H. M Revenues and Customs
- Homes and Community Agency – Midlands Area
- Jenningsbet
- Ladbrokes
- Milton Keynes Chamber of Commerce

- Milton Keynes Citizen Advice Bureau
- Milton Keynes Community Foundation
- Milton Keynes Community Safety Partnership.
- Milton Keynes Council - All members of the Corporate Leadership Team
- Milton Keynes Council – Planning (Development Control)
- Milton Keynes Council – Environmental Health
- Milton Keynes Safeguarding Children Board
- Milton Keynes Local Strategic Partnership members
- Milton Keynes City Counselling Centre
- Milton Keynes media
- Milton Keynes Residents Groups
- NHS Milton Keynes
- Parish Council's
- Rainbow Gaming
- Stadium MK
- Thames Valley Police
- The Bingo Association
- The British Association of Leisure Parks, Piers & Attractions Limited (BALPA)
- The Chief Fire Officer – Buckinghamshire Fire & Rescue Service (Buckinghamshire and Milton Keynes Fire Authority).
- The Gambling Commission
- Town Council's
- Welcome Break
- William Hill

<b>Proposed Change</b>
Amend paragraph 2.10 as follows 'The Council consulted those organisations; businesses and individuals as listed at Appendix B in respect of this policy. The appendix will be updated from time to time
<b>Reason</b>
The relevant persons to consult will change over time and having information in an Appendix allows flexibility on the appropriate people to consult without the necessity of adopting a new policy on each occasion

- 2.11 Consultation for this document took place between 16<sup>th</sup> July and 8<sup>th</sup> October 2012 and followed Cabinet Office Guidance on public sector consultations. These documents are available via:

<http://www.bis.gov.uk/files/file47158.pdf>

2.12 **Statement of Gambling Principles Publication and Review**

The original Policy was approved at a meeting of the Full Council on 12 December 2006 and was published via our website by 3 January 2007; it took effect on 31 January 2007. Copies were placed in the public libraries of the area as well as being available at Milton Keynes Council, Civic Offices. The second version of the Policy came into effect on the 31<sup>st</sup> January 2010 following endorsement by Full Council on 8<sup>th</sup> December 2009. This Policy document has been the subject of a 12 week consultation and subsequent amendment where appropriate. This third version of the Policy comes into effect after adoption at full Council On 9<sup>th</sup> January 2013.

Proposed Change
Delete paragraphs 2.11 and 2,12
Reason
Better formatted as version control at front of document

- 2.13 Should you have any comments regards this Statement of Gambling Principles please send them via e-mail or letter to:

Mike Brown, Assistant Director Neighbourhood Services  
Milton Keynes Council, Civic Offices, Civic Offices, 1 Saxon Gate  
East, Central Milton Keynes, MK9 3EJ  
E-mail: [mike.brown@milton-keynes.gov.uk](mailto:mike.brown@milton-keynes.gov.uk)

Proposed Change
Delete 2.13
Reason
Unnecessary and contact details listed elsewhere in document.

- 2.14 The Council 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 the Licensing Authority.

3. **Declaration**

- 3.1 This Statement of Gambling Principles sets out the Council's general approach as the Licensing Authority to the exercise of its functions under the Gambling Act 2005. The Council will seek to regulate gambling in the public interest. In carrying out its licensing functions

the Council will have regard to any guidance issued by the Gambling Commission and the three licensing objectives. The Council in undertaking licensing functions will have due regard to the need to eliminate unlawful discrimination and will seek to promote equality and good relations between all persons having particular regard to their human rights.

<b>Proposal</b>
Amend paragraph 3.1 to include reference to Council having regard to document in decision making
<b>Reason</b>
Sensible inclusion. Additional text to read 'In exercising its discretion in carrying out its functions the Council 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'

- 3.2 The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 3.3 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 3.4 Demand and need are not considerations that the local authority will take into account in relation to applications submitted to them for determination. However the location of the premises, its size and layout together with its mode of operation can be relevant considerations to be taken into account on an individual basis.

**4. Licensing Authority Functions**

- 4.1 In order for the Licensing Authority 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.
- 4.2 A 'Gaming machine' can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 4.3 The Act or its subordinate Regulations prescribe the number and category of gaming machines that are permitted in each type of gambling premises.
- 4.4 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
- 4.5 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.
- 4.6 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
  - 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

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

4.8 The National Lottery is regulated by the National Lottery Commission.

4.9 The Council’s 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.

## 5. **Fees**

5.1 Premises Licence fees will be set within the prescribed maximum levels in accordance with ‘The Gambling (Premises Licence) Fees (England and Wales) Regulations. Fees for Permits and other services will be as set by the Secretary of State.

5.2 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 Council’s web-site or in writing upon request.

5.3 The Licensing Authority takes the matter of non-payment of annual licence fees seriously and in accordance with Paragraph 193 of the Gambling Act 2005 where an operator fails to pay the fees due, the Licensing Authority 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.

5.4 Where payment of an application fee is not made the Licensing Authority 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.

- 5.5. 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. Responsible Authorities including principles to be applied regarding the competent authority to advise the authority about the protection of children from harm**

- 6.1. The Licensing Authority will notify all Responsible Authorities of Premises Licence applications. 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.

- 6.2 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.mkweb.co.uk/gambling](http://www.mkweb.co.uk/gambling).

- 6.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the 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 Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 6.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this Authority designates the Milton Keynes Local Safeguarding Children Board for this purpose.

- 6.5 The Responsible Authorities for Milton Keynes are:

- The Milton Keynes Council acting as the Licensing Authority (and adjacent Licensing Authority if the premises straddle the two)
- The Gambling Commission
- Thames Valley Police
- Buckinghamshire Fire & Rescue Service
- Milton Keynes Council – Planning (Development Control)
- Milton Keynes Council – Environmental Health
- Milton Keynes Safeguarding Children Board
- HM Revenue and Customs

Proposed Change
Delete paragraph 6.5
Reason
Allows for responsible authorities detailed under the Act to change without amending policy and referred to elsewhere at paragraph 6.2

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

7.1 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 is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)”

7.2 The Licensing Authority 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.
- This authority will not apply a rigid rule to its decision-making.
- It will take into account 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.

7.3 Those who 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.

7.4 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 Councils likely to be affected, or whose constituents are likely to be affected, will be considered to be interested parties. The

Licensing Authority 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.

- 7.5 If individuals wish to approach ward councillors to ask them to represent their views, then care should be taken that the councillors are not likely to sit on the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the licensing team; at [licensing@milton-keynes.gov.uk](mailto:licensing@milton-keynes.gov.uk) or 01908 252800.
- 7.6 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.

Proposal
Insert new paragraph 7.7 to read ‘The Licensing Authority may choose to notify properties within a set radius of a premises applying for a permission or other persons (such as Town and Parish Councils and Councillors) that an application has been received
Reason
Reflects current practice

**8. Representations**

- 8.1 Only responsible authorities and interested parties may make representations. Advice on how to make a representation is available on the Council’s web-site. Where there are representations, the Licensing Authority will encourage negotiation between the representor and the applicant regarding the possible use of conditions on the licence or other measures.
- 8.2 Where there are representations the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to one or more of the three licensing objectives, raise issues under the Statement of Gambling Principles, 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.

Proposal
----------

Redrafting of Para 8.2 to clarify when representations received are admissible. New paragraph to read: Where there are representations the Licensing Authority 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 Gambling 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

Reason

Current paragraph refers to 'relevant representations' whereas the term 'relevant' is not a legal term under the Gambling Act (only the Licensing Act)

- 8.3 Representations are not admissible where they can be addressed by other legislation. Each case will be decided upon the facts.
- 8.4 Representations will not be considered where they relate to demand or competition.
- 8.5 Representations can be rejected where they are vexatious or frivolous or irrelevant. The Licensing Authority will consider:
- a) Who is making the representation and whether there is a history of making representations that are not relevant
  - b) Whether or not it raises a relevant issue, or
  - c) Whether it raises issues specifically to do with premises that are the subject of the application
- 8.6 The Licensing Authority strongly recommends that representations be submitted at the earliest opportunity to allow the maximum time to explore a possible solution.
- 8.7 The Council 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 taken into account, 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, the Licensing Authority 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.

## 9. **Conditions**

- 9.1 Any conditions attached to licences will be proportionate to the circumstances they are intended to address, and will 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.
- 9.2 Decisions upon individual conditions will be made on a 'case-by-case' basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc.
- 9.3 The Licensing Authority 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.
- 9.4 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.

- 9.5 It is noted that there are certain conditions which the Licensing Authority 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.
- 9.6 The Licensing Authority may, however, exclude a default condition relating to hours of operation and substitute it with one that is either more or less restrictive. In this instance the Licensing Authority will give clear and regulatory reasons for so doing.
- 9.7 Where an operator breaches the 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 the Licensing Authority will normally seek to review the Premises Licence in addition to any enforcement action considered necessary.

## 10. **Door Supervisors**

- 10.1 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 premises in order to ensure that the licensing objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling.,
- 10.2 Where the Licensing Authority 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.

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

- 11.1 The principle that this Licensing Authority 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 the Data Protection Act 1998 will not be contravened. Details of those persons making representations will 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 be disclosed in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

- 11.2 The Licensing Authority will work with the Gambling Commission, Thames Valley Police and with the other Responsible Authorities where there is a need to exchange information on specific premises. If necessary a Protocol for the sharing of such information will be established between the Licensing Authority and relevant Responsible Authorities 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. This protocol will be kept under review.

Proposal
To amend 11.2 to include reference to Section 350 Gambling Act and Schedule 6 therein to read ' and others detailed under Section 350 and Schedule 6 of the Act
Reason
Legal Requirement Gambling Act 2005 Regulations SI 2006 636 Regulation 5c

- 11.3 Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared by means of e-mail, telephone or in writing with the Responsible Authorities and Gambling Commission.

12. **Register**

- 12.1 The Licensing Authority 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 available at the Council's Civic Offices between 0900 and 1700 hours. The Licensing Authority may charge a reasonable fee for providing copies of such information.

Proposal
Add that public register only viewable during normal working hours
Reason
Current wording unclear

- 12.2 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority will consider the Gambling Commission's Guidance to Local Authorities and also it's Codes of Practice.

Proposed Change
Move paragraph to 4.10
Reason
More appropriate location for the paragraph concerned as it relates to Local Authority functions as opposed to register

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

- 13.1 The issue of planning permission or building regulation approval for a premises associated with gambling shall not be taken into account by the Licensing Authority in determining an application.

**PART 2  
PREMISES LICENCES/PERMITS**

**14. Premises Licences**

- 14.1 Premises Licences authorise the provision of gambling facilities on the following:

- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries
- Adult Gaming Centres (“AGC”) (for Category B4, B3, C and D machines)
- Family Entertainment Centres (“Licensed FECs”) (for Category C and D machines)

- 14.2 Except in the case of Tracks (where the occupier may not be the person offering gambling) Premises Licences will only be granted to those issued with an appropriate Operating Licence issued by the Gambling Commission.

- 14.3 Other forms of authorisations are as follows:

- Unlicensed Family Entertainment Centres (UFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits
- Alcohol licensed premises notifications



15. **General Principles**

15.1 The Licensing Authority recognises that the responsibility for an individual's gambling is their own. The responsibility to exercise a 'duty of care' to their patrons falls to the site operator. However, the Licensing Authority recommends that applicants for Adult Gaming and Family Entertainment Centres consider adopting any relevant voluntary code of practice relevant to their premises and location. The Licensing Authority notes the mandatory conditions and codes that are imposed the operators licence upon by the Gambling Commission in respect of social responsibility.

Proposal
Delete paragraph
Reason
Unnecessary and covered under paragraph 15.3

15.2 In accordance with Section 153 of the Gambling Act, in making decisions about permissions the Authority will aim to permit the use of premises for gambling provided that the premises 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 Council's Statement of Gambling Principles

Proposal
Relocate paragraph to Section 1 of policy document
Reason
The paragraph is a fundamental issue under the Act and should be in the policy introduction

15.3 The Licensing Authority recognises that there can be voluntary codes on social responsibility and age restrictions in respect of gambling premises. It recommends the adoption of these codes as appropriate.

15.4 Where there are age restrictions on entry to certain premises, the Licensing Authority recommends that applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

Proposal
Delete paragraph
Reason
Refers to initiatives not necessarily current. Paragraph 15.3

adequately covers

- 15.5 The Gambling Commission's Licensing Conditions and Code of Practice for all operators set out standards in addition to paragraph 15.3
- 15.6 The Licensing Authority 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; the Licensing Authority recommends that premises and operators consider appropriate Site Self-Exclusion Policies for those particular clients to request their exclusion for a fixed period. It is recommended that any leaflets or notices relating to problem gambling be displayed in a prominent area. It is accepted that mandatory conditions and codes are imposed upon the bingo and casino sectors by the Gambling Commission.
- 15.7 When determining an application, the location and mitigation of the proposed gambling facilities will be considered by the Licensing Authority using the following factors:
- The proximity of the premises to local schools;
  - The proximity of the premises to centres for, or used by, children, young and vulnerable persons;
  - The proximity of the premises to residential areas where there is a high concentration of children and young people, or where high levels of deprivation exist or where vulnerable persons reside;
  - The proximity of the premises to places of worship, particularly where Sunday schools are in operation

Proposal

Add the phrase 'that any local area profile in place has been satisfactorily considered and addressed by an applicant under a local risk assessment (for premise licence and premise licence variations from April 2016)

Reason

Premises licence applications and variations after April 2016 will need to consider local risks associated with gambling as part of a 'local risk assessment'. Should the Council produce a local area profile this will be a relevant factor for applicants to consider. Any local area profile will be attached to this policy at Appendix C

Proposal

Amend original paragraph to reflect statutory guidance (6.45) as guidance encourages a risk assessment approach as opposed to a prescriptive restriction.

New Paragraph to read: When determining an application the location and mitigation of the proposed gambling facilities may be considered relevant. This will require that any local area profile in place has been satisfactorily considered and addressed under a local risk assessment (for premise licence and premise licence variations from April 2016). It is not possible to list every high risk location but close proximity to places where children or vulnerable people congregate or are based for example youth centres; schools, rehabilitation centres etc. are possible examples

Reason

Current paragraph does not reflect updated statutory guidance

15.8 The Licensing Authority will not 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 reject applications. Where the Licensing Authority rejects an application for an authorisation it will rely on reasons that demonstrate that the licensing objectives are not being met. The Licensing Authority will not base any decision on the 'dislike of gambling' or that it considers gambling undesirable.

Proposal

Relocate paragraph to section 8 of policy entitled 'representations'

Reason

Paragraph could be in a more appropriate place within the policy

15.9. In determining what weight to give representations, the Licensing Authority will take into account 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

15.10 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.

15.11 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions, which will be detailed in Regulations issued by the Secretary of State. Licensing authorities are able to exclude

default conditions and also attach others, where it is believed to be appropriate.

15.12 '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.

15.13 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.

5.14 The relevant access provisions for each premises type is as follows:

#### **Casinos**

- The principal entrance to the premises must be from a street (as defined above in 15.13).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premise which holds a gambling premises licence.

#### **Adult gaming centres**

- No customer must be able to access the premises directly from any other licensed gambling premises.

#### **Betting shops**

- Access must be from a street (as defined in 15.13) or from other premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### **Tracks**

- No customer should be able to access the premises directly from:
  - A casino.
  - An adult gaming centre.

### **Bingo premises**

- No customer must be able to access the premises directly from:
  - A casino.
  - An adult gaming centre.
  - A betting premises, other than a track.

### **Family entertainment centres**

- No customer must be able to access the premises directly from:
  - A casino.
  - An adult gaming centre.
  - A betting premise, other than a track.

15.15 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.

15.16 The Licensing Authority may take into account compliance history, when considering contested applications and when assessing an applicant's ability to satisfactorily promote the licensing objectives and comply with legislative requirements.

## **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 The Licensing Authority 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, the Licensing Authority 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 The Licensing Authority 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, the Licensing Authority will consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors, CCTV, etc.

- 16.3 The Licensing Authority recognises that disorder and nuisance may be focused on particular premises. Therefore it recommends that an applicant puts in place such control measures considered proportionate to prevent disorder and nuisance. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence, e.g. governing opening hours for betting shops in residential areas and, in the case of disorder, the use of Door Supervisors.
- 16.4 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator.
- 16.5 The Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor. The Licensing Authority appreciates that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. However, in determining this it will take into account the following factors:
- Whether the situation was serious enough to require Police or Ambulance 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. The Licensing Authority 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." The Licensing Authority will consider this licensing objective on a case-by-case basis. The Milton Keynes Safeguarding Adults Multi Agency Policy uses the following Home Office/Department of Health description of a 'vulnerable adult'.

"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"

- 16.9 With this licensing objective in mind, the Licensing Authority 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. Such measures may include siting machines at the back of premises so as to ensure young children do not have sight of such machines; not advertising gambling so as to encourage children; and ensuring there is no accidental access to observe or enter premises used for gambling.

- 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. The Licensing Authority 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, the Licensing Authority reserves the right to amend this Statement of Principles. The Gambling Commission's Guidance to Local Authorities provides detail on the issue.

- 16.11 The Licensing Authority 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 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises 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 promotion of the licensing objectives. The Licensing Authority 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, the Licensing Authority 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 The Licensing Authority 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 The Licensing Authority 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 under age 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 The Licensing Authority will expect that staff employed in those parts of the premises that children (under 16's) can legally have access to should be Disclosure and Barring Service (DBS) 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 Milton Keynes Council 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 operate in the Xscape complex of Central Milton Keynes.
- 17.4 The Licensing Authority recognises that applicants may apply for a Premises Licence or a Provisional Statement.

Proposal
New condition 17.5 to read: The council has a document of principles that it applied when making the determination to grant a casino licence in 2012. This is available on request as Appendix D to this policy
Reason
Required in policy under Section 349 of the Gambling Act

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

18.1 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to offer their own measures to meet the Licensing Objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/ machine areas
- Statutory requirement to display of GamCare 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 when applying for an Adult Gaming Centre Premises Licence.

18.2 When the Adult Gaming Centre is situated in a complex such as a shopping area or motorway services station, the Licensing Authority 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 (see Appendix A) 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. The Licensing Authority 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. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures will be similar to those in Section 18 above.

20.2 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring 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 and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

20.4 Applicants are recommended to read the current Gambling Commission Guidance to Licensing Authorities which can be obtained from the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) in order to familiarise themselves with the conditions applicable to these premises.

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', the Licensing Authority 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, the Licensing Authority recognises that the definition of "separation" and "direct access" may be subject to further definition through legislation; the courts or formal guidance.

22. **Vessels and Vehicles**

22.1. Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. The Licensing Authority will in particular consider the promotion of 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.

22.2 The Licensing Authority will have jurisdiction over gambling conducted on vessels, on all inland waterways, at permanent moorings and on all aircraft, on the ground or in domestic air space.

23. **Gaming Machines**

23.1 Where the Licensing Authority 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 the Licensing Authority 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 The Licensing Authority 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 premises.

24.2 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications.

<b>Proposal</b>
Amend condition to reflect local practice of consulting relevant stakeholders (such as the Police) when considering certain applications. New Condition to read: The Licensing Authority can grant or refuse applications and may consult with what it considers relevant parties (such as the Police) on certain applications. The Licensing Authority will also have regard to the Gambling Commission's Guidance to Licensing Authorities in making a decision.
<b>Reason</b>
<b>Clearer policy explanation</b>

24.3 Where a Permit is granted, the Licensing Authority 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 the Licensing Authority 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.

25.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and the Chief Officer of Police, Thames Valley Police will be consulted on all applications.

25.3 When determining a permit application, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

Proposal
Delete paragraph
Reason
Contained in new paragraph 24.2

25.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and the Licensing Authority 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, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:

- A 1:100 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 Log Book 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:-
  - i. 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;
  - ii. The amount of space around gaming machines to prevent jostling of players or intimidation;
  - iii. Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
  - iv. Details of opening hours;
  - v. Details of the external appearance of premises;
  - vi. Numbers of staff employed;
  - vii. Current Public Liability Insurance documents and any other such information the Licensing Authority 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, the Licensing Authority 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, the Licensing Authority may refuse the application. When the Licensing Authority intends to refuse an application, the Licensing Authority 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 the licensing authority decides to refuse the application.

- 26.4 Where the Permit has been granted the Licensing Authority 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 web-site or by contacting the Licensing Team.
- 26.6 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary 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 the Licensing Authority, 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 2 or more gaming machines, they must complete a licensed premises gaming machine permit application. The location of all machines shall comply with the Gambling Commission's Code of Practice on location and operation of such machines. It is expected that the applicant will provide a plan of the proposed location of these machines to assist the Licensing Authority in its determination.
- 27.3 The Licensing Authority may remove the automatic authorisation detailed in 27.1:
- 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 Licensing Authority, 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 The Licensing Authority 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. The Licensing Authority 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 The Licensing Authority recognises that low level gaming may take place in alcohol licensed premises. This exempt gaming is 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 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, the Licensing Authority 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, the Licensing Authority 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, the Licensing Authority will seek to ensure that:-

- No more than 8 Category B3 or B4 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.

(The Licensing Authority 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 the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will check all records kept and if considered appropriate contact the Gambling Commission.
- 29.5 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

### 30. **Betting Premises**

- 30.1 The Licensing Authority 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, the Licensing Authority recommends that an application for gaming machines in such premises carefully considers the location of betting machines to ensure that they are not in sight of the entrance to the premises.

## 31. Tracks

31.1 The Licensing Authority is aware that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator is not required to hold an Operating Licence as there may be several bookmakers at the track who will need to hold Operating Licences of their own. As children and young persons will be permitted to enter track areas where facilities for betting are provided, the Licensing Authority would expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives. However, 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 The Licensing Authority will consider on their own merits 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 the Licensing Authority 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 the Licensing Authority 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 The Licensing Authority will consider carefully 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 The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant 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 the Licensing Authority 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 Licensing Authority 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. The Licensing Authority will take into account any advice by the Gambling Commission on this matter.
- 31.8 On advice from the Gambling Commission, the Licensing Authority 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. The Licensing Authority would welcome other suitable methods.

## 32. Prize Gaming Permits

32.1 The Licensing Authority 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, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

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

32.2 The Licensing Authority will wish to see additional information when an applicant applies for this Permit, as follows:

- A 1:100 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 Log Book 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 Log Book 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;
- Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- Details of opening hours;
- Details of external appearance of premises;
- Numbers of staff employed;
- Current Public Liability insurance documents and any other such information the Licensing Authority 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, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, 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 the Licensing Authority 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 the Licensing Authority will issue it as soon as is reasonably practicable.

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

- 33.1 Members Clubs and Miners' Welfare Institutes 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, the Licensing Authority must be satisfied that the premises meets 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 The Licensing Authority 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 the Licensing Authority 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. The Licensing Authority 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, Regulations state that temporary use 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. The Licensing

Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.

- 35.2 In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/ occupation and control of the premises and the Licensing Authority 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 Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 35.4 The Licensing Authority 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. The Licensing Authority 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 licensing authority itself must copy any such notice to the Licensing Authority.

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

- 36.1 An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
- 36.2 Tracks are normally thought of as permanent race courses, 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 temporary as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 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 The Licensing Authority will monitor whether a fair is a travelling fair and whether these conditions are fulfilled. The Licensing Authority 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 repealed the Lotteries and Amusements Act 1976. Promoting or facilitating a lottery will fall within 2 categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
- Exempt Lotteries (where required registered by the Licensing Authority)

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

- 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 the Licensing Authority. 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. The Licensing Authority 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 will be made available on the Council's web-site or by contacting the Licensing Authority.

- 38.4 Applicants for small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority 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 Licensing Authority.
- 38.5 In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.
- 38.6 The Licensing Authority will keep a Public Register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration. In addition, the Licensing Authority 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, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by e-mailing: [licensing@milton-keynes.gov.uk](mailto:licensing@milton-keynes.gov.uk).
- 38.7 The Licensing Authority 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 the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 38.8 The Licensing Authority 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 The Licensing Authority 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. The Licensing Authority may, however, seek further information from the Society.



- 38.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its web-site its procedures on how it handles representations.
- 38.11 The Licensing Authority 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. The Licensing Authority 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 the Licensing Authority will expect this to be verified by the Society.

#### **PART 4 DECISION MAKING**

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

- 39.1 A Licensing Sub-Committee of five (quorate with three) Councillors will sit to hear applications where relevant representations have been received from interested parties and/or responsible authorities. They will be drawn from the Members of the Licensing Committee.

However, in respect of an 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 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

39.4 Decisions as to whether representations are irrelevant, frivolous or vexatious will normally be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons 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.

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, 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.

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, the Licensing Authority 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 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 Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn in respect of premises licence applications, provisional statements, variations and transfers, or	(a) Where no representations received or if they have been made they have been withdrawn due to the mutual agreement of the relevant parties if appropriate.  (b) The Licensing Authority propose to attach an agreed condition(s) to the Licence under Section 169 1(a), or  (c) The licensing Authority propose to exclude under Section 169 1(b) a condition(s) that would otherwise be attached under Section 168 to which there are no outstanding representations.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application for a Provisional Statement		(a) Where representations have been received and not withdrawn, or  (b) In respect of an application for a Provisional Statement for a casino premises licence application where more than one application is received for the Stage 2 process.	(a) Where no representations received/representations have been withdrawn, or  (b) In respect of an application for a Provisional Statement for a casino premises licence where only one application is received and meets the Stage 1 'regulatory' test.
Revocation/cancellation for non payment of annual fee			X

Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		If referred by Officers	X
Applications for other permits		X (when objections are made and not withdrawn)	X (where no objections are received or objections have been withdrawn)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Refusal of small society lottery application		X if referred by Licensing Officer	X

<b>Proposal</b>
<b>To amend the scheme of delegation to replicate Section 162 of the Act so that Officers decide the certain applications unless representations are received and not withdrawn or it is consented that a hearing is not required by relevant parties as per the requirements of the Act. The applications concerned being Premises Licences; variations to premises licences; transfer applications; and provisional statements</b>
<b>Reason</b>
<b>The current delegation does not cover all aspects of Section 162 of the Act</b>

#### 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 the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this 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 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## 42. **Complaints Against Premises**

42.1 The Council 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, the Council 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 The Licensing Authority 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 The Licensing Authority 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, the Licensing Authority will use a targeted 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.

- 43.4 Higher-risk premises are those premises that have a history of complaints and require greater attention with low-risk premises needing only a 'light touch' so that resources are effectively concentrated on problem premises.

Proposal
Delete Paragraph 43.4 and replace with ' 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'
Reason
Current paragraph lacks detail and revision reflects statutory guidance

- 43.5 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- i. Article 1, Protocol 1 – peaceful enjoyment of possessions.
- ii. Article 6 – right to a fair hearing
- iii. Article 8 – respect for private and family life
- iv. Article 10 – right to freedom of expression

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

- 44.1 The Licensing Authority 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 the promotion of the Licensing Objectives.

- 44.2 This Licensing Authority in carrying out its regulation functions as detailed under the Act and will follow the Statutory Code of Practice for Regulators (Dec 2007). 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 take into account the Milton Keynes Council Enforcement Policy.

44.4 The Licensing Authority 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 The Licensing Authority will work with other partners as necessary and in accordance with any signed Memorandum of Understanding and/or Joint Enforcement Protocol.

44.6 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes

#### 45. **Information**

45.1 Further information about the Gambling Act 2005, this Statement of Gambling Principles or the application process can be obtained from:-

#### **The Licensing Team**

Milton Keynes Council  
Civic Offices  
1 Saxon Gate East  
Central Milton Keynes  
MK9 3EJ

**Tel:** 01908 252800

**Fax:** 01908 528159

**E-mail:** [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 Licensing Authority 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 a Licensing Authority, 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 Licensing Authority

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 the Licensing Authority 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** - No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

**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 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.m. 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

**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 the Licensing Authority 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 the Licensing Authority 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** - Public 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 is partly or wholly situated
- Buckinghamshire Fire & Rescue Service
- Planning Authority – Milton Council or Milton Keynes 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- Milton Keynes Local Safeguarding Children Board.
- 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 taken into account 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** - 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.

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

## Appendix B - Consultees

Age UK Milton Keynes  
All Parish and Town Councils in Milton Keynes  
Aspers  
Association of British Bookmakers Ltd (ABB)  
BACTA  
Bar Entertainment & Dance Association  
Betfred  
BGbet.com  
British Amusement & Catering Trade Association (BACTA).  
British Beer and Pub Association  
British Institute of Innkeeping  
Buckinghamshire Fire and Rescue Service  
Business in Sport and Leisure (BISL)  
Cashino Gaming  
Casino Operators Association  
Community Action Responsible Gaming (CARG)  
Citizens Advice Bureau  
Clinical Commissioning Group Milton Keynes  
Done Bookmakers  
Elected Borough Councillors  
Gala Coral  
GAMCARE  
H. M Revenues and Customs  
Jenningsbet  
Ladbrokes  
Light Gaming Limited  
Milton Keynes Chamber of Commerce  
Milton Keynes Citizen Advice Bureau  
Milton Keynes Community Foundation  
Milton Keynes Community Safety Partnership.  
Milton Keynes Council - Adult Social Care  
Milton Keynes Council – Planning (Development Control)  
Milton Keynes Council – Environmental Health  
Milton Keynes Council – Housing and Regeneration Team  
Milton Keynes Council Equality and Diversity Officer  
Milton Keynes Council of Faiths  
Milton Keynes Older Persons Forum  
Milton Keynes Safeguarding Children Board  
Milton Keynes City Counselling Centre  
MIND  
NHS Milton Keynes  
Paddy Power  
Parish Council's  
Public Health  
Responsible Authorities detailed under the Act  
Stadium MK



Thames Valley Police  
The Bingo Association  
The British Association of Leisure Parks, Piers & Attractions Limited  
(BALPA)  
The Gambling Commission  
Town Council's  
Welcome Break Group  
William Hill  
Xplain

# APPENDIX C

LOCAL AREA PROFILES

NONE AS AT DECEMBER 2015

# APPENDIX D

DOCUMENT OF PRINCIPLES TO BE APPLIED WHEN  
AWARDING A CASINO LICENCE

[This is available on request](#)