


# **Gambling Act 2005**

## **Statement of Gambling Principles**



**2025-2028**  
**Version 7.2**

# Milton Keynes City Statement of Gambling Principles 2025-2028

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# Contents

|         |  |
|---------|--|
| Page 5  | <b>Part One</b>  |
| Page 5  | Introduction   |
| Page 5  | The Licensing Objectives   |
| Page 6  | Geographic Area covered by the Statement of Principles   |
| Page 8  | The Statement of Gambling Principles   |
| Page 8  | Declaration  |
| Page 9  | Licensing Authority Functions  |
| Page 11 | Fees   |
| Page 12 | Responsible Authorities  |
| Page 13 | Interested Parties   |
| Page 14 | Representations  |
| Page 15 | Conditions   |
| Page 17 | Door Supervisors   |
| Page 18 | Information Exchange   |
| Page 18 | Register   |
| Page 18 | Planning Permission/Building Regulation Approval   |
| Page 19 | <b>Part Two – Premises Licences/Permits</b>  |
| Page 19 | General Principles   |
| Page 21 | Licensing Objectives   |
| Page 26 | A Casino   |
| Page 27 | Adult Gaming Centres (AGCs)  |
| Page 28 | Family Entertainment Centres (FECs)  |
| Page 28 | Licensed Family Entertainment Centres  |
| Page 28 | Statement of Principles Relating to Direct Access between AGCs and Licensed FECs/Unlicensed FECs |
| Page 29 | Vessels and Vehicles   |
| Page 29 | Gaming Machines  |
| Page 30 | Permits  |
| Page 30 | Unlicensed Family Entertainment Centre (UFEC)  |
| Page 31 | Statement of Principles for Unlicensed Family Entertainment Centres                              |
| Page 32 | Alcohol-Licensed Premises Gaming Machine Permits   |
| Page 33 | Gaming in Alcohol Licensed Premises  |
| Page 34 | Bingo Premises   |

|         |  |
|---------|--|
| Page 35 | Betting Premises   |
| Page 35 | Tracks   |
| Page 37 | Prize Gaming Permits   |
| Page 38 | Club Gaming and Club Machines Permits  |
| Page 38 | Gaming in Commercial Clubs   |
| Page 39 | Temporary Use Notices (TUNs)   |
| Page 39 | Occasional Use Notices (OUNs)  |
| Page 40 | Travelling Fairs   |
| Page 41 | <b>Part Three – Small Society Lotteries</b>  |
| Page 41 | Small Society Lotteries  |
| Page 44 | <b>Part Four – Decision Making</b>   |
| Page 44 | Committee Terms of Reference   |
| Page 44 | Delegated Powers   |
| Page 45 | Table of Delegations of Licensing Functions  |
| Page 47 | Reviews  |
| Page 48 | Complaints Against Licensed Premises   |
| Page 48 | Inspection and Enforcement   |
| Page 49 | Statement of Principles – Inspection and Enforcement   |
| Page 50 | Information  |
| Page 51 | <b>Appendix A – Glossary of Terms</b>  |
| Page 59 | <b>Appendix B – List of Consultees</b>   |
| Page 61 | <b>Appendix C – Local Area Profile</b>   |
| Page 65 | <b>Appendix D – Document of Principles to be Applied When Awarding a Casino Licence (available on request)</b> |

# Part One

## Introduction

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

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

## 1.0 The Licensing Objectives

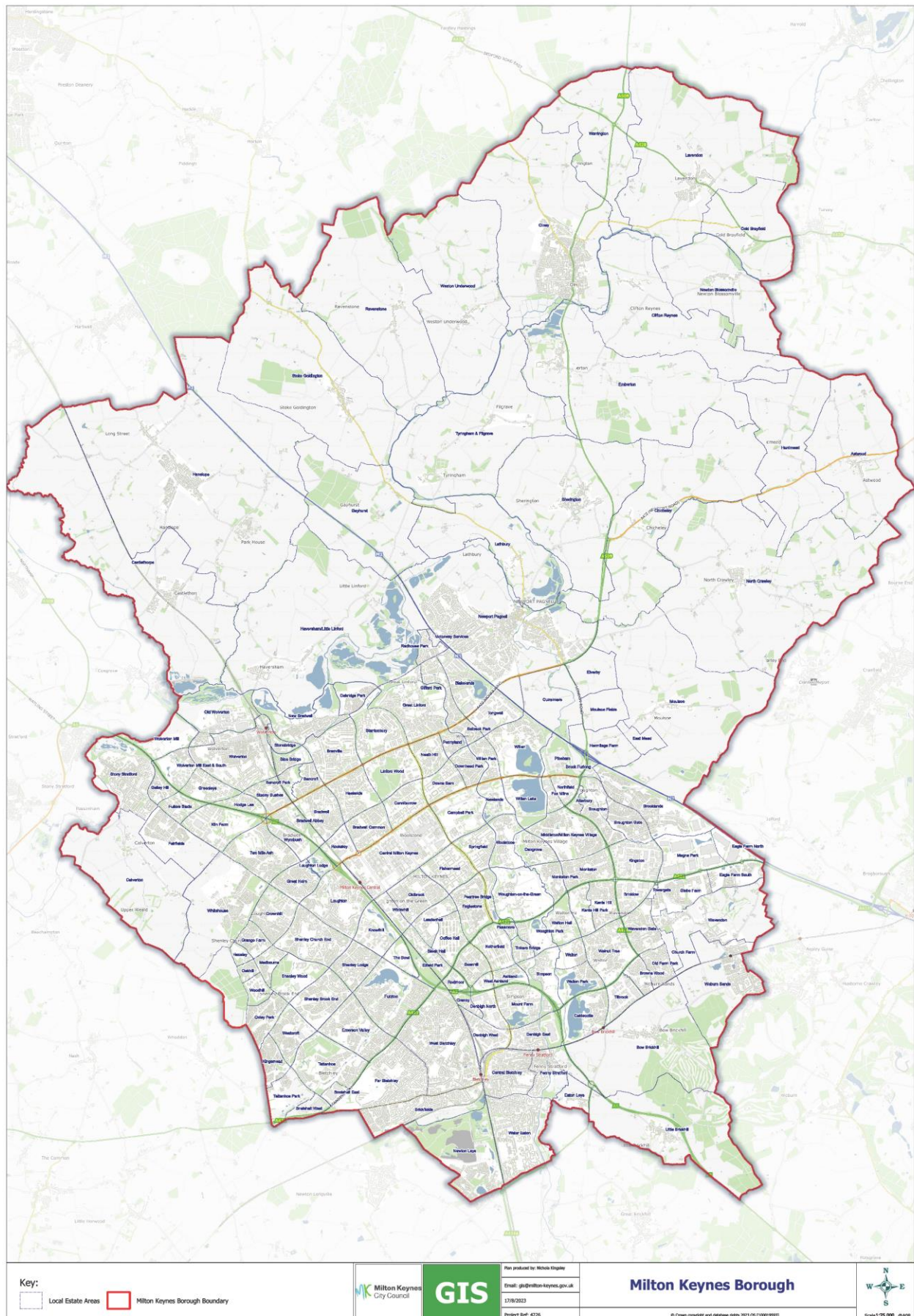
- 1.1 Milton Keynes City Council (MKCC) recognises the potential impact of gambling on the community of Milton Keynes. In adopting this policy, MKCC will seek to address the needs of the residents and other persons to ensure a safe and healthy environment in which to live and work together with safe and well-run premises that will benefit the local economy.
- 1.2 In exercising its functions under the Gambling Act 2005, MKCC must have regard to the licensing objectives as set out in Section 1 of the Act:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 These objectives are supplemented by the core principle of 'social responsibility', as defined by the Gambling Commission, which will be given effect:
  - through the licensing and regulatory decision-making of the Gambling Commission and Licensing Authorities; and
  - by the publication of Codes of Practice and Guidance by the Gambling Commission; and
  - In the case of Licensing Authorities, by the preparation of a Statement of Gambling Principles.

## **2.0 Geographic Area Covered by the Statement of Gambling Principles**

- 2.1 MKCC became a Unitary Authority on 1 April 1997. It was formerly part of Buckinghamshire. Milton Keynes was a new town designated by the Government in 1967 and celebrated its fiftieth birthday in 2017 and city status in 2022. MK benefits from good rail and motorway transport links.
- 2.2 Although a success story Milton Keynes does have deprivation problems resulting in health inequalities and social exclusion in some of its wards.
- 2.3 Milton Keynes is unique in the UK as it was the last of the new towns. It was designed to join up new communities with those of constituent towns built in the 1870's at the time when the canals and railway were being built through North Buckinghamshire. The northern half of the borough is still predominantly rural with villages dating back to medieval times whereas new development has taken place over the last fifty years predominantly in the southern and western areas. Consequently, the leisure and hospitality sector are varied, but there is an increasing amount of mixed-use development.



**Figure 1. A Map of the Borough of Milton Keynes**



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

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

### **4.0 Declaration**

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



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

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

## **5.0 Licensing Authority (MKCC) Functions**

- 5.1 In order for MKCC 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 Gambling Act 2005 as either gaming, betting, or taking part in a lottery,
  - Gaming means playing a game of chance for a prize,
  - Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not,

- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.
- 5.2 A 'gaming machine' can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 5.3 The Gambling Act 2005 and its subordinate Regulations prescribe the number and category of gaming machines that are permitted in each type of gambling premises. There are however four categories A to D based on pay-out and stake amounts. Details can be found in the Gambling Act 2005 and can be subject to change.
- 5.4 Subject to the provisions of the Gambling Act 2005, gaming machines can be made available in a wide variety of premises, including:
- Casinos
  - Bingo premises.
  - Betting premises (including tracks)
  - Adult gaming centres
  - Family entertainment centres
  - Clubs
  - Pubs and other alcohol licensed premises
  - Travelling fairs
- 5.5 A machine is not a gaming machine if the winning of the prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.
- 5.6 Licensing Authorities are required under the Gambling Act 2005 to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences, subject to a primary use test to any applications)
  - Issue Provisional Statements
  - Regulate Members' Clubs who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed and licensed Family Entertainment Centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of one or two gaming machines.

- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register Small Society Lotteries below prescribed thresholds.
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 11 below on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions.

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

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

5.9 MKCC licensing functions under the Gambling Act 2005 will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

## **6.0 Fees**

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

6.2 Information regarding the fees to be charged, including the level of fees, for applications for premises licences and other permissions under the Gambling Act 2005 will be made available to the public via the MKCC website or upon request.

6.3 MKCC takes the matter of non-payment of annual fees seriously and in accordance with Paragraph 193 of the Gambling Act 2005 where a licence holder fails to pay the fees due, it will revoke the Premises Licence, save where there is evidence that the failure to pay is attributable to administrative error. Regarding 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 2005 and cancel the Permit should the holder fail to pay.

- 6.4 Where payment of an application or registration fee is not made MKCC will regard the application as not being properly made. For purposes of enforcement action, the operator will be treated as operating without a permission to do so.
- 6.5 The non-payment of annual licence and permit fees will be reported to the Gambling Commission as necessary who may wish to check their own records on the applicant accordingly.
- 6.6 An optional charging mechanism for giving advice and assistance to applicants and licensees may be introduced but where it has been it will remain separate from any application or enforcement processes so as not to compromise the role of MKCC as the Licensing authority.

## **7.0 Principles to be Applied Regarding Responsible Authorities Including the Competent Authority to Advise About the Protection of Children from Harm**

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, MKCC designates MK Together Safeguarding Partnership for this purpose.

## **8.0 Principles to be Applied in Respect of Interested Parties**

- 8.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- "For the purposes of this part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications are made, the person: -
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities.
  - b) has business interests that might be affected by the authorised activities; or
  - c) represents persons who satisfy paragraph (a) or (b)
- 8.2 MKCC 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.
  - MKCC will not apply a rigid rule to its decision-making.
  - It will consider the examples of considerations given in the Gambling Commission's Guidance to Local Authorities.
  - It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation.
- 8.3 Those that represent persons living close to the premises or have business interests that may be affected by it may include trade associations and trade unions and residents and tenants' associations. The type of organisations that may be considered to have business interests is given a wide interpretation to include partnerships, charities, faith groups, and medical practices etc. A larger premise may be considered to affect people over a broader geographical area on a case-by-case basis.
- 8.4 Interested parties can be persons who are democratically elected, such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish / Town / Community Councils likely to



be affected, or whose constituents are likely to be affected, will be considered to be interested parties. MKCC will generally require written evidence that a person/body (e.g., an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter or email from one of these persons, requesting the representation is sufficient.

- 8.5 The Licensing Authority recognises gambling related harm as a Public Health issue and may class Public Health Teams as an Interested Party
- 8.6 In respect of an application for a casino premises licence an interested party is additionally defined to include each competing applicant in relation to each of the other competing applications.
- 8.7 MKCC may choose to notify bodies and persons (such as Town and Parish Councils, Councillors and Public Health) that an application has been received as potential interested parties under the Licensing objectives.

## **9.0 Representations**

- 9.1 Only responsible authorities and interested parties may make representations. Advice on how to make a representation is available on the Council's website. Where there are representations, MKCC will encourage negotiation between the representor and the applicant regarding the possible use of conditions on the licence or other measures.
- 9.2 Where there are representations MKCC will determine whether they can be accepted. This requires that they be either a) related to one or more of the licensing objectives, b) issues raised under the Statement of Gambling Principles or c) issues raised under the Gambling Commission Guidance or issues raised under the Gambling Commission's Codes of Practice. Where representations are rejected, an explanation will be given in writing.
- 9.3 Representations will not be considered where they relate to demand or competition. In addition, MKCC cannot consider representations made regarding the moral issues of gambling as these do not relate to the three licensing objectives and are not a valid reason to refuse applications. Where MKCC refuses an application, it will rely on reasons that demonstrate that the licensing objectives are not being met. Neither can it base any decision on the 'dislike of

gambling' nor that it considers gambling undesirable. Where MKCC refuses an application, it will rely on reasons that demonstrate that the licensing objectives are not being met and with reference to its Statement of Principles, the legislation, and Gambling Commission Guidance. Any decision cannot be based on the dislike of gambling or that gambling is considered undesirable.

- 9.4 Representations can be rejected, where they are considered vexatious, frivolous or where they will certainly not influence the authority's determination of the application. In deciding this MKCC will consider:
- a) Who is making the representation and whether there is a history of making representations that are as described above.
  - b) Whether or not it raises an issue that may influence the authority's determination of the application, or
  - c) Whether it raises issues specifically to do with premises that are the subject of the application.
- 9.5 MKCC recommends that representations be submitted at the earliest opportunity to allow the maximum time to explore a possible solution.
- 9.6 MKCC will issue Provisional Statements for premises that are to be constructed / altered or are in the course of being constructed or altered. In terms of representations about premises licence applications following the grant of a Provisional Statement, no further representations from relevant authorities or interested parties can be considered, unless they concern matters which could not have been addressed at the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, MKCC 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 or premises circumstances.

## **10.0 Conditions & Considerations**

- 10.1 The Gambling Act 2005 and its associated Regulations specify certain mandatory and default conditions applicable to specific gambling permissions. Licensing authorities can exclude default conditions on application and attach additional premises specific conditions in certain circumstances.

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

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

- relevant to the need to make the proposed building suitable as a gambling facility.
- directly related to the premises and the type of licence applied for.
- fairly and reasonably related to the scale and type of premises; and
- considered relevant include the location of the premises; how the local area profile information provided has been addressed; hours of operation; size and layout of the premises; the level of management oversight to be provided; input from responsible authorities and interested parties; the risk assessment and operating schedule provided and other relevant information and; reasonable in all other respects.

In applying conditions and deciding applications MKCC will also have regard to any Local Area Risk Assessment in place.

- 10.3 Decisions upon individual conditions will be made on a case-by-case basis and will be reasonably consistent with the licensing objectives. Examples may include the use of door supervisors, or appropriate signage for certain premises areas. .

- 10.4 MKCC 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 young persons and the supervision of gaming machines in non-adult gambling specific premises to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

- 10.5 Where Category C or above gaming machines are on offer in premises to which children and young persons 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 (Proof of Age Standards Scheme) accredited card, driving licence or passport.
- 10.6 It is noted that there are certain conditions which MKCC cannot attach to premises licences, these are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition.
  - conditions relating to gaming machine categories, numbers, or methods of operation.
  - conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated), and
  - conditions in relation to stakes, fees, winnings, or prizes.
- 10.7 MKCC may exclude a default condition relating to hours of operation and substitute it with one that is either more or less restrictive. In this instance it will give clear reasons for so doing.
- 10.8 For new premises or variations, the Licensing Authority may require the licence to have no effect until the operator has demonstrated that they are compliant with the terms of the licence granted in order to promote the licensing objectives.
- 10.9 Where an operator breaches licence conditions, a warning may initially be given to correct the breaches. If this is disregarded by the licensee, or a repeated non-compliance occurs, then MKCC will consider a review of the permission in addition to any enforcement action considered necessary.

## **11.0 Door Supervisors**

- 11.1 The Gambling Commission's Guidance to Local Authorities states that Licensing Authorities may consider whether there is a need for door supervisors to be employed at a premise in order to ensure that the licensing objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling are promoted.
- 11.2 Where MKCC 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.

## **12.0 Principles to be Applied in Respect of Information Exchange**

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

## **13.0 Register**

- 13.1 MKCC maintains a Licensing Register of all Premises Licences and Permits issued. This is available on the Council's website. A hard copy can also be made available at the Council's Civic Offices during normal working hours. MKCC may charge a reasonable fee for providing copies of such information.

## **14.0 Planning Permission/Building Regulation Approval**

- 14.1 The issue of planning permission or building regulation approval for a premises associated with gambling shall not be considered by MKCC in determining an application under the Gambling Act 2005 unless guidance or legislation changes.



# Part Two – Premises Licences/Permits

## 15.0 General Principles

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

- 15.5 All applications and representations will be decided on their own merit and a relevant factor will be the type of gambling that is proposed and how it will be managed.
- 15.6 'Premises' is defined in the Gambling Act 2005 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 distinct parts of the building and that the different parts of the building can be reasonably distinguished as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 15.7 The Licensing Authority will consider whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub-divided premises, even if the mandatory conditions are met, if the Authority considers that this has been done to avoid controls on the number of machines which can be provided in single premises.
- 15.8 There is no definition of 'direct access' in the Gambling Act 2005 or its regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- 15.9 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. This is because Gambling Commission Guidance states that a licence should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. This would also apply if the applicant does not yet have a right of occupation. The Gambling Commission's Guidance shall be referred to in respect of the detail of converting a Provisional Statement to a Premises Licence.
- 15.10 MKCC may consider compliance history, when considering contested applications and when assessing an applicant's ability to satisfactorily promote the licensing objectives and comply with legislative requirements.

- 15.11 In respect of submitted plans applicants should expect to clearly show the extent of licensed and non-licensed areas and may need to provide more detail than the minimum legal requirements for the potential impact on the licensing objectives to be assessed. For example, the location of fixed structures such as counters, toilets, internal doors, and screens etc will provide information on how the supervision of the gambling area can be achieved.
- 15.12 Variation applications can be made where there is material change to a premises but in respect of premises licence plans where the change is small and will have no effect on the promotion of the licensing objectives a 'Change of circumstance' application would usually be accepted to update the licence.

## **16.0 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 MKCC recognises it is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. However, if during consideration of a Licence application, or at any other time, MKCC 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 MKCC will consider the location of premises, particularly if the premises are in an area where there is evidence of criminal activity. Where this is the case, it will consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, it may be considered appropriate that conditions be attached to the Licence, covering for example door supervisors, CCTV, etc.
- 16.3 MKCC recognises that low level disorder can occur at or outside particular premises because of the licence in place. Therefore, it recommends that an applicant puts in place such control measures considered proportionate to prevent and minimise such issues. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence where the licensing objectives are compromised, e.g., governing opening hours or in the case of disorder, the use of door supervisors.

- 16.4 Where there are persistent levels of disorder, MKCC will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator.
- 16.5 MKCC will determine the definition of disorder when determining what action to take in circumstances in which it may be a factor. However, in doing so it is accepted that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Public nuisance and anti-social behaviour are not licensing objectives under the Gambling Act 2005 but could form part of disorder occurring. Further, in determining 'disorder' MKCC will consider whether situations were serious enough to require Police or security assistance; how threatening the behaviour was to those who could see or hear it.
- 16.6 When considering how to prevent crime and disorder, applicants and premises may want to consider the following. The list is not exhaustive and includes steps to reduce nuisance that could contribute to the crime and disorder objective: Conspicuous warning signs in appropriate places relating to such matters as use of CCTV, zero drug tolerance, zero staff abuse, the layout of the premises, enabling staff to have an unobstructed view of customers, machines, entry points and access to toilets, minimum staff levels and arrangements for ensuring staff safety. The location of gaming machines and gaming machine design. Robust incident reporting procedures. Strategically placed panic buttons, burglar alarms and personal alarms, Barring procedures and alerts systems, Active participation in local barring schemes. Encouragement of customers to report crime and disorder issues. Appropriate lighting levels. Arrangements for monitoring the immediate vicinity of premises. Measures to prevent street drinking, urinating in the street, begging, drug taking, litter and obstruction of the public highway associated with the premises. Liaison with local police regarding local crime trends. Provision of toilets, with suitable maintenance and monitoring arrangements in place. Comprehensive staff training including incident reporting, spotting signs of drug use, crime scene preservation, CCTV, and conflict resolution. Removal of gambling facilities at certain times or days associated with high risk of crime and disorder. Use of security counter screens. Arrangements for age verification checks.

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

- 16.7 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.**

- 16.8 The Act defines ‘child’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17. For the purposes of this policy, the Licensing Authority considers both of these terms to have importance as 18 years old is the benchmark for persons to be able to gamble as an adult.
- 16.9 As children and young persons are prohibited from gambling then they must be prevented from entering adult only gaming environments. One purpose of this Licensing Objective is to prevent persons under 18 from taking part in, or being near, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at these age groups or advertised in such a way that makes them attractive to them. MKCC will consider whether specific measures are needed to protect persons under 18 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 to prevent children or young persons from being harmed or exploited by gambling. These measures will be particularly relevant on mixed use premises and at tracks where persons under 18 have freedom of movement in betting areas. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 16.10 In respect of the term ‘vulnerable persons’, the Gambling Commission does not 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. MKCC will consider this licensing objective on a case-by-case basis but in terms of adults also include persons (aged 18 or over) who are or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be unable to take care of himself or herself or protect him or herself against significant harm or exploitation”. Further and notwithstanding an applicant’s general health and safety at work responsibilities MKCC will expect local risk assessments to have adequately considered risks to staff (as vulnerable persons) in gambling premises and put in appropriate design and control measures. In any event MKCC recognises the co-morbidity between gambling and substance misuse’). Further detail can also be found Appendix A of this policy.



16.11 The Licensing Authority is aware that the impact of gambling is complex. It is not just a gambler who may be vulnerable to harm or exploitation but also their friends, family, customers, and staff at gambling facilities along with wider society. What constitutes 'harmed or exploited' is not defined within the Gambling Act 2005 and so depending on the premises and location, steps that may want to be considered include:

- use of refusal logs to record failed proof of age ID check.
- conspicuous signage advertising the proof of age policy.
- use of till prompts to remind staff to implement proof of age policy.
- information aiding problem gamblers prominently displayed on the premises.
- documented staff training with regular refresher training focussing on identifying vulnerable persons and implementing appropriate strategies for action where necessary.
- maintaining records of customer interactions where staff have concerns that a customer's behaviour may indicate problem gambling.
- regular staff meetings to discuss and identify local vulnerability issues.
- robust implementation of self-exclusion schemes.
- signposting to appropriate sources of support and advice including national and regional and local gambling clinics e.g. GamCare etc.
- maintained records of self-exclusions schemes
- written procedures in place and available in relation to handling customer complaints and the resolution of disputes and the arrangements for referring disputes to an identified independent person or body offering alternative dispute resolution services.
- windows and entrance displays designed so as not to entice passers-by.
- designing the layout, lighting, and fitting out of the premises so as not to attract persons under 18 and other vulnerable persons who might be harmed or exploited by gambling.
- promotional material associated with the premises designed so not to encourage the use of the premises by persons under 18.
- liaison with local support services to identify emerging trends and existing issues in respect of vulnerability.
- participation and support for local forums that support the licensing objectives.
- avoidance of lone working, particularly in high-risk areas
- positioning gaming machines so they are not visible to passers-by.
- daily recording of any issues of concern observed by staff or actions taken provision of SIA registered door supervisors.

- use of floor walkers to interact with customers.
- monitoring outside areas for signs of customer vulnerability for example alcohol and drug use, signs of homelessness, begging, persons under 18 congregating outside or children of customers left outside unsupervised.
- prohibition of ATMs on the premises

- 16.12 With this licensing objective in mind, MKCC 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 near gambling. It is not possible to predict every scenario, but some circumstances might include siting certain machines where they cannot be seen by children; restricting advertising; and ensuring there is no accidental access to enter premises by design.
- 16.13 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, to show no direct access between an Adult Gaming Centre and a Licensed Family Entertainment Centre or Unlicensed Family Entertainment Centre. MKCC has identified a Statement of Gambling Principles within this Policy to be followed in decision making on this point. Should it be established that these Principles are inconsistent with the legislation or common law authority, it reserves the right to amend this Statement of Gambling Principles. The Gambling Commission’s Guidance to Local Authorities provides detail on the issue.
- 16.14 MKCC 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.
- 16.15 MKCC will pay particular attention to applications where access to the licensed premises is through a different premise and will consider whether persons under 18 can gain access; the compatibility of the two establishments and the ability to comply with requirements of the Gambling Act 2005 and in accordance with the licensing objectives. MKCC 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 Gambling Act 2005. In any event, it expects access to all adult areas in licensed premises to be monitored in accordance with any mandatory conditions and the Gambling Commission Codes of Practice.

- 16.16 MKCC will consider multiple licences carefully. Applicants are recommended to configure these buildings carefully if they seek to develop multi - purpose developments and consider how they will protect *persons under 18* from being harmed by gambling as well as preventing them from being in close proximity to gambling.
- 16.17 MKCC expects that all relevant staff shall be suitably trained with an awareness of the gambling legislation, corporate social responsibility; statutory requirements related to age restrictions on gaming machines; and the safeguarding/responsible behaviour of children and young people. Appropriate measures should be taken to prevent the underage use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be always vigilant and aware and ensuring the Adult Gaming area is not visible from the street.
- 16.18 MKCC will recommend that staff employed in those parts of a premises that persons under 18 can legally have access should be appropriately checked by the Disclosure and Barring Service (DBS) prior to being employed on the premises by the Licensee/Permit holder.
- 16.19 In respect of proof of age schemes MKCC supports Challenge 25 as a benchmark standard for ensuring persons are over 18 in line with Gambling Commission Licence Conditions and Codes of Practice.

## **17.0 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 MKCC was authorised to issue a Large Casino Premises Licence under the Gambling Act 2005.
- 17.3 In June 2012 following competition under Schedule 9 of the Gambling Act a casino premises licence was awarded to an operator.

- 17.4 MKCC recognises that applicants may apply for a Premises Licence or a Provisional Statement as part of the process.
- 17.5 MKCC has a document of principles that it applied when making the determination to award and grant the casino licence in 2012. This is available on request as Appendix D to this policy.

## **18.0 Adult Gaming Centres (AGC's)**

- 18.1 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, MKCC will specifically have regard to the need to protect *persons under 18* and *other* vulnerable persons from harm or being exploited by gambling for such premises. The applicant will need to satisfy all mandatory conditions and the Gambling Commission's Codes of Practice and their local area risk assessment will need to identify and comply with any additional measures considered appropriate. Appropriate measures may cover issues such as:

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

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

- 18.2 When the Adult Gaming Centre is not continually supervised (for example at some motorway services stations, MKCC will pay particular attention to the management of entry to effectively prevent under 18s gaining access as well as the ability and arrangements to supervise the gambling area.

## **19.0 Family Entertainment Centres (FECs)**

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

## **20.0 Licensed Family Entertainment Centres**

- 20.1 Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. MKCC 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. MKCC will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.
- 20.2 With regard to vulnerable persons, MKCC will consider measures such as the use of self-exclusion schemes, and the provision of information leaflets/help line numbers for organisations such as GamCare.
- 20.3 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machines to ensure that persons under 18 do not have access to Category C machines. MKCC will consider any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

## **21.0 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', MKCC 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.
  - Partitions shall be a maximum height of 0.15 metres above 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, MKCC recognises that the definition of “separation” and “direct access” may be subject to further definition through legislation, the courts or guidance.

## **22.0 Vessels and Vehicles**

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

## **23.0 Gaming Machines**

- 23.1 Where MKCC is uncertain whether a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 23.2 Where MKCC 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 MKCC 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.

## **24.0 Permits**

- 24.1 The Gambling Act 2005 introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are exceptionally low, or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premise.
- 24.2 MKCC can grant or refuse applications and may consult with what it considers to be relevant parties (such as the Police) on certain applications. MKCC will have regard to the Gambling Commission's Guidance to Licensing Authorities in making decisions.
- 24.3 Where a Permit is granted, MKCC will issue the Permit as soon as is reasonably practicable.

## **25.0 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 MKCC for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. The location of machines will therefore need to be in distinct and separate areas and not on general thoroughfares etc.
- 25.2 MKCC must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and will consult with parties considered necessary on applications.
- 25.3 As these premises can particularly appeal to children and young persons, MKCC will give weight to child protection issues. An application for a permit may be granted only if MKCC is satisfied that the premises will be used as an unlicensed FEC, and we will expect applicants to demonstrate:



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

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

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

- An acceptable scaled plan of the premises indicating the location of Category D machines, Automated Telling Machines (ATM's) and any appropriate notices that are to be displayed.
- The number of Category D machines.
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible.
- Evidence of staff training by way of a Premises Logbook or equivalent which should be signed and dated by named 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 protection considerations for persons under 18. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
  - Appropriate measures such as training, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
  - The amount of space around gaming machines to prevent jostling of players or intimidation.
  - Details of opening hours.
  - Details of the external appearance of premises
  - Numbers of staff employed.
  - Current Public Liability Insurance documents and any other such information MKCC will from time to time require.

26.2 This Statement of Gambling Principles applies to initial applications only and not to renewals. Regarding renewals, MKCC 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, MKCC may refuse the application. When it intends to refuse an application, it will notify the applicant of its intention and will give its reasons. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal if it decides to refuse the application.
- 26.4 Where the Permit has been granted MKCC will issue the permit as soon as is reasonably practicable and in any event in line with legislation. The permit will then remain in effect for 10 years unless it is surrendered or lapses.
- 26.5 Details of premises with unlicensed FEC permits are available on the Council's website.
- 26.6 MKCC recommends that applicants for unlicensed FEC Permits consider adopting British Amusement Catering Trade Association's (BACTA') 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.

## **27.0 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 MKCC, paying the prescribed fee and complying with any relevant Codes of Practice issued by the Gambling Commission.
- 27.2 Where an applicant wishes to operate more than 2 gaming machines, they must obtain a licensed premises gaming machine permit. The location of all machines shall comply with the Gambling Commission's Code of Practice on location and operation of such machines. MKCC may require a plan of the proposed location of these machines to assist in the determination of the application.
- 27.3 MKCC may remove the automatic authorisation detailed in 27.1 where:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives and is not compliant with the mandatory conditions relating to location and operation of machines; or
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act, (i.e., that written notice has been provided to the MKCC, 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 2005 has been committed on the premises; or
- The premises are mainly used for gaming.

27.4 MKCC 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. MKCC 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.

## **28.0 Gaming in Alcohol Licensed Premises**

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

## 29.0 Bingo Premises

29.1 In accordance with the Gambling Commission's Guidance, MKCC recognises that it is important that if persons under 18 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 persons under 18 are admitted, MKCC will seek to ensure that: -

- No more than the permitted categories of machines are provided in the premises.
- All such machines are located in an area of the premises separated by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where these machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

(MKCC 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 that must be complied with along with any other supplementary information.

29.3 Bingo premises may only make gaming machines available for use where there are substantive facilities for non-remote bingo as set out within Gambling Commission Licence Conditions and Code of Practice.

29.4 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.

29.5 With regard to turnover, where MKCC suspects that a licensee or club exceeds the turnover in the required 7-day period, it will check all records kept and if considered appropriate contact the Gambling Commission.

29.6 MKCC will consider any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

## **30.0 Betting Premises**

- 30.1 MKCC is responsible for issuing and monitoring Premises Licences for all betting premises. *Persons under 18* 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, MKCC recommends that an application for such premises carefully considers the location of gaming and other machines in accordance with the licensing objectives both within and external to the premises.

## **31.0 Tracks**

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

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

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

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

- 31.3 Where appropriate, for MKCC 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 MKCC 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 MKCC will carefully consider the location of any adult gaming machines at tracks to ensure that these machines are in areas from *which persons under 18* are excluded, though it is recognised that *such persons* are not prohibited from playing Category D machines on a track.

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

- 31.6 MKCC recognises the potential space for such machines may be considerable, bringing problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing persons under 18 from using these machines. It is for this reason that MKCC 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 MKCC 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. MKCC will consider any advice by the Gambling Commission on this matter.

- 31.8 On advice from the Gambling Commission, MKCC 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. MKCC would welcome other suitable methods.

## **32.0 Prize Gaming Permits**

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

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

- 32.2 MKCC may wish to see additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of the machines and any notices to be displayed.
  - Evidence of staff training by way of a Premises Logbook or equivalent, covering how staff would deal with unsupervised young children being on the premises, or children causing perceived problems on/around the premises. The Logbook should be signed and dated by named staff to prove that training has been undertaken and understood.
  - Evidence that staff are aware of the limits to stakes and prizes as set out in the Regulations and that the gaming is offered within the law.
  - Proof of Age scheme.
  - Details of opening hours.
  - Details of external appearance of premises.
  - Numbers of staff employed.
  - Current Public Liability insurance documents and any other such information MKCC 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, MKCC will also consider any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.
- 32.4 Where MKCC 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 MKCC will issue it as soon as is reasonably practicable.

### **33.0 Club Gaming and Club Machine Permits**

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

### **34.0 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. MKCC 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.



## **35.0 Temporary Use Notices (TUNs)**

- 35.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are several statutory limits as regards TUNs. 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 Gambling Act 2005 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 various parts of the premises and re-setting the clock. MKCC will decide what constitutes a 'set of premises' where TUNs are received relating to the same building/site.
- 35.2 In considering whether a place falls within the definition of a 'set of premises' MKCC will look at the ownership/ occupation and control of the premises and will consider whether different units are in fact different sets of premises. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as single premises and would not be granted a temporary use notice for each of its exhibition halls.
- 35.3 On receipt of a TUN the Council will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 35.4 MKCC may object to notices where their effect would be to permit regular gambling in a place that could be described as one set of premises. MKCC 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 MKCC itself must copy any such notice to the Council.

## **36.0 Occasional Use Notices (OUNs)**

- 36.1 An Occasional Use Notice may be used where there is betting on a track on eight days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and MKCC will maintain a register of all applications.
- 36.2 Tracks are normally thought of as permanent racecourses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to

take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. MKCC will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of eight days in a calendar year is not exceeded.

## **37.0 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 MKCC will monitor whether a fair is a travelling fair and whether these conditions are fulfilled. MKCC 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 Three – Small Society Lotteries

## 38.0 Small Society Lotteries

38.1 The Gambling Act 2005 defines two categories of lottery.

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

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

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 MKCC whereas the other 'exempt lotteries' do not require to be registered. However, all exempt lotteries are subject to rules set out in the Gambling Act 2005 with which organisers should familiarise themselves. MKCC recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes regarding all lotteries, limits placed on small society lotteries and information setting out financial limits are available on the Gambling Commission website or by contacting MKCC.

38.4 A Small Society lottery is classed as small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less and must be 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.

38.5 Applicants for small society lotteries must apply to the Council in the area where their principal office is located. Where MKCC believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Council concerned.

- 38.6 In exercising its functions regarding small society and exempt lotteries, MKCC will have due regard to the Gambling Commission's Guidance.
- 38.7 MKCC will keep a Public Register of granted Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by MKCC. As soon as the entry on the Register is completed, MKCC will notify the applicant of registration. In addition, MKCC 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, MKCC will notify the Gambling Commission in writing, copying this to the Society concerned. MKCC will accept return information hard copy or email: [licensing@milton-keynes.gov.uk](mailto:licensing@milton-keynes.gov.uk).
- 38.8 MKCC 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 MKCC is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 38.9 MKCC 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.
- 38.10 MKCC 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. MKCC may require information from the Society such as a constitution or terms of reference as part of this.
- 38.11 Where MKCC intends to refuse registration of a Society, it will inform the Society of the reasons why it is minded refusing the registration and supply evidence on which it has reached that preliminary conclusion. The Society will be given an opportunity to make representations.
- 38.12 MKCC 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. MKCC 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.

- 38.13 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 MKCC will expect this to be verified by the Society.

# **Part Four – Decision Making**

## **39.0 Committee Terms of Reference**

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

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

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

- 39.2 Every determination of a licensing decision by the Licensing Sub-Committee shall be accompanied by clear, concise reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed.
- 39.3 Decisions as to whether representations vexatious or frivolous or will certainly not influence the authority's determination of the application will normally be made by Council Officers. They will also make the decisions on whether representations or applications for licence reviews shall be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

## **40.0 Delegated Powers**

- 40.1 The Licensing Committee has delegated certain decisions and functions and has established a sub-committee to deal with them. Any delegations shall be in accordance with as detailed under Section 162 of the Gambling Act 2005.
- 40.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made or made and then withdrawn, will be delegated to Council Officers.

- 40.3 This form of delegation is without prejudice to Officers referring an application to the sub-committee if considered appropriate in the circumstances of any case.
- 40.4 The table sets out the agreed delegation of decisions and functions to Full Council, Licensing Sub-Committee and Officers but any application can be referred to subcommittee by Officers if considered appropriate.
- 40.5 Regardless of whether the determination of an application for a premises licence is made by the Licensing Sub-Committee or officers, when granting an application, MKCC 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  | CO<br>UN<br>CIL | LICENSING COMMITTEE / SUB-COMMITTEE  | OFFICERS  |
|--|-----------------|--|---|
| Final approval of three-year statement of gambling principles and revisions  | X               |  |   |
| Policy not to permit casinos   | X               |  |   |
| Fee Setting – when appropriate   | X               |  | X (via budget setting process)  |
| Applications for <ul style="list-style-type: none"> <li>a) premises licences (other than in respect of casinos) and variations to premises licences</li> <li>b) Transfers of premises licences</li> <li>c) Provisional statements (other than in respect of a casino licence)</li> </ul> |                 | <ul style="list-style-type: none"> <li>a) Where representations have been accepted and not withdrawn</li> <li>b) where the MKCC propose to attach an agreed condition(s) to the Licence under Section 169 1(a)</li> <li>c) Where MKCC propose to exclude under Section 169 1(b) a condition(s) that would otherwise be attached under Section 168</li> <li>d) Where referred by Officers.</li> </ul> Unless Section 162(2) of the Gambling Act is satisfied in the | Where no valid representations are received about an application or where Section 162(2) is satisfied when issues under 162(1) are relevant |

|  |  |  |  |
|--|--|--|--|
|  |  | above cases in which case such matters are delegated to officers at their discretion   |  |
| Application for a Provisional Statement and / or Premises licences including variations* in respect of a casino licence. |  | <p>In respect of more than one stage 1 application being received</p> <p>In respect of applications with valid unwithdrawn representations</p> <p>In respect of all applications received for Stage 2 process.</p> | <p>Where only one application is received at Stage 1 and the 'regulatory' test is met with no valid representations received.</p> <p>In respect of variations where there are no accepted representations concerned or where Section 162 of the Gambling Act 2005 is satisfied *</p> |
| Revocation/lapse of permits and premise licences for non-payment of annual fee   |  |  | X  |
| Review of a premises licence   |  | X  |  |
| Applications for club gaming /club machine permits   |  | Where objections have been accepted and not withdrawn  | Where no objections have been accepted or where objections have been withdrawn   |
| Cancellation and forfeiture of club gaming/ club machine permits or licensed premises gaming machine permits             |  | If referred by Officers  | All cases unless referred  |
| Cancellation, revocation, or reduction of entitlement in respect of gaming permits or notifications                      |  | If referred by Officers  | All cases unless referred  |
| Applications for and changes to other permits  |  | If referred by Officers  | All cases unless referred  |
| Consideration of temporary use notice  |  | If referred by officers  | All cases unless objection notice given and not withdrawn  |



|   |  |                         |                           |
|---|--|-------------------------|---------------------------|
| Decision to give a counter notice to a temporary use notice   |  | X                       |                           |
| Refusal of small society lottery application  |  | If referred by Officers | All cases unless referred |
| Rejection of incomplete applications or for failing to comply with other process related statutory requirements |  | If referred by Officers | All cases unless referred |

## 41.0 Reviews

- 41.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities and should be based on one or more of the licensing objectives of the Gambling Act.

However, it is for MKCC to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous; vexatious; will certainly not cause the authority to alter/revoke/suspend the licence; or whether it is substantially the same as previous representations or requests for review. The review will be conducted:

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

## **42.0 Complaints Against Premises**

- 42.1 MKCC 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, MKCC 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.

## **43.0 Inspection and Enforcement**

- 43.1 MKCC is required by under the Gambling Act 2005 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 MKCC 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, MKCC may use a risk-based inspection programme. Officers of the Council will conduct visits and inspections at a time considered appropriate; depending on if it is a programmed inspection, a complaint or is intelligence led. This may include test purchase or test entry operations.
- 43.4 Factors that will influence inspection decisions will include the nature of the gambling activity taking place; the size of the premises; compliance history; intelligence received; any local area profile information; failure to undertake or comply with an adequate local risk assessment. It is expected that premises licensed venues will have a copy of their local risk assessment on site and that the

document is kept under review.

- 43.5 In considering enforcement action, MKCC will bear in mind the Human Rights Act 1998, in particular Article 1 Protocol 1 (peaceful enjoyment of possessions); Article 6 – right to a fair hearing; Article 8 – respect for private and family life, and Article 10 – right to freedom of expression or any successional replacement legislation.

## **44.0 Statement of Principles – Inspection and Enforcement**

- 44.1 MKCC shall aim to protect and enhance the safety of people who live in, work in, or visit Milton Keynes through the application and enforcement of gambling legislation and in accordance with the Licensing Objectives.
- 44.2 MKCC in conducting its regulatory functions as detailed under the Act and will follow the Regulators Code and the principles of better regulation. Consequently, the principles that will be followed are: -
- Proportionate: regulators should only intervene, when necessary,
  - Accountable: regulators must be able to justify decisions,
  - Consistent: rules and standards to be joined up and implemented fairly.
  - Transparent: regulations to be simple and user friendly should be open, and keep regulations simple and user friendly; and
  - Targeted: focused on the problem.
- 44.3 Any decision to instigate legal proceedings will also consider the MKCC Enforcement Policy.
- 44.4 MKCC 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 MKCC will work with other partners as necessary and in accordance with any signed Memorandum of Understanding and/or Joint Enforcement Protocol.

- 44.6 MKCC will endeavour to avoid duplication with other regulatory regimes that cover, for example, fire safety and health and safety.
- 44.7 MKCC will act in accordance with the relevant legislation and guidance from the Gambling Commission.

## **45.0 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, 01908 252800 or email at [licensing@milton-keynes.go.uk](mailto:licensing@milton-keynes.go.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 administered by Milton Keynes City Council

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

**Authorised Local Authority Officer** - A MKCC 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 MKCC, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- The Fire Service
- 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. See also paragraph 16.6a of Statement.

**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 MKCC.

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 MKCC 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 or other Officers of MKCC.

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

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

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

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

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

**FEC** – Family Entertainment Centre.

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

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

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

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

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

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

Article 6: - the right to a fair hearing

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

Article 10: - the right to freedom of expression

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

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

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

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

**Interested Party** - A person who:

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

**Irrelevant Representations -**

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

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

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

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

**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, young persons, 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. Companies cannot hold these.

**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 MKCC 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 MKCC in respect of premises that he:

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

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

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

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

**SIA** - Security Industry Authority

**Simple Lottery** - An arrangement where:

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

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

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

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

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

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

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

**Temporary Use Notice** - To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

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

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

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

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

**UFEC** – Unlicensed Family Entertainment Centre.

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

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

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

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

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

**Young Person** - An individual who is not a child but who is less than 18 years old. See also paragraph 16.6a of statement.

# Appendix B

## List of Consultees

ADDICTION RECOVERY COMMUNITY MILTON KEYNES  
AGE CONCERN  
ASPERS  
ASSOCIATION OF BRITISH BOOKMAKERS LTD (ABB).  
BACTA  
BETFRED  
BETTING AND GAMING COUNCIL  
BGBET.COM  
BLAKE MORGAN SOLICITORS  
BOYLE SPORTS  
BRITISH BEER AND PUB ASSOCIATION LETTER  
BRITISH INSTITUTE OF INNKEEPING  
CHARLES WELLS BREWERY.  
CORAL LADBROKE  
DRANSFIELDS  
DRUG AND ALCOHOL FAMILY SUPPORT  
DRUG AND ALCOHOL SUPPORT FOR YOUNG PEOPLE  
EQUALITIES COUNCIL  
GAMBLING BUSINESS GROUP  
GAMBLE AWARE  
GAMCARE  
GOLDEN SLOTS  
GREENE KING  
GOSSCHALKS SOLICITORS -  
HM REVENUES AND CUSTOMS  
HARRIS HAGAN SOLICITORS  
HOUGH AND BALLARD LTD  
INSPIRED GAMING UK LIMITED  
INTERGRATED CARE BOARD BEDS, LUTON, AND MK  
JENNINGSBET  
MERKUR SLOTS UK LIMITED  
MK BUSINESS IMPROVEMENT DISTRICT  
MILTON KEYNES ASB TEAM  
MILTON KEYNES LICENSING COMMITTEE  
MILTON KEYNES BOROUGH COUNCILLORS  
MILTON KEYNES CHAMBER OF COMMERCE  
MILTON KEYNES CITIZEN ADVICE BUREAU  
MILTON KEYNES COUNCIL – PLANNING  
MILTON KEYNES COUNCIL – POLICY AND PERFORMANCE  
MILTON KEYNES COUNCIL PUBLIC HEALTH  
MILTON KEYNES COUNCIL – EQUALITIES  
MILTON KEYNES MK TOGETHER

MILTON KEYNES FIRE SAFETY  
MILTON KEYNES INTERNAL AUDIT  
MILTON KEYNES TRADING STANDARDS  
MILTON KEYNES PRIMARY AUTHORITY FOR LADBROKE CORAL  
MIND  
MITCHELLS AND BUTLERS LICENSING  
MK FAWCETT  
NATIONAL CASINO FORUM  
NATIONAL PROBLEM GAMBLING CLINIC  
POPPLESTON ALLEN  
PADDY POWER - ED  
PARISH COUNCILS IN MILTON KEYNES  
REGAL GAMING AND LEISURE  
RESPONSIBLE GAMING TRUST  
THAMES VALLEY POLICE  
THE GAMBLING COMMISSION  
TOWN COUNCILS IN MILTON KEYNES  
WELCOME BREAK GROUP  
WETHERSPOONS  
WILLIAM HILL  
YGAM

# Appendix C

## Local Area Profile

Available as a separate document

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

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

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

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

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

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

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

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

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

### **Locations**

Proximity to the following

- a) youth centres and hostels
- b) rehabilitation centres for gambling related harm or other addiction support locations such as drug and alcohol treatment services where persons under 18 or other vulnerable groups may be present.



- c) schools, playgrounds, leisure/community centres; colleges, universities, and other areas where children and young people will gather including entertainment venues such as bowling alleys, shopping centres, cinemas etc., as well as bus stops, café's, shops, parks, and school routes. In such cases MKCC will expect licensees to take appropriate steps to ensure that inappropriate advertising relating to their premises, or relating to events at their premises, is not displayed at a time when persons under 18 are likely to be near the premises.
- d) Facilities in proximity to the licensed premises such as banks, post offices, refreshment, and entertainment type facilities
- e) Religious premises and places of worship where they can be a focal point for a percentage of vulnerable members of the local community, including the homeless community and youth population.
- f) Other gambling premises given the potential link to increased levels of gambling harm where there are multiple gambling premises in the vicinity.
- g) supported accommodation/hostels.
- h) Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, or where there are Residential areas where there is a high concentration of families with children.

**Other location specific issues to consider.**

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

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

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

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

- m) The arrangement for localised exchange of information regarding self-exclusions and gaming trends
- n) The assessment of staffing levels when vulnerable persons are more likely to present (such as school pupils)
- o) The proximity of machines to the entrance door
- p) Age verification policies relevant to the location
- q) Consideration of line of sight from counter(s) to gambling machines and overall capacity to supervise the gaming area.
- r) Making results of test purchase operations available to the local authority on request
- s) Complying with the need to do in test purchase programmes.
- t) Notifying MKCC with details of where a child or young person repeatedly attempts to gamble on their premises, thus providing the Council with an opportunity to consider safeguarding concerns.
- u) The view from the exterior of the premises in terms of attracting young or vulnerable people.

## Document Control

| Date       | Version | comments                           |
|------------|---------|------------------------------------|
| 30.04.2018 | 1.0     | 1 <sup>st</sup> draft consultation |
| 06.08.2018 | 1.1     | Final draft for consideration      |
| 12.09.18   | 1.2     | Endorsed version                   |
| 02.11.21   | 1.3     | Three-year consultation review     |
| 09.02.22   | 1.4     | Endorsed version                   |
| 20.11.24   | 1.5     | Three-year consultation review     |
| 19.3.25    | 1.6     | Endorsed version                   |

# Appendix D

## **Document of Principles to be Applied When Awarding a Casino Licence**

This is available on request.

