

**Time and Date**

2.00 pm on Tuesday, 1st December, 2015

Place

Council Chamber - Council House

1. **Apologies**
2. **Minutes of the meeting held on 13 October 2015** (Pages 5 - 14)
3. **Coventry Good Citizen Award**
To be presented by the Lord Mayor and Judge Griffith-Jones, Honorary Recorder
4. **Correspondence and Announcements of the Lord Mayor**
5. **Petitions**
6. **Declarations of Interest**

Matters Left for Determination by the City Council/Recommendations for the City Council

7. **Licensing Act 2003 - Revised Statement of Licensing Policy** (Pages 15 - 52)
From the Cabinet Member for Culture, Leisure Sports and Parks meeting, 12 November 2015
8. **Gambling Act 2005 - Revised Statement of Gambling Policy** (Pages 53 - 100)
From the Cabinet Member for Culture, Leisure Sports and Parks meeting, 12 November 2015

It is anticipated that the following matters will be referred as Recommendations from Cabinet 26 November 2015. The reports are attached and the relevant Recommendations will be circulated separately.

9. **Medium Term Financial Strategy 2016-19** (Pages 101 - 118)
10. **Staffing Reductions and Voluntary Redundancy** (Pages 119 - 128)
11. **Continuing as a Marmot City** (Pages 129 - 138)

12. **European Funding Programme 2014-20 - Coventry City Council First Round Applications** (Pages 139 - 148)

Items for Consideration

13. **Amendments to Allocation of Executive Functions Within Cabinet**
(Pages 149 - 152)

Report of the Leader

14. **Appointments of the City Council - Outside Bodies** (Pages 153 - 158)

Report of the Executive Director of Resources

15. **Question Time**

- (a) Written Question – There are no written questions
- (b) Oral Questions to Chairs of Scrutiny Boards/Chair of Scrutiny Co-ordination Committee
- (c) Oral Questions to Chairs of other meetings
- (d) Oral Questions to Representatives on Outside Bodies
- (e) Oral Questions to Cabinet Members and Deputy Cabinet Members on any matter

16. **Statements**

17. **Debates**

17.1 To be moved by Councillor Maton and seconded by Councillor Abbott:

This Council notes:

That the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:

* forcing 'high-value' council homes to be sold on the open market

* extending the right-to-buy to housing association tenants and

* undermining section 106 requirements on private developers to provide affordable homes

The Bill has no commitment that Government will provide resources to allow affordable homes to be replaced on a like-for-like in the local area. The 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country. These homes will not preserve the taxpayers' investment and will be built at the expense of genuinely-affordable homes to rent and buy.

This Bill undermines local decision making by taking new wide and open-ended powers for the Secretary of State over councils and local communities, including the ability to override local plans and to mandate rents for social tenants. And, it does nothing to tackle high rents, poor conditions and insecurity affecting many of England's 11m private renters (including one in four families with children) and does nothing to help arrest the recent rise in homelessness.

This Council resolves:

- To analyse and report on the likely impact of the forced sale of social homes in Coventry and the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes.
- To work with housing agencies and charities in Coventry to identify any further likely impacts of the Bill on the local area.
- To meet with local MPs to make clear the implications for Coventry citizens and to discuss future action.
- To make public the implications of this proposed legislation and to stimulate further debate about the future of housing policy in Coventry.

Chris West, Executive Director, Resources, Council House Coventry

Monday, 23 November 2015

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair/Suzanne Bennett 024 7683 3166/3072

Membership: Councillors F Abbott, N Akhtar, P Akhtar, M Ali, A Andrews, M Auluck, R Auluck, R Bailey, S Bains, L Bigham, J Birdi, J Blundell, R Brown, K Caan, D Chater, J Clifford, G Crookes, G Duggins, D Galliers, D Gannon, A Gingell, M Hammon (Chair), L Harvard (Deputy Chair), J Innes, D Kershaw, T Khan, A Khan, R Lakha, R Lancaster, M Lapsa, J Lepoidevin, A Lucas, P Male, K Maton, J McNicholas, C Miks, K Mulhall, J Mutton, M Mutton, H Noonan, J O'Boyle, E Ruane, T Sawdon, P Seaman, B Singh, D Skinner, T Skipper, H Sweet, K Taylor, R Thay, S Thomas, S Walsh and D Welsh

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OR if you would like this information in another format or
language please contact us.

Carolyn Sinclair/Suzanne Bennett
024 7683 3166/3072

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Coventry City Council

Minutes of the Meeting of Council held at 2.00 pm on Tuesday, 13 October 2015

Present:

Members:

Councillor M Hammon (Chair)

Councillor F Abbott	Councillor R Lancaster
Councillor N Akhtar	Councillor M Lapsa
Councillor M Ali	Councillor A Lucas
Councillor A Andrews	Councillor P Male
Councillor M Auluck	Councillor K Maton
Councillor Dr R Auluck	Councillor J McNicholas
Councillor R Bailey	Councillor K Mulhall
Councillor S Bains	Councillor J Mutton
Councillor L Bigham	Councillor M Mutton
Councillor J Birdi	Councillor H Noonan
Councillor J Blundell	Councillor E Ruane
Councillor R Brown	Councillor T Sawdon
Councillor K Caan	Councillor P Seaman
Councillor J Clifford	Councillor B Singh
Councillor G Crookes	Councillor D Skinner
Councillor G Duggins	Councillor H Sweet
Councillor D Galliers	Councillor K Taylor
Councillor D Gannon	Councillor R Thay
Councillor L Harvard	Councillor S Thomas
Councillor J Innes	Councillor S Walsh
Councillor D Kershaw	Councillor D Welsh
Councillor A Khan	
Councillor R Lakha	

Honorary
Alderman

J. Gazey, J. Wright

Apologies:

Councillors D Chater, A Gingell, J Lepoidevin, C Miks,
J O'Boyle and P Townshend

Public Business

67. Minutes of the Meeting Held on 8 September 2015

The minutes of the Council Meeting held on 8 September, 2015 were signed as a true record

68. Coventry Good Citizen Award

On behalf of the City Council, the Lord Mayor presented John Tierney with the Good Citizen Award. His citation read:-

“John was involved with Foleshill Community Centre for over 50 years. He joined the centre as a boy to be with his friends and to enjoy the many activities which took place there. He then became an active volunteer eventually taking on the role of Centre Manager.

John's contribution as Centre Manager in making the centre a popular and convivial meeting and learning place for the local community was invaluable. He has truly embraced the community spirit by providing a centre to learn, take part in an activity or meet with friends. He has welcomed the people from the local community and helped them to thrive both socially and educationally.

This Good Citizen Award is in recognition of John's long and distinguished service to the Foleshill community."

69. **Presentation of Illuminated Address**

The Lord Mayor presented Councillor Hazel Noonan, Lord Mayor for 2014/15, with her Illuminated Address.

70. **Local Democracy Week 2015**

The Lord Mayor indicated that it was Local Democracy Week and outlined a series of events that the City Council were hosting aimed at encouraging democratic engagement, especially amongst younger people.

Councillors were encouraged to attend the events.

71. **Death of Former Councillors**

The Lord Mayor referred to the recent deaths of former Councillors Val Stone and Roy Barker, who represented Longford and Cheylesmore Ward respectively.

Members paid tribute to the work undertaken by both Val and Roy and extended the Council's sincere condolences to their families.

72. **Correspondence**

The Lord Mayor reported that he had received the following correspondence:-

- (1) A letter from Buckingham Palace expressing the Queen's thanks for the City's congratulations on the occasion Her Majesty becoming the longest-reigning Monarch of the UK on 9 September, 2015.
- (2) A letter of thanks from Mr Ratan N Tata on his admittance as an Honorary Freeman of the City of Coventry.

73. **Petitions**

RESOLVED that the following petitions be referred to the appropriate City Council bodies:-

- (a) **Objection to planning application for the erection of buildings on site 28, 54-56 and 58-74 London Road – 17 signatures, presented by Councillor N Akhtar**
- (b) **Objection to planning application for the change of use of**

**Allesley Scout Hut, Washbrook Lane – 54 signatures,
presented by Councillor Birdi**

74. Declarations of Interest

Councillor McNicholas declared a Disclosable Pecuniary Interest in the matter the subject of Minute 76 below relating to “Devolution and Economic Growth – Scheme for Setting Up a West Midlands Combined Authority”

Councillor McNicholas left the meeting for consideration of this item.

75. Motions Without Notice

In accordance with the Constitution, the following Motions without notice were moved by Councillor Gannon, seconded by Councillor Lancaster and carried:-

- (a) To combine the debates for item 7 (Devolution and Economic Growth – Scheme for Setting up a West Midlands Combined Authority) and item 13.1 (Debate to be moved by Councillor Blundell).
- (b) To suspend the time limits to enable Councillors Lucas and Blundell to have one untimed speech and to enable Councillors Maton and Sawdon to speak for 5 minutes in seconding .

76. Devolution and Economic Growth - Scheme for Setting Up a West Midlands Combined Authority

Further to Minute 75 above, the debate on this item was combined with the debate in relation to “Combined Authorities” which was set out on the Council agenda and which was proposed by Councillor Blundell and seconded by Councillor Sawdon.

The Council considered a report of the Chief Executive, which set out proposals for the Council in relation to the proposed West Midlands Combined Authority.

A combined authority is a statutory body that would facilitate the collaboration and joint working between local authorities to improve economic development, regeneration and transport in a functional economic area. It is a public body in its own right. On 28 May 2015 Coventry City Council’s Cabinet agreed in principle to create a combined authority with a preferred option of councils from Coventry and Warwickshire (and Hinckley and Bosworth) with councils from the Greater Birmingham and Solihull and the Black Country Local Enterprise Partnership areas.

Coventry City Council and the other six West Midlands Metropolitan District Councils had undertaken a governance review on current sub-regional working arrangements which concluded that the creation of a combined authority would improve economic development, regeneration and transport in the metropolitan area, and a geography that includes other councils from the wider Local Enterprise Partnership areas of Coventry and Warwickshire and Greater Birmingham and Solihull could bring even greater economic benefits.

The seven West Midlands metropolitan district councils undertook a joint engagement exercise on proposals for a combined authority in the West Midlands over the summer. As a result of this some district councils from the surrounding area have opted to join the proposed combined authority as non-constituent members. Coventry City Council undertook its own engagement and consultation programme in the city in addition to the West Midlands exercise.

The Government continued its devolution agenda and asked areas to come forward with proposals for a devolution deal with Government for inclusion in the Comprehensive Spending Review in November 2015. Some 38 areas, including the West Midlands, had done so. The decision to set up a combined authority would be subject to specific legislative tests about the benefits such an authority would bring and would be separate to any decision on a devolution deal.

The report indicated that the next stage in the process for setting up a combined authority would be for the local authorities concerned to agree to submit proposals in a Scheme to the Secretary of State for Communities and Local Government, which would inform the provisions of any Order creating a combined authority. A draft Scheme for a West Midlands Combined Authority had been prepared for submission to the Secretary of State that set out the proposed membership of the West Midlands Combined Authority and how it would work, and was attached as appendix 5 to the report.

A revised Scheme to that considered at the meeting of Cabinet on 13 October was circulated at the meeting and the Leader reported that the revision related to a change to the wording on transport to better reflect the legislation. It was noted that the Scheme may be subject to one further amendment should Lichfield District Council decide to become a non-constituent member.

The appendices to the report submitted also included details in relation to the West Midlands Authorities' Statutory Governance Review; a statement of intent for a West Midlands Combined Authority; a summary of the City Council's engagement and consultation on the proposals for a Combined Local Authority; a report of the Coventry Citizens' Panel.

As a combined authority must hold the statutory transport function for the area, only local authorities that have the statutory function for transport can be constituent members. This meant the area to be covered by the proposed combined authority will be the West Midlands metropolitan area: Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton, reflecting the current transport arrangements. This would build on and reflect the current West Midlands Joint Committee arrangements that had been in place for almost thirty years. It was proposed that the three Local Enterprise Partnerships would be non-constituent members of the combined authority: Black Country LEP, Coventry and Warwickshire LEP and Greater Birmingham and Solihull LEP. Coventry and Warwickshire LEP took a unanimous decision to join the West Midlands Combined Authority as a non-constituent member at its Board meeting on 5 October 2015.

The three county councils of Staffordshire, Warwickshire and Worcestershire had decided not to join the combined authority although each of them could look to join at a future date, as long as they did not become constituent members of another combined authority. Cannock Chase District Council, Nuneaton and Bedworth,

Redditch, Tamworth and Telford and Wrekin Borough Council's had agreed to become non-constituent members of the proposed West Midlands Combined Authority. A decision was also expected from Lichfield following their Council meeting scheduled for 13th October 2015.

Coventry Council could opt not to join a combined authority as it was not compulsory and the Secretary of State could not make decisions for the Council. However, there were clear benefits of working with other authorities on issues at a sub-regional level which the Council would forgo. It would also mean that a devolution deal with Government, although not impossible, would be less likely. It was therefore recommended that, after considering the information available, including the documentation appended to the report, Coventry City Council should join the proposed West Midlands Combined Authority.

The following amendment was moved by Councillor Blundell, seconded by Councillor Sawdon and lost:-

“That the following paragraphs of the debate set out as item 13.1 on the agenda be moved as an amendment to replace the recommendations detailed in report 7 (Devolution and Economic Growth – scheme for setting up a West Midlands Combined Authority):-

That Council:

1. Engages with Warwickshire County Council in recommencing the discussions we had previously and work up the business case for a Coventry & Warwickshire Combined Authority, and;
2. Releases the ‘secret document’ to elected members and to the general public so that the full implications of the West Midlands Combined Authority can be understood;
3. Brings forward, within 10 working days, a detailed report showing what progress has been made on matters as said above.”

RESOLVED that Council agree:

- 1. That Coventry City Council should join the proposed West Midlands Combined Authority after considering the information available including the West Midlands statutory governance review and Statement of Intent for the Combined Authority (appendices 1 and 2) and the results of the local engagement and consultation process (appendices 3 and 4)**
- 2. That Coventry City Council should approve the Scheme for a West Midlands Combined Authority for submission to the Secretary of State for Communities and Local Government.**
- 3. That any devolution deal would be subject to a separate and detailed decision by Cabinet and Full Council which would include an analysis of the benefits and risks and the value of the deal to the city of**

Coventry along with any proposed changes in governance including whether or not to have an elected metro mayor.

- 4. That any devolution deal for the seven West Midlands metropolitan councils must require a unanimous decision by all the councils concerned.**
- 5. To undertake continued engagement across the city on the development of a combined authority and devolution.**
- 6. To continue to take a full part in the Coventry and Warwickshire Local Enterprise Partnership.**
- 7. To take a full part in and develop the Coventry and Warwickshire sub-regional local authority arrangements jointly with the other councils.**
- 8. That the Executive Director of Resources be given delegated authority in consultation with the Cabinet Member for Strategic Finance and Resources to make decisions on the Council's behalf to withdraw from the existing Coventry and Warwickshire Business Rates Pool and agree the terms for entering a new wider West Midlands business rates pool where appropriate.**

NOTES:

- 1) In accordance with the Constitution, a recorded vote was required. The Councillors voting for and against the Recommendations were as follows:-

For	Against	Abstain
Councillor Abbott	Councillor Andrews	
Councillor N Akhtar	Councillor Bailey	
Councillor Ali	Councillor Birdi	
Councillor M Auluck	Councillor Blundell	
Councillor Dr R Auluck	Councillor Crookes	
Councillor Bains	Councillor Lapsa	
Councillor Bigham	Councillor Male	
Councillor Brown	Councillor Noonan	
Councillor K Caan	Councillor Sawdon	
Councillor Clifford	Councillor Skinner	
Councillor Duggins	Councillor Taylor	
Councillor Galliers	Lord Mayor	
Councillor Gannon		
Councillor Harvard		
Councillor Innes		
Councillor Kershaw		
Councillor A Khan		
Councillor Lakha		
Councillor Lancaster		
Councillor Lucas		
Councillor Maton		
Councillor Mulhall		

Councillor J Mutton
Councillor M Mutton
Councillor Ruane
Councillor Seaman
Councillor Singh
Councillor Sweet
Councillor Thay
Councillor Thomas
Councillor Walsh
Councillor Welsh

Result: 32 for
12 against
0 abstentions

- 2) Having declared a Disclosable Pecuniary Interest, Councillor McNicholas left the meeting for consideration of this item.

77. Polling District and Polling Place Review

The Council considered a report of the Chief Executive which detailed amendments to the polling district and polling place review scheme which were approved by Council on 14 January and 9 December, 2014. The amendments are required due to some of the locations no longer being available and in response to complaints received at the Elections in 2015. The Cabinet Member for Policing and Equalities Advisory Panel – Electoral Arrangements and Ward Councillors have been consulted on the proposed amendments and the consultation document was published on the Council's website as required by legislation.

RESOLVED:-

- (1) That the City Council approves the revised polling district and polling place scheme as detailed in the report submitted.**
- (2) That if any further polling place becomes unavailable prior to the election, authority be delegated the Chief Executive, following consultation with the Leader and the Deputy Leader and the appropriate Ward members to agree temporary amendments to the scheme for the 2016 elections.**

78. Appointments of the City Council - Tile Hill Wood School and Language College and Lyng Hall School Governing Bodies

The Council considered a report of the Executive Director of Resources that sought approval to appoint City Council representatives to the Governing Bodies of Tile Hill Wood School and Language College and Lyng Hall School.

RESOLVED that the City Council:-

- (1) Appoints Councillor K Maton to the Tile Hill Wood School and Language College Governing Body**

(2) Delegates authority to appoint to the Lyng Hall School Governing Body to the Executive Director of Resources, in consultation with Cabinet Member for Education

NOTE: It was moved by Councillor Bailey, seconded by Councillor Crookes and lost that Councillor P Male to appointed to the Tile Hill Wood School and Language College Governing Body

79. Question Time

Councillor Townshend had provided written answers to the questions set out in the Questions Booklet.

The following Members indicated answered oral questions as et out below put to them or agreed to send a written response, together with supplementary questions on the same matters:-

	Question Asked By	Question Put To	Subject Matter
1	Councillor Sawdon	Councillor Maton	Number of houses in Coventry bought by London Boroughs
2	Councillor Crookes	Councillor Lucas (on behalf of Councillor Townshend)	Use of locum solicitors, including financial costs
3	Councillor Bailey	Councillor A Khan	Extending the opening of St Mary's Guildhall to all year round
4	Councillor Blundell	Councillor Abbott	Outcome of Ward Forum Review
5	Councillor Taylor	Councillor Gannon	Telephone response times – Coventry Contact Centre
6	Councillor Male	Councillor Gannon	Implications of proposed cuts to grants on the City of Culture Bid
7	Councillor Birdi	Councillor Kershaw	Appointment to Free School Governing Bodies
8	Councillor Sawdon	Councillor Lucas	Nuclear Free Zone in Coventry

80. **Statement**

The Cabinet Member for Children and Young People, Councillor Ruane, made a statement in respect of the “Children’s Services Improvement Plan”

Councillor Noonan responded to the Statement

81. **Debate - Registering to Vote**

Councillor Thomas moved the following debate, which was seconded by Councillor Lancaster:-

“Council resolves:

To take every possible step to ensure that as many local residents as possible are registered to vote including, but not limited to, the following:

- Fully analysing the last annual household canvass and comparing the results on a ward by ward basis to the previous year’s canvass.
- Maintaining a database of electors who have confirmed their electoral registration details via the “No Change” method, and using this database to ensure people who have been previously registered but haven’t been re-registered are contacted.
- Using all available council-held databases to ensure that as many electors as possible are data-matched for electoral registration purposes.
- Using all available methods of communication to explain the transition to IER to local residents.
- Prompting local residents with electoral registration reminders at other points of contact with the council, such as when residents apply for Housing Benefit, Council Tax Benefit and other council services.
- Liaising with local private sector landlords to ensure electoral registration information is included in tenancy packs and other communications they have with their tenants.
- Having council officers attend citizenship ceremonies and local schools and colleges to encourage newly eligible electors to register to vote at the earliest opportunity.”

The following amendment was moved by Councillor Crookes, seconded by Councillor Bailey and lost:-

“That the debate be amended by the addition of the following paragraph at the end:-

“While notwithstanding the above, before going ahead to ensure that the measures proposed are fully costed and affordable, while noting that registering to vote is an individual responsibility”

RESOLVED that the Motion as set out above be unanimously adopted.

Note: The Debate as set out as item 13.1 on the agenda was dealt with as part of Minute 76 above.

(Meeting closed at 5.10 pm)

Council – 1 December 2015

**Recommendation from Cabinet
Member for Culture, Leisure,
Sports and Parks
12 November 2015**

Coventry City Council

**Minutes of the Meeting of Cabinet Member for Culture, Leisure, Sports and Parks
held at 9.30 am on Thursday, 12 November 2015**

Present:

Members: Councillor A Khan (Chair)
Councillor J Birdi (Shadow Cabinet Member)

Employees (by Directorate):

Place: D Blackburn, A Harwood, C Hickin, A Walster

Resources: U Patel

In Attendance: D Keegan – Guphill Residents Association

RECOMMENDATION

Public Business

14. Licensing Act 2003 - Revised Statement of Licensing Policy - Consultation Responses

The Cabinet Member considered a report of the Executive Director of Place which provided an update on the outcome of the 12 week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003. The Cabinet Member for Policing and Equalities authorised the consultation on 26 March 2015 (minute 94 refers).

The Licensing Act requires each licensing authority to prepare and publish a statement of licensing policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives.

The current Statement of Licensing Policy came into effect on 6 January 2011 for a period of 5 years to January 2016. This policy has to be reviewed every five years and be subject to a full consultation process.

The general principals of the Licensing Policy remain the same and the document was still centred on the Licensing Act's four licensing objectives:

- The prevention of crime and disorder
- Ensuring public safety
- The prevention of public nuisance
- The protection of children from harm

The report outlined comments received and proposed amendments to the Council's draft Licensing Policy. The Licensing and Regulatory Committee considered the report on 20 October 2015 and were fully supportive of the Statement of Gambling Policy and did not propose any changes to the draft Policy (Minute 53 refers).

RESOLVED that the Cabinet Member for Culture, Leisure, Sports and Parks having considered the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and comments from the Licensing and Regulatory Committee, recommends to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

(Meeting closed at 10.20 am)

Licensing and Regulatory Committee
Cabinet Member for Culture, Leisure, Sports and Parks
Council

20 October 2015
12 November 2015
1 December 2015

Name of Cabinet Member:

Cabinet Member for Culture, Leisure, Sports and Parks – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Licensing Act 2003 - Revised Statement of Licensing Policy – Consultation Responses

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 12 week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003 and to recommend for approval a revised policy for the period 2016 – 2021.

Recommendations:

1. The Licensing and Regulatory Committee is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and notify the Cabinet Member for Policing and Equalities of its comments.
2. The Cabinet Member for Culture, Leisure, Sports and Parks is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and, in light of any comments from the Licensing and Regulatory Committee, and recommend to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

List of Appendices included:

Appendix A - Revised Statement of Licensing Policy
Appendix B - Summary of consultation responses
Appendix C - Summary of main changes to the Licensing Policy

Other useful background papers:

Licensing Act 2003
Licensing Act 2003 Guidance (section 182)
Current Licensing Policy
Government Policies and Guidance

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes

Licensing and Regulatory Committee 24 March 2015 and 20 October 2015
Cabinet Member for Policing and Equalities 26 March 2015

Will this report go to Council?

Yes

1 December 2015

Report title: Licensing Act 2003 - Revised Statement of Licensing Policy

1. Context (or background)

- 1.1 The Licensing Act requires each licensing authority to prepare and publish a statement of licensing policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives.
- 1.2 The current Statement of Licensing Policy came into effect on 6 January 2011, to cover a period up to January 2016.
- 1.3 This policy has to be renewed every five years and be subject to a full consultation process.
- 1.4 Licensing and Regulatory Committee on 24 March 2015 and Cabinet Member for Policing and Equalities on 26 March 2015 considered a report on the draft revised Statement of Licensing Policy and authorised the Executive Director of Place to consult on its contents.
- 1.5 This report outlines the comments received and proposed amendments to the Council's draft Licensing Policy.
- 1.6 This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The general principles of the Licensing Policy remain the same and the document is still centred around the Licensing Act's four licensing objectives, namely.
 - the prevention of crime and disorder;
 - ensuring public safety;
 - the prevention of public nuisance;
 - the protection of children from harm;
- 1.7 However, since the last revision there have been a number of changes through the implementation of a wide range of reforms to the Licensing Act. The policy has been revised throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.
- 1.8 Following public consultation, the revised draft Statement of Licensing Policy is now ready to be recommended for adoption to take effect from 5 January 2016 (Appendix A).

2 Options considered and recommended proposal

- 2.1 The Licensing and Regulatory Committee is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and notify the Cabinet Member for Policing and Equalities of its comments:
- 2.2 The Cabinet Member for Culture, Leisure, Sports and Parks is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and, in light of any comments from the Licensing and Regulatory Committee and recommend to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

3 Results of consultation undertaken

3.1 The public consultation exercise finished on 28 June 2015, and included the following elements:-

- Mail shots to representatives of the licensed trade, clubs and key partners
- Formally writing to the Chief Officers of the responsible authorities
- Mail shots to residents groups and business organisations
- Wider public consultation through the City Council's Website

3.2 All statutory consultees have received a full copy of the draft Licensing Policy and notification of the draft Policy was given to all Council Members and Parish councils. The draft policy was also made available on the Councils Website from 6 April to 25 June 2015 and over 1000 letters were sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

3.3 Although a city wide consultation has taken place on the revised draft policy, there has been very little response to the consultation. This may be because it is generally considered that the discretion of the Council in reviewing the Policy is limited as the Licensing Act, Government Guidance and Regulations closely prescribe how local authorities carry out the licensing functions.

The majority of the 15 responses received did not impact upon the revised policy document, however 2 of the Responsible Authorities did respond to the consultation and their comments are attached at Appendix B. The revised policy has now been further amended to include the comments made and a summary of the main changes and additions to the Licensing Policy is attached at Appendix C.

4. Timetable for implementing this decision

4.1 The revised Statement of Licensing Policy must be published by 5 January 2016, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Licensing Act 2003, on or after 6 January 2016.

5. Comments from Executive Director of Resources

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5.2 Legal implications

The policy has been drafted to reflect current legislative requirements and compliance with the statutory guidance issued under Section 182 of the Licensing Act 2003. In carrying out its functions the Council is required to have due regard to the policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act. The authority may depart from its policy when it considers it appropriate to do so (in the same way the statutory guidance makes the same observation).

The Council will not be able to undertake its role as a licensing authority after the 6 January 2016 unless it has approved and published its revised Statement of Licensing Policy. The policy must be reviewed every five years. However, it can be reviewed more often if appropriate.

The licensing function is carried out by the Council's Licensing and Regulatory Committee and by officers exercising their delegated powers with the exception of the approval of the policy statement, which must be approved by Full Council.

Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The prevention of crime and disorder is at the centre of the Licensing regime and there are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing policy acknowledges the Community Safety Plan and also gives information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'the Protection of Children from Harm'. Applicants are required to show how they will address this objective in their operational schedule when making applications. The Coventry Safeguarding Children Board is a responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.

Although there is not a specific licensing objective related directly to health within the current legislation, Public Health is a Responsible Authority. Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

6.2 How is risk being managed?

If the Licensing Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act. The consultation process and council meeting dates have been planned to ensure that the policy is in place at the required time.

The Statement of Licensing Policy will inform decisions taken by the licensing authority that will have an impact on the interests of private individuals and businesses. The policy reflects the need to respect the relevant rights given by the Human Rights Act

Decisions of the licensing authority are open to challenge through the Magistrates Court and beyond. The Statement of Licensing Policy is designed to ensure compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3 What is the impact on the organisation?

The adoption of the policy should have no impact on the organisation. There are no human resource, financial or ICT implications.

6.4 Equalities / EIA

There are no negative impacts of opportunity for any equality target group therefore a review of any Equality and Diversity Policy has not been produced.

6.5 Implications for partner organisations?

The Licensing Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police and Fire services. Both services have been consulted in the development of the draft policy.

The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night time economy and on the co-existence of licensed premises with local residents and communities.

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This report is published on the council's website:
www.coventry.gov.uk/councilmeetings

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Licensing Act 2003

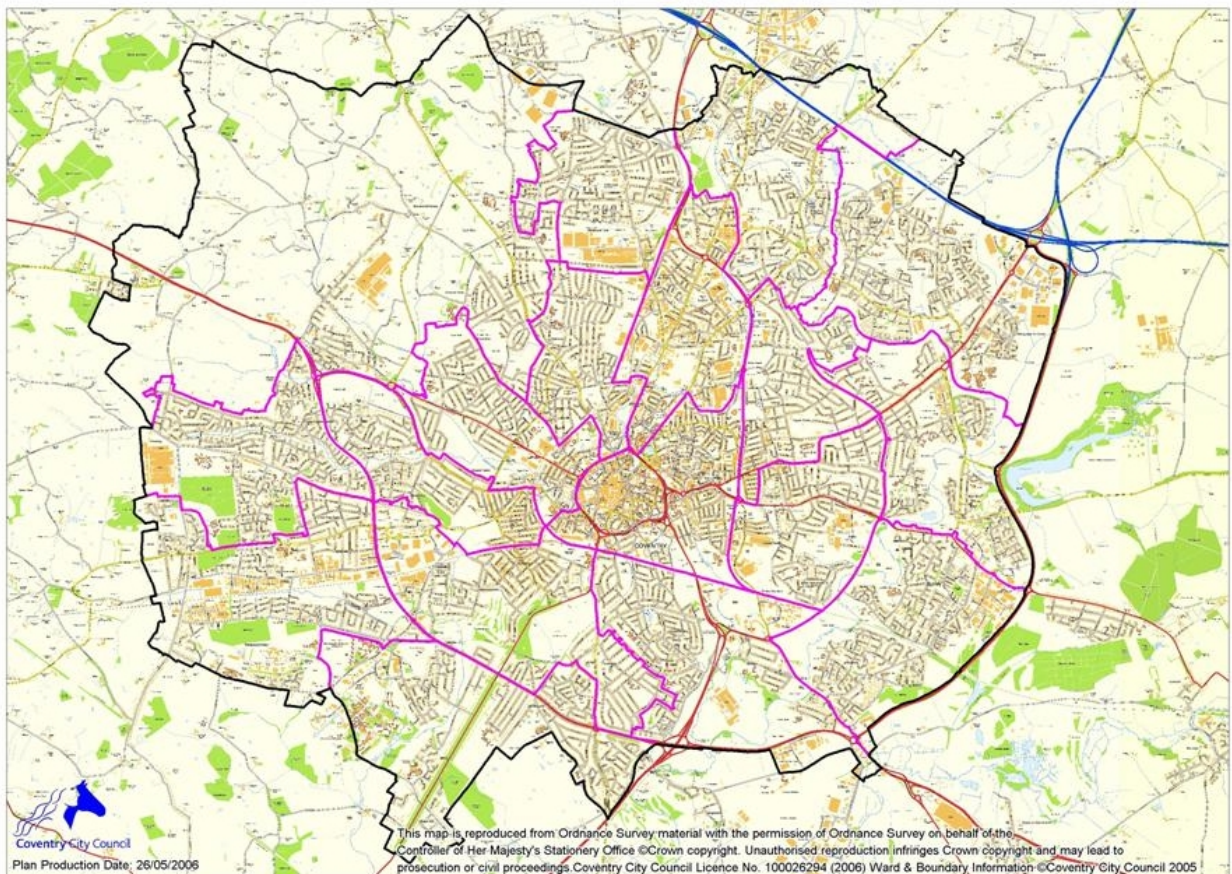
Statement of Licensing Policy 2016-2021



Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware that the Government may from time to time amend the Licensing Act 2003, subordinate legislation and statutory guidance.

The Council does not intend to revise this policy document because of any such amendments and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.



map of the area covered by Coventry City Council

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Supporting documentation

The City Council, in consultation with the Responsible Authorities and the Community Safety Partnership has produced two guidance documents which give premises licence holders and other responsible staff practical guidance on the effective management of licensed premises.

These guides are issued during the licensing process and are also available from licensing pages of the City Council web site

- Guidance for On Licensed Premises
- Guidance for Off Licensed Premises

STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Coventry City Council ('the Council') has a duty under the terms of the Licensing Act, 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 Coventry is a growing city situated in the West Midlands with a population of 323,000 inhabitants. It is mainly urban but includes significant areas that are semi-rural. A map of the city is shown on page 2.

1.4 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an "authorisation" means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context, a Personal Licence.

1.5 The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the Coventry Partnership, neighbouring authorities, West Midlands Police ('the Police'), the Coventry Community Safety Partnership, local businesses, arts organisations, performers, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder etc.

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 6th January 2016. This policy statement will be subject to review and further consultation prior to any substantial changes.

Responsible Authorities

1.7 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy statement as Appendix 2.

- 1.8 The Council has recognised the Coventry Safeguarding Children Board as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purpose of Section 13 of the Act.

The Licensing Authority as a Responsible Authority

- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.

- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

- 2.1 Before publishing this policy statement the Council has consulted with and given proper consideration to the views of the following in line with the statutory guidance:

- Chief Constable of West Midlands Police
- West Midlands Fire & Rescue Authority;
- Director of Public Health – Coventry City Council;
- Other responsible authorities;
- Representatives of current authorisation holders
- Representatives of Local businesses
- Representatives of Local residents

- 2.2 Further details on the consultation and political approval process undertaken prior to publishing this document are available via coventry.gov.uk/councilmeetings.

3 FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

- 3.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to Coventry Magistrates' Court against the decisions of the Council.

4 LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Premises include open spaces. Conditions attached to various authorisations will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activities in the area concerned.
- 4.2 The Council cannot impose conditions unless it has received a relevant representation.
- 4.3 When considering any conditions, the Council acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy of the City. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Council does not propose to implement standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the city.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER(S)

6.1 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order(s) are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT

7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government Guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.

7.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the city to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.

7.3 The absence of a special policy does not prevent any Responsible Authority or any other party from making representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can sometimes be associated with elevated levels of crime and disorder.

8.2 The Licensing Authority expects existing authorisation holders and new applicants to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses, or, to contact the Police Licensing Officer if they believe that particular licensed premises are failing to promote this objective.

8.3 The City Council as a statutory member of the Local Community Safety Partnership will develop and deliver against multi-agency strategies and action plans to tackle the misuse of alcohol, which has also been identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing authorisation holders and new applicants to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and the sale/supply of alcohol to individuals who are

already intoxicated and thus potentially vulnerable themselves or pose a risk to others. In general, conditions will reflect local crime issues and subsequent prevention strategies.

- 8.4 The risk assessment approach remains fundamental in the operation and good practice of all licensed premises. Authorisation holders and applicants are strongly recommended to work closely with the Local Policing Unit Partnerships Team in particular, in bringing into effect appropriate control measures to either overcome established or prevent potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder. The Police have a list of recommended SIA registered Operators and we would advise that this list be used when considering the employment of SIA registered door staff.
- 8.5 The Licensing Authority will expect new applicants and existing authorisation holders to adopt recognised good practice in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so. A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. The Licensing authority does not have the power to judge the criminality or otherwise of any issue, this is a matter for the courts.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The City Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate decisions and/or imposing appropriate conditions, upon a representation being received containing evidence that a licensed premises has a music policy which might incite violence, crime or disorder or the threat of such against minority groups.
- 8.9 Coventry's Director of Public Health will support the police by facilitating access to health information such as anonymised A&E data due to alcohol related admissions. e.g. as part of a license review application. They will also provide Trading Standards with evidence of the health impact of illicit/counterfeit alcohol.
- 8.10 The Licensing Authority is of the view that generally, in order to promote the licensing objectives; all licensed premises within the city are encouraged to be members of the relevant local Pubwatch Scheme, where one exists.
- 8.11 The Licensing Authority and Police have a zero tolerance of illegal substance/drug misuse in licensed premises and recognise that drug use is not something that is associated with all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed on the premises and to achieving a safer environment for those who may have taken them.
- 8.12 Once away from licensed premises a minority of consumers may behave inappropriately and unlawfully. There are additional mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Service and the Local Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the City.

- 8.13 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Licensing Authority expects that (a) any designated premises supervisor will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promote the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement becomes necessary.

Promotion of Public Safety

- 8.14 Public safety is not defined within the Act, but the Government Guidance advises that it is concerned with the physical safety of people using the premises and not with public health. To ensure the safety of customers, applicants should be prepared to demonstrate, where necessary, that the premises comply with all health and safety regulations and that risk assessments, where needed are current.
- 8.15 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.16 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.17 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.18 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

- 8.19 Businesses must ensure that in carrying out their activities they protect and support even the most vulnerable people and keep them safe from harm.
- 8.20 Coventry's Director of Public Health will support the sharing of health information such as anonymised A&E data with other responsible authorities where it links to public safety. They will also explore the impact of alcohol related incidents on emergency services such as West Midlands Ambulance Service.

Prevention of Public Nuisance

- 8.21 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

- 8.22 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.23 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 8.24 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.
- 8.25 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.26 Coventry's Director of Public Health will provide evidence on the impact of the health and wellbeing of vulnerable groups such as street drinkers, and the effect this has on anti-social behaviour.

Protection of Children from Harm

- 8.27 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is duty bound to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.28 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 8.29 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, then additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.30 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised "Proof of Age" scheme. The City Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The City Council recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).

- 8.31 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings. By ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.
- 8.32 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.33 The Licensing Authority regards the Coventry Safeguarding Children Board as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the Board to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear appropriate to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children.
- 8.34 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.35 Coventry's Director of Public Health will engage with Coventry Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services. They will also consider the proximity of licensed premises to schools, youth centres, play groups and family centres and share anonymised A&E data with other responsible authorities relating to young people and alcohol related incidents
- 8.36 In order to prevent children from seeing films incompatible with their age, authorisation holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Council may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.37 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.38 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.39 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions apply to all alcohol retailers.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing and Regulatory Committee and Sub-committees are not bound by decisions made by the City Council's Planning Committee, and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval, where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives (see Paragraph 1.1 above).

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing and in order to promote the licensing objectives and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not propose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.

- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 0800 and 2300 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing Sub-Committee determines that it is appropriate for such controls to be re-introduced..

11 Best Practice Schemes

11.1 The Council supports best practice schemes for licensed premises. If your premise is in an area covered by a scheme, you are encouraged to become a member of the scheme. Schemes, set up by local businesses, have adopted an agreed approach to reduce crime and disorder in the area by excluding those whose presence on their premises pose a risk to a safe drinking environment. The schemes are supported and attended by West Midlands Police and the Council's Licensing Team. The Coventry Pubwatch Scheme operates within the city and further details are available from BIDS@coventry.gov.uk

12 GUIDANCE FOR ON AND OFF LICENSED PREMISES

- 12.1 Guidance has been developed by the Licensing Authority and the Responsible Authorities in order to provide a reliable source of information to support authorisation holders in the responsible day to day management of their premises and advise what they must be doing to comply with the Licensing Act. This guidance will be referred to whenever the Licensing Authority or any Responsible Authority have made recommendations for improvements in the management of licensed premises or where new conditions of operation are being considered.
- 12.2 Every licensed premise has been issued with this guidance and new applicants or new Licensees will receive a copy as part of the application process. Further copies can be downloaded from the City Council web site.

13 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

13.1 By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, public health, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Council, police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.

13.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-

- the needs of the local tourist economy to ensure that these are reflected in their considerations;
- the employment situation and the need for new investment and employment where appropriate; and
- the general impact of alcohol related crime and disorder, by providing regular reports to the planning committee. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

Crime, Nuisance and Harm Prevention strategies

13.3 Crime, nuisance, harm prevention and drug and alcohol misuse strategies developed through the Coventry Community Safety Partnership (CCSP) will be reflected in any licence conditions suggested by Responsible Authorities, so far as possible.

13.4 The CCSP, with membership including the Council, Police and the West Midlands Fire Service, is committed to making Coventry a safe place in which to live, work and visit. The CCSP will co-ordinate action to protect and support our most vulnerable children and adults. It is the role of the CCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Health and Wellbeing Strategy

13.5 Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Drinking too much can cause physical and mental harm. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

13.6 The vision of Coventry's Alcohol Strategy is to reduce the harms caused by alcohol misuse and make Coventry a safer and healthier place where less alcohol is consumed. This aim can be supported through opportunities within the licensing process.

Cultural strategies

13.7 The Strategic Arts Policy sits within the framework of the Local Cultural Strategy and has been developed within the context of Coventry's existing arts infrastructure, initiatives and activities. The Council will monitor the licensing of regulated entertainment and particularly live music and dancing, to ensure that potential event organisers have not been deterred from making applications because of licensing requirements.

Coventry a Marmot City

13.8 In line with the principles of the Marmot Review 'Fair Society, Healthy lives' Coventry City Council has agreed to develop common policies to reduce the scale and impact of health inequalities across the city. This includes focussing interventions such as alcohol reduction on reducing the social gradient in health.

There is a social gradient in the harms from alcohol consumption, but not in alcohol consumption itself. Quantities and patterns of drinking differ across socio-economic groups, as do harmful outcomes.

According to the Marmot Review, those people from more deprived areas who consume alcohol are more likely to have problematic drinking patterns and dependence than those from more affluent areas.

Binge drinking in under 18s is associated with deprivation and unemployment is associated with alcohol consumption

Transport

- 13.9 As part of an agreed enforcement protocol where the police have identified a particular need to disperse people from the City centre swiftly and safely so as to avoid situations which could lead to disorder and disturbance, the Council will inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

Duplication

- 13.10 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to an authorisation in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 13.11 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government Guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Council therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equality Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

14 ENFORCEMENT

- 14.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues. This will provide a more efficient deployment of resources targeting high risk premises and activities.
- 14.2 This enforcement regime in relation to licensing follows the Government's Regulators' Code in that it follows the basic principles of Openness, Helpfulness, Proportionality and Consistency. This is clarified by the operation of a ladder of intervention for Licensed Premises. This ladder of intervention is contained at Appendix 1. [Link to enforcement policy.](#)

- 14.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.
- 14.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) known as the Licensing Taskforce, will visit the premises. The Taskforce officers inspect the areas of the premises relevant to their role. Again, any action taken will be in line with the ladder of intervention.
- 14.5 There are several enforcement options available depending on the outcome of the inspection or complaint which includes:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
 - Written warning – this is a step-up from verbal advice and authorisation holders are given a letter recording the warning given and containing the details of any necessary remedial action.
 - Action planning – this plan will be written down and given to the authorisation holder and Designated Premises Supervisor. It explains what actions are required and within what time period, in order to comply with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if the authorisation holder/DPS have complied, the action plan will be terminated. If there are areas of non-compliance, the authorisation holder may face prosecution or their authorisation may be called for a review.
 - Mutual consent to the addition of licensing condition which reflects a harm identified by any of the Responsible Authorities and which the premise licence holder agrees not to continue (known as a minor variation)
 - Review – when there is evidence to show that the licensing objectives are not being met then the authorisation holder will have to attend a review hearing in front of the Licensing Sub-Committee. A decision will be made by the Licensing Authority Sub-Committee based on the evidence put forward as to whether the DPS will be removed and/or the authorisation revoked, suspended, amended or have additional conditions applied.
 - Prosecution – under the Licensing Act, certain offences can be instituted by the Licensing Authority / Director of Public Prosecutions / the Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation depending on the nature of evidence found.
 - Closure – several of the Responsible Authorities have the power to close licensed premises whilst on site if they deem it necessary e.g. the Police, Health & Safety, Environmental Health, Trading Standards and the Fire Service. The Licensing Team also have powers to request closure through the Magistrates Court for continuing unauthorised alcohol sales.

15 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

- 15.1 The powers of the Council under the Act may be carried out by the Licensing and Regulatory Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority.
- 15.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost effectiveness the Council has

delegated these functions to Sub-Committees, or in appropriate cases, to officers supporting the licensing function.

- 15.3 Where under the provisions of the Act there are no relevant representations on an application these matters will be dealt with by officers. Should there be relevant representations then an oral hearing will usually take place before a licensing sub-committee except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a licensing sub-committee. The following table sets out the delegation of functions:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

Application forms and process

- 15.4 The application form will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 15.5 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Team and our website, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

- 15.6 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid. Coventry is currently using the Electronic Licence Management System (GOV.UK) which is supported by the Department of Business Innovation and Skills.
- 15.7 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule. Guidance notes containing contact and website information about these policies will be available from the Licensing Team, City Services Directorate. Contact details are below.

16 COMMENTS ON THIS POLICY

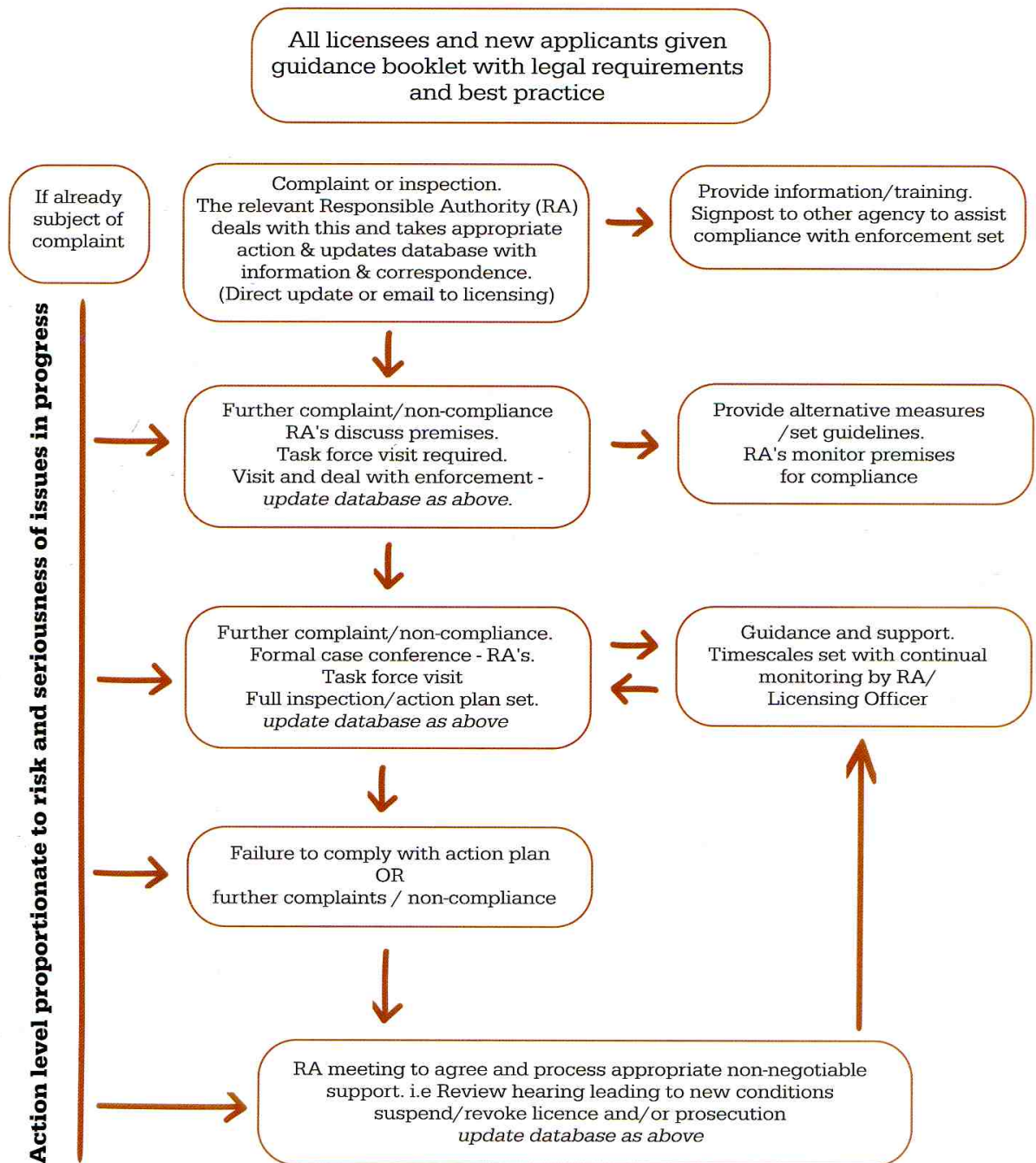
- 16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Place Directorate, Public Safety
Regulatory Services, Broadgate House,
Broadgate, Coventry, CV1 1NH

Telephone Number: 024 7683 1888
Fax Number: 024 7683 2154
e-mail: licensing@coventry.gov.uk
website www.coventry.gov.uk

APPENDIX 1

Ladder of intervention - approach to enforcement issues



APPENDIX 2

Licensing Act 2003 – Responsible Authority Contacts

Licensing Authority:

Coventry City Council
Licensing Team
Broadgate House
Coventry CV1 1NH
Telephone: 024 7683 1888
licensing@coventry.gov.uk

Contact:

Davina Blackburn
Licensing Manager
Davina.blackburn@coventry.gov.uk

Chief Officer of Police:

West Midlands Police
Little Park Street
Coventry CV1 2JX
Telephone: 084 5113 5000

Contacts:

PC Jo Bowes
Bowes_4093@west-midlands.pnn.police.uk
PC Claire Marston
c.marston@west-midlands.pnn.police.uk

Fire Authority

Applications
Fire Service Head Quarters
99 Vauxhall Road,
Vauxhall,
Birmingham,
B7 4HW

Contact:

Bob Coles/Steve Price
firesafety.admin@wmfs.net

Safeguarding Children Board

Social Services & Housing
Chairing and Reviewing Service
Broadgate House 4th floor
Broadgate
Coventry CV1 5RS
Telephone: 024 7683 3443

Contacts:

Rebekah Eaves
safeguardingchildrenlicensing@coventry.gov.uk

Health & Safety Enforcing Authority

Coventry City Council
Regulatory Services
Broadgate House
Broadgate
Coventry CV1 1NH
Telephone: 024 7683 1848

Contacts:

Nicola Castledine
Food and Safety Manager
nicola.castledine@coventry.gov.uk

Environmental Protection

Coventry City Council
Regulatory Services
Broadgate House
Broadgate
Coventry CV1 1NH
Telephone: 024 7683 1858

Contacts:

Neil Chaplin
Senior Environmental Protection Officer
Env.protection@coventry.gov.uk

Trading Standards

Coventry City Council
Regulatory Services
Broadgate House
Coventry CV1 1NH
Telephone: 084 5330 3313

Contact:

Alan Harwood
Trading Standards Business Compliance
Manager
alan.harwood@coventry.gov.uk

Coventry Health Board

Coventry City Council
Room 78a, 2nd Floor Council House
Earl Street
Coventry
CV1 5RR

Contact:

Angela Hands
Public Health Practitioner
Tel: 024 7683 1315
Email:
publichealthlicensing@coventry.gov.uk

Planning Authority

Coventry City Council
City Development Directorate
Civic Centre 4
Much Park Street
Coventry CV1 1PY
Telephone: 024 7683 1212

Marcus Fothergill
Planning Enforcement Officer
planning.control@coventry.gov.uk

OTHER USEFUL CONTACTS:**Health & Safety Executive**

Licensing Applications/Consultation
No. 1 Hagley Road
Birmingham B16 8HS
Telephone: 0121 607 620

Coventry City Council Events Team

Lee House
Coventry City Council
Communications Team
Chief Executives Directorate,
Room 22, Council House
Earl Street
Coventry
CV1 5RR

Tel: 024 7683 2351

Email: lee.house@coventry.gov.uk

Home Office Alcohol Licensing
Website:
<https://www.gov.uk/alcohol-licensing>

**Police National Computer
Checks – Obtain a basic
disclosure CRB for your
Personal Licence**

www.disclosurescotland.co.uk

If you need this information in another format please contact:

Telephone: 024 7683 1888

Fax: 024 7683 2154

Minicom: 0500 431143

e-mail:

licensing@coventry.gov.uk

Appendix B :

Responses to Coventry City Council Statement of Licensing Consultation April 6 2015 – 28th June 2015

1 Background

- 1.1 The public consultation on the draft Statement of Licensing Policy took place for 12 weeks from 6th April 2015-28th June 2015.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities.
- 1.3 15 responses were received during the consultation period.
- 1.4 All responses were asked for comments on the draft policy, which have been organised into themes and are presented below.

Theme of comments	Capacity are you responding	Feedback/comments/amendments	Action
Alcohol and Health	Coventry City Council (Public Health)	Prevention of Crime and Disorder Coventry's Director of Public Health will: <ul style="list-style-type: none">• Support the police by facilitating access to health information such as anonymised A&E data due to alcohol related admissions. E.g. as part of a license review application• Provide trading standards with evidence of the health impact of illicit/ counterfeit alcohol	Appropriate amendments made

		<p>Promotion of Public Safety Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> • Support the sharing of health information such as anonymised A&E data with other responsible authorities where it links to public safety • Explore the impact of alcohol related incidents on emergency services such as West Midlands Ambulance Service. <p>Prevention of Public Nuisance Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> • Provide evidence on the impact of the health and wellbeing of vulnerable groups such as street drinkers, and the effect this has on anti-social behaviour. <p>Protection of Children From Harm Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> • Engage with Coventry Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services. • Consider the proximity of licensed premises to schools, youth centres, play groups and family centres • Share anonymised A&E data with other responsible authorities relating to young people and alcohol related incidents. 	
Alcohol and Health	Coventry City Council (Public Health)	In line with the principles of the Marmot Review 'Fair Society, Healthy lives' Coventry City Council has agreed to develop common policies to reduce the scale and impact of	Appropriate amendments made

		<p>health inequalities across the city. This includes focussing interventions such as alcohol reduction on reducing the social gradient in health.</p> <p>There is a social gradient in the harms from alcohol consumption, but not in alcohol consumption itself. Quantities and patterns of drinking differ across socio-economic groups, as do harmful outcomes.</p> <p>According to the Marmot Review, those people from more deprived areas who consume alcohol are more likely to have problematic drinking patterns and dependence than those from more affluent areas.</p> <p>Binge drinking in under 18s is associated with deprivation and unemployment is associated with alcohol consumption.</p>	
The protection of Children from Harm	Coventry City Council (Safeguarding Children Board)	<p><u>The protection of children from sexual exploitation</u> References to the protection of children from sexual exploitation have been added to Section 182 guidance, in order to raise awareness and help ensure that licensing authorities have systems in place to protect children from exploitation in licensed premises. This includes:</p> <ul style="list-style-type: none"> • “Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions”. • “the police should take appropriate steps where the basis for the review is concern about crime and disorder <i>or the sexual exploitation of children.</i>” • “ reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms <i>and</i> 	Appropriate amendments made

		<p><i>the sexual exploitation of children.”</i></p> <p>In line with this and amendments already made to the Draft Policy, I would suggest the following addition - The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.</p>	
Licensing Conditions	Other	Too many licences officiating alcohol with gambling i.e. casinos and betting offices on high streets.	No action required
Operating Hours	Other	Betting offices hours are far too long, this encouraging and enticing younger people in to a dangerous and addictive habit.	No action required
Cumulative Impact	Other	Spiralling Society falling in to debt and lack of principles and morals.	No action required
Enforcement	Other	Lack of resource to enforce any conditions in a meaningful manner.	No action required
Other considerations	Other	The promotion of late night refreshment at nightclubs and pubs encouraging anti-social behaviour and impacts to wider criminality within residential areas. Too many fast food outlets and mobile food vans that flout Health and Safety and Hygiene expectations.	No action required
Enforcement	Licensee	People on the street begging for money or food.	No action required
Operating Hours	Other	I think all corner shops or small shops should have to close one day of the week. Regardless of their opening hours. There should be a fine if they are open 24/7.	No action required

New Responsible Authorities	Licensing Authorities and Directors of Public Health are now listed as Responsible Authorities (paragraph 1.9 and 1.10)
Late Night Levy and Early Morning Restriction Order	Although the Council has not been presented with sufficient evidence to introduce either measure, the matter will be kept under review (paragraph 6.1)
Regulated Entertainment	Revised exemptions following the introduction of the Live Music Act and 2014 Deregulation Order (paragraph 10.11)
Integrated Strategies	Integrated Strategies have been updated to reflect the range of strategic influence and statutory controls (Section 13) including; Crime, Nuisance and Harm Prevention Strategies, Health and Wellbeing Strategy and Coventry as a Marmot City.
Removal of terms	Removal of term “vicinity test” Removal of term “interested party” to be replaced by “other person”
Promotion of the Licensing Objective – Prevention of Crime and Disorder	<p>Paragraph 8.5 - The Licensing Authority will expect new applicants and existing authorisation holders to adopt recognised good practice in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so. A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. The Licensing authority does not have the power to judge the criminality or otherwise of any issue, this is a matter for the courts. Where premises are associated with criminal activity that may not be directly connected to any licensable activities, it may still be appropriate for the Police to seek the review of an authorisation to deter such activity in the public interest.</p> <p>Paragraph 8.9 - Coventry’s Director of Public Health will support the police by facilitating access to health information such as anonymised A&E data due to alcohol related admissions. E.g. as part of a licence review application. They will also provide Trading Standards with evidence of the health impact of illicit/ counterfeit alcohol.</p>
Promotion of the Licensing Objective - Promotion of Public Safety	Paragraph 8.20 - Coventry’s Director of Public Health will support the sharing of health information such as anonymised A&E data with other responsible authorities where it links to public safety. They will also explore the impact of alcohol related incidents on

	<p>emergency services such as West Midlands Ambulance Service.</p>
<p>Promotion of the Licensing Objective - Prevention of Public Nuisance</p>	<p>Paragraph 8.26 - Coventry's Director of Public Health will provide evidence on the impact of alcohol upon the health and wellbeing of vulnerable groups such as street drinkers, and the effect this has on anti-social behaviour.</p>
<p>Promotion of Licensing Objective - Protection of Children From Harm</p>	<p>Paragraph 8.33 –The Licensing Authority regards the Coventry Safeguarding Children Board as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the Board to be followed unless there are good reasons for not doing so. The Licensing Authority will attach conditions where these appear appropriate to protect children from moral, psychological or physical harm.</p> <p>It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where there is concern about crime and disorder or the sexual exploitation of children.</p> <p>Paragraph 8.34 - The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking its licensing functions.</p> <p>Paragraph 8.35 - Coventry's Director of Public Health will engage with Coventry Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services. They will consider the proximity of licensed premises to schools, youth centres, play groups and family centres and share anonymised A&E data with other responsible authorities relating to young people and alcohol related incidents.</p>

Council – 1 December 2015

**Recommendation from Cabinet
Member for Culture, Leisure,
Sports and Parks
12 November 2015**

Coventry City Council
Minutes of the Meeting of Cabinet Member for Culture, Leisure, Sports and Parks
held at 9.30 am on Thursday, 12 November 2015

Present:

Members: Councillor A Khan (Chair)
Councillor J Birdi (Shadow Cabinet Member)

Employees (by Directorate):

Place: D Blackburn, A Harwood, C Hickin, A Walster

Resources: U Patel

In Attendance: D Keegan – Guphill Residents Association

RECOMMENDATION

Public Business

15. Gambling Act 2005 - Revised Statement of Gambling Policy

The Cabinet Member considered a report of the Executive Director of Place which provided an update on the outcome of the 7 week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005.

The Gambling Act requires each licensing authority to prepare and publish a statement of gambling policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives.

The current Gambling Policy came into effect on 6 January 2013 for a period of 3 years to 31 January 2016. The policy has to be renewed every three years and be subject to a full consultation process. Authority to consult was given by the Cabinet Member for Policing and Equalities on 23 July 2015 (Minute 10 refers).

The general principles of the Gambling Policy remain the same and the document was still centred around the Gambling Act's 3 licensing objectives, namely:

- (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (ii) Ensuring that gambling is conducted in a fair and open way;
- (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The report outlined comments received and amendments made on the Council's draft Gambling Policy. The Licensing and Regulatory Committee considered the report on 20 October 2015 and was supportive of revised Statement of Gambling Policy and did not suggest any changes to the revised policy (Minute 52 refers).

RESOLVED that the Cabinet Member for Culture, Leisure, Sports and Parks:

- 1. Having considered the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and comments from the Licensing and Regulatory Committee;**
- 2. Recommends Council to adopt the revised Statement of Gambling Policy attached as Appendix A of the report.**

(Meeting closed at 10.20 am)

Licensing and Regulatory Committee
Cabinet Member for Culture, Leisure, Sports and Parks
Council

20th October 2015
12th November 2015
1st December 2015

Name of Cabinet Member:

Cabinet Member for Culture, Leisure, Sports and Parks – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Gambling Policy

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 7 week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval a revised policy for the period 2016 – 2019.

Recommendations:

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Culture, Leisure, Sports and Parks is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and any comments from the Licensing and Regulatory Committee.
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

1. Adopt the revised Statement of Gambling Policy attached as Appendix A of the report.

List of Appendices included:

Appendix A - Revised Statement of Gambling Policy
Appendix B - Summary of consultation responses
Appendix C - Summary of main changes to the Gambling Policy

Other useful background papers:

Gambling Act 2005
Gambling Act 2005 Guidance to Licensing Authorities
Current Gambling Policy
Gambling Commissions Consolidated Licence Conditions and Codes of Practice (LCCP)

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes

Cabinet Member (Policing and Equalities) 23rd July 2015 and 5th November 2015
Licensing and Regulatory Committee 28th July 2015 and 20th October 2015

Will this report go to Council?

Yes

1st December 2015

Report title: Gambling Act 2005 - Revised Statement of Gambling Policy

1. Context (or background)

- 1.1 The Gambling Act requires each licensing authority to prepare and publish a statement of gambling policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives.
- 1.2 The current Gambling Policy came into effect on 6th January 2013, to cover a period up to 31st January 2016.
- 1.3 This policy has to be renewed every three years and be subject to a full consultation process.
- 1.4 Cabinet Member (Policing and Equalities) on 23rd July and the Licensing and Regulatory Committee on 28th July considered a report on the draft revised Gambling Policy and authorised the Executive Director of Place to consult on its contents.
- 1.5 The report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Gambling Policy.
- 1.6 This is the fourth Statement of Gambling Policy produced by the Licensing Authority under the Gambling Act 2005. The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three licensing objectives, namely;
 - preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - ensure gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.7 Whilst the majority of the policy has not changed, consideration has now been given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 1.8 The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy), or at the premises, or when applying for a new or variation of a licence.
- 1.9 Whilst the requirement for risk assessment does not take effect until April 2016, it is important that we take it into account in our revised statement.
- 1.10 The revised guidance also makes recommendations about licensing authorities completing and mapping their own assessments of local risks and concerns by developing local area profiles. A local area profile has now been drafted and will be implemented in advance of the requirement referred to above coming into effect.
- 1.11 Following public consultation, the revised draft Statement of Gambling Policy is now ready to be recommended for adoption to take effect from 31st January 2016 (Appendix A).

2 Options considered and recommended proposal

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Culture, Leisure, Sports and Parks is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and any comments from the Licensing and Regulatory Committee.
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

1. Adopt the revised Statement of Gambling Policy attached as Appendix A of the report.

3 Results of consultation undertaken

3.1

The public consultation exercise finished on 23rd September 2015, and included the following elements:-

- Mail shots to operators
- Notification to the responsible authorities
- Mail shots to trade organisations
- Wider public consultation through the City Council's website

3.2 All statutory consultees have received a full copy of the draft Gambling Policy and notification of the draft policy was given to all Council Members and Parish councils. The draft policy was also made available on the Council's website from 5th August to 23rd September 2015 and was sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

3.3 Three responses have been received to the consultation and are summarised in Appendix C. The respondees' ask that Members note their views on the introduction of the new Gambling Commission "Licence Conditions and Codes of Practice (LCCP)", and their concerns with how the Council may implement these new powers. Sections 5, 6, 7 and 9 of the policy cover the new LCCP provisions. Having considered the information contained in the sections in the draft policy, the Gambling Commission's LCCP supporting documentation and the Gambling Commission's guidance to licensing authorities, it has been considered that amendments to the policy are not required.

4. Timetable for implementing this decision

4.1 The revised Statement of Principles Gambling Policy must be published by 3rd January 2016, allowing the Council to continue to carry out any function in respect of applications made under the authority of the Gambling Act 2005 after 31st January 2016.

5. Comments from Executive Director of Resources

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5.2 Legal implications

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31st January 2016. The statement is one of a number of guidance documents that the Local Authority must aim to make its decisions in accordance with.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the legal requirements for preparing or publishing a statement or revision.

The licensing function is carried out by the Council's Licensing and Regulatory Committee and by officers exercising their delegated powers, with the exception of the approval of the policy statement, which must be approved by Council.

Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Preventing gambling from being a source of crime or disorder is a licensing objective where the Gambling Commission takes a leading role. The Commission investigates the suitability of applicants to hold an operators or personal licence. An operator's licence is required to be held prior to being able to apply for a premises licence through the licensing authority. Licensing authorities may consider the locations of premises in the context of this objective. There are strong links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Gambling policy provides information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'Protecting children and other vulnerable persons from being harmed or exploited by gambling. Applicants are required to show how they will address this objective in their risk assessment when making applications. The Coventry Safeguarding Children Board is a Responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.

Gambling Commission Licence conditions & code of practice provide a new requirement that from 6 April 2016 Operators will have to provide a local risk assessment with new/variation applications. Operators will be required to assess the local risk to the licensing objectives at each of their premises and have policies, procedures and control measures to mitigate these risks. In preparing these risk assessments, licensees must take into account relevant matters identified in the LA Statement of Gambling Policy.

Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

6.2 How is risk being managed?

If the Gambling Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act. The consultation process and council meeting dates have been planned to ensure that the policy is in place at the required time.

The Statement of Gambling Policy will inform decisions taken by the licensing authority that will have an impact on the interests of individuals and businesses. The policy reflects the need to respect the relevant rights given by the Human Rights Act

Decisions of the licensing authority are open to challenge through the Magistrates Court and beyond. The Statement of Gambling Policy is designed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3 What is the impact on the organisation?

The adoption of the policy should have no impact on the organisation. There are no human resource, financial or ICT implications.

6.4 Equalities / EIA

Consideration has been given to the public sector duty under the Equality Act 2010 to reduce inequalities when making decisions of a strategic nature. However, this is a regulatory requirement and as these requirements apply to gambling operators, the impact on individuals is considered to be minimal.

6.5 Implications for partner organisations?

The Gambling Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police. The Police and the other Responsible Authorities have been consulted in the development of the draft policy.

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
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Gambling Act 2005

DRAFT
Gambling Policy
Statement of
Principles
2016/2019



1. Introduction

1.1 Coventry City Council, as the Licensing Authority (referred to in this Statement as the Authority), makes this Statement of Principles in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

1.2 Coventry is a city situated in the West Midlands with a population of 337,400 inhabitants. It is mainly urban but includes significant areas that are semi-rural

1.3 List of Consultees

The Authority has consulted the following on the content of this Statement of Principles:-

- Responsible Authorities
- Holders of existing licences, permits and registrations
- Councillors and Parish Councils and MP’s
- Representatives of businesses
- Representatives of persons carrying on gambling businesses in Coventry
- Local bodies representing vulnerable persons
- Departments within the Council with an interest in the licensing of gambling

1.4 In preparing this statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission, Regulations made by the Secretary of State and responses to its consultations.

2. Gambling Act 2005

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:-

- **preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;**
- **ensuring that gambling is conducted in a fair and open way; and**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

2.2 In carrying out the licensing function under the Act the Authority will aim to permit the use of premises for gambling as long as it is considered to be :-

- **in accordance with any relevant Codes of Practice issued by the Gambling Commission;**
- **in accordance with any relevant Guidance issued by the Gambling Commission;**
- **in accordance with this Statement of Principles; and**
- **reasonably consistent with the licensing objectives.**

2.3 The Act provides for 3 categories of licence :

- operating licences;
- personal licences; and
- premises licences

- 2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.
- 2.5 This statement will come into force on 31st January 2016 and will have effect until 30th January 2019 being kept under review and revised or amended as required following consultation.

3. Authorised Activities

- 3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.
- gaming means playing a game of chance for a prize;
 - betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring; or whether anything is true or not;
 - a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 3.2 The main functions of the Licensing Authority are to:
- licence premises for gambling activities;
 - grant permits for gambling and gaming machines in clubs;
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - consider notices given for the temporary use of premises for gaming;
 - receive occasional use notices for betting at tracks; and
 - register small societies lotteries;
- 3.3 Spread betting is regulated by the Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission. The National Lottery is regulated by Gambling Commission.

4. General Statement of Principles

- 4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and racing tracks.
- 4.2 In carrying out its licensing functions the Authority will have regard to guidance issued by the Gambling Commission.
- 4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This statement of principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Licensing Authority will have regard to the provisions of the Human Rights Act.
- 4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 4.5 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered

the Gambling Commission's Guidance to local authorities. However, the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

5. Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime

5.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities.

5.2 When applying to this licensing authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Council will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission. The Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this gambling policy.

5.3 The Licensing Authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the policy and local area profile and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.

5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

- Where an area is known for high levels of crime the Council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.

- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective and applicants must have regard to the local area profile. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Licensing Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Council may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

6. Ensure Gambling is conducted in a fair and open way

6.1 Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

6.2 In relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Criteria:

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.

- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commission's Codes of Practice have been complied with.

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

7.1 The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).

7.2 The Act and Gambling Commission Guidance does not define the term "vulnerable". For regulatory purposes and the Commission states that it assumes "vulnerable persons" includes:

- people who gamble more than they want to;
- people who are gambling beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

This is the definition the Licensing Authority will use in its consideration of applications.

7.3 This Licensing Authority will pay particular attention to any codes of practice, which the Gambling Commission issues in relation to specific premises such as casinos. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective and applicants must have regard to the local area profile. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Licensing Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.

8. Premises Licences

- 8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:-
- casino premises;
 - bingo premises;
 - betting premises, including tracks and premises used by betting intermediaries;
 - adult gaming centres;
 - family entertainment centres;
- 8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.
- 8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address this through licence conditions wherever possible.
- 8.5 Other than an application for a betting premises licence in respect of a track, the Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.

8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Location

9.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

9.2 A local area profile has been drawn up and operators are required to take into account any sensitive locations within close proximity to proposed gambling premises and provide the Licensing Authority with details of how they propose to mitigate and monitor any risks. Applications will not be granted in sensitive locations unless the relevant criteria have been met. The local area profile & Gambling Risk Assessment document can be found at www.coventry.gov.uk.

9.3 Applicants will have to clearly show that they have considered the profile and the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:

- how the premises will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.,

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

9.4 The Licensing Authority will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

9.5 It should be noted that the profile does not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.

10. Primary Activity

10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity,

and will have regard to the advice which it issues from time to time. Applicants are expected to operate premises in line with the Commissions Guidance and conditions on their operators licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.

- 10.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

11. Responsible Authorities

- 11.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Authority if they are relevant to the licensing objectives.

- 11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:

- The Licensing Authority itself
- The Gambling Commission;
- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

Section 211(4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

- 11.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area: and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

- 11.4 Details of the body designated for Coventry City Council, is the Safeguarding Children Board. Details of this and all other responsible authorities are available on www.coventry.gov.uk and printed form available from the Authority.

12. Interested Parties

- 12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone who:

- 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 in either of the two groups above

- 12.2 The principles the Licensing Authority will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for.
- 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. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.

- 12.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing and Regulatory Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the licensing team.

- 12.4 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

13. Representations

- 13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.

- 13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the Commissions guidance or codes of practice. The Authority must determine the relevance of the representation.

13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.

13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:

- who is making the representation and whether there is a history of making representations that are not relevant;
- whether it raises a 'relevant' issue or not; or
- whether it raises issues specifically to do with the premises which are the subject of the application.

14. Conditions of Licence

14.1 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.

14.2 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

14.3 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:

- relevant to the need to make the premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects
- decided on a case by case basis

14.4 The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
- relating to gaming machine categories, numbers or method of operation;
- which specify that membership of a club or other body is required; and
- in relation to stakes, fees, winnings or prizes.

15. Casinos

15.1 The Authority has already considered its position under Section 166 of the Gambling Act 2005 regarding the application for a casino and has not passed a 'no casino' resolution.

16. Betting Machines in Betting Premises

16.1 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

16.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines.

17. Bingo

17.1 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.

17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.

17.3 This authority also notes the Commissions Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.

17.4 New rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the commission.

17.5 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

17.6 Commercial bingo halls will require a bingo premises licence from the Council

17.7 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed, local authorities will ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

18.0 Tracks

18.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.

- 18.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 18.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 18.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

19. Temporary Use Notices

- 19.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 19.2 The Licensing Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 19.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 19.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission Guidance.

20. Occasional Use Notices

- 20.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

21. Gaming Machines

- 21.1 A machine is not a gaming machine if the winning of a 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.
- 21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers whether to impose such a restriction on any particular permit it may, among other things, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

22. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 22.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 22.2 The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit" and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission's Guidance also states that in their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits and licensing authorities will want to give weight to child protection issues.
- 22.3 Guidance also states that an application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application, licensing authorities may wish to consider asking applications to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - That the applicant has no relevant convictions (those that are set out in the Act); and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 22.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 22.5 This Licensing Authority has adopted a Statement of Principles that is available from the licensing department or at (www.coventry.gov.uk). Potential applicants / other interested persons are advised to read the Statement of Principles before applying to the Licensing Authority for a licence or permit.
- 22.6 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse,

or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

23. (Alcohol) Licensed Premises Gaming Machine Permits

23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

23.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.4 It should be noted that the Licensing Authority can decide to grant the permit application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

23.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

24. Prize Gaming Permits

24.1 The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit".

- 24.2 This Licensing Authority has adopted a Statement of Principles that is available from the licensing department or at (www.coventry.gov.uk). Potential applicants / other interested persons are advised to read the Statement of Principles before applying to the Licensing Authority for a licence or permit.
- 24.3 In making its decision on an application for this permit the Licensing Authority does not need to but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 24.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

25. Club Gaming and Club Machine Permits

- 25.1 Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 25.2 Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 25.3 Licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Commission or the police
- 25.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure

there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced” and “The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.”

25.5 There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

26. Lotteries

26.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Council is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for:

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

27. Exchange of Information

27.1 The principle that the Licensing Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

28. Enforcement

28.1 The Council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections. The targeting of resources towards high-risk premises and activities that require greater attention will provide a more efficient deployment of the Council's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low risk premises, which are well run.

28.2 The Council's approach to enforcement will be based on identified risk and will take into account:

- Relevant codes of practice

- Guidance issued by the Gambling Commission
- The licensing objectives
- The principles set out in this statement of gambling policy

28.3 In general, action will only be taken in accordance with the principles of the Regulatory Compliance Code, Licensing Authority Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.

28.4 The Council will also be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

28.5 In accordance with the Gambling Commission Guidance to Licensing Authorities the Council will endeavour to avoid duplication with other regulatory regimes as far as possible.

28.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

29. The Licensing Process

29.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing and Regulatory Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matters to be dealt with	Full Council	Full Committee	Sub Committee	Officers
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn.	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits/registration of small society lotteries				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision on whether a complaint is irrelevant frivolous vexatious etc.				X
Decision as Responsible Authority to call for a Review of a Premises Licence				X

29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6th April 2016 applicants should carry

out a risk assessment before they apply for a premises licence or to vary a premises licence.

- 29.3 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Place Directorate, Regulatory Services, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 29.4 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Coventry City Council
Regulatory Services
3rd Floor Broadgate House
Broadgate
Coventry
CV1 1NH

Effective date of reviewed policy: 31st January 2016 Valid until 30th January 2019

Appendix B :

Responses to Coventry City Council Statement of Gambling Policy Consultation - 5th August 2015 to 23rd September 2015

1 Background

- 1.1 The public consultation on the draft Statement of Gambling Policy took place for 6 weeks from 5th August 2015-23rd September 2015.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities.
- 1.3 2 responses were received during the consultation period.
- 1.4 All consultees were asked for comments on the draft policy, which have been organised into themes and are presented below.

Theme of comments	Capacity are you responding	Feedback/comments/amendments	Action
Primary Authority Partnership	Association of British Bookmakers (ABB)	Major operators and the ABB on behalf of independent members, have established Primary Authority Partnerships with local authorities. These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.	Noted - No action required for the purpose of the policy.
	Power Leisure	Power Leisure Bookmakers Limited has established a Primary	

	Bookmakers Limited	<p>Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p>	Noted – no action required for the purpose of the policy.
Local Area Risk Assessment	Association of British Bookmakers (ABB)	<p>With effect from 6th April 2016, under new Gambling Commission provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. A review should only be required in response to significant local or premises change. In the ABB’s view this should be where evidence can be provided to demonstrate that the change could impact the premises’ ability to uphold the three licensing objectives.</p> <p>Although the ABB members will be implementing risk assessments at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.</p>	No action required as there is no proposed prescribed form. Operators on variation or new application will be allowed to gear their risk assessments to their own operational processes informed by the Gambling Policy and the Local Area Profile.

Local Area Profiles	Association of British Bookmakers (ABB)	<p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Paragraph 9.5 states that the onus will be on the applicants to show how potential concerns can be overcome. This appears to reverse the burden of proof in Gambling Act 2005 cases. The burden lies on the</p>	<p>No action required - Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers are sensitive premises, these may include:</p> <ul style="list-style-type: none"> • Educational facilities in the local area. • Community centres. • Any vulnerable group or venues relating to those vulnerable groups: i.e. • Homeless or rough sleeper shelters and care/support facilities. • Hospitals, mental health or gambling care providers. • Alcohol or drug support facilities

licensing authority to “aim to permit” applications insofar as they are reasonably consistent with the licensing objectives. The policy cannot reverse that burden.

- Religious Establishments

If an operator intends to apply for a new premises licence or a variation to a premises licence then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact gambling premises and its operation may have on the licensing objectives, considerations for operators are also identified in the Licensing Authority Gambling Policy.

It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus

	<p>Power Leisure Bookmakers Limited</p>	<p>Coventry City Council will be aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators.</p>	<p>will be upon the applicant to show how the potential concerns can be overcome.</p> <hr/> <p>Noted –Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers are sensitive premises, these may include:</p> <ul style="list-style-type: none"> • Educational facilities in the local area. • Community centres. • Any vulnerable group or venues relating to those vulnerable groups: i.e. • Homeless or rough sleeper shelters and care/support facilities. • Hospitals, mental health or gambling care providers.
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	<p>Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.</p> <p>The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 5 and 7). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission’s LCCP, do not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be</p>	<ul style="list-style-type: none"> • Alcohol or drug support facilities • Religious Establishments <p>If an operator intends to apply for a new premises licence or a variation to a premises licence then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local.</p> <p>It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.</p>
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		<p>addressed by operators' existing measures and compliance with governing legislation.</p> <p>When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.</p> <p>Should the Licensing Authority introducing detailed policies regarding the location of specific gambling premises (section 9.2), thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.</p> <p>Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.</p>	
Increase in Regulatory Burden	Association of British Bookmakers (ABB)	Moving away from an evidenced based approach would lead to substantial variation between licensing authorities and increase	Noted no action required

		regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.	
Application objections	Association of British Bookmakers (ABB)	Paragraph 4.5 indicates that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for a premises licence. The policy may be assisted by including a statement that matters of demand or public nuisance are also not valid reasons to reject applications for premises licences. This is recognised later in the policy at paragraphs 9 and 12.4 respectively..	Noted no action required
Criteria/Considerations	Association of British Bookmakers (ABB)	Paragraphs 5-7 detail matters that the authority will consider when determining an application under Gambling Act 2005. Some of the considerations refer to the imposition of conditions. The licensing authority is reminded that premises licences issued under Gambling Act 2005 are already subject to heavy regulation by virtue of the mandatory and default conditions. Additional conditions can only be imposed where there is specific evidence of a risk not addressed by the mandatory and default conditions. It is respectfully submitted that in the vast majority of cases, additional conditions will not be required.	Noted no action required
Location of Premises	Association of British Bookmakers (ABB)	Paragraph 9.3 suggests information that may be considered when applicants are considering the potential impact of the proposed business on the licensing objectives. The authority is reminded that betting premises are premises into which under 18's may not enter and that all operators have policies, procedures and staff training to ensure that this mandatory condition is not breached. The default condition for betting premises licences is that they may open between 7am and 10pm. Betting premises will, therefore, be open during school start and finish times.	The local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome. Noted no action required

	Coral Racing Ltd	<p>Whilst each application will be judged on its merits and the guidance provided is not mandatory, within section 9.3, it is indicated that operations will be restricted to times which do not clash with schools start and finish times.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges or being located in the middle of residential estates and no evidence whatsoever that they cause problems.</p> <p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (effective date is from 6th April 2016) and are pleased to see this detail briefly included within the document. We would be pleased to provide input into any consultation with regard to this.</p>	The local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.
Conditions of Licence	Association of British Bookmakers (ABB)	<p>The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local</p>	Noted no action required

	Power Leisure Bookmakers Limited	<p>authorities.</p> <p>The ABB welcome the statement that the authority will not generally impose conditions that limit the use of premises for gambling. As stated above, in the vast majority of cases the mandatory and default conditions will usually suffice and if additional conditions are to be imposed then there would need to be evidence in a hearing that additional conditions were necessary in the particular circumstances of that case.</p> <p>Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	Noted no action required
Additional information required by the Licensing Authority	Power Leisure Bookmakers Limited	<p>Section 5 suggests that the Authority may require additional information to be contained within premises licensing plans to enable the assessment of premises layout when considering premises management and potential areas of conflict. Whilst such information can be provided to the Authority to enable effective analysis of an operator's proposals, the addition of any further requirements for licensing plans is a matter for consideration by Parliament; as such proposals were previously rejected in consideration of other licensing regimes. The inclusion of additional requirements may be addressed by future amendment of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007. Any details provided in support of an application not required by the governing legislation</p>	

		<p>should be for illustrative purposes only and not form part of a premises licence plan.</p> <p>The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p> <p>Paragraph 9.5 states that the onus will be on the applicants to show how potential concerns can be overcome. This appears to reverse the burden of proof in Gambling Act 2005 cases. The burden lies on the licensing authority to “aim to permit” applications insofar as they are reasonably consistent with the licensing objectives. The policy cannot reverse that burden.</p>	
General	Association of British Bookmakers (ABB)	<p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.</p> <p>Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p>	Noted no action required

	Power Leisure Bookmakers Limited	<p>As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.</p> <p>We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation.</p> <p>The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. As the Gambling Commission is in the process of amending its Guidance to Licensing Authorities, should the Authority's policy require further revision, stakeholders should be consulted before any final changes are made. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.</p> <p>Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.</p>	Noted no action required
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Risk Assessments	<p>Licence Conditions and Codes of Practice have been revised by the Gambling Commission. From April 2016, applicants are required to produce a local risk assessment to mitigate any risks. Criteria and Considerations are provided at sections 5, 6 & 7 of the revised policy.</p> <p>Section 5 Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime</p> <p>The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities.</p> <p>When applying to this licensing authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Council will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission. The Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commissions Guidance, codes of practice and this gambling policy.</p> <p>The Licensing Authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the policy and local area profile and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.</p> <p>To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.</p> <p>Criteria:</p> <p>Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.</p> <p>Considerations:</p> <p>Where an area is known for high levels of crime the Council will consider carefully whether gambling premises are suitable to be located there, and</p>
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whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.

Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.

Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.

The Licensing Authority will also consider the location of the premises in the context of this licensing objective and applicants must have regard to the local area profile. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Licensing Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.

Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Council may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

Section 6 - Ensure Gambling is conducted in a fair and open way

Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

In relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Criteria:

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.

Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.

Whether the management and operation of the premises is open and transparent.

Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.

Whether the Commission's Codes of Practice have been complied with.

Section 7 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).

The Act and Gambling Commission Guidance does not define the term "vulnerable". For regulatory purposes and the Commission states that it assumes "vulnerable" persons" includes:

people who gamble more than they want to;
people who are gambling beyond their means; and
people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

This is the definition the Licensing Authority will use in its consideration of applications.

This Licensing Authority will pay particular attention to any codes of practice, which the Gambling Commission issues in relation to specific premises such as casinos. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

	<p>Considerations:</p> <p>Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.</p> <p>If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.</p> <p>Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare</p> <p>Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <p>Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.</p> <p>The Licensing Authority will also consider the location of the premises in the context of this licensing objective and applicants must have regard to the local area profile. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Licensing Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.</p>
Local Area Profile	<p>A local area profile drawn up for sensitive locations. From April 2016, applicants for new/variation premises licences are required to consider this profile – A new Section 9 as follows has been included in the policy.</p> <p>Section 9 - Location</p> <p>This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.</p>

A local area profile has been drawn up and operators are required to take into account any sensitive locations within close proximity to proposed gambling premises and provide the Licensing Authority with details of how they propose to mitigate and monitor any risks. Applications will not be granted in sensitive locations unless the relevant criteria have been met. The local area profile & Gambling Risk Assessment document can be found at www.coventry.gov.uk.

Applicants will have to clearly show that they have considered the profile and the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:

- how the premises will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.,

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

The Licensing Authority will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

It should be noted that the profile does not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.

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Finance and Corporate Services Scrutiny Board (1)
Cabinet
Council

11th November 2015
24th November 2015
1st December 2015

Name of Cabinet Member:

Cabinet Member for Strategic Finance and Resources – Councillor Gannon

Director Approving Submission of the report:

Executive Director Resources

Ward(s) affected: All

Title:

Medium Term Financial Strategy 2016-19

Is this a key decision?

Yes

Cabinet and subsequently Council are being recommended to approve the Medium Term Financial Strategy for 2016-2019 which involves financial implications in excess of £1m

Executive Summary:

This report presents a Medium Term Financial Strategy (MTFS) for 2016-2019 for adoption by the City Council. The previous strategy was approved in November 2014. This Strategy sets out the financial planning foundations that support the Council's vision and priorities and leads to the setting of the Council's revenue and capital budgets. The Strategy will be considered at the same meeting of Cabinet alongside the Council's Pre-Budget Report that sets out the work undertaken in preparation for the 2016/17 and future years' revenue budgets and capital programme.

The Government's July 2015 Summer Budget announced a further period of public sector spending reductions over the course of the new Parliament and this provides a key backdrop to the Council's medium term financial position. However, further detail on the local future years funding position will not be clarified until after the results of the forthcoming Spending Review, due to be published on 25 November and the Local Government Finance Settlement expected in late December. The high likelihood is that these will confirm continued cuts in Revenue Support Grant for local government on a trajectory which is broadly consistent with cuts made since 2010. Therefore, the fundamental factor shaping the City Council's MTFS continues to be one of unprecedented financial pressure leading to further significant reductions in spending levels that are likely to continue in the period up to 2020 and possibly beyond. Indeed, if the current pattern of local government funding continues, this indicates that in real terms, for every £10 of net budget the Council had available in 2010/11 it has just over £7 now and will have nearer £5 in 2024/25.

In summary, the national and local contexts that frame this Strategy include:

- A paramount need to protect the most vulnerable people in the city including children at risk, children and young people in care, victims of domestic abuse and vulnerable adults and older people;
- Year-on-year 10% headline cuts to Government resources and a move towards greater complexity and ring-fencing in areas such as social care, health and regeneration;
- Fast population growth causing greater demand or expenditure pressures in areas such as housing, social care and waste disposal;
- An increasing Council focus on promoting growth in the local economy
- Changes to the national frameworks for delivering social care, including where this interacts with the health sector, driven through the Care Act and the Better Care Fund.
- The impact of continued difficult economic circumstances for many, affecting both the number of people seeking support from Council services and the financial performance of the Council's income based services;
- Upward pressure on Pension Fund contributions, in particular to fund pension past service deficits;
- Management of responsibilities in the areas of Business Rates and Council Tax Support that carry with them the risk of significant financial volatility;
- Business Rates and Council Tax income plus locally generated rents, fees and charges becoming an increasing proportion of the Council's funding as government grant falls. Government plans have been announced which are intended to allow councils to retain 100% of Business Rates income before the end of the current Parliament
- The transfer of schools to Academy status putting increasing pressure on the Council's core education functions and other services that trade with the city's schools.
- More complex service delivery models across the Council driven by the need to modernise and rationalise services and work in tandem with partners and neighbouring authorities.
- Continued expectations on the Council to maintain service levels and standards across the full range of core services despite the financial challenges;

In addition, on 13th October 2015 the Council took an in-principle decision to join with other councils across the region to form a West Midlands Combined Authority (WMCA) - a statutory body to facilitate collaboration and joint working between local authorities to improve economic development, regeneration and transport in the area. The precise structure, functions and financial arrangements of the authority continue to be developed at this time. In particular, it is possible that a Devolution Deal will be struck between WMCA and Government, seeing additional delegations and devolution of power and resources to the West Midlands. It is too early to predict the financial implications of this for the City, and the impact on the MTFS.

Taken together, these factors represent a combination of reducing resources, challenging underlying economic and demographic conditions, increased demand, a heightened need to improve the quality of services and new challenges represented by government reform and local structural and governance relationships. In these circumstances it is crucial that the Council's financial strategy is both robust and flexible. This will provide the financial foundations required to ensure that Council services are fit for purpose to protect the most vulnerable as well as providing decent core services for every citizen in the city.

In support of these aims, the City Councils strategic financial approach to the demands that it faces includes:

- A fundamental commitment to protecting the city's vulnerable children, adults and older people.

- Identifying unprecedented savings from new strategies incorporating Kickstart, the Customer Journey and Connecting Communities (formerly City Centre First).
- Integral to these new strategies, changing the relationship between the Council and its citizens reflecting the reality that the Council will provide a smaller range and lower level of services in new ways and out of far fewer locations.
- Leading the drive for economic growth and stimulating the local economy through a combination of the Coventry Investment Fund, externally funded Regional Growth Fund, Growing Places Fund and other Local Enterprise Partnership funding streams, the City Deal initiative and working up the possibility of a WMCA Devolution Deal that will drive economic and business rate growth;
- Moving the Council's main customer facing and office based activities into the newly operational city centre Customer Services Centre and a purpose built office block within the forthcoming Friargate business district in order to regenerate the City, transform the Council and deliver savings.
- Transforming through digitally enabling Council services to deliver efficiencies, improved customer experience and to keep pace with modern ways of working.
- A new Workforce Strategy requiring a significantly smaller workforce working in flexible ways consistent with a modern organisation, ensuring that the Council has the talent in place necessary to deliver the challenging agenda that it faces.
- Doing things differently by considering alternative service delivery models and options for delivering service outcomes in different ways with less reliance on Council delivered services.
- Seeking to optimise the use of pooled or new funding available to support social care and health
- Providing the local planning and infrastructure environment to enable the level of housing growth required to match the growth in the city's population
- Investing in the environmental elements that support the regeneration of the city including its public realm, the city's highways network and its cultural and leisure offer to make Coventry an attractive place to live and work.

Based on initial estimates of future funding settlements, the City Council's indicative financial position moving into the 2016/17 budget setting process shows a major funding gap increasing to £28m in 2018/19 as shown below. This gives a clear picture of the massive financial challenges faced by the Council. This financial position is developed further in the Pre-Budget Report being considered alongside this MTFS at the same Cabinet meeting and can be expected to become yet more acute in the period beyond this MTFS based on ministerial announcements about continued spending cuts.

	2016/17 £m	2017/18 £m	2018/19 £m
Revised Revenue Budget Gap	13.1	15.8	28.0

Recommendations:

- (1) Finance and Corporate Services Scrutiny Board 1 is recommended to consider whether there are any comments/recommendations that they wish to make to Cabinet.
- (2) Cabinet is recommended to:
 - (a) Consider any recommendations from Scrutiny Board 1
 - (b) Agree the report and recommend that Council approve the Strategy.

(3) Council is recommended to approve the Strategy as the basis of its medium term financial planning process.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

Yes

Finance and Corporate Services Scrutiny Board (1), 11th November 2015

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes

Council, 1st December 2015

Medium Term Financial Strategy 2016-19

1. Context (or Background)

1.1 Financial Background

- 1.1.1 This Strategy sets out the financial planning foundations that support the Council's vision and priorities and leads to the setting of the Council's revenue and capital budgets.
- 1.1.2 The Government spending review announced in July 2015 will be reported in detail as part of the Autumn Statement in late November, with the Local Government Settlement expected in December. However, it is clear that severe financial constraints will remain until at least 2019/20, when the Government has targeted a Budget surplus. The extension of the existing protection of Health, Education and Overseas Aid budgets to cover Defence as well, means that unprotected budgets including local government will need to find national savings of up to £20bn by 2018/19. Government have advised non protected Departments to plan for cuts of 25 to 40%. It can only be assumed that cuts to Local Government funding will be at the upper end of this range.
- 1.1.3 Resources available to Coventry have fallen by c£80m over a four year period to 2015/16, and its Settlement Funding Assessment could fall by a further amount in the region of £40m by 2018/19. Taken together, the austerity measures implemented by the Government will have led to cuts in Coventry's core government funding of approaching 55% over 7 years.
- 1.1.4 Local government has delivered significant savings in recent years and in broad terms the most straightforward savings have already been made. The continued downward pressure on public service resources will have significant future impacts on what councils do and how they do it. A need to radically reassess which services continue to be provided and their nature and scale is further accentuated by the ever increasing demand for services, particularly in the social care arena.

1.2 National Developments

- 1.2.1 Apart from the increasing financial pressures that all public bodies face, there is a range of national developments set out below, which impact on local authorities.
- 1.2.2 The establishment of Combined Authorities provides regions with the opportunity to use powers and resources devolved from government in order to develop services across a number of areas, including the transport, economic development and housing, as well as securing greater finance for localities. A total of 38 proposals have been submitted to government from across the country, including the West Midlands, of which Coventry forms part.
- 1.2.3 The Better Care Fund is now operating with the aim of integrating health and social care services in order to ensure that people receive improved, more personalised care services. From 2015/16 NHS and local government budgets totalling £5.3bn have been pooled between the local authorities and Clinical Commissioning Groups to deliver improved outcomes for citizens.
- 1.2.4 The Care Act represents the most significant reform of care and support in more than 60 years, putting people and their carers in greater control of their care and support. The main provisions were implemented on 1 April 2015. However, the "care cap" through

which the cost of care services to the individual were to be limited to £72k and the associated changes to the means test have now been postponed until 2020.

- 1.2.5 In the regeneration arena, a range of different funding streams, largely of a capital nature, have been made available on a sub-regional basis for local government and businesses to allocate through Local Enterprise Partnerships.
- 1.2.6 Economic growth has been an important part of the Government's financial recovery plans with the intention that tax revenues will recover to help bridge the national budget deficit. The current Business Rate regime whereby local government retains a share of local business rates growth ensures a direct link between growth and income for local authorities and government is now planning to extend this to cover 100% of Business Rates income although details of how and when this will operate remain unclear.
- 1.2.7 Population growth and demographic and socio-economic trends are causing increases in demand or expenditure pressures in areas such as housing, social care and waste disposal. There is a continued dialogue between national and local government on the need for a greater level of new housing building across the country. The ageing population represents an increasing pressure on social care services for older people whilst a range of other societal and health related trends has increased demand both in other adult social care services and in children's social care.
- 1.2.8 Notwithstanding the gradual economic recovery over the recent period, there are continued difficult economic circumstances for many, affecting the number of people seeking to access local government services and those provided by the voluntary sector, working in partnership with local councils. The Summer Budget included proposals for further welfare reform changes, the further impacts of which will be only become clear over time.
- 1.2.9 The schools sector continues to experience greater fragmentation with the move towards free schools and academy schools. The government has indicated that the drive towards schools becoming academies will continue, with the Prime Minister setting out his aspiration that every school should become an academy. This is changing the face of local education provision and reducing the role of councils as local education authorities, putting pressure on the remaining rump of local authority education services and budgets and balance sheets.
- 1.2.10 The Government continues to have a tight rein on the level of Council Tax increases nationally. Council Tax Freeze grants have been provided for authorities that have frozen tax rates whilst caps have been placed (equivalent to a 2% rise) on the level of increase that can be approved without the need for a local referendum.
- 1.2.11 National pension reforms have failed to address the long-term problems of public sector pensions, including the local government scheme. On a national basis, many local councils are likely to face massive increases in employer pension costs over the coming years at a time when budgets are under severe pressure from the reduced grant settlements referred to above.

1.3 The Local Economic and Financial Context

- 1.3.1 Coventry has significant potential for growth with two global universities, an unrivalled location, exceptional transport infrastructure links and a talent pool for employers to recruit across the region. The Centre for Cities 2015 review of the condition of UK cities presented an encouraging picture of the city's potential with above average growth (by size of city) in the number of business, jobs and housing stock. There is also significant potential for the City to grow as part of a Devolution Deal and/or as a consequence of

High Speed 2 rail link and the ancillary developments which are being planned and which lie within a few miles of the City. However, Coventry's economy is underperforming, in particular the City Centre, being reported previously as 47th in the UK list of shopping Centres despite being the 13th largest City. Coventry recognises the significant headroom for growth and is working hard to provide the economic stimuli it needs to address this.

- 1.3.2** The financial starting point for the Council's MTFs is the forecast position as at budget setting in February 2015, reflected in the table below with a budget gap rising to £28m. The Council's Pre-Budget Report which will be reported to Cabinet alongside this report will incorporate the revisions to this base position. These are likely to include the latest estimate of Government resources, the impact of lower financing costs due to reduced capital programme borrowing and an update on the Council's Council Tax and Business Rates resources. At the time of writing, it is expected that the balance of these changes will close the revenue gap for 2016/17 although it is fully expected that significant gaps will remain for future years.

	2016/17 £m	2017/18 £m	2018/19 £m
Revenue Gap per 2015/16 Budget (Feb 2015)	13.1	15.8	28.0

The level and nature of activity within the Council's social care services is creating very large cost pressures whilst it also faces significant challenges in delivering the budgeted service and workforce transformation savings from Kickstart (including customer journey), Workforce Strategy, Connecting Communities and Doing Things Differently. These existing savings rise to £40.4m by 2017/18. Further work is on-going to establish the likely medium term implications of these issues and the strategies for addressing the budget challenges resulting from them. However, it is important to recognise that detailed plans do not yet exist for delivering all of the savings required. The Council needs to maintain a very clear focus on identifying and developing the specific transformation approaches that will be necessary to achieve existing targets in the MTFs and ensure that all the relevant stakeholders are involved in and have an opportunity to shape these approaches.

- 1.3.3** The current Capital Programme approved in February 2015 per the table below, provided for a number of large investment programmes across the city including the construction of the Council's Friargate office; Coventry Station Masterplan; Nucleo rail project; a new city centre leisure facility, as well as investment in school buildings and business development. The Programme will be updated as part of the 2016/17 Budget including an assessment of the sources of funding and the degree to which the Council will need to undertake borrowing to fund expenditure.

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Capital Programme Spend	124.8	60.3	41.3	17.5

- 1.3.4** The Council's **reserve balances** (£84.5m as at 31st March 2015) have been reviewed recently as part of a joint officer/member working group which has assessed their adequacy for current known liabilities and approved policy commitments. As part of this exercise £5.2m of balances have been identified as being able to be freed up to

contribute to the Council's corporate Budget Setting process, through the funding of employee severance costs which in-turn will facilitate the future transformation savings required. The Council's uncommitted working balance which stands currently at £5.2m (£7.3m at 31st March 2014), equivalent to 2.2% (2.8% at 31st March 2014) of the net revenue budget, is maintained to cover unforeseen financial problems. The review determined that this balance remains at an appropriate level.

2. Options Considered and Recommended Proposal

- 2.1 The remainder of the report contains the proposed Medium Term Financial Strategy. It is recommended that Cabinet and Council approve the Strategy subject to any comments or changes from Finance and Corporate Services Scrutiny Board. The Strategy is structured around three core elements:
- The Council Plan;
 - Strategic Policy Assumptions within the MTFS;
 - Strategic Financial Management Framework;

2.2 Council Plan

- 2.2.1 The MTFS rests on the principles, visions and priorities set out for the City within the Council Plan, which was revised in July 2015. In summary these are:
- Globally Connected: promoting the growth of a sustainable Coventry economy that benefits the city and making sure that residents share in the benefits;
 - Locally Committed: improving the quality of life for Coventry people by working with local communities and especially for our most vulnerable residents;
 - Delivering our Priorities with Fewer Resources:
 - Making the most of our assets;
 - With active citizens and strong and involved communities.

The full plan is available on the Council's website or via the following link: [Coventry Council Plan - July 2015](#)

- 2.2.2 In 2014 the Council received the 2014 Ofsted Inspection Report which assessed the Council's Children's Services as inadequate. Amongst other measures this has led to a need to increase capacity within the service to ensure appropriate caseload levels for social workers. In addition, there has been a very significant increase in the number of referrals to the Council's social care service causing a heightened focus on this area. Protection of these vulnerable children is the paramount policy priority for the Council and as part of 2015/16 Budget Setting the Council approved a very significant financial investment to ensure that the service is resourced to meet its immediate demands across the city. Over the medium term, it will be necessary to ensure that social care and early intervention services are delivered in a way that strikes an appropriate balance between service need and the achievement of value for money.

2.3 Strategic Policy Assumptions within the MTFS

- 2.3.1 The policy assumptions that will drive the Council's financial strategy are set out below.
- 2.3.2 The Council's transformation programme is now centred on four key overlapping strategies: **Kickstart**, incorporating **Customer Journey**; **Connecting Communities (formerly City Centre First)**; **Workforce Strategy** and **Doing Things Differently**. These

strategies are aligned to and are being driven by an extensive rationalisation of the Council's office estate, investment in new technology to support agile working and an improved customer experience including a shift towards enabling the Council's customers to self-serve on line.

- 2.3.3 The **Kickstart and Customer Journey** projects will provide a platform for modernising the way the Council works and be a springboard for Council members and officers to operate in far more streamlined and cost effective ways. The Friargate business district regeneration project adjacent to Coventry railway station continues to advance. The replacement of the ring road junction and the construction of the first office building as the Council's office base provide a visible sign of the major change in the city. This regeneration project is critical for delivery of jobs and business rate growth for the City, to attract new businesses, boost confidence, to increase city centre footfall, to help facilitate the City Centre South development and to generate economic prosperity for the City.
- 2.3.4 In addition, the **Customer Journey** project will help to change the way that citizens access services, with decreasing dependence on face to face services except for the most vulnerable and increasing use of web-based solutions which are more convenient for many of the Council's customers. The establishment of the imminent Customer Services Centre in Broadgate House will provide a focus for customer contact within the city centre.
- 2.3.5 The Council's Connecting Communities programme savings target (formerly City Centre First) was established with the aim of rationalising the Council's suburban estate and delivering or co-ordinating a range of services from a smaller number of suburban hubs. Further work has continued to explore the best way of delivering the strategy and this will result in a forthcoming report recommending a series of proposals as a basis for consultation.
- 2.3.6 The Council's **Workforce Strategy** has already seen a number of actions put into practice including a voluntary redundancy programme within 2014/15, centralising the management of salary budgets and tight control over filling any vacant posts. Further work continues to consider the range of potential options on offer. This will include a further voluntary redundancy programme and other potential steps that could affect pay and conditions for Council employees. Any such changes will be subject to member approval and consultation with the Trades Unions.
- 2.3.7 **Doing Things Differently** incorporated a number of individual savings proposals, some of which began to introduce the concept of changing the Council's relationship with its citizens. This entails encouraging those who are able to, to do more for themselves so that the Council can focus its scarce resources on the most vulnerable citizens. In order to direct services to those in most need the Council, at a time of great financial pressure, will continue to engage in a conversation with the people of Coventry in order to manage down the demand for services. To achieve this, the Council will gain greater understanding of its communities and insight into what the different needs are across the city. This will put it in a stronger position to roll out new service delivery models and options for delivering service outcomes including co-designed services, social and mutual enterprises and Coventry citizens playing a greater role in the future of the City. In addition, the Council will engage in new ways of working across the City embracing digital platforms to reach new sections of the community.
- 2.3.8 The development of the **West Midlands Combined Authority** provides both the City and the region with a significant opportunity to secure greater devolved powers and resources, and create a structure that can help facilitate economic growth across the region and improve the degree of integration in other areas, specifically transport in the first instance.

- 2.3.9 Although the introduction of the cost cap under the Care Act has been postponed until 2020, a number of changes have now been implemented within care services. In particular, the Council will work co-operatively with the local (Coventry and Rugby) Clinical Commissioning Group, with the intention of improving personalised care for those in need. The integration of services and the pooling of resources within the Better Care Fund support this drive to improved services. However, the demand and associated cost pressures remain.
- 2.3.10 The Council continues to work with partner organisations to invest in the regeneration of the City and lead a drive for economic growth. Projects such as the Cathedral Lanes redevelopment and FARGO have been supported through the Coventry Investment Fund (CIF). The fund, has made available up to £50m to maximise business related capital investment and support growth initiatives. The CIF builds on the success of other externally funded programmes such as the Regional Growth Fund, Growing Places and the City Deal initiative, complementing existing funding streams and meeting the gap not addressed by these funds.
- 2.3.11 The Council will continue to consider the timing and options to proceed with plans for the City Centre South project, designed to regenerate a significant part of the city centre. The progression of the City Centre Leisure facility, further city centre Public Realm works and Friargate will complement any future City Centre South project, which will only go forward on the basis an improved retail offer based on a sustainable financial model.
- 2.3.12** On a case by case basis the Council will provide commercial loan finance to key organisations, such as Coombe Abbey Hotel, to give opportunities for important local businesses to develop and flourish. The starting point for this type of arrangement is that it will be no worse than cost neutral to the Council and that it will support the regeneration of the city and/or that it will protect the Council's financial or strategic interests.
- 2.3.13** Through the Local Plan the Council will work with its neighbours to secure the most appropriate and sustainable locations for housing growth across the housing market area. In order to facilitate the growth in the local population and housing stock, work will continue to invest in the city's highways network and local transport infrastructure which will help to ensure that Coventry both is, and is perceived to be, open for business. Investment will also continue in the making Coventry an attractive place to live and work, with further works on the city's public realm and local leisure facilities for instance. The Council will take advantage of opportunities offered by the Community Infrastructure Levy, chargeable on new developments, to support improvements in infrastructure to support growth within the city.
- 2.3.14 The 2015/16 approved capital programme includes £11m of funding from revenue resources of which over £6m is on-going. The need to identify one-off revenue resources to help support balancing the revenue budget has led to consideration of whether this approach remains appropriate or whether use of Prudential Borrowing could be used as an alternative. This would free up revenue, allowing resources to be directed towards making the savings required within the medium term revenue programme. The use of Prudential Borrowing would spread the cost impact over a number of years, better matching the period over which the capital assets are used. However, higher Prudential Borrowing would increase the Council's debt and the cost of interest over the longer term. The Council's approach will be to continue to fund on-going programmes of capital spend in the areas of highways, property and ICT from on-going revenue sources. However, it will seek to minimise any further revenue funding of capital, in particular where the capital expenditure is of a one-off nature.

2.3.15 The Council funds its capital borrowing repayments by making an annual Minimum Revenue Provision (MRP) charge to revenue, in line with its MRP policy. The underlying requirement is that MRP should be at a prudent level. In the light of severe financial pressures many authorities are rescheduling MRP in order to reduce the short term revenue burden, but in a way that is prudent given the long term nature of local authority debt and assets. The Council will consider its MRP policy in order to ensure that it is both prudent and affordable. Any proposed changes to the policy, together with associated savings, will be brought forward for approval within the Budget Setting report.

2.3.16 The Council will continue to drive towards **Income Maximisation** through a number of routes:

- maintaining the Council's default position that **fees and charges** should increase annually in line with inflation;
- **generating capital receipts** where there is a clear business case for doing so by disposing of property and thereby providing funds for capital reinvestment in services, driving growth or making savings through the repayment of debt.

2.3.17 The Council is obliged to work towards ensuring that 100% of its pension liabilities within the West Midlands Pension Fund are funded. The current level of funding is at or around 70%. In the light of this the Council's contributions to the pension fund, in particular in relation to the costs of past service, are planned to increase very significantly up to 2016/17 and this increased cost is included within the Council's financial plans. The period from 2017/18 may see further pressure to increase contributions as a result of the forthcoming triennial review. The Council will work with the West Midlands Pension Fund to agree employer pension contributions that strike a balance between increasing the funding level over the long-term and being sustainable and affordable in relation to the Council's overall financial position.

2.3.18 Local authorities continue to be responsible for setting levels of **Council Tax Support**, but with a 10% reduction in resources. The financial risk therefore remains with local government. A public consultation exercise has just concluded on Council proposals to reduce the level of support and the results of this will be reflected in the Council Tax Support policy due to be approved by Council in January 2016.

2.4 Strategic Finance Management Framework

2.4.1 The Strategic Financial Management Framework encompasses the Council's strategic financial management processes and also the key financial assumptions on which the MTFS rests.

2.4.2 The **financial management processes** that underpin the MTFS are:-

- A corporate planning and monitoring process that considers capital and revenue together;
- Overall direction undertaken by Strategic Management Board (SMB);
- A framework founded on delegation and clear accountability, with budgets managed by the designated budget holder, reported through Directorate Management Teams, SMB, Cabinet and Audit and Procurement Committee;
- A drive to identify efficiencies and achievable savings to enable the Council to optimise delivery of its policy priorities
- Strong project management approaches, including a specific focus on cost control;

- The establishment of a balanced revenue budget and capital programme over the medium term planning period.
- The **management of reserves** in a way that supports the MTFS and the Council's priorities. In particular, the City Council's approach is based on:
 - A policy that reserves are not to be used to: (i) meet on-going expenditure or (ii) fund capital expenditure other than for mostly short life asset rolling programmes or in exceptional circumstances, for capital schemes of major importance;
 - The classification of reserves as a corporate resource, with Cabinet via Strategic Management Board considering the application of budgeted amounts unspent at year end;
 - Holding reserves for a clearly identifiable purpose. This will include protecting against known or potential liabilities, at a minimum level consistent with adequate coverage of those liabilities, taking into account the overall level of risk faced by an organisation of the City Council's size.

2.4.3 The key financial or technical assumptions that underpin the MTFS are:

- The Council will plan for Government grant settlements based on estimates informed by the outcome of the Government's July 2015 Spending Review and the local government sector's interpretations of the impact of this. Significant uncertainty remains about what this will mean in any great detail but it is clear that the Council will need to plan based on a continued downward trajectory of Government resources with a planning assumption of on-going reductions of c10%;
- As a technical assumption, Council Tax increases of just under 2% per annum will be built into the MTFS. This will be subject to political debate and decision as well as any changes in the Government's capping criteria and interaction with Council Tax Freeze Grant proposals;
- 1%pa pay awards will be assumed until 2019/20 in line with indicative Government announcements. Subsequent to its initial announcement of the 1% level the Government has indicated that it expects this to be the average rate of increase, with particular pay settlements potentially being either above or below this. This will be kept under close review;
- Business Rate income will be assumed to be inflated broadly in line with recent CPI inflation levels but flexed each year where shorter term inflation expectations dictate. In addition, the Council's local share of Business Rate growth has been built in equivalent to £1m in 2016/17. Further increases in future years will be subject to review during the Budget Setting process;
- Planning on the basis of the underlying Council Tax-Base growing at 0.6% per annum in line with historical trends but flexed each year where shorter term expectations dictate;
- The budget for the Council's Asset Management Revenue Account has been reviewed in detail, and this can allow resources to be released. This review has been based on a number of assumptions including: no new borrowing in the next 4 years, with cash needs being met from existing cash balances; capital expenditure being resourced from prudential borrowing consistent with that set out in the capital programme; and a gradual rise in interest rates over the planning period;
- Forward financial estimates will be guided by existing CPI inflation levels in line with practice adopted across a broad range of public sector areas. This will provide the financial planning benchmark for increases in fees and charges and any areas of expenditure subject to specific inflation requirements. Actual increases in fees and

charges will depend upon local factors such as the need to generate sufficient income to meet the cost of trading services. The majority of non-employee based expenditure budgets will not be inflated – the assumption will be that continued procurement and commissioning work plus underlying efficiency savings and downsizing will deliver savings equivalent to the cost of inflation. A number of areas subject to external contracts are more likely to reflect inflation patterns dictated by pay inflation and this expectation will be built into Council budgets in the affected areas.

- The Council's Minimum Revenue Provision (MRP) policy will be based on an approach that is both prudent and affordable in a way that reflects the long term nature of local authority debt and assets.

3. Results of consultation undertaken

- 3.1 No consultation has been undertaken as part of the MTFs. The implementation of the Strategy through Budget Setting and other individual projects, programmes and initiatives will be accompanied by specific consultations as appropriate.

4. Timetable for implementing this decision

- 4.1 The MTFs will underpin the proposals and approaches that will be set out in the forthcoming Pre-Budget Report and will be implemented in parallel to the proposals for setting the 2016/17 Budget.

5. Comments from the Executive Director of Resources

5.1 Financial implications

The main body of this report is concerned wholly with financial matters. It is important that the assumptions and principles detailed in the Strategy are adopted in order for the City Council to be able to deliver balanced budgets over the medium term.

Taking into account both the strategic policy and financial management assumptions set out in the report, some revisions to the base position that have emerged since February and some initial estimates of savings that may derive from the strategies outlined in the report, a revised projected gap will be set out in the forthcoming Pre-Budget Report.

Moving into the 2016/17 Budget Setting process there is still a forecast gap rising to £28m in 2018/19 which is expected to rise in the years beyond that. Coventry faces the challenges and major policy choices faced by many other authorities in recent years. Specifically, the Council will need to decide which areas of service are open to review and which are to be outside of scope for savings. The greater the number of areas that are outside the scope for savings, the greater will be the impact on the remaining services. However, the size of the gap makes it inevitable that areas not previously considered will now need to be reviewed and some services will be delivered differently or quite possibly not at all.

5.2 Legal implications

The proposals in this report provide the foundations to allow the Council to meet its statutory obligations in relation to setting a balanced budget by mid-March each year, in accordance with Section 32 of the Local Government Finance Act 1992 and section 25 of the Local Government Act 2003.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The Council will be faced with increasingly challenging resource constraints over the remainder of this decade. Over time the initial focus to identify savings options that are intended to have as little adverse impact as possible on services to the people of Coventry will inevitably give way in the future to service changes that will have a more marked effect on front-line services. Within these very difficult circumstances, the MTFS is closely aligned to the Council Plan priorities that are so critical to ensuring the city's success.

6.2 How is risk being managed?

Inability to deliver a balanced budget is one of the Council's key corporate risks. The proposals within this report are aimed at mitigating this risk by providing a robust platform from which to deliver balanced budgets. The Council's process for addressing risk is being reviewed currently.

6.3 What is the impact on the organisation?

The Council will need to make some decisions about which are its core priorities and which services it considers that it can no longer afford. It will also need to become more flexible about the mechanisms through which it delivers its services. In addition, the Council continues to use Early Retirement/Voluntary Redundancy opportunities as the key mechanism by which it is able to reduce staffing levels across the Council. It is anticipated that this mechanism will continue to be used and that the Council will continue to reduce employee numbers over the course of the Strategy.

6.4 Equalities / EIA

Equality impacts that flow from proposals within the Council's budget will be subject to assessment prior to the relevant decisions being taken. The forthcoming Pre-Budget Report will provide a further indication of how any equality issues will be managed.

6.5 Implications for (or impact on) the environment

No specific impact

6.6 Implications for partner organisations?

The Council's financial plans will have a significant impact upon the way in which it works with its partners over the coming years. The implications of these changes will become clear as individual changes are identified.

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To: Cabinet

Date: 26th November 2015

Subject: Medium Term Financial Strategy 2016-19

1 Purpose of the Note

- 1.1 To inform Cabinet of the outcome of the Finance and Corporate Services Scrutiny Board consideration of the Medium Term Financial Strategy 2016-19 at their meeting on 11 November 2015.
- 1.2 To update members of the impact on the report of the change of Cabinet date.

2 Recommendations

- 2.1 That Cabinet consider incorporating the findings and recommendations of the Reserves and Underspends Working Group into the Medium Term Financial Strategy to address part of the budget shortfall for 2016/17.
- 2.2 That Cabinet notes that the change of date of Cabinet has not led to any changes to the report.

3 Information/Background

- 3.1 Scrutiny Board was informed that an informal member Reserves and Underspends Working Group had met outside the Scrutiny process and that the Group's findings and recommendations were being incorporated into the forthcoming Pre-Budget Report. Discussion centred around the impact of this on the Medium Term Financial Strategy and Recommendation 2.1 was agreed as a result.
- 3.2 Subsequent to the meeting the Cabinet date was amended from 24th November to 26th November. Due to the report having been considered already by Scrutiny Board 1 the report has not been amended retrospectively. This means that the report continues to show the previous Cabinet date.
- 3.3 In addition, the Government's Spending Review announcement (due on 25th November) is now expected to have been received before Cabinet meets. The previous position was that the Cabinet would consider the MTFs before the announcement. This does not affect the Medium Term Financial Strategy, which includes the key assumption that "The Council will plan for Government grant settlements based on estimates informed by the outcome of the Government's July 2015 Spending Review and the local government sector's interpretations of the impact of this". The Council's understanding of this announcement therefore does not impact on the MTFs but will be incorporated into the final Budget Report in February.

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Cabinet
Council

26th November 2015
1st December 2015

Name of Cabinet Member:

Cabinet Member for Strategic Finance & Resources – Councillor Gannon

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

All

Title:

Staffing Reductions and Voluntary Redundancy

Is this a key decision?

Yes. The proposals within the report have financial implications in excess of £1m.

Executive Summary:

Since 2010 the Council has undertaken significant savings exercises across the organisation in response to on-going reductions in Government funding. Savings were initially mainly focused on back office and support services, through reducing senior management posts, merging directorates and by identifying more efficient ways of delivering services. More recently, as back office efficiencies have become harder to find, front line services are being affected.

The forthcoming Spending Review announcement is likely to signal further significant resource cuts for local government and by 2017/18 Coventry is likely to face having its government funding cut by well in excess of £100m or over 55% since 2010. Further, significant savings will be needed across services. This means that the Council will be a smaller organisation in the future. By introducing more efficient and flexible ways of working the Council aims to deliver better value for residents with less bureaucracy – and fewer employees.

The Council's human resources and financial strategies put into place in 2014/15 were based on the need to plan on the basis of losing a further 1,000 posts over the medium term. If anything the prospects in the coming Spending Review would suggest a significantly larger figure will be required. This report proposes the next opportunity for staff to express an interest in Early Retirement/Voluntary Redundancy (ER/VR), and puts in place the necessary financial arrangements. This report also proposes the delegation of Authority to initiate further ER/VR programmes in the future as necessary.

Since 2010 the Council has undertaken four rounds of ER/VR which has resulted in the region of 800 approvals, this has ensured that the number of compulsory redundancies has been kept to a minimum.

Corporate ER / VR programmes are a key tool in delivering the Councils' workforce strategy to achieve savings through headcount reductions. ER/VR programmes also minimise the risk of future compulsory redundancies.

Corporate ER /VR programmes will continue to be a regular feature of the Councils workforce Strategy whether they are general programmes or programmes targeted at specific work groups. In order to be able to respond effectively and as necessary to the changing budgetary pressures flexibility is needed to introduce programmes in a timely fashion.

Recommendations:

Cabinet is recommended to:

1. Approve the launch, consultation and implementation of a fifth ER/VR programme with consultation from 2nd December until 16th January 2016 and a closing date for ER /VR applications of 23rd January 2016.
2. Delegate authority to the Executive Director Resources (following consultation with Cabinet Member for Strategic Finance and Resources) the authority to develop and instigate further (general or specifically targeted) Early Retirement / Voluntary Redundancy programmes as appropriate on an on-going basis.
3. Approve the launch, consultation and implementation of such programmes in the future.
4. Recommend to full Council that it approves the virement of additional resources of £7.4m as identified in section 5 to add to existing budgets of £10.1m to fund redundancy and early retirement costs.

Council is recommended to:

Approve the virement of additional resources of £7.4m identified from existing reserve balances or in-year underspends to add to existing budgets of £10.1m to fund redundancy and early retirement costs.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes 1st December 2015

Report title: Staffing Reductions and Voluntary Redundancy

1. Context (or background)

- 1.1 As a result of continuing cuts in public sector spending, the Council is required to make further significant financial savings, with £40m built into 2015/16 Budget Setting prior to the further cuts expected in the 2015 Spending Review. As a large proportion of Council spend (around 60%) goes on its pay bill, it is clear that it will not be possible to set a balanced budget without a further significant reduction in the number of Council employees.
- 1.2 Every effort is continuing to be made to identify non-staff cost reductions, including further reviews of services, vacancy freezes (allowing recruitment only to the most essential posts) and minimising the use of agency staff. However, all of these measures will not generate enough savings to enable the Council to balance its budget in the coming years. As employee costs are the Council's biggest expenditure, there is no alternative but to propose further reductions of post numbers to contribute to the overall saving. Estimates made as part of the August 2014 Staffing Reductions report indicated that a planning assumption of a reduction in the region of a further 1,000 posts should be used to guide human resource and financial strategies in the medium term. If anything the prospects in the coming Spending Review would suggest a significantly larger figure will be required.

2. Options considered and recommended proposal

- 2.1 Voluntary Redundancy programmes enable the Council to achieve staffing reductions whilst at the same time minimising the potential for compulsory redundancies. This further round is being considered now because:
 - The Council needs to continue to make substantial savings and reduce the size of its workforce and avoid compulsory redundancies
 - The age profile of the Councils workforce; 26.5% of the workforce will be aged 55 or over by March 2016. This means that for many who would be able to access their pension, early retirement is a realistic option.
 - Changes to National Insurance in April 2016 will see many staff receive a reduction in take home pay, which coupled with further public sector pay restraint over the life of the Parliament is likely to encourage staff to consider their options.
 - Planned complex changes to pension tax and severance arrangements in the forthcoming year also means that for some, now may be the right time to consider early retirement or voluntary redundancy
- 2.2 This fifth round is timed to allow individuals to leave the organisation by 31st March 2016 or shortly thereafter. The alternative option of not holding this ER/VR round is a potential missed opportunity for the Council to achieve further savings and (where possible) enable those who wish to leave to do so in light of planned changes.

3. **Voluntary Redundancy – General Principles**

- 3.1 When an employer is proposing to dismiss as redundant 99 or more employees in a 90 day period, in accordance with *S188 of the Trade Union and Labour Relations (Consolidation) Act 1992, (as amended)* the Council is required to enter into a formal minimum consultation period of 45 days
- 3.2 When planned, Voluntary Redundancy Programmes will be open to permanent and temporary council employees with more than two years' service except in those areas where it has been deemed that posts cannot be deleted. These will be known as exempted posts
- 3.3 Exempted posts will be clearly defined and publicised at the launch of consultation when an ER VR programme is planned. Exempted posts will be limited to areas where the Council clearly needs to continue to recruit and it is not possible to delete posts through redundancy.
- 3.4 Where appropriate, in order to facilitate as many voluntary redundancies as possible, the Council may consider resource switching. This will further reduce the need for compulsory redundancies. Any specific programmes or proposals in this regard will be clearly outlined and included as part of each consultation process.
- 3.5 As the reason for dismissal would be redundancy, employees with two years or more local government service are entitled to a redundancy payment in line with the Council's redundancy payment scheme. Where applicable, for employees aged 55 years or over and who are in the pension scheme, early retirement benefits will be released.
- 3.6 The Council's redundancy payment scheme currently provides enhanced redundancy payments of approximately 50% for employees which will need to be reviewed to assess viability of sustaining such enhancements for the future.
- 3.7 Employees are currently entitled to receive a redundancy payment with the option of:
 - a payment equivalent to 1.5 times the entitlement to statutory redundancy weeks, or
 - a payment equivalent to statutory redundancy weeks plus a 6 week lump sum based on current salary levels
- 3.8 Programmes will be open for a defined periods following which the Council can take stock and re-open if necessary. The timescales will be clearly communicated as each programme is defined, consulted upon and launched
- 3.9 The expression of interest in voluntary redundancy from an employee will not imply any commitment on either part.
- 3.10 The application for VR/ER will be made by an interested employee direct to the HR service – line management approval is not required, although employees will be encouraged to discuss their application with managers
- 3.11 All applications will initially be sent to each Executive Director for review. The assumption will be that on each occasion all applications not on the exempt list will be approved, unless there is an overriding and exceptional operational reason why it cannot be approved. Once each Executive Director has compiled a list of the applications they recommend should be approved or rejected, along with their reasoning, proposals will go

to Strategic Management Board (SMB) for final moderation and approval. Employees who have applied for VR will then be informed whether or not they have approval to leave the organisation on voluntary redundancy grounds.

- 3.12 It is anticipated that those granted voluntary redundancy will leave the organisation following their contractual notice period. Once a person has taken voluntary redundancy, they will not be permitted to work for the Council again in any paid capacity (including via an agency or consultancy), for a period of five years other than in exceptional circumstances to be approved by the relevant Director and the Assistant Director responsible for HR. This restriction does not apply to anyone who is made compulsorily redundant.
- 3.13 The following criteria will be used to consider individual applications for voluntary redundancy:
- Can the post be deleted?
 - Is there a recurring financial saving as a result of the job being deleted?
 - If not, can an individual be transferred into the post from another post which then can be deleted or deliver a saving
- The default position is that applications will be approved unless there is an overriding reason for an Executive Director to reject it.
- 3.14 Employees will not be given any guarantees nor should they assume that they may take voluntary redundancy until the necessary formal approvals have been given in writing.
- 3.15 There is no guarantee that voluntary redundancy requests will be granted. The Council's decision is final – there is no right of appeal against a decision by the Council not to accept an employee's request for voluntary redundancy.
- 3.16 Once an application for voluntary redundancy has been approved, it cannot be subsequently withdrawn.
- 3.17 Where a request for voluntary redundancy cannot be accepted due to service needs consideration will be given to covering the post by transferring resource from elsewhere in the service/organisation, where possible, and therefore allowing the individual to take redundancy. Those employees who transfer will be provided with relevant training and skills development to support them to undertake different roles where appropriate.
- 3.18 If too many people from one job group apply for VR which could result in that service being unable to function and it becomes necessary to choose between multiple applications, the proposal is that the Council's usual selection criteria for redundancy selection will apply:
- Qualification/s – only if essential to the job
 - Sickness absence
 - Disciplinary record
 - Performance
- 3.19 Exact numbers of post reductions cannot be accurately predicted as many employees work part-time, and therefore the potential savings from each VR request and decision will vary. Previous estimates used a medium term planning assumption that would require a reduction in the workforce of approximately 1,000 posts. Just over 200 people left through ER/ VR in 2014/15. It is anticipated that reductions in the workforce will also be achieved by the continued deletion of some existing vacant posts and taking account of expected

staff turnover. This is very likely to reduce the number of employees required to leave through redundancy.

4. Results of consultation undertaken

Initial discussions have been undertaken with the trade unions in respect of the potential proposal for further Voluntary Redundancy Programmes. They are also aware of the potential for some non-statutory services to undergo substantial review and re-structuring or even in some cases for some to cease operation. Formal consultation will be required in these circumstances.

5. Timetable for implementing this decision

Consultation on this fifth round of ER/VR will commence on 2nd December 2016 and will last for a 45 day period until 16th January 2016.

In parallel with the consultation process employees will have the opportunity to consider and make an application. The closing date for applications will be 23rd January 2016. After this point Executive Directors will give consideration to all applications and then confirm approvals.

It is anticipated that in early February employees who have applied for ER /VR will start to be notified whether their application has been approved. Individual meetings will be held to agree leaving dates and issue notice.

In terms of future rounds of ER/VR where it is anticipated there will be 99 or more redundancies, whether at the launch of a VR programme or resulting from any other significant change programmes, in accordance with S188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended), there will be a minimum 45 day formal consultation period. Trades Unions will be formally notified along with all non-schools employees.

Depending on the nature of the programme, in parallel to the consultation process, employees may be invited to apply for ER/VR, by a specified closing date, usually a four week period. Decisions by Senior Management Board will then be made within a specified timescale following the closure of the application window.

6. Comments from Executive Director, Resources

6.1 Financial implications

The financial circumstances behind this report and the financial implications of the recommended option are based on some broad financial planning and workforce planning assumptions including:

- The overall size of future budget gaps that face the City Council
- The level of savings that will need to be found from employee reductions
- The level of turnover that will occur within the workforce irrespective of any further ER/VR initiative
- The level of savings and the level of ER/VR costs that will result from a specific number of individual ER/VR decisions.

As part of 2015/16 Budget Setting the Council agreed Workforce Strategy savings of £6m this year rising to £15m by 2017/18. Action identified currently is projected to almost meet

the 2015/16 target but will fall short by approximately £2.4m and £9.4m over the next two financial years. Given this and other budget targets that will inevitably need to be part met by employee cost savings it is clear that the Council needs to take decisive and immediate action to enable it to deliver these targets.

In order to implement the proposed option it is necessary to estimate and set aside financial provision to fund up to 700 further future ER/VR decisions that will result from ER/VR exercises. A financial planning estimate is that this will result in a cost of approximately £17.5m based on average cost of £25,000 per individual. It is proposed that the following financial resources are earmarked or identified to fund these costs over the next two years.

	£m	£m
Estimated Cost		17.5
Existing ER/VR Annual Revenue Budget (£2.5m for 2 years)	5.0	
Current ER/VR Reserve	5.1	
Existing Resources		10.1
Review of Other Reserves/Resources		7.4
Proposed Virement		7.4

This would require reserves or other in-year resources of £7.4m being identified and this will require approval of a virement of the relevant resources. Work is under way to identify these resources and this will be reported as part of the Pre-Budget Report. Given the medium term nature of the need to continue to identify further post reductions, it is possible although unlikely that ER/VR applications are a greater cost than the financial provision set aside over the next two years. If the overall envelope of resources looks like it may be exceeded then this will be the subject of a further report to Cabinet or incorporated within the 2017/18 budgetary control process.

6.2 Legal implications

Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 requires that the Council undertakes a formal consultation lasting a minimum of 45 days when it proposes to make more than 99 employees redundant in a 90 day period. The proposals within this report will ensure this legal obligation is met.

Under the Council's Constitution, any proposal to vire more than £1.5m from one or more budget heads to another requires the approval of full Council. As the proposal here is to vire £7.4m, it must be approved by full Council. The power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) is also, by law, a Council function. However, the procedures which

Cabinet are asked to approve in this report do not relate to these matters and so can be determined by Cabinet.

7. Other implications

7.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

These proposals will contribute to the delivery of balanced budgets for the period 2016/17 to 2017/18 and beyond.

7.2 How is risk being managed?

There will be an impact on the organisation due to a significant reduction in staffing levels. Any approvals for voluntary redundancy will be determined by Executive Directors.

7.3 What is the impact on the organisation?

These proposals will contribute to balancing the 2016/17 and 2017/18 budgets and beyond. It continues the Council's transformation of services through the delivery of a new Organisational model which is leaner, more efficient and fit for purpose in meeting the Council's statutory and political imperative.

7.4 Equalities / EIA

For each programme the equality impact upon the organisation will be determined by the employees who wish to access the Voluntary Redundancy Programme. However, the Council is aware of the need to be alert to issues of age, disability, ethnicity, sexual orientation and gender discrimination. Approvals for voluntary redundancy will be granted on objective selection criteria. Data on uptake and approval will be monitored to identify whether any equality impact is arising from the process.

7.5 Implications for (or impact on) the environment

None

7.6 Implications for partner organisations?

None

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Public report Cabinet Report

Health and Wellbeing Board
Cabinet
Council

19 October 2015
26 November 2015
1 December 2015

Name of Cabinet Member: Cabinet Member (Health and Adult Services) – Councillor Caan

Director Approving Submission of the report: Director of Public Health

Ward(s) affected: All

Title: Continuing as a Marmot City

Is this a key decision?

No – although this decision will affect more than two wards in the City, it is a continuation of an existing policy.

Executive Summary:

Coventry was one of seven cities in the UK chosen in 2013 to participate in the UK Marmot Network and become a Marmot City and develop a 'Marmot' approach to tackling health inequalities. In March 2015, Professor Sir Michael Marmot from University College London's Institute of Health Equity and key leaders from Public Health England recognised the progress Coventry has made, and committed to working together with Coventry acting as an exemplar City for its approach to reducing health inequalities for a further three years.

This will enable Coventry to accelerate the progress that has been made in reducing health inequalities over the last two years and to develop a more focused, multi-agency approach to ensure that resources and efforts are concentrated where they can make the biggest difference. As an exemplar City, Coventry will share learning with the wider system and disseminate findings to other areas. Public Health England and University College London will provide expertise and knowledge to support Coventry, and to develop Coventry's capability to measure the impact of the Marmot City programme.

As part of this, partners are working together to develop a Marmot strategy, which will form part of Coventry's overall Health and Wellbeing strategy and be overseen by Coventry's Health and Wellbeing Board. The strategy will consider the conditions which determine health, including: housing, employment, income, environment, and community, as well as access to health

services and the overall health of the population, with a particular focus on young people, jobs and the economy, and improving outcomes for people from diverse backgrounds.

Recommendations:

1. Health and Wellbeing Board is requested to:
 - (i) Approve the proposed partnership arrangement and approach
 - (ii) Make any comments or recommendations to Cabinet about the report and its proposed approach

2. Cabinet is requested to:
 - (i) Consider comments from the Health and Wellbeing Board
 - (ii) Approve the proposed partnership arrangement and approach
 - (iii) Make any comments or recommendations to Council about the report and its proposed approach
 - (iv) Ask Council to approve the proposed partnership arrangement and approach

3. Council is recommended to:
 - (i) Consider comments from the Health and Wellbeing Board and Cabinet
 - (ii) Approve the proposed partnership arrangement and approach

List of Appendices included:

None

Other useful background papers:

'Fair Society, Healthy Lives' (The Marmot Review):

<http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review>

'Making a Difference in Tough Times (case study report):

http://www.coventry.gov.uk/downloads/file/16043/coventry_a_marmot_city_-_making_a_difference_in_tough_times

'How Marmot Makes a Difference' (video): <https://www.youtube.com/watch?v=Bsul-ayjElw>

Has it been or will it be considered by Scrutiny?

Yes – Coventry's proposed approach to tackle health inequalities was considered by Scrutiny Board 5 on 1 July 2015.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Health and Wellbeing Board on 19 October 2015

Will this report go to Council?

Yes – on 1 December 2016

Report title: Coventry continuing as a Marmot City

1. Context and background

- 1.1 Tackling health inequalities will improve the health, wellbeing and life chances of the people of Coventry. Where someone is born, where they live, whether they work or not and what they do all affect how long someone will live, how healthy they will be and the quality of life they will experience.
- 1.2 Inequalities are unfair: people in lower socio-economic groups are more likely to experience chronic ill health and die earlier than those who are more advantaged, and inequalities affect everyone, as there is a social gradient to health: the better the conditions in which you are born, grow up and live, the more likely you are to enjoy better health and a longer life.^{1 2} Statistics from Public Health England show that men in the most affluent areas of Coventry will live, on average 9.8 years longer than men in the most deprived areas, while for women the difference is 8.5 years, and the difference is even greater for those who are homeless or who suffer from a mental health condition.
- 1.3 Tackling health inequalities will reduce social, economic and financial costs. As well as the human cost, every year health inequalities cost the UK £31-£33 billion in lost productivity (estimated at £170 million in Coventry), £20-£32 billion in lost taxes and higher welfare payments, and an additional £5.5 billion in healthcare costs.³ Spending on late intervention (youth economic inactivity, crime and anti-social behaviour, child protection and safeguarding, youth substance misuse) is estimated at £6.5bn for local government nationally (£117m in Coventry), compared to £800m on early intervention (£4m in Coventry)⁴. Reducing health inequalities, targeting resources based on need and investing in prevention and early intervention can:
 - Improve health outcomes, wellbeing, mental health and community and social relations
 - Increase productivity and improve educational attainment, which will ensure the area is attractive to employers and develop the local economy
 - Reduce the costs of welfare and healthcare
 - Reduce future demand for council services and associated costs including social care, child protection, housing, domestic and sexual violence and substance misuse.
- 1.4 Tackling the causes of health inequalities cannot be done through health services alone. The transfer of public health services to local authorities in April 2013 provided Coventry with an opportunity to continue to broaden the ownership of the health inequalities agenda. Coventry committed to delivering rapid change in health inequalities by 2015 and was one of seven cities in the UK invited to participate in the UK Marmot Network and become a Marmot City. Being part of the Marmot Network has

¹Acheson, *Independent inquiry into inequalities in health report*, London: The Stationery Office, 1998

²Dahlgren, Whitehead, *Policies and strategies to promote social equity in health*, Stockholm: Institute of Futures Studies, 1991

³Chi Onwurah, 'MP urges action on health inequalities', *Westminster Briefing*, 2010

⁴Hardoon Chowdy and Carey Oppenheim, 'Spending on late intervention: how we can do better for less', Early Intervention Foundation

provided Coventry with access to the international expertise of the Marmot Team based at University College London.

1.5 Being a Marmot City has brought together partners from different parts of Coventry City Council and from other public sector and voluntary organisations, whose decisions and activities have an impact on health. Since Coventry became a Marmot City in 2013, there has been progress in outcomes across health and across society.⁵ The life expectancy gap in Coventry between the most affluent and most deprived has narrowed (from 11.2 years to 9.8 years for men and from 8.6 years to 8.5 years for women), and there have been improvements in educational development, health outcomes, life satisfaction, employment and reductions in crime in priority locations:

- Breastfeeding initiation has increased from 74.9% to 75.9%, and is better than the national average (73.9%).
- Nearly 60% of reception pupils in 2014 left their first year of education with a 'good level of development'. This is an increase of 4% compared to 2013, and Coventry is now above the regional average and in line with the national average.
- 42.3% of reception pupils with free school meal status left their first year of education with a 'good level of development', significantly above the regional and England average of 36%.
- 5.5% of those who completed an NHS Health Check were identified as having a long term condition and placed on a disease risk register with their GP, and over 58% of health checks have been delivered in GP practices in the two most deprived quintiles in the city.
- In 2014/15 3,000 smokers were supported to achieve a 4-week quit and Coventry is in the top 5 authorities nationally in terms of the proportion of smokers that it reaches through these services.
- There has been an increase in the number of physically active adults (from 49.4 to 52%), and the number of physically active adults in Coventry is now similar to the national average.
- There has been a 22.5% reduction in crime in priority locations.

1.6 A national conference 'Making a Difference in Tough Times' was held in Coventry on the 26th March to share the city's achievements as a Marmot City, where Professor Sir Michael Marmot congratulated Coventry on its approach and progress achieved so far. Partners also worked together to develop a [case study report](#) and [film](#).

2. Options considered and recommended proposal

2.1 In March 2015, the Institute of Health Equity committed to continue to work with Coventry in principle for a further three years. In April 2015, Public Health England also indicated a willingness to support Coventry for this period. The main purpose of this partnership is to continue to develop and embed the approaches that have been introduced over the last two years, enable Coventry to measure progress against local

⁵ More information on progress to date can be found in the report *Making a Difference in Tough Times*, and video *How Marmot Makes a Difference*, which can be accessed via the following link: http://www.coventry.gov.uk/info/176/policy/2457/coventry_a_marmot_city

and national indicators, provide Coventry with access to learning from other areas and raise the profile of Coventry as an exemplar city for reducing health inequalities.

2.2 As further planned spending cuts to services and welfare reforms create challenges for Coventry's most vulnerable residents, the council must continue to work with the NHS, police, fire service, voluntary sector, and private sector over the next three years to continue to accelerate progress made to date and improve the health, wellbeing and life chances of the people of Coventry. Working together as a Marmot City with partners at Public Health England and the Institute of Health Equity will:

- Facilitate partnership working between the Council's Place, People, Resources and Chief Executive's Directorates as well as wider public and voluntary sector partners and businesses.
- Provide Coventry with expertise to develop Coventry's capability to reduce health inequalities through:
 - Ensuring health and social value are reflected in council policies and decision making
 - Ensuring services and interventions are evidence based and commissioned for outcomes
 - Ensuring resources are targeted based on need and that proportionate universalism⁶ is embedded throughout the council and its partners so that interventions and projects are targeted at the right people and in the right places to have maximum impact on health inequalities in Coventry
- Provide Coventry with access to learning from other areas and raising the profile of Coventry as an exemplar city for reducing health inequalities.
- Enable Coventry to measure progress against local and national indicators.

2.3 Coventry will continue to work with Sir Michael's team at University College London and with Public Health England to ensure that the Marmot principles which aim to reduce inequality and improve health outcomes for all have been embedded into the core functions of the council and its partners. Public Health will be working with partners to develop a Marmot Strategy, which will form part of Coventry's Health and Wellbeing Strategy, as well as further indicators for the next three years based on the Marmot policy objectives outlined in '[Fair Society, Healthy Lives](#)'.

2.4 Over the next three years, the strategy will focus on improving outcomes for young people, and on ensuring that economic growth in Coventry is 'good growth' which benefits the most disadvantaged citizens and improves both health and economic benefits to businesses. As the strategy is developed, the health outcomes and wider outcomes which the partnership hopes to achieve will be clarified in further detail, but initial analysis suggests that the programme will concentrate on the following Marmot policy objectives and, as well as reducing the life expectancy and healthy life expectancy gap, will aim to achieve the following outcomes:

- **Enable all children, young people and adults to maximise their capabilities and have control over their lives** (Reduction in the number of young people aged 16-18 who are not in education, employment or training, reduction in under 18 conceptions, increase in the proportion of children achieving five A*-C grades at GCSE, improvements in young people's mental health and a reduction in the

⁶ Actions must be universal, but with a scale and intensity that is proportionate to the level of disadvantage

number of young people admitted to hospital for self harm, with an aim to see particularly rapid improvements in the most deprived areas of the city).

- **Create fair employment and good work for all** (Increase in the proportion of working age adults in employment, reduction in employment inequality, improvements in the health of employees, increased productivity, increased income for Coventry residents, with an aim to see particularly rapid improvements in the most deprived areas of the city).
- **Improving health outcomes for a diverse population** (understanding and addressing the health, wellbeing and wider needs of migrant populations, including asylum seekers and refugees, supporting diverse communities and ensuring people from diverse backgrounds are able to access a full range of services).

3. Results of consultation undertaken

- 3.1 The strategic direction of Coventry's Marmot City programme for the next three years has been established through consultation with the Public Health department, representatives from the Council's People, Place and Resources directorates and wider partners including West Midlands Police, West Midlands Fire Service, Voluntary Action Coventry, Coventry and Warwickshire Local Enterprise Partnership and Coventry and Rugby Clinical Commissioning Group. In addition, as part of the 2015 JSNA process, a call-for-evidence went out to stakeholders in Coventry to enable wider agencies and individuals to contribute to the process.
- 3.2 Further consultation is planned over the next month to enable both internal and external partners to contribute to the further development of the strategy and action plan, including a stakeholder workshop which is planned for November.

4. Timetable for implementing this decision

- 4.1 A launch event is provisionally planned for 27 January 2016 for Coventry City Council to launch its intention to partner with UCL's Institute of Health Equity and Public Health England (PHE) for a further three years. Professor Sir Michael Marmot, Director of UCL's Institute of Health Equity will be attending as well as Dr Annmarie Connolly, Director of Health Equity and Impact at Public Health England and Councillor Ann Lucas and Dr Martin Reeves from Coventry City Council.
- 4.2 Once developed, the Marmot Strategy will then run from April 2016 – March 2019 and be published on the Council's internet pages and shared with partners. The Marmot Steering Group, directly accountable to Coventry's Health and Wellbeing Board, will provide strategic leadership to oversee the further development and implementation of the strategy, driving forward an action plan in collaboration with wider stakeholders.

5. Comments from Executive Director, Resources

5.1 Financial implications

- 5.1.1 Over the last two years, individual 'Marmot' projects and initiatives have been funded via a number of different routes, and this will continue for the next three years.

- 5.1.2 Funding and support has been and will continue to be provided by partner organisations (such as West Midlands Police, West Midlands Fire Service, Voluntary Action Coventry, Coventry and Rugby CCG), and opportunities for external funding are being assessed.
- 5.1.3 As part of the partnership arrangement between UCL's Institute of Health Equity and Public Health England, both organisations have agreed to provide support and expertise to Coventry to ensure actions taken to reduce health inequalities are as effective as possible. Public Health England have also agreed to provide some resource in the form of a secondment to develop indicators to ensure Coventry is able to measure the impact of the Marmot City programme.
- 5.1.4 Part of the purpose of the Marmot City work is to make a difference within existing resources, and release funding through doing things differently. This ensures the work is sustainable and can be rolled out to other areas, even while there are funding challenges within the public sector.
- 5.1.5 Other costs (such as staff time to co-ordinate the programme and communications costs) will be met within the existing Public Health budget. Therefore, no new money is being requested from Coventry City Council budgets for this programme.

5.2 Legal implications

- 5.2.1 In April 2013 when the Health and Social Care Act 2012 came into force, local authorities took on a new legal responsibility for protecting and improving the health of the people in their areas, including reducing health inequalities. The new role of local authorities complemented existing Council functions which aim to improve the wellbeing and life chances of local people.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

- 6.1.1 Continuing as a Marmot City for a further three years will contribute to the achievement to a wide range of key objectives for Coventry City Council, including:
 - Reducing health inequalities
 - Promoting the growth of a sustainable Coventry economy
 - Helping local people into jobs
 - Reducing the impact of poverty
 - Improving the quality of life for Coventry people
 - Making communities safer, cleaner and greener
 - Improving educational outcomes
 - Improving the health and wellbeing of local residents
 - Protecting and supporting the most vulnerable people
 - Maximising the use of assets and empowering strong and involved communities

6.2 How is risk being managed?

6.2.1 There are no specific risks identified in this report. However, risks associated with the delivery of relevant services are managed through the directorate and corporate risk registers, in conjunction with partners across the city. Regular reviews of each risk are undertaken, and mitigating actions put in place to ensure the overall risks are reduced as much as possible.

6.3 What is the impact on the organisation?

6.3.1 None – the Marmot City programme is already on-going within the Council. Extending this for a further three years does not require substantial changes that would impact on the organisation.

6.4 Equalities / EIA

6.4.1 An Equalities Impact Assessment is not appropriate for this work, although the aim of the Marmot partnership and strategy for the next three years is to reduce health inequalities across the City.

6.5 Implications for (or impact on) the environment

6.5.1 No significant impact to note at this stage.

6.6 Implications for partner organisations?

6.6.1 Partner organisations in Coventry and nationally are committed to reducing health Inequalities. Partner organisations form the multi-agency Steering Group which oversees the Marmot City programme in the City. The re-launch of Coventry's Marmot City programme and new partnership arrangements reaffirm the commitment of partners (including statutory, non-statutory and third sector) to working together and sharing information.

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Members: Councillor Camran Caan	Cabinet Member (Health and Adult Services)		6.10.15	6.10.15

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Cabinet
Council

26 November 2015
01 December 2015

Name of Cabinet Member:

Cabinet Member for Business Enterprise and Employment, Councillor Kevin Maton

Director Approving Submission of the report:

Executive Director, Place

Ward(s) affected:

All

Title:

European Funding Programme 2014-20 – Coventry City Council First Round Applications

Is this a key decision?

Yes, as it has the potential to affect all wards within the City and expenditure is in excess of £1m

Executive Summary:

The new 2014-2020 European Structural Investment Fund (ESIF) Programme was launched in March 2015. The programme will run until 2020, and in the first round funding for projects running from January 2016 to December 2018 £35.8m has been made available to bid for. This does remain a moving feast as Government continues to propose to push funding back towards the later parts of the 2014-2020 programme rather than in the early years.

The Council has been extremely successful in securing European funds in recent years and at the last count had secured in excess of £41million from the current European programme.

The Council has submitted bids in the new programme under the Research and Innovation, Small Medium Enterprise (SME) Competiveness, Low Carbon and Technical assistance and the Inclusive Labour Markets themes. Across all the bids the amount being bid for in the first round is £19.57m, 55% of the funding available.

The Council has already taken a leadership role in bringing partners together from across the Coventry & Warwickshire LEP area to develop projects and programmes that will lead to greater economic growth across the City and the sub region. The Council has an outstanding track record of securing, managing and delivering European programme in partnership.

This report provides information on each of the bids and requests Members' approval for the Council to act as accountable body and guarantor for these funding programmes.

Recommendations:

Cabinet is asked to:

1. Note the success of European Funding in delivering the City's Economic aspirations and to continue supporting the acquisition of European funds into the future.
2. Retrospectively endorse the submission of bids for 2014-2020 European Funding
3. Recommend that Council agree the funding opportunity from ESIF as a significant opportunity in delivering the City's priorities, authorise the City Council to act as guarantor and to delegate authority to the Executive Director Place to enter into the appropriate grant aid agreements should it be successful in securing funds.

Council is asked to:

1. Agree the funding opportunity from ESIF as a significant opportunity in delivering the City's priorities, authorise the City Council to act as guarantor and to delegate authority to the Executive Director Place to enter into the appropriate grant aid agreements.

List of Appendices included:

None

Background papers:

None

Other Useful Documents:

[Coventry Jobs Strategy](#)

[Coventry & Warwickshire Strategic Economic Plan](#)

[Coventry & Warwickshire LEP Area ESIF Strategy](#)

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes, 01 December 2015

Report title: European Funding Programme 2014-20 – Coventry City Council First Round Applications

1 Context (or background)

1.1 In March 2015, applications opened for the new programme of European Structural and Investment Funds (ESIF). The programme will run until 2020, and in the first round funding for projects running from January 2016 to December 2018 will be available.

1.2 ESIF includes both the European Regional Development Fund (ERDF) and the European Social Fund (ESF). ERDF is designed to fund economic development projects, while ESF provides support to help people find sustainable employment.

1.3 An Envious Track Record

1.4 The Council already delivers a number of successful programmes and in the current programme has secured **over £41m of ERDF** which is on track by December 2015 to deliver at least:

- £25m in Private Investment;
- £35m in Public Sector investment (from a range of sources)
- 1,000 jobs created
- 30ha of Brownfield land reclaimed/redeveloped
- 12,680m² of upgraded commercial floor space

1.5 Looking to the New Programme

1.6 Coventry City Council has submitted bids for both ERDF and ESF through the new programme. Bids have been submitted under the Innovation, SME Competiveness, Low Carbon and Technical assistance themes of ERDF, and the Inclusive Labour Markets theme of ESF. This report provides information on each of these bids and requests Members' approval for the Council to act as accountable body for these funding programmes.

1.7 It should also be noted that this is the only the '*First Round*' applications and the Council's Employment and Skills services will be bidding for funds under future rounds in particular ESF grant associated with jobs, skills and training.

2 Options considered and recommended proposal

2.1 The first option could have been to decline the opportunity to apply for ESIF funding but this was quickly discounted because the Council has an excellent track record of using European funding to run successful projects. There is a total of £35.8m ESIF money available for Coventry and Warwickshire and this is the primary source of economic development funding currently available.

2.2 An alternative option was to seek to join ESIF bids as a delivery partner rather than as lead bidder. This approach could provide some benefits in terms of reduced financial risk and programme management costs whilst still making European funding available for some of the Council's activities. However, as a City there is not another appropriate partner with the track record to manage a large diverse programme like the one we are proposing. Therefore this option has been discounted.

- 2.3 The recommended option is for the Council to act as lead applicant for ESIF projects, and to act as accountable body for this funding programme. This maximises the European grant available, and also allows the Council to take a leadership role, working with key partners, in how ESIF projects are delivered. As previously mentioned, the Council has an excellent track record of managing grants of this type using them to create new jobs and economic growth for Coventry and Warwickshire. These bids will allow this work to continue in the new programme.

3 Summary of Bids

- 3.1 The total amount of funding available in the first round of ESIF for Coventry & Warwickshire is £35.8m and the Council is bidding for £19.57m (Broken down as £12.17m ERDF and £7.4m ESF)
- 3.2 The bids have had outline approval from Department of Communities and Local Government (DCLG) for ERDF and Department of Work & Pensions (DWP) for ESF, and full applications are now being completed. The figures below may vary slightly during the final negotiation process.

3.3 *Coventry and Warwickshire SME Growth Programme*

- 3.4 This project aims to build on the very successful Enterprise and Business Growth project which was funded from the previous ERDF programme and will end 31st December 2015. The Council established a partnership of business support providers including Warwickshire County Council, the Chamber of Commerce, the CWLEP Growth Hub Coventry University Enterprises, Coventry & Warwickshire Community Development Agency, The Prince's Trust and the Highlife Centre. This group has spent the last year developing a programme which will help people start new businesses, and provide grants and specialist advice to help growing businesses create new jobs. The Council will act as accountable body for just over £4.5m in ERDF funding, and over the three years it is anticipated that the programme will lead to in-depth specialist advice to at least 950 businesses, including 550 start-ups, which will lead to the creation of 850 new jobs in the Coventry & Warwickshire economy and over £6m private sector investment.

3.5 *Low Carbon Business and Low Carbon Infrastructure Programmes*

Two programmes are proposed which will use ERDF grant to encourage energy efficiency and carbon reduction activities in Coventry and Warwickshire. The activities will be split into two main themes; firstly through support for businesses to improve their energy efficiency and reduce their carbon footprint by setting up a Green Business Support Network, helping them move into the low carbon goods and services sector, and providing grants to help them do so. The second theme is around low carbon infrastructure which includes the expansion of community and district energy schemes as well as the provision of electric vehicle charging points. The programme is worth up to £5.7m and, is anticipated, will supporting over 530 businesses of which 30 will be new businesses, and creating of over 210 jobs with over £5m private sector investment

3.6 *Innovative Coventry and Warwickshire: Place Test Bed*

- 3.7 This project will enable Coventry and Warwickshire to act as a test-bed for new technologies. The area's urban and rural centres will trial emerging technologies in the fields of data capture, energy usage, IT connectivity, smart systems, digital technology and health and assistive technologies. The project will achieve these aims by providing specialist support to SMEs developing these technologies, including Coventry University

Enterprises as a delivery partner. Over three years, the project will work with 100 companies, create 90 jobs and bring 6 new products onto the market with £2.9m of Private Sector Investment. A total of £1.8m ERDF has been applied for.

3.8 **Youth Employment Initiative: Ambition Coventry**

3.9 The Ambition Coventry project will provide support to help young people, who are disengaged, or are at risk of disengagement, move into jobs. The project has been developed by a consortium of public, private and third sector organisations that will provide barrier breaking, training and employability support to 3,100 young people over a period of just less than three years. The project will be jointly funded by the Youth Enterprise Initiative (other European funding) and ESF. A total of £7.2m in ESIF funding has been applied for, with a further £3.6m in match funding coming from the Council and its partners.

3.10 **Technical Assistance Project**

3.11 This project will provide funding to allow Coventry City Council, Warwickshire County Council and Coventry University staff to provide expert advice to other organisations in the process of applying for ESIF funding. The Council will act as accountable body for this project which will bring in a total of £181,000 ERDF and £184,000 ESF funding. Of this total, £145,000 (40%) will be available to fund existing Council staff.

3.12 **Table 1 – Summary of CCC Partner Led Bids**

Programme	Jobs Created	SMEs Supported	Of which are new Businesses	Support to Young People	Private Investment (£'m)	New Products to Market	ESIF Grant (£'m)
SME Growth	850	950	550	-	6.0	-	4.5
Low Carbon	210	530	30	-	5.7	-	5.7
Innovative C&W	90	100		-	2.9	6	1.8
Youth Employment Initiative (YEI)	-	-	-	3,100	-	-	7.2
Technical Assistance	-	-	-	-	-	-	0.37
Total	1,150	1,580	580	3,100	14.6	6	19.57

4 **Results of consultation undertaken**

4.1 The ESIF bids have been developed by partnerships led by the Council. These partnerships bring together a broad representation of organisations working on economic development and employment activities in Coventry and Warwickshire. This includes public and private sector partners, such as universities and third sector organisations. Partners involved in the development of the various ESIF applications include:

- City College
- Community Energy Warwickshire
- Coventry and Warwickshire Chamber of Commerce

- Coventry and Warwickshire Cooperative Development Agency
- Coventry and Warwickshire Reinvestment Trust
- Coventry District Energy Company
- Coventry University Enterprises
- Henley College
- Orbit Housing
- The Highlife Centre
- The Princes Trust
- Warwickshire County Council
- Whitefriars Housing Group

- 4.2 Each of these partners has had the opportunity to influence the ESIF bid in the relevant themes, allowing the views of a wide range of people and businesses from Coventry and Warwickshire to be considered in the project design.
- 4.3 The ESIF bids deliver against Coventry & Warwickshire's Strategic Economic Plan (SEP) which has undertaken significant consultation. In addition an extensive consultation process around the development of the Coventry & Warwickshire's ESIF Strategy has also taken place.

5 Timetable for implementing this decision

- 5.1 Should the ESIF bids be successful, the DCLG and DWP issue funding agreements which will allow the projects to start on January 1st 2016. Once this is agreed, each delivery partner will be given a Grant Aid Agreement that sets out their contribution to project in terms of match funding and outputs, and sets out how much ESIF funding will be available to them. This process is expected to be completed early in 2016.
- 5.2 Projects will run until December 2018. In previous European funding programmes the Council has successfully negotiated extensions of both time and funding several times, so it is possible that the end date will be extended.

6 Comments from Executive Director, Resources

6.1 Financial implications

- 6.1.1 The Council is proposing to be the accountable body for each of the five First Round ESIF 2014-20 programmes as specified in the report, totalling £19.57m if approved. Whilst there is some financial risk, there is no immediate implication of being accountable body. These schemes will bring significant economic benefit to the city. Grant risk is discussed further in section 8.
- 6.1.2 The ESIF applications in this first round will provide a total of up to £2.8m in grant funding towards the Council's staffing costs between January 2016 and December 2018.
- 6.1.3 Table 2 (below) illustrates that the total of match funding provided by Council for existing salaries and associated overheads is £4.3m. This reflects current revenue budgetary provision for the 3 year grant programme period. In addition, Delivery Partners will be providing £5.47m in match funding over the same period, with SMEs providing £5.7m in contributions towards grant activities. The Resource and New Projects team will monitor this to ensure grant is fully maximised where possible.

6.1.4 Table 2 – Summary of Financial Profiles for Each Application (£m)

	ESIF Grant	CCC Match Funding	Delivery Partner Match	Match Funding From SMEs
SME Growth	4.5	1.06	1.94	6.0
Low Carbon	5.7	0.61	1.77	5.7
Innovative C&W	1.8	0.26	0.18	2.9
Youth Employment Initiative (YEI)	7.2	2.24	1.36	0
Technical Assistance	0.37	0.15	0.22	0
Total	19.57	4.32	5.47	14.6

CCC’s match is required at varying levels for the individual projects depending on the type of activity being funded, the source of funding, and the contributions from delivery partners. Should the level of available CCC match funding change for any reason, it will be necessary to find alternative match within the programmes in order to maintain the level of ESIF grant that has been requested.

6.2 Legal implications

6.2.1 The Council will act as the accountable body for the ESIF projects on the terms of the EU and DCLG and DWP requirements. The Council will be issued with a grant offer containing terms and conditions. The terms and conditions will be devolved to any partners within the various programmes. These will ensure appropriate conditions and obligations which are imposed upon the Council are passed to the grant recipients who receive the funding for delivering projects. The Council has power to act as guarantor under Section 1 of the Localism Act 2011.

7 Other implications

7.1 How will this contribute to achievement of the Council’s key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

7.1.1 At its highest level the ESIF strategy delivers part of the Coventry & Warwickshire Local Enterprise Partnership’s SEP.

7.1.2 The ESIF projects proposed here will all contribute to the Council’s aim to be a top ten City that is “*globally connected and locally committed*”. The SME Growth Programme and Innovative Coventry and Warwickshire will support business growth and create jobs for local people, as well as raising the city’s profile by providing an additional incentive for businesses currently based elsewhere looking to invest in the city.

7.1.3 The ESIF programme will make a significant contribution towards delivering the outcomes of the Council's Jobs & Growth Strategy 2014-2017.

7.1.4 The Low Carbon Programme will reduce operating costs and encourage businesses to grow by helping to reduce energy bills, as well as providing infrastructure to improve the sustainability of the city centre such as the extension of the district heating network and new electric vehicle charging points. These activities will contribute towards the carbon reductions commitments within the Climate Change Strategy 2012.

7.1.5 The Youth Enterprise Initiative will help young people move into employment who may otherwise have struggled, and the project will include some of Coventry's most vulnerable young people in its target groups.

7.1.6 Overall the ESIF projects aim to make a strong contribution to the Council's aims to promote the growth of sustainable Coventry economy.

7.2 How is risk being managed?

7.2.1 The Council will act as accountable body for a total £19.57m of ESIF funding from the first round applications, and it will be responsible for ensuring that the funding is spent in compliance with the programme's regulations, and this will include ensuring that partners use their grant correctly.

7.2.2 Managing these complex programmes with several partners does present some risk, but the Council has a good track record for maintaining and achieving significant financial controls and well established procedures for handling public funds and these will be applied to the ESIF projects in order to ensure that the best possible value is achieved for the EU's investment in the schemes. Risk will be managed using the following approach:

- i. **Grant Aid Agreements** will be issued to partners which will pass on the risk of any funding claw back to partners in the event of non-compliance on their part.
- ii. **Each project will establish an Operational Group of management-level representatives** from each of the delivery partners. These groups will be chaired by Council officers and will manage risk by ensuring that partners are on course to achieve their output targets and are keeping records correctly etc.
- iii. In addition **each project will be overseen by a Strategic Board** with senior representatives of each organisation, again chaired by the appropriate senior manager from the Council.
- iv. The accountable body function will be completed the Council's Resources and New Projects Team (RNP) within the Place Directorate. This is **a specialist function which is responsible for managing large economic development funding contracts**. The team has a great deal of experience in this area and is currently managing funds worth £100m+ and is highly regarded by the Government's Local Growth Team. The External Funding Board, which is chaired by Barry Hastie, Assistant Director (Financial Management) also oversees the performance of the various economic development programme. The **Economy & Jobs Team will be the specialist service delivering the employment, skills and business support services** from within the Council. With an enviable track record in delivery and into its second Job & Growth Strategy both these services are highly competent in dealing with European Funds.

- v. **All of the grant funding awards to businesses from the programme will be considered by the CWLEP Grants Panel**, chaired by a Council representative and including representation from Warwickshire County Council, Districts and Boroughs, the Chamber of Commerce and the Growth Hub. This group reduces risk to the Council by ensuring that grant awards are made independently and fairly.

7.3 What is the impact on the organisation?

7.4 HR Implications

- 7.4.1 To ensure successful delivery of these large projects and the Council's ability to provide an adequate accountable body function, additional staff resources may be required. Some staff are already in place for the existing externally-funded projects. Any new staff will be recruited on temporary fixed term basis.

7.5 Equalities / EIA

- 7.5.1 The ESIF projects are likely to have a positive equalities impact. Many of the interventions are designed to assist people from groups which may otherwise struggle to access support. For example, in the SME Growth Programme, the Highlife Centre will run a service designed to help Black and Minority Ethnic people start new businesses. Similarly the Youth Enterprise Initiative: Ambition Coventry will aim to work with young people who are likely to have the greatest difficulties staying in education or entering the job market, those with convictions, minority ethnic groups, newly arrived, people with learning difficulties, disabilities or mental health difficulties and young parents.

7.6 Implications for (or impact on) the environment

- 7.6.1 Some of the projects will have a positive environmental impact, particularly the Low Carbon Business and Low Carbon Innovations which have been established specifically in order to help businesses reduce their energy bills and to provide low carbon infrastructure such as electric vehicle charging points. Efforts will be made to ensure that the other projects minimise any negative environmental impacts by encouraging project staff to use public transport and keep electronic records where possible.

7.7 Implications for partner organisations?

- 7.7.1 Securing this ESIF funding will allow the Council to part-fund the activities of a large number of important partner organisations working in business support and with disadvantaged young people. Funding will be passed on to partner organisations through these projects, giving them focused funding for a three year period to deliver significant and aligned outcomes for residents and businesses in Coventry & Warwickshire.

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Public Report
Council

Council

1 December, 2015

Report of the Leader

Councillor Mrs. Ann Lucas, OBE

Ward(s) affected:

Not Applicable

Title:

Amendments to Allocation of Executive Functions within Cabinet

Is this a key decision?

No

Executive Summary:

In accordance with the Constitution, this report informs Council of changes made by the Leader in relation to the allocation of Executive Functions within Cabinet.

List of Appendices included:

None

Other useful background papers:

None

Has it or will it be considered by Scrutiny?

No

Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Report title: **Amendments to Allocation of Executive Functions within Cabinet**

1. Context (or background)

The Council's Constitution enables the Leader of the Council to amend the allocation of Executive Functions within Cabinet.

Following the recent death of Councillor P Townshend, the Leader has reallocated the Executive Functions previously allocated to the Cabinet Member for Policing and Equalities as follows for the time being:-

Councillor Ann Lucas, Cabinet Member for Policy and Leadership	Legal & Democratic Services Training (Members) Constitutional Matters and Political Management Delivering a Programme for Action
Councillor Abdul Khan, Cabinet Member for Culture, Leisure, Sports and Parks	Local Policing Interfaith Forums Public Protection and Licensing Community Cohesion Refugees and Asylum Seekers
Councillor Faye Abbott, Cabinet Member for Community Development, Co- operatives and Social Enterprise	Equalities Community Safety Neighbourhood Services Domestic Violence and Sexual Exploitation*
Councillor Damian Gannon, Cabinet Member for Strategic Finance and Resources	Welfare Advice Services

*Councillor Dr Randhir Auluck remains Deputy Cabinet Member with special emphasis on Domestic Violence and Sexual Exploitation

A further report on the Council agenda deals with amendments to the appointments to Outside Bodies.

3. Results of consultation undertaken

Not applicable

4. Comments from the Executive Director of Resources

4.1 Financial implications

There are no financial implications arising from this report.

4.2 Legal implications

The Leader has the authority to alter the allocation of Executive Functions within Cabinet and is required to report on any such alterations to the next available meeting of Council.

5. Other implications

Not applicable

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Councillor Mrs. Ann Lucas, OBE	Leader			13.11.15

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Public report

Council

1 December 2015

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor Mrs Lucas

Executive Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

Not Applicable

Title:

Appointments of the City Council – Outside Bodies

Is this a key decision?

No

Executive Summary:

This report seeks approval to appoint:

- 1) One City Council representative to each vacancy on the following Outside Bodies:
Police and Crime Panel
Coventry & Solihull Waste Disposal Company Ltd – Shareholders' Panel
West Midlands Employers
West Midlands Joint Committee
- 2) One City Council nomination to each vacancy of Trustee on the following Outside Bodies:
Bonds Hospital Estate Charity Trustees
Swillington's Charity Trustees
- 3) Two City Council nominations to serve as Trustees on the Annie Bettmann Foundation to fill two vacancies.

Recommendations:

That the City Council appoints:-

- 1) Councillor A Khan as the City Council's named substitute Member representative on the Police and Crime Panel
- 2) Councillor K Maton as the City Council representative on the Coventry & Solihull Waste Disposal Company Ltd – Shareholders' Panel
- 3) Councillor D Kershaw as a City Council nominated Trustee of Bonds Hospital Estate Charity Trustees

- 4) Councillor D Kershaw as a City Council nominated Trustee of Swillington's Charity Trustees
- 5) Councillor D Gannon as a City Council representative on West Midlands Employers representative
- 6) Councillor D Gannon as a City Council representative on West Midlands Joint Committee, who would also be the substitute Member for voting purposes
- 7) Councillor J Clifford and Councillor F Abbott as City Council nominated Trustees on the Annie Bettmann Foundation, Councillor F Abbott to be designated as the Lead Member for the Council's reporting purposes.

List of Appendices included:

None

Useful background papers:

None

Has it or will it be considered by Scrutiny?

No

Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 1 December 2015

Report title: **Appointments of the City Council**

1. Context (or background)

Following the recent death of the Deputy Leader of the Council, Councillor P Townshend, a number of vacancies on Outside Bodies have arisen as follows.

1.1 Police And Crime Panel

1.1.1 The Police Reform and Social Responsibility Act 2011 requires the local authorities in each police force area to establish and maintain a Police and Crime Panel for its police force area.

1.1.2 Each year, Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council are required to appoint an Elected Member representative and a named substitute from their Authority to the West Midlands Police and Crime Panel.

1.1.3 In addition to the appointments made by Coventry City Council and Solihull Metropolitan Borough Council, 1 further Member is jointly nominated by Coventry and Solihull and appointed by the West Midlands Joint Committee, the appointment rotates annually, for 2015/2016 the appointment is an Elected Member from Solihull Council.

1.1.4 The City Council is required to appoint an Elected Member as the Authority's substitute representative to the Panel.

1.2 Coventry & Solihull Waste Disposal Company Ltd – Shareholders' Panel

1.2.1 The Shareholders Panel oversees the operation of the Waste Disposal Company.

1.2.2 Each year the City Council appoints 3 Elected Member representatives to the Panel.

1.2.3 The City Council is required to appoint an Elected Member representative to the vacancy on the Panel.

1.3 Bonds Hospital Estate Charity Trustees

1.3.1 Bonds Hospital Estate Charity is an organisation that manages property for the benefit of the elderly.

1.3.2 The City Council is required to nominate 3 Trustees of the Charity who need not be Elected Members. Each nomination is for a period of 4 years.

1.3.3 The City Council is required to make a nomination to the vacancy of Trustee.

1.4 Swillington's Charity Trustees

1.4.1 Swillington's Charity is an organisation for the general benefit of the poor in the City of Coventry.

1.4.2 Each Year the City Council is required to nominate 2 Elected Members as Trustees of the Charity.

1.4.3 The City Council is required to make a nomination to the vacancy of Trustee.

1.5 West Midlands Employers

1.5.1 The West Midlands Employers is an organisation advising, supporting and representing authorities in human resource management, industrial relations and employee/organisational development.

1.5.2 Each year the City Council is required to appoint 1 representative to the organisation who is usually the Executive Member with responsibility for Human Resources/Employment or the Leader of the Council.

1.5.3 The Leader of the Council is the current appointee and formerly alternated attendance at the meetings with the Executive Member with responsibility for Human Resources/Employment.

1.5.4 The City Council is required to appoint an Elected Member representative to the vacancy of alternate Member.

1.6 West Midlands Joint Committee

1.6.1 West Midlands Joint Committee is the formerly constituted body of West Midlands District Councils to discharge specific functions concerning the West Midlands.

1.6.2 Each year the City Council is required to appoint 3 representatives to the Committee. The Leader is currently the Authority's Lead Voting Member appointed to the Body.

1.6.3 The City Council is required to appoint an Elected Member representative to the vacancy on the Committee, who would also be the substitute Member for voting purposes.

1.7 Annie Bettmann Foundation

1.7.1 The Annie Bettmann Foundation is a small charity that provides financial support to people living locally who are starting a business. It was established by Siegfried Bettmann, a former mayor of Coventry.

1.7.2 The Charity, which meets on average 4 times a year, must have between 4 and 6 trustees who, under the terms of the Trust Deed, must be nominated by the City Council but need not be Elected Members. The appointments are for a 4 year period with all current appointments expiring in May 2017.

1.7.3 The City Council is required to nominate a representative to the vacancy on the Foundation, to serve as a trustee until the Annual Meeting of the Council 2017. The City Council is also required to nominate a further representative to a second vacancy on the Foundation, which has arisen following the recent resignation of former Councillor, Mrs C Fletcher, who was also designated lead representative for the Council's reporting purposes.

2. Options considered and recommended proposal

- 2.1 It is proposed that the City Council be represented on the Police and Crime Panel by the appointment of Councillor A Khan, as the named substitute Member.
- 2.2 It is proposed that the City Council be represented on the Coventry & Solihull Waste Disposal Company Ltd – Shareholders’ Panel by the appointment of Councillor K Maton.
- 2.3 It is proposed that the City Council nominates Councillor D Kershaw as a Trustee of Bonds Hospital Estate Charity Trustees.
- 2.4 It is proposed that the City Council nominates Councillor D Kershaw as a Trustee of Swillington’s Charity Trustees.
- 2.5 It is proposed that the City Council be represented on West Midlands Employers by the appointment of Councillor D Gannon.
- 2.6 It is proposed that the City Council be represented on the West Midlands Joint Committee by the appointment of Councillor D Gannon, who would also be the substitute Member for voting purposes.
- 2.7 It is proposed that the City Council nominates Councillor J Clifford and Councillor F Abbott as Trustees of Annie Bettmann Foundation. Councillor F Abbott would be designated as the Lead Member for the Council’s reporting purposes

3. Results of consultation undertaken

- 3.1 Not applicable

4. Timetable for implementing this decision

- 4.1 The appointments will take effect from the date of the Council Meeting.

5. Comments from the Executive Director of Resources

- 5.1 Financial implications

Not applicable

- 5.2 Legal implications

The Council is required to appoint City Council representatives to each organisation.

6. Other implications

Not applicable

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Councillor Lucas	Leader of the Council	-	11/11/15	11/11/15

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