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**Cabinet Member for Culture, Leisure, Sports and Parks**

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**Time and Date**

9.30 am on Thursday, 12th November, 2015

**Place**

Committee Room 2 - Council House

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**Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 12)
  - (a) To agree the minutes of the Cabinet Member for Culture, Leisure, Sports and Parks meeting held on 24 September 2015.
  - (b) Matters arising
  - (c) To note the minutes of the Cabinet Member for Policing and Equalities meeting held on 24<sup>th</sup> September 2015.
4. **Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue** (Pages 13 - 20)

Report of the Executive Director of Place

NOTE: Councillor B Singh and the petition organiser have been invited to the meeting for the consideration of this item.
5. **Licensing Act 2003 - Revised Statement of Licensing Policy - Consultation Responses** (Pages 21 - 56)

Report of the Executive Director of Place
6. **Gambling Act 2005 - Revised Statement of Gambling Policy** (Pages 57 - 102)

Report of the Executive Director of Place
7. **Place Directorate Enforcement Policy** (Pages 103 - 112)

Report of the Executive Director of Place

8. **Progress Report - Fines Policy for Redress Schemes for Letting Agents and Property Management** (Pages 113 - 118)

Report of the Executive Director of Place

9. **Fines Policy - Letting Agents Requirements to Display Fees** (Pages 119 - 134)

Report of the Executive Director of Place

10. **Progress Report of Primary Authority Partnerships** (Pages 135 - 142)

Report of the Executive Director of Place

11. **Outstanding Issues Report** (Pages 143 - 146)

Report of the Executive Director of Resources

12. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

Nil

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 4 November 2015

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3075 Email [gurdip.paddan@coventry.gov.uk](mailto:gurdip.paddan@coventry.gov.uk)

Membership: Councillor A Khan (Cabinet Member)

By invitation: Councillor J Birdi (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR if you would like this information in another format or language please contact us.

**Usha Patel**

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# Agenda Item 3

## Coventry City Council

### Minutes of the Meeting of Cabinet Member for Culture, Leisure, Sports and Parks held at 9.30 am on Thursday, 24 September 2015

Present:

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

Employees (by Directorate): G Hood, Place Directorate  
G Paddan, Resources Directorate

Apologies: Councillor Andrews

#### **Public Business**

##### **6. Declarations of Interests**

There were no declarations of interest.

##### **7. Minutes**

The minutes of the meeting held on 22 June 2015 were agreed and signed as a true record. There were no matters arising.

##### **8. Petition Update Report - Juniper Drive Play Area**

Further to minute 10/15 (meeting held January 2015), the Cabinet Member considered a report of the Executive Director of Place with an update on Juniper Drive Play Area petition. The petition had been signed by 115 residents who live in the vicinity of Juniper Drive. It called on the Council to update and replace play equipment in the park area Juniper Drive/Woodridge Avenue in consultation with local residents as there had been no update of the equipment for a number of years.

It was noted that most of the equipment at Juniper Drive Play Area was at the end of its practicable life that refurbishment costs were estimated at £29,400 and that adequate play provision was located at Allesley Park just 600m away from Juniper Drive and well within its catchment area.

It was highlighted that the Parks Service budget was to be reduced by £1m from April 2015 and that part of the parks Service Financial Strategy was to review the replacement of equipment when it became beyond practicable repair.

During February 2015 local residents formed the 'Allesley Green Residents' Association'. The report noted that the group had expressed an interest in seeking external funding to remove the old play equipment at Juniper Drive and replace with new. The Head of Streetpride and Greenspace had attended a residents' forum in June 2015 to outline the circumstances surrounding the decision to remove the play equipment at Juniper Drive and respond to questions. The opportunity was taken to reinforce the commitment to delay the removal of the

equipment whilst the Association was pursuing external funding opportunities and the offer of Council Officer support in that process. It was reported that since the report was written there had been further development.

Further meetings between the Association and Council officers have continued with a view to progressing the improvements and replacement of play equipment. A draft consultation document has also been sent to the Association.

The Cabinet Member sought clarification from the officer on the use of the £13,000 which was allocated for removing the existing items of equipment and safer surfacing works. As the Association was in the process of applying for up to £50,000 external grant funding to provide additional play equipment. The £13,000 has been reserved and may be match funded if the potential bid application covered the removal of the existing play equipment.

**RESOLVED, that after due consideration of the report and the matters raised at the meeting, the Cabinet Member: -**

- 1. Note the progress made by the Allesley Green Residents Association in seeking external funding to remove the old play equipment at Juniper Drive Play area and replace with new.**
- 2. Endorse the actions of Council Officers in assisting the Association to seek and submit external funding bids.**
- 3. Agree that the removal of the play equipment at Juniper Drive be postponed until November 2015 (subject to any necessary action arising from safety or maintenance issues) allowing the Association adequate time to explore funding sources.**
- 4. Agree that the Council continues to inspect and maintain the equipment at Juniper Drive Children's Play area until May 2016.**

**9. Outstanding Issues**

The Cabinet Member noted a report of the Executive Director of Resources that contained a list of outstanding issues and summarised the current position in respect of the item.

**10. Any Other Items of Public Business**

There were no other items of public business.

Meeting closed 9.45am

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 2.00**  
**pm on Thursday, 24 September 2015**

Present:

Members: Councillor Townshend

Other Members: Councillor J Clifford  
Councillor J O'Boyle (for item 16)  
Councillor R Ruane (for item 15)

Employees (by Directorate):

Chief Executive's: N Brook, C Dear, S Nagra, H Shankster

People: S Hutt, B Massey, C Hickin, I Merrifield, L Nagle

Resources: G Carter, S Mangan, U Patel

Apologies: Councillor A Andrews and R Auluck

In attendance: P Evans, WATCH Charity (for item 16)  
Alderman Gazey  
J Haywood, St Peter's Centre (for item 16)  
Inspector Mason (for item 16)  
J McAllister (for item 15)  
P McNamara (for item 17)  
Sergeant Mercer (for item 16)  
W Overfield, UHCW NHS Trust (for item 15)  
D Powell, UHCW NHS Trust (for item 15)  
R J Wilsen (for item 16)

## **Public Business**

### **13. Declarations of Interest**

There were no declarations of interest.

### **14. Minutes**

The minutes of the Cabinet Member meeting held on 23 July 2015 were signed as a true record. There were no matters arising.

### **15. Report in response to a petition regarding smoking in Hall Lane**

The Cabinet Member considered a report of the Executive Director of People which responded to a petition regarding smoking in Hall Lane.

A petition bearing 322 signatures was submitted to the City Council by Councillor Ruane on 7 July 2015. The petition outlined residents' concerns in relation to customers and employees from the University Hospital, Coventry & Warwickshire

NHS Trust at Walsgrave, smoking on the street and generally causing a nuisance with noise and litter.

The residents' requested that the Council make Hall Lane a smoke free street and that the hospital takes responsibility for the results of their no smoking policy.

Councillor Ruane, a Henley Ward Councillor and the petition spokesperson attended the meeting and spoke in support of the petition. The petition spokesperson stated that the residents had been in discussions with the hospital for over nine months without any progress and the problems appear to have worsened since the Caludon Centre adopted the same no smoking policy. It was reported that staff and patients sit on bollards, fences and curbs and were often disrespectful to the residents.

Representatives of the hospital also attended the meeting to listen to the residents' concerns and discussions and would report back to the hospital's management board.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

- 1. Defers the review of the implications of making Hall Lane a smoke free street and approves the officer recommendation not to proceed until the matter is referred back to the hospital for further consideration and an update report is submitted to the Cabinet Member meeting on 10 December 2015.**
- 2. Requests that the petition be passed onto University Hospital, Coventry & Warwickshire NHS Trust for a formal response and also Coventry and Warwickshire Primary Trust and Meridan Hospital for their consideration together with a copy of the recommendations.**
- 3. Requests that Neighbourhood Enforcement Officers are allocated to the area on an intermittent basis, as resources permit, to enforce any littering caused by smokers in Hall Lane.**

**16. Progress report on the Hillfields Community Safety Action Plan**

The Cabinet Member considered a report of the Executive Director of People which provided an updated action plan and progress against additional recommendations made by Cabinet Member at the meeting held on 23 July 2015 in response to a petition submitted about street drinking in the Hillfields Village Square. The petition bearing 70 signatures was submitted by Councillor O'Boyle, a St Michaels Ward Councillor on 17 June 2015.

Officers developed a strategy and action plan to address these issues to provide a more proactive approach to prevent recurrence of the same problems. The action plan (attached as Appendix 1 to the report) had been updated and revised by the Community Safety Officer and the relevant officers responsible for implementing the actions following the meeting on 23 July 2015.

The report provided year on year comparison of incidents of crime and nuisance reported to the police and City Council and this showed a marked decrease in reports during the comparable timeframe.

The report further stated that tackling nuisance behaviour and street drinking in Hillfields remained a key priority for all agencies in the area. This was further helped by having excellent working relations between the Neighbourhood Policing Team, the Community Safety Team and Registered Social Landlords.

A monthly schedule of Community Payback work was developed by Council Officers in conjunction with the Community Rehabilitation Service. Work had already commenced in the area and would Council Officers continue to work with partner organisations and residents to complete the schedule of works.

The report outlined progress made and work still outstanding since the Cabinet Member meeting held on 23 July 2015.

Councillor O'Boyle and the petition spokespersons attended the meeting and spoke in respect of the problems being experienced by Hillfields residents. Their main concern was that none of the recommendations made at the last meeting appear to have been progressed as the problems still remained.

West Midlands Police officers also attended the meeting and reported on the work undertaken by them so far. It was reported that the Police had received training relevant to the problems being experienced in the area and as a result were better equipped to deal with the issues. And with the help of key partners, the police would be able to proactively target issues highlighted in the report.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

- 1. Notes the updated action plan which now includes the recommended actions from the meeting on 23 July 2015 and progress towards the same, and agrees that the work on this continues. Endorses the actions in the plan that also covers the underlying social issues which cause problems in the area.**
  
- 2. Requests officers continue to engage with local community groups and businesses to continue to identify local issues (especially those related to street drinking and problematic individuals in the Village Square and surrounding area), deliver action, monitor reported incidents, and generally review and update the action plan.**
  
- 3. Requests Police to:**
  - Continue to dedicate patrols to hotspot locations within the Hillfields area, responding swiftly to any issues raised or identified;**
  - Exercise their powers to obtain identities and disperse individuals in groups that are likely to cause public nuisance and/or offending behaviour, ensuring individuals are challenged about their behaviour where appropriate, but also have the opportunity for treatment and support.**

- 4. Requests that officers continue multi-agency case management through relevant forums to monitor behaviour and the effectiveness of interventions to support change.**
- 5. (a) Requests that the Tree Preservation Officer and Arboriculture Services Officer prepare a written report within 14 days of today's meeting in relation to the tree situated in Hillfields, Adelaide Street, identifying amongst other matters whether the tree is currently subject to a Tree Preservation Order; whether it can be pruned and if so, within what timescale; and whether it can be removed completely without causing structural damage to neighbouring properties. Such report to be distributed to the three Hillfields Ward Councillors, lead petitioner and the Cabinet Member.**  
**(b) Requests the Assistant Director of Highways Services, to prepare a written report within 14 days on whether or not the wall surrounding the tree can be removed without causing damage to neighbouring properties and if so within what timescales and at what expense. The report to show good reasons why the wall should not be removed.**  
**(c) Requests the Assistant Director of Safeguarding Performance and Quality to submit a written report providing an update on the position regarding the outstanding work to be undertaken by Waites.**  
**(d) Copies of all of the above mentioned reports to be sent to Inspector Mason, West Midlands Police, for information.**
- 6. Any further decisions in relation to recommendation 5 above be deferred to Cabinet Member for Policing and Equalities in consultation with the three Hillfields Ward Councillors and the Executive Director of Place.**
- 7. Requests that a further progress report be submitted to the Cabinet Member meeting scheduled for 10 December 2015.**

**17. Progress report on improvements made to the environment and security of the Hearsall area of Coventry**

The Cabinet Member considered a report of the Executive Director of Place which provided an update on improvements made to the environment and security of the Hearsall area of Coventry.

A petition bearing 184 signatures was originally submitted on 25 March 2014 by Councillors Howells and B Singh, Whoberley Ward Councillors.

The petition requested the Council to implement a variety of measures to address environmental issues which if addressed would likely to improve the security of the Hearsall area, Whoberley Ward.



The report stated that the only remaining issue is the obstruction caused by wheelie bins stored on pavements was dealt with by way of additional measures as recommended by the Cabinet Member at his meeting held on 23 April 2014 (Minute 104/14 refers).

The petition spokesperson attended the meeting and reported that the problem of bins left outside on the street still remained in certain streets and that warning letters were being ignored.

The Head of Environmental Services Communities and Health reported that changes in legislation meant that perpetrators could no longer be prosecuted; however, they would endeavour to work with the local residents' group to stay on top of the problem.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

**1. Requests officers to :**

- **Continue to monitor the area to ensure that the progress made in removing wheelie bins from the street is maintained.**
- **Continue to work with the local residents' group and support them when and where required.**

**18. Annual Report on the use of the Covert Surveillance of Employees Policy and Procedure and Processing CCTV Footage: Alleged Employee Misconduct Procedure**

The Cabinet Member considered a report of the Executive Director of Resources which provided an update on the use of the Covert Surveillance of Employees Policy and Procedure and Processing CCTV Footage: Alleged Employee Misconduct Procedure.

When these procedures were approved (i.e. Covert Surveillance of Employees Policy and Procedure in March 2013 and the Processing CCTV Footage: Alleged Employee Misconduct Procedure in January 2015); it was agreed that the relevant Cabinet Member would receive an annual report of activity through these procedures. Given the limited number of requests received, it was determined that a combined report would provide a better overview of both proactive and reactive approaches used by the Council in response to potential employee misconduct through these procedures.

Over the last year, only two applications were made under the Covert Surveillance of Employees Policy and Procedure. And under the Processing CCTV Footage: Alleged Employee Misconduct Procedure, five applications were made over the last year. The report provided a summary of the applications made.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

- 1. Notes the position outlined in the report;**
- 2. In light of the limited use of these procedures, to request that the Monitoring Officer provide a report to the Cabinet Member for Policing**

**and Equalities on an annual basis identifying the number of applications made through these procedures and any other relevant issues, which report will be considered in private if necessary where data and information about individuals is referenced in the report.**

**19. Equality Strategy - end of year progress report 2014-15**

The Cabinet Member considered a report of the Director of Public Health which provided the Equality Strategy - end of year progress report 2014/15.

The Council's Equal Opportunities policy states the Council's belief that everybody should have an equal opportunity to contribute to and benefit from society; and a diverse community is a positive asset to the city.

The current equality strategy was approved in March 2013, the strategy sets out how the Council would deliver the equal opportunities policy and also how it would comply with the requirements of the Equality Act 2010.

The report provided an overview of progress in relation to the equality strategy for 2014/15 and included a summary of progress in relation to the Council's equality objectives (appendix A) which are linked to the priorities in the Council Plan.

The Council's current equality strategy is valid until March 2016 and it was hoped to review this with the intention of adopting a revised strategy by the end of March 2016.

**RESOLVED that the Cabinet Member for Policing and Equality:**

- 1. Notes the progress made on implementing the equality strategy;**
- 2. Approves the end of year 2014/15 progress on the Equality Objectives; and**
- 3. Requests a review and update of the Council's equality strategy to be published by March 2016.**
- 4. Directs that a copy of the report be sent to all Directors, Assistant Directors, all Cabinet Members and Deputy Cabinet Members within the course of the next 14 days.**

**20. Invasive non-native plant species**

The Cabinet Member considered a report of the Executive Director of Place which provided information on invasive non-native plant species namely Japanese Knotweed and the Giant Hogweed and the extent of the Council's powers in dealing with these.

Japanese Knotweed and the Giant Hogweed are two of the most prevalent invasive non-native plants that were introduced into Britain in the 19<sup>th</sup> Century. Both can colonise an area and very quickly dominate a habitat so as to exclude other plants from growing.

The report stated that from a nuisance point of view, Japanese Knotweed's root system can cause structural damage to buildings, whilst the Giant Hogweed can lead to human skin irritation. Furthermore, eradication of these plants is not straightforward.

Research suggested that the control and eradication of these plants is both costly and lengthy and could hinder securing a mortgage on affected land.

Whilst it is not an offence to have these species on land, owner/occupiers would have a duty to prevent their spreading to neighbouring properties.

Until recently, these non-native invasive species were the sole responsibility of the Police, although their powers were limited and most people used civil legislation. However, recent legislative changes to the Anti-social Behaviour, Crime & Policing Act 2014 made clear that local authorities now also had suitable powers to deal with these plants. The report provided further information on the options available and the proposal to adopt a three stage approach in an attempt to deal with these plants.

**RESOLVED that the Cabinet Member for Policing and Equalities endorses the three stage approach suggested by officers in assisting residents in dealing with the encroachment onto their land of non-native invasive plant species.**

## 21. **Outstanding Issues Report**

The Cabinet Member noted a report of the Executive Director of Resources that identified those issues on which further reports had been requested and were outstanding so that progress could be monitored.

**RESOLVED that the Cabinet Member for Policing and Equalities approves the deletion of item 9 on the outstanding issues list headed "Local Democracy Week" as this would now be considered by the Cabinet Member for Policing and Equalities Electoral Arrangements Advisory Panel.**

## 22. **Any Other Business**

There were no other items of public business.

(Meeting closed at 3.50 pm)

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Cabinet Member for Culture, Leisure, Sports and Parks

12 November 2015

**Name of Cabinet Member:**

Councillor A Khan

**Director Approving Submission of the report:**

Executive Director of Place

**Ward(s) affected:**

Whoberley

**Title:**

Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue

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**Is this a key decision?**

No

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**Executive Summary:**

A petition containing 11 signatures, from 6 households, was submitted to the Council on 25 March 2014 by Councillor B Singh.

Reports in response to the petition were presented to Cabinet Member for Policing and Equalities on 3 July 14, 2<sup>d</sup> October 14, 18<sup>th</sup> December 2014 and 23<sup>rd</sup> April 15 and detailed the action taken by Officers in response to resident's concerns about environmental and nuisance behaviour on the open space at the rear of properties 2-66 Brookside Avenue, Whoberley, Coventry.

At the meeting held on the 23<sup>rd</sup> April 2015 the Cabinet Member for Policing and Equalities resolved to:

1. Endorse the additional actions taken by officers as outlined in the report and thanks officers for their efforts in this respect.
2. Request officers to liaise with the Police and request that they continue to patrol the area and to respond to any issues raised or identified and, if appropriate, to exercise their powers to obtain identities of and disperse groups of individuals that are likely to cause nuisance or offending behaviour, and that a letter be sent by the Cabinet Member to the Local Police Commander Chief Inspector Bell requesting that the presence of police officers be reinforced in the area. A copy of the letter to be sent to Councillors Innes and Singh, Whoberley Ward Councillors and the petitioner for information.
3. Endorse the continued efforts of the Community Development Service to work with the community in tackling local issues including litter and environmental issues.

4. Request officers to continue to monitor incidents of crime and nuisance together with the effectiveness of their action and to respond appropriately to any such issues.
5. Request an updated report detailing any further issues or incidents to be submitted to the Cabinet Member for Policing and Equalities or his successor on or before 31 October 2015.

The open space is owned by the Council and managed by the Parks Service of the Place Directorate.

This report provides a further update on progress against additional recommendations provided by Cabinet Member at his meeting on 23<sup>rd</sup> April 15.

**Recommendations:**

The Cabinet Member is requested to:-

1. Note the actions taken by Officers as outlined in this report
2. Endorse officers continued liaison with the Police to ensure they continue to patrol the area and to respond to any issues raised.
3. Endorse the continued efforts of the Community Development Service to work with the community in tackling local issues including litter and environmental issues.
4. Endorse that officers continue to monitor incidents of crime and nuisance and to respond appropriately to any such issues.
5. Agree the removal of the CCT Camera from Brookside Avenue and that it be repositioned at Caludon Castle Park which is presently suffering from high levels of anti-social behaviour.

**List of Appendices included:**

*None*

**Background papers:**

- i. Report to Cabinet Member for Policing and Equalities dated 3 July 2014 entitled:  
“Response to petition calling for the installation of security fencing to open land at the rear of numbers 2-66, Brookside Avenue”
- ii. Report to Cabinet Member for Policing and Equalities dated 2 Oct 2014 entitled:  
“Progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue”
- iii. Report to Cabinet Member for Policing and Equalities dated 3 July 2014 entitled:  
“Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue “
- iv. Report to Cabinet Member for Policing and Equalities dated 23<sup>rd</sup> April 2015 entitled:  
“ Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue”

**Other useful documents**

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?**

No

**Report title:**

Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue

**1. Context (or background)**

- 1.1 A report in response to a petition containing 11 signatures was presented to Cabinet Member for Policing and Equalities meeting on 3 July 2014 and further progress reports on 2nd October, 18th December 2014 and 23rd April 2015 provided details of additional work to address local concerns in relation to the open space at the rear of their properties in Brookside Avenue.
- 1.2 The open space is maintained by the City Council and services provided include grass cutting, litter picking, and the emptying of waste bins.
- 1.3 The provision of £5,000 by the Coventry Community Safety Partnership funding was used to fund the replacement of metal palisade along the Allesley Old Road boundary of the open space to the rear of the properties in Brookside Avenue. The fencing works were completed in February 2015.
- 1.4 During July 2015 works were completed to erect palisade fencing around the pipe and inspection chamber covers preventing access. The works were financed via the residents' successful £5,000 grant application from the Community grant Fund.
- 1.5 A CCTV camera which had been located at Allesley Park as part of on-going efforts to reduce the high levels of anti-social behaviour (ASB) being experienced at that site was removed and allocated to Brookside during June 2015. Its positioning was agreed following liaison with a local Ward Councillor. It was recommended that a CCTV camera be sited at the location to offer surveillance opportunities over the problematic area. This involved the adaption of a lighting column on Allesley Old Road and the relocating of a camera from Primrose Hill Park to the Allesley Old Road site. At the request of the local Elected Member, a second column was adapted at the entrance to the open space on Brookside Avenue. The camera was duly moved from Allesley Old Road to Brookside Avenue. As there were significant increases in issues at another location; the camera, a Nomad style camera, was exchanged for a different type of camera, a Domehawk style camera, as the Nomad was required in the other location.
- 1.6 A thorough review of the CCTV footage taken since the cameras' installation has shown no incidents. In light of this officers recommend that more effective use of the equipment could be made by its removal from this location and repositioning at Caludon Castle Park which is presently suffering high levels of anti-social behaviour.
- 1.7 Since the last Cabinet Member meeting, Officers within the Council's Parks Service and Community Safety Team have received no reported incidents from local residents or other members of the public.
- 1.8 Police records for the period covering April to August 2015 indicate 21 incidents of crime and nuisance taking place. The incidents are mainly youth related nuisance, road traffic accidents and shoplifting. It is not possible from the data to establish the exact location of the incident only that is in Brookside Avenue therefore it is not possible to determine if these incidents occurred in the locality / rear of between numbers 2 and 66 Brookside Avenue.



- 1.9 City Council systems indicate no recorded incidents of nuisance/anti-social behaviour associated with the locality, however 5 reports of Environmental issues are recorded; 2 Fly Tipping, 2 Rats and 1 Dog Fouling.
- 1.10 During July 2015 the Councils Parks Ranger Service undertook works on the site to remove some undergrowth from the base of the adjacent trees to provide a clear line of sight to the subject area. In October and November the Ranger Service will remove further undergrowth to provide better visibility through the woodland and deter misuse of the area.

## **2. Options considered and recommended proposal**

- 2.1 Officers of the City Council continue to monitor this open space area for evidence of vandalism, drug use, or other Anti-Social Behaviour and any information gathered to be shared with Police colleagues and appropriate interventions initiated.
- 2.2 The effectiveness of the measures provided to be monitored by the Community Safety and the Park Rangers Teams.

## **3. Results of consultation undertaken**

- 3.1 Police and Council Officers have engaged with the residents and are in regular contact with them via the Guphill Residents` Association to understand the issues and to work with local people to address them.
- 3.2 Residents are encouraged to report incidences, as they occur, to the relevant organisation. Contact details have been issued in order to encourage regular reporting of incidents for monitoring and response purposes.

## **4 Timetable for implementing this decision**

- 4.1 Officers of the Community Development Service will continue to work with the community in tackling local issues including litter and environmental issues. Reported incidents of crime & disorder are monitored by the Community Safety Officer.

## **Comments from Executive Director of Resources**

### **5.1 Financial implications**

There is no additional major expenditure recommended within this report, any minor works will be funded from existing resources.

### **5.2 Legal implications**

There are no legal implications arising from the recommendations within this report.

### **6 Other implications**

None

**6.1 How will this contribute to the Council Plan?**

**Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

Supporting local people to do more for themselves and their local community is central to the City Council's principles and the Council Plan.

**6.2 How is risk being managed?**

1. The Community Safety Officer continues to monitor crime and disorder levels in the area.
2. Police and Council Officers continue to incorporate the area in their patrol strategies and work schedules and will monitor behaviour of individuals.

**6.3 What is the impact on the organisation?**

None

**6.4 Equalities / EIA**

N/A

**6.5 Implications for (or impact on) the environment**

N/A

**6.6 Implications for partner organisations?**

N/A

**Report author(s):**

**Name and job title:**

Graham Hood - Head of Streetpride & Greenspace

**Directorate:**

Place

**Tel and email contact:**

02476 832194 [graham.hood@coventry.gov.uk](mailto:graham.hood@coventry.gov.uk)

Enquiries should be directed to the above persons.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Usha Patel	Governance Services Officer	Resources Directorate	28.10.2015	30.10.2015
Andrew Walster	Assistant	Place Directorate	15/10/2015	02/11/2015

	Director Streetscene and Greenspaces			
Bev Massey	Community Safety Officer	People Directorate	12/10/2015	14/10/2015
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Cath Crosby	Finance Manager	Place Directorate	13/10/2-15	14/10/2015
Legal: Helen Lynch	Legal Services Manager	Resources Directorate	13/10/2015	30/10/2015
Director: Martin Yardley	Director	Place Directorate		
Members: Name				
Councillor A Khan	Cabinet Member for Culture, Leisure, Sports and Parks			

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### Appendices

None

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## Public report Cabinet Member Report

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

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**Is this a key decision?**

No

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**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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**Directorate: Place**

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)



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## Licensing Act 2003

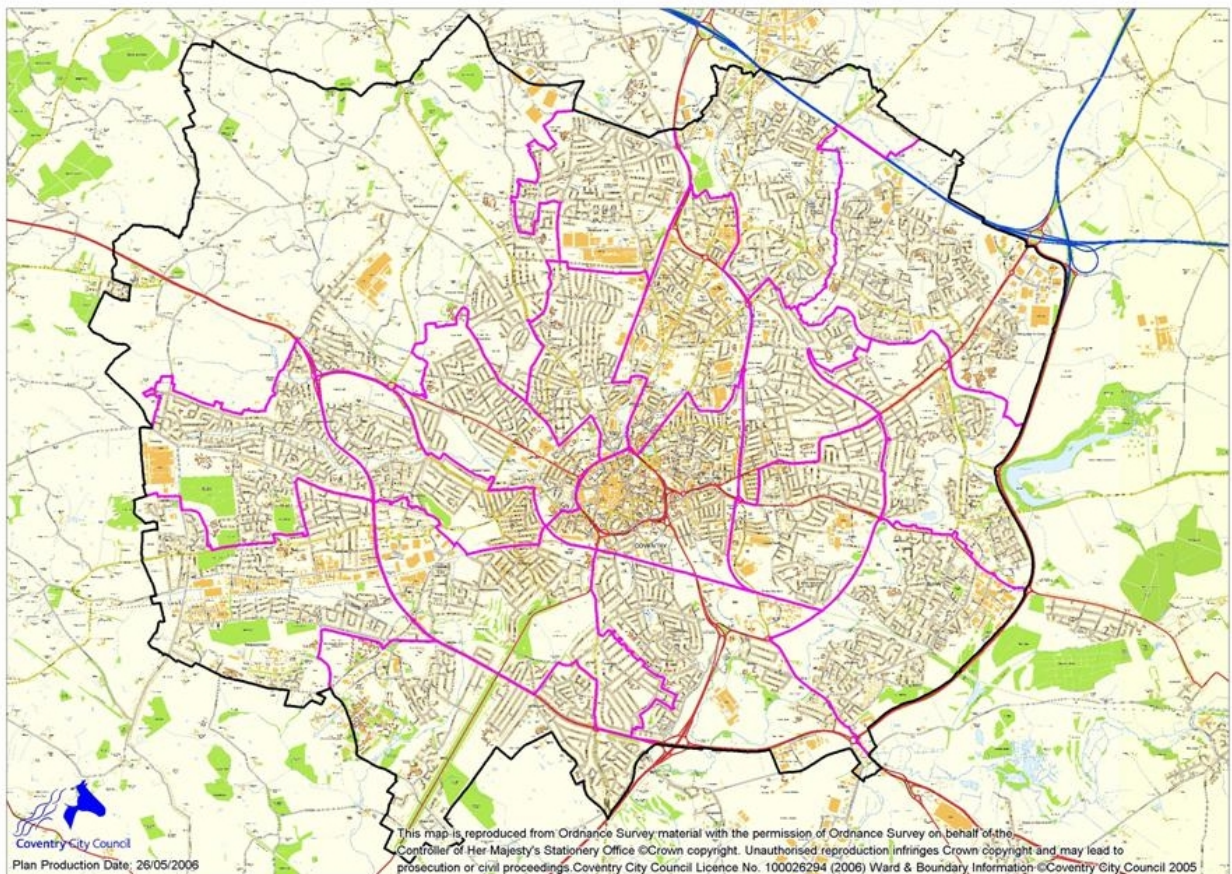
# Statement of Licensing Policy 2016-2021



## 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 6<sup>th</sup> 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](http://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](mailto: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:

<b>Matters to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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**

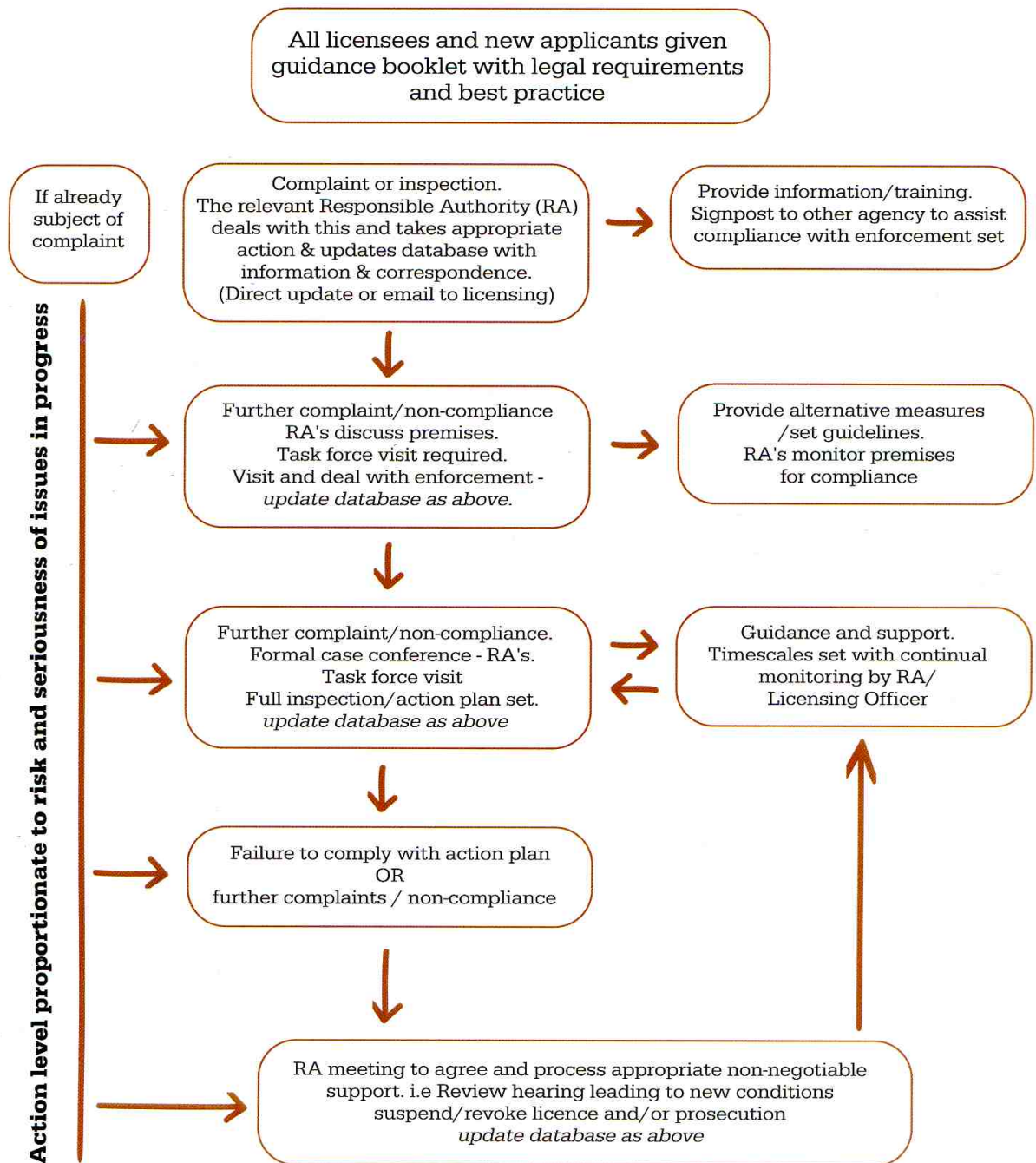
- 16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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](mailto:licensing@coventry.gov.uk)  
website [www.coventry.gov.uk](http://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](mailto:licensing@coventry.gov.uk)

#### **Contact:**

Davina Blackburn  
Licensing Manager  
[Davina.blackburn@coventry.gov.uk](mailto: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](mailto:Bowes_4093@west-midlands.pnn.police.uk)  
PC Claire Marston  
[c.marston@west-midlands.pnn.police.uk](mailto: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](mailto:firesafety.admin@wmfs.net)

#### **Safeguarding Children Board**

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

#### **Contacts:**

Rebekah Eaves  
[safeguardingchildrenlicensing@coventry.gov.uk](mailto: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](mailto: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](mailto: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](mailto:alan.harwood@coventry.gov.uk)



**Coventry Health Board**

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

**Contact:**

Angela Hands  
Public Health Practitioner  
Tel: 024 7683 1315  
Email:  
[publichealthlicensing@coventry.gov.uk](mailto: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](mailto: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](mailto: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](http://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](mailto:licensing@coventry.gov.uk)**

## Appendix B :

### Responses to Coventry City Council Statement of Licensing Consultation April 6 2015 – 28<sup>th</sup> June 2015

#### 1 Background

- 1.1 The public consultation on the draft Statement of Licensing Policy took place for 12 weeks from 6<sup>th</sup> April 2015-28<sup>th</sup> 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)	<p><b>Prevention of Crime and Disorder</b></p> <p>Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> <li>• Support the police by facilitating access to health information such as anonymised A&amp;E data due to alcohol related admissions. E.g. as part of a license review application</li> <li>• Provide trading standards with evidence of the health impact of illicit/ counterfeit alcohol</li> </ul>	Appropriate amendments made

		<p><b>Promotion of Public Safety</b> Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> <li>• Support the sharing of health information such as anonymised A&amp;E data with other responsible authorities where it links to public safety</li> <li>• Explore the impact of alcohol related incidents on emergency services such as West Midlands Ambulance Service.</li> </ul> <p><b>Prevention of Public Nuisance</b> Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Protection of Children From Harm</b> Coventry's Director of Public Health will:</p> <ul style="list-style-type: none"> <li>• Engage with Coventry Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services.</li> <li>• Consider the proximity of licensed premises to schools, youth centres, play groups and family centres</li> <li>• Share anonymised A&amp;E data with other responsible authorities relating to young people and alcohol related incidents.</li> </ul>	
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"> <li>• “Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions”.</li> <li>• “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>”</li> <li>• “ 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></li> </ul>	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; <b>Crime, Nuisance and Harm Prevention Strategies, Health and Wellbeing Strategy and Coventry as a Marmot City.</b>
Removal of terms	Removal of term “vicinity test” Removal of term “interested party” to be replaced by “other person”
Promotion of the Licensing Objective – <b>Prevention of Crime and Disorder</b>	<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&amp;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 - <b>Promotion of Public Safety</b>	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 - <b>Prevention of Public Nuisance</b></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 - <b>Protection of Children From Harm</b></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&amp;E data with other responsible authorities relating to young people and alcohol related incidents.</p>





## Public report Cabinet Member Report

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

20<sup>th</sup> October 2015  
12<sup>th</sup> November 2015  
1<sup>st</sup> 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

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**Is this a key decision?**

No

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**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) 23<sup>rd</sup> July 2015 and 5<sup>th</sup> November 2015  
Licensing and Regulatory Committee 28<sup>th</sup> July 2015 and 20<sup>th</sup> October 2015

**Will this report go to Council?**

Yes

1<sup>st</sup> 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 31<sup>st</sup> 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 23<sup>rd</sup> July and the Licensing and Regulatory Committee on 28<sup>th</sup> 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 31<sup>st</sup> 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 23<sup>rd</sup> 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 5<sup>th</sup> August to 23<sup>rd</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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.

**Report author(s): Davina Blackburn**

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**Directorate: Place**

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
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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](http://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](http://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](http://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](http://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 6<sup>th</sup> 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  
3<sup>rd</sup> Floor Broadgate House  
Broadgate  
Coventry  
CV1 1NH

Effective date of reviewed policy: 31<sup>st</sup> January 2016 Valid until 30<sup>th</sup> January 2019

## Appendix B :

### Responses to Coventry City Council Statement of Gambling Policy Consultation - 5th August 2015 to 23<sup>rd</sup> September 2015

#### 1 Background

- 1.1 The public consultation on the draft Statement of Gambling Policy took place for 6 weeks from 5<sup>th</sup> August 2015-23<sup>rd</sup> 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)  Power Leisure	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.  Power Leisure Bookmakers Limited has established a Primary	Noted - No action required for the purpose of the policy.

	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>	<p>Noted – no action required for the purpose of the policy.</p>
Local Area Risk Assessment	Association of British Bookmakers (ABB)	<p>With effect from 6<sup>th</sup> 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>	<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.</p>

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"> <li>• Educational facilities in the local area.</li> <li>• Community centres.</li> <li>• Any vulnerable group or venues relating to those vulnerable groups: i.e.</li> <li>• Homeless or rough sleeper shelters and care/support facilities.</li> <li>• Hospitals, mental health or gambling care providers.</li> <li>• Alcohol or drug support facilities</li> </ul>

		<p>licensing authority to “aim to permit” applications insofar as they are reasonably consistent with the licensing objectives. The policy cannot reverse that burden.</p>	<ul style="list-style-type: none"><li>• Religious Establishments</li></ul> <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 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.</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</p>
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	<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"> <li>• Educational facilities in the local area.</li> <li>• Community centres.</li> <li>• Any vulnerable group or venues relating to those vulnerable groups: i.e.</li> <li>• Homeless or rough sleeper shelters and care/support facilities.</li> <li>• Hospitals, mental health or gambling care providers.</li> </ul>
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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"> <li>• Alcohol or drug support facilities</li> <li>• Religious Establishments</li> </ul> <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 &amp; 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 &amp; 7 of the revised policy.</p> <p><b>Section 5 Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime</b></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><b>Criteria:</b></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><b>Considerations:</b></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><b>Considerations:</b></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><b>Section 9 - Location</b></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](http://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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## **Public report** Cabinet Member Report

Cabinet Member for Culture, Leisure, Sports and Parks

12 November 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:**

**Place Directorate Enforcement Policy**

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### **Is this a key decision?**

No - Although this matter will affect all wards of the City, the impact of the proposals is not expected to be significant

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### **Executive Summary:**

The purpose of this report is to request authorisation to consult on the new enforcement policy for the Place Directorate. This new policy supports the process of bringing together and consolidating the various regulatory and enforcement disciplines within the Place Directorate.

The policy details enforcement principles, setting clear standards, proportionality of action and our accountability in taking action. It explains to our customers the enforcement options available, when and where these powers will be used and the decision-making process used in deciding which action is taken.

### **Recommendations:**

Cabinet Member is recommended to:

- (1) Authorise a public consultation on this new enforcement policy for the Place Directorate.

### **List of Appendices included:**

Appendix 1: The Place Directorate Enforcement Policy

### **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?**

No



**Report title:**

**Place Directorate Enforcement Policy**

**1. Context (or background)**

- 1.1 The process of consolidating regulatory and enforcement services within the Place Directorate is already under way. This proposed new enforcement policy aims to ensure that regulation and enforcement is being used consistently across the Directorate.
- 1.2 The policy follows the principles laid down in the Regulators' Code and the Code for Crown Prosecutors, details the enforcement principles of transparency of operation, setting clear standards, proportionality of action and our accountability in taking action. It explains to our customers the enforcement options available to officers, when and where these powers will be used and the decision-making process used in deciding which action is taken. It also promotes awareness and understanding of our regulatory and licensing issues through education and working in partnership with other organisations.

**2. Options considered and recommended proposal**

- 2.1 **Consultation process.** The Council will consult relevant statutory agencies, local businesses and their representatives, partners and members of the public via our website over a 30 day period.
- 2.2 **Recommendation.** Cabinet is recommended to authorise a public consultation on this new enforcement policy for the Place Directorate.

**3. Results of consultation undertaken**

- 3.1 Public consultation will be necessary as part of the enforcement policy's approval process and results will be considered prior to final approval of the policy.

**4. Timetable for implementing this decision**

The results of the public consultation will be reported to first available Cabinet Member meeting at the close of the 30 day consultation process, where a final decision will be requested on the proposed enforcement policy.

**5. Comments from the Executive Director of Resources**

**5.1 Financial Implications**

The enforcement policy forms the foundation of any legal action that we might take. Whilst the Council accepts that there is a possibility that cases taken before the judiciary are not proven beyond all reasonable doubt, the new policy is designed to reduce the risk of financial claims for the following reasons: that our actions are not consistent across the Place Directorate and the policy doesn't reflect current statute and guidance. The Council will always apply to the court for a convicted person to pay the Council's investigation and prosecution costs.

**5.2 Legal Implications**

The City Council has a range of enforcement powers including the issue of fixed penalties, prosecution and civil recovery action. The Service has procedures in place to ensure that only cases that meet the evidential test and are in the public interest and meet the "evidential test", are prosecuted..

**6. Other implications**

**6.1 How will this contribute to the Council's priorities?**

<http://www.coventry.gov.uk/councilplan>

We will promote the growth of a sustainable Coventry economy that benefits the city by:

- Supporting businesses to grow

We are committed to improving the quality of life for Coventry people by working with local communities to:

- Make communities safer together with the police, to reduce crime and anti-social behaviour,
- Create an attractive, cleaner and greener city

**6.2 How is risk being managed?**

By not updating the enforcement policy the Council leaves itself open to charges of inconsistencies across Public Safety & Housing service areas or legal challenges and resultant costs in that the policy doesn't reflect current statute and guidance

**6.3 What is the impact on the organisation?**

None

**6.4 Equalities / EIA**

In all our inspections and visits, account is taken of the ability of alleged offenders to understand written and spoken English. Where appropriate written and verbal translations are provided and requirements are always phrased in a clear manner

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

Our partners will be consulted on the contents of the new enforcement policy

**Report author(s):** Craig Hickin

**Name and job title:** Head of Environmental Services  
**Directorate:** Place Directorate

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Paul Boulton	Head of Traffic and Transportation	Place	30 Sep 15	15 Oct 2015
Tracy Miller	Head of Planning	Place	30 Sep 15	07 Oct 2015
Hamish Simmonds	Head of Regulatory Services	Place	30 Sep 15	14 Oct 2015
Lara Knight	Governance Services Co-ordinator	Resources	19 Oct 2015	19 Oct 2015
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant	Resources	30 Sep 15	01 Oct 2015
Legal: Helen Lynch	Legal Services Manager (Place & Regulatory)	Resources	30 Sep 15	21 Oct 2015
HR: Jas Bilen	Business Partner (Service Support)	Resources	30 Sep 15	01 Oct 2015
Andrew Walster	Assistant Director	Place	30 Sep 15	2 Nov 2015
Martin Yardley	Executive Director	Place		
Councillor A Khan	Cabinet Member Culture, Leisure, Sports & Parks			

This report is published on the Council's website:  
[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

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Coventry City Council

# **PLACE DIRECTORATE ENFORCEMENT POLICY**

October 2015

## 1 **INTRODUCTION: Commitment to the principles of good regulation and enforcement**

- 1.1 This policy sets out what business and others can expect from Coventry City Council Officers in relation to regulatory, licensing, and enforcement matters. The city council is committed to best practice irrespective of whether the matter relates to civil or criminal enforcement.
- 1.2 The primary function of local government regulatory, enforcement and licensing activity is to protect the public, the environment, and groups such as consumers, residents, tenants, workers, and businesses. However, it is important that these functions are carried out in a proportionate and consistent manner, and that those subject to regulation and those on whose behalf enforcement is carried out are aware of the Council's policy in these areas.
- 1.3 This Enforcement Policy helps to promote efficient and effective approaches to regulatory interventions and enforcement. We aim to improve regulatory outcomes without imposing unnecessary burdens on business and others subject to regulation, whilst seeking to assist economic development in the City. This Policy has been developed with due regard to the Principles of Good Enforcement set out in the following guiding documents:
- 1.4 Relevant codes:
  - The Regulators' Code <https://www.gov.uk/government/publications/regulators-code>
  - The Code for Crown Prosecutors [https://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](https://www.cps.gov.uk/publications/code_for_crown_prosecutors/)
- 1.5 Where appropriate, the Council will develop individual enforcement strategies to deal with particular issues, but in such cases the principles in this policy will be followed.
- 1.6 It is also the policy of the Council to promote awareness and understanding of our regulatory and licensing issues through education and working in partnership with other organisations.

## 2 **DECISION MAKING**

- 2.1 When considering enforcement action, officers will take into account the principles of the Regulators' Code, the Public Interest test within the Code for Crown Prosecutors, and any potential future risk. Assessment of risk will take into account current legislation and specific guidance.
- 2.2 Officers are required to make informed judgements and will be suitably trained for this responsibility. They will recommend appropriate action after considering the criteria within this Policy and any relevant written procedures.
- 2.3 Where the investigating officer believes that legal action may be required, evidence will be collected and the case will be reviewed by senior officers before it proceeds.
- 2.4 Where a decision is made to seek authority to enforce/prosecute, a report will be prepared for the appropriate Committee, except where Officers have specific delegated authority under the Council's Constitution.

- 2.5 Any person subject to potential criminal prosecution action will be invited to send written representations to the Council for consideration prior to any final decision being made.
- 2.6 In respect of enforcement action, the Council will comply with any relevant pre-action protocols, regulations, and statutory guidance before commencing such action. It is the Council's policy to always apply to the court for a convicted person to pay the Council's investigation and prosecution costs.

### **3 ACCOUNTABILITY**

- 3.1 If any person is aggrieved by the conduct of Council officers, they may register a complaint or comment in accordance with the City Council's "Compliments, Comments and Complaints procedure". This can be completed either:
  - (i) On-line: [http://www.coventry.gov.uk/form\\_speakup](http://www.coventry.gov.uk/form_speakup), or
  - (ii) By telephone – 0800 269851
- 3.2 Taking this action does not affect any right to complain to a local Councillor or to the Local Government Ombudsman.
- 3.3 Where a legal notice has been served, or a formal legal process, any appeal should be made to the appropriate authority or body (in accordance with appeal details which will be enclosed with each statutory notice). The Council complaints procedure, mentioned in paragraph 3.1, would not be applicable in this case.

### **4 OTHER RELEVANT LEGISLATION**

- 4.1 Consideration will be given to the provisions of the Human Rights Act 1998 and the Equality Act 2010, or any subsequent similar legislation, when considering action in respect of regulatory enforcement work. Particular attention will be given to:
  - Article 6: Right to a fair trial
  - Article 8: Right to respect for private and family life, home and correspondence
  - Article 14: Prohibition of discrimination on any grounds
- 4.2 Surveillance techniques employed by this authority will be in accordance with current surveillance legislation and codes of practice applicable to local authorities.

### **5 PUBLICITY AND SHARING OF EVIDENCE**

- 5.1 Coventry City Council will share intelligence and evidence, secured in the ordinary course of our business, with other statutory enforcement bodies and relevant partners in accordance the Data Protection Act 1998 and our duties under Crime and Disorder Act 1998 section 17.
- 5.2 Information will be made available in public registers where the legislation requires it. These will be freely available for public viewing within normal office hours.

### **6 REVIEW**

- 6.1 The City Council will periodically review this policy to reflect changes in legislation, guidance and best practice.

### **7 COMMENTS ON THIS POLICY**

- 7.1 Organisations or individuals who may wish to comment on this Policy are invited to send their comments, in writing to: [environmentandhousing@coventry.gov.uk](mailto:environmentandhousing@coventry.gov.uk)
- 7.2 This policy is also available on our web page: [www.coventry.gov.uk](http://www.coventry.gov.uk)





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Cabinet Member for Culture, Leisure, Sports & Parks

12<sup>th</sup> November 2015

**Name of Cabinet Member:**

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

**Director Approving Submission of the report:**

Executive Director for Place

**Ward(s) affected:**

All

**Title:**

Progress Report - Fines Policy for Redress Schemes for Letting Agents and Property Management

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**Is this a key decision?**

No

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**Executive Summary:**

On 22<sup>nd</sup> January 2015, a report was submitted to the Cabinet Member for Policing and Equalities regarding the introduction of a Fines Policy under the Redress Schemes for Letting Agents and Property Management. The report was accepted with the following outcomes:

1. Approval of the level of fines detailed in Section 2 of the report.
2. Approval of the criteria set out applicable to each level of fine.
3. Request for a report back on the operation of the system to the Cabinet Member for Policing and Equalities on or before 30 September 2015.
4. Request that there be a focused communications strategy to alert the public as to the implementation of the fines policy and the level of potential fines.

This report details the actions taken to ensure lettings agents and property management businesses belong to an appropriate redress scheme in accordance with the above outcomes.

**Recommendations**

The Cabinet Member is recommended to:

1. Note the actions taken by officers to ensure compliance with the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

**List of Appendices included:**

N/A.

**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?**

No

*Page 3 onwards*

Report title: Progress Report - Fines Policy for Redress Schemes for Letting Agents and Property Management.

## **1. Context (or background)**

- 1.1. There has been a legal requirement for all lettings agents and property management businesses in England to have joined a Government-approved redress scheme since 1 October 2014.
- 1.2. This means that a complaint can be made to an independent person about services provided by letting agents and property management businesses in the residential sector. The complaint can be made by tenants, prospective tenants, landlords dealing with lettings agents in the private rented sector, leaseholders and freeholders.
- 1.3. The local authority is the enforcing body, and is required to set out its policy that will determine the level of fines to be imposed for non-compliance and to identify the reasons why. The report presented to Cabinet Member for Policing and Equalities on 22<sup>nd</sup> January 2015 achieved this.
- 1.4. A proportionate and staged approach to enforcement was set out in the fines policy. This was supported by officers raising awareness of the requirement to belong to a redress scheme first, then identifying non-compliant businesses and engaging with them, and finally, for a few businesses that had not readily joined a redress scheme, issuing warning letters in accordance with the Fines Policy. The warning letters gave the letting agents and property management businesses 14 days to join an approved scheme or face a fine up to £5000, dependent upon the circumstances.
- 1.5. Working in partnership with the Citizens Advice Bureau, a total of 90 letting agents / property management businesses were identified, of which 68 were confirmed as being members of an approved redress scheme.
- 1.6. The remaining 22 were written to and advised of the requirement to belong to a redress scheme. This resulted in 13 either joining or being identified as not needing to join, as their activities fell outside the requirements of the scheme, e.g. they did not manage properties for third parties.
- 1.7. The other 9 were contacted or visited to ensure that they were aware of their responsibilities and the consequences of non-compliance. A further 4 businesses joined after this approach.
- 1.8. The final 5 businesses that had still not joined a suitable scheme were sent warning letters giving them 14 days to join. All of these have now joined a scheme and are now compliant.
- 1.9. In summary, 90 letting agents / property management businesses have been identified in total, and are now compliant. Overall, the staged approach has proven to be very successful.
- 1.10. A communications plan was devised to raise awareness of the requirement for letting agents and property management businesses to be a member of an approved redress scheme. This encompassed:
  - Private Sector landlords Newsletter in November 2014 contained item regarding the new rules.

- Links were placed on the Homestamp webpage, a multi-agency partnership regarding Redress schemes: <http://homestamp.com/page/2/>
- Trading Standards put a link on their webpage about redress schemes.
- Contact was made with the student unions about the need for letting agents and property management companies to belong to a redress scheme.
- Information was sent to Homelessness Service advising of the need for letting agents and property management businesses to belong to a redress scheme.
- Coventry Telegraph published an article on 29 January 2015 for letting agents and property management businesses to belong to a redress scheme.
- All known letting agents and property management businesses were checked to see if they belonged to an appropriate redress scheme. If this was not apparent they were contacted and advised of the requirements.

## **2. Options considered and recommended proposal**

Cabinet Member is recommended to:

1. Note the actions taken by officers to ensure compliance with the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

## **3. Results of consultation undertaken**

- 3.1 Not applicable.

## **4. Timetable for implementing this decision**

- 4.1 Recommendation for noting only.

## **5. Comments from Executive Director of Resources**

### **5.1 Financial implications**

No additional resource will be required to implement the proposed enforcement of the redress schemes for letting agents and property management, other than for legal representation at an appeal hearing. Any additional income generated will contribute towards Council resources.

### **5.2 Legal implications**

Legal Services have been involved in determining the process to be followed to enforce The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

## **6. Other implications**

None identified.

**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)?**

By helping to provide a fair trading environment and allowing a successful rental property sector grow and succeed, the redress scheme helps support a vibrant local economy.

**6.2 How is risk being managed?**

The risk of enforcing the Order is no more onerous than any other piece of legislation and is part of a staged enforcement process.

**6.3 What is the impact on the organisation?**

None

**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 a previous Cabinet Member decision was sought to offer transparency to the amount of fine imposed. As these requirements apply to Letting Agents and Property Management businesses the impact on small businesses or individuals is considered to be minimal.

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None

**Report author(s):****Name and job title:**

Allan Harwood, Trading Standards Business Compliance Manager

**Directorate:**

Place

**Tel and email contact:**

02476 831885

Allan.Harwood@coventry.gov.uk

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Usha Patel	Governance Services Officer	Resources	23.9.2015	23.9.2015
Hamish Simmonds	Head of Regulatory Services	Place	21.9.2015	22.09.15
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant	Resources	23.9.2015	24.9.2015
David Joy	Solicitor	Resources	23.9.2015	24.9.2015
Andrew Walster	Assistant Director	Place	23.9.2015	7.10.2015
Martin Yardley	Executive Director Place	Place	8.10.2015	8.10.2015
Members: Councillor A Khan	Cabinet Member for Culture, Leisure, Sports & Parks.			

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[www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)



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Cabinet Member for Culture, Leisure, Sports and Parks

12 November 2015

**Name of Cabinet Member:**

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

**Director Approving Submission of the report:**

Executive Director for Place

**Ward(s) affected:**

All

**Title:**

Fines Policy - Letting Agents Requirement to Display Fees

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**Is this a key decision?**

No

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**Executive Summary:**

Part 3, Chapter 3, of the Consumer Rights Act 2015 imposes a duty on letting agents in England and Wales to publicise a list of their relevant fees for the benefit of client landlords and tenants. This requirement came into effect on 27 May 2015.

In England lettings agents are also required to publicise statements regarding their membership of redress and client money protection schemes. In both cases, failure to comply with the requirements can lead to the local authority serving a notice and then issuing a fine.

The fines policy for failing to be a member of a redress scheme has already been approved by Cabinet Member (Policing and Equalities) at his meeting of 22<sup>nd</sup> January 2015. This report is seeking to introduce a similar fines policy for failing to display fees.

**Recommendations**

Cabinet Member is recommended to:

- (1) Agree the level of fines detailed in Para 2.2.
- (2) Agree the criteria set out applicable to each level of fine.

**List of Appendices included:**

Appendix 1. – Letting Agent and Property Manager Display of Fees Enforcement Process.

Appendix 2. - Part 1 of the Equalities and Consultation template.

**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?**

No



## 1. Context (or background)

- 1.1 The private rented sector in England accounts for around 4 million households, with around 1 million of these households moving every year and the majority of these moves include a letting agent. Around 1 in 5 tenants are dissatisfied with their letting agent and most of these complaints are to do with letting agency fees.
- 1.2 As a result, the Consumer Rights Act 2015 now requires letting agents to publicise prominently in their office and on their website: a full list of their fees; whether or not they are a member of a client money protection scheme; and which redress scheme they have joined.
- 1.3 The intended effect of the legislation is to increase transparency of fees, which will allow both tenants and landlords to have a clearer indication of costs at the beginning of the process.
- 1.4 The fines policy for failing to be a member of a redress scheme has already been approved by Cabinet Member (Policing and Equalities) at his meeting of 22<sup>nd</sup> January 2015. This report is seeking to introduce a similar fines policy for failing to display fees.
- 1.5 The duty to enforce these provisions is placed on the local weights and measures authority (Trading Standards).
- 1.6 The enforcement authority can impose a financial penalty up to £5,000 where it is satisfied, on the balance of probability, that someone who is engaged in letting or property management work has failed to display its fees.
- 1.7 Where an enforcement authority intends to impose a penalty they must follow the process set out below.

### Enforcement process:

#### **Step 1: Notice of Intent**

The enforcement authority must give written notice of their intention to impose a penalty, setting out:

- i) the amount of the proposed financial penalty,
- ii) the reasons for proposing to impose the penalty, and
- iii) that there is a 28 day period to make written representations, starting from the day after the date on which the notice of intent was sent.

#### **Step 2: Representations**

The person on whom the notice of intent was served has 28 days to make written representations to the enforcement authority in relation to the proposed fine.

#### **Step 3: Final Notice**

At the end of the 28 day period the enforcement authority must decide, having taken into account any representations received, whether to impose the fine and, if so, must give at least 28 days for payment to be made. When imposing a fine, the enforcement authority must issue a final notice in writing which must set out:

- i) the amount of the financial penalty,
- ii) the reasons for imposing the penalty,
- iii) information about how to pay the penalty,
- iv) the period for payment of the penalty,
- v) information about rights of appeal, and
- vi) the consequences of failure to comply with the notice.

Note: The enforcement authority can amend or withdraw either of the notices at any time.

#### **Step 4: Appeals**

A letting agent can appeal against a final notice to the First-tier Tribunal,

If an appeal is lodged the fine cannot be enforced until the appeal is concluded. Appeals can be made on grounds that include:

- i) the decision to impose a fine was based on an error of fact,
- ii) the decision was wrong in law,
- iii) the amount of the fine is unreasonable,
- iv) the decision was unreasonable for any other reason.

#### **Step 5: Recovery of the penalty**

The penalty fines received by the enforcement authority may be used by the authority for any of its functions.

## **2. Options considered and recommended proposal**

- 2.1 The level of the fine / monetary penalty can be up to £5,000. However if the level of the fine is unreasonable then an appeal can be lodged.
- 2.2 In line with the fines policy for failing to belong to a redress scheme approved by Cabinet Member in January 2015, officers suggest the following amounts and criteria are considered to be proportionate and reasonable:
  - Warning letter issued and complied with in 14 days prior to any Notice of Intent being served – No financial penalty
  - Warning letter not complied with, single non-compliance – Notice of Intent served to issue £1000 fine
  - Warning letter not complied with, more than one non-compliance – Notice of intent served to issue £2500 fine
  - Warning letter not complied with, multiple and persistent non-compliance – Notice of Intent served to issue £5000 fine.
- 2.3 The process for issuing a warning letter allowing 14 days to display fees, and any subsequent enforcement action and appeals process, is detailed in the flow diagram attached as Appendix 1.
- 2.4 Cabinet Member is recommended to:
  - (1) Agree the level of fines detailed in Para 2.2.
  - (2) Agree the criteria set out applicable to each level of fine.

### **3. Results of consultation undertaken**

- 3.1 Consideration has been given to the Department of Communities and Local Government 'Best Value Statutory Guidance' dated September 2011. However, as letting agents and property management companies are businesses and the potential consultation would relate to sanctions imposed by legislation, formal consultation is not considered to be necessary.

### **4. Timetable for implementing this decision**

- 4.1 As the legislation came into force in May 2015, recommendations 1 and 2 will be implemented immediately.

### **5. Comments from Executive Director of Resources**

#### **5.1 Financial implications**

No additional resource will be required to implement the proposed enforcement of the display of fees for letting agents and property management, other than for legal representation at an appeal hearing. The risk of an appeal has been reduced by adopting a staged and proportionate level of fine, along with the use of warning letters giving 14 days to achieve compliance. Any additional income generated via fines will support the Council resources required to enforce the legislation.

#### **5.2 Legal implications**

The process to be followed is set out in the Consumer Rights Act 2015. A fines policy relating to redress schemes for lettings agency and property management work has already been approved in a report taken to the Cabinet Member for Policing and Equalities on 22<sup>nd</sup> January 2015. As this report seeks to adopt the same policy for failing to display fees, there are no additional legal implications.

Legal Services were involved in determining the process to be followed to enforce The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

The decision-making process and ultimately defending a decision at tribunal level is no different to many other aspects of regulatory services.

### **6. Other implications**

Similar sanctions are available under estate agency law. However the level of penalty there is £1000. As the level of financial penalty for not displaying fees can be up to £5000 a staged and proportionate level of fine is felt appropriate.

#### **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)?**

By helping to provide a fair trading environment and allowing a successful rental property sector grow and succeed. The requirement to display fees helps support a vibrant local economy.

**6.2 How is risk being managed?**

The risk of enforcing the Order is no more onerous than any other piece of legislation and is part of a staged enforcement process.

**6.3 What is the impact on the organisation?**

None

**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 applicable to businesses and the Cabinet Member decision is sought to offer transparency only to the amount of fine imposed. As these requirements apply to Letting Agents and Property Management companies, the impact on small businesses or individuals is considered to be minimal.

Part 1 of the Equalities and Consultation template has been completed and is attached at Appendix 2. Officers consider there is no need for further consultation in this case.

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None

**Report author(s):**

**Name and job title:**

Allan Harwood, Trading Standards Business Compliance Manager

**Directorate:**

Place

**Tel and email contact:**

02476 831885

Allan.Harwood@coventry.gov.uk

Enquiries should be directed to the above person.

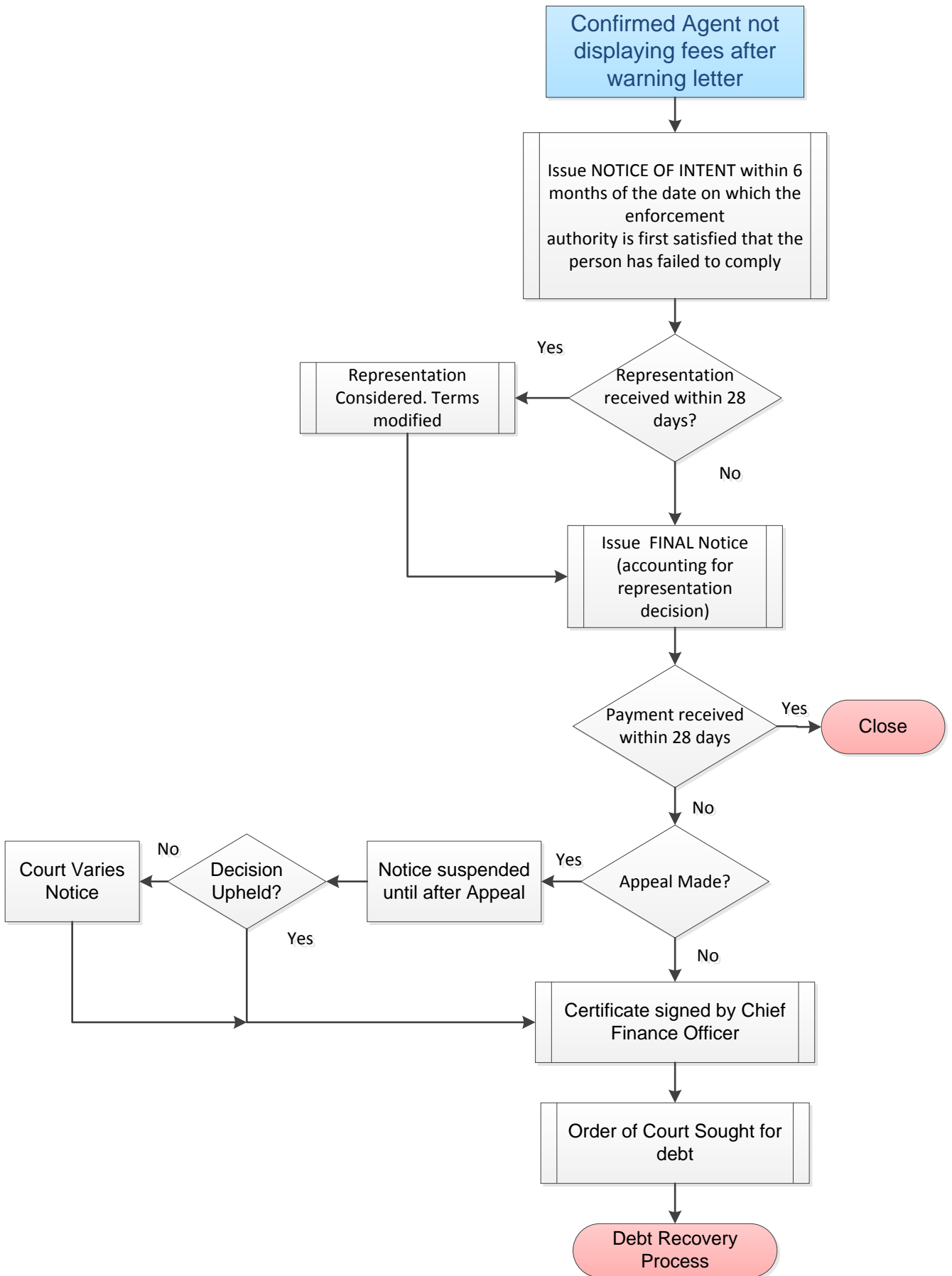
<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Carolyn Sinclair	Governance Services Officer	Resources	30.9.2015	1.10.2015
David Joy	Solicitor	Resources	30.9.2015	1.10.2015
Hamish Simmonds	Head of Regulatory Services	Place	25.9.2015.	30.9.2015
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant	Resources	30.9.2015	1.10.2015
Andrew Walster	Assistant Director	Place	30.9.2015	7.10.2015
Martin Yardley	Executive Director Place	Place	8.10.2015	8.10.2015
Members: Councillor A Khan	Cabinet Member for Culture, Leisure, Sports and Parks			

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## Letting Agent and Property Management Display of Fees Enforcement Process



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## Equality and Consultation Analysis

Coventry City Council

1a

Pre-consultation

### About the project

Project or review	Enforcement of Display of Fees for Letting Agents and Property Management.
Service	Regulatory Services
Directorate	Place

### About the person completing this form

Name	Allan Harwood
Role	Trading Standards Business Compliance Manager
Email	Alan.harwood@coventry.gov.uk
Telephone	02476 831885
Date section 1a completed	28/09/2015

### 1. Provide brief details of the aims of the project / review

To provide a transparent fines policy for letting agents and property management businesses when not displaying their fees correctly, as required by Part 3, Chapter 3 of the Consumer Rights Act 2015. Please refer to accompanying Cabinet Member report for full details.

### Impact on service users

### 2. What are the possible impacts of this project / review on the following groups?

Protected characteristic	Impacts	Mitigating actions
Age	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Disability	<b>Positive impacts:</b> None identified. <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Gender	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Gender Reassignment	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Marriage/Civil Partnership	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Pregnancy/Maternity	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Race	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.

Protected characteristic	Impacts	Mitigating actions
Religion/Belief	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Sexual Orientation	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Looked After Children	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Carers	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.
Deprivation (e.g. income, educational attainment, worklessness)	<b>Positive impacts:</b> None identified <b>Negative impacts:</b> None identified <b>Commentary:</b> Any further commentary / reasons for no impact.	Set out the mitigation for negative impacts.

**3. Have you considered social value requirements as part of this project/review?**

Please note that this question only applies if you are intending to outsource / commission the service / project under review. Please refer to the Council’s Social Value Policy for further information.  
Not applicable to this project.

**Impact on the workforce**

**4. How many staff belong to the following categories?**

No workforce are affected by the proposals.

**5. What are the likely impact of this project / review on different groups of staff?**

Not applicable

**6. Do you plan to undertake formal consultation as part of this project?**

Yes  No

No equalities issues have been identified.

**7. Has a report to elected members been prepared in relation to this work?**

Yes

No

Web link to the report:

Insert link to the report (usually <http://moderngov.coventry.gov.uk/>....).

# 1b

Post-consultation



**The section below should be completed following consultation.**

Name

What is your name?

Date section 1b completed

Choose a date.

## 8. Please update the equality impacts on service users (question 2) as required.



Please update this table to reflect any new information that may have come to light during the consultation process. Under mitigating actions, please identify the directly responsible individual (Council officer or named person in an external provider) responsible for completing the action and timescales for doing so.

## 9. What were the key findings from the consultation process?

Please state the key findings.

## 10. Have any of the preferred delivery options or service model(s) changed following the consultation?

Yes

No

If yes, please state what has changed.

## 11. Have any of the preferred delivery options or service model(s) changed in order to promote health outcomes?

Yes

No

If yes, please state what has changed and what health outcomes are being promoted.

## 12. Please update the equality impact on the workforce (question 4) as required.



Please update this table to reflect any new information that may have come to light during the consultation process and any changes to the workforce.

## 13. Following consultation, please indicate which of the following best describes the equality impact of this review/project.

There will be **no** equality impact if the proposed option is implemented

There will be **positive** equality impact if the proposed option is implemented

There will be **negative** equality impact if the proposed option is implemented but this can be objectively justified

**14. Will this form be used to compile a Programme Level Analysis (Part 2)?**

Yes  No

If yes, please state the name of the programme:

Enter the name of the programme.

**15. Approvals from Director and Cabinet Member**

Name	Date
<b>Director:</b> Name of Director.	Click here to enter date agreed.
<b>Cabinet Member:</b> Name of Cabinet Member.	Click here to enter date agreed.

**16. Please detail below any committees, boards or panels that have considered this analysis.**

Name	Date	Chair	Decision taken
Name of board.	Click here to enter meeting date.	Name of chair.	Decision made / link to report.
Name of board.	Click here to enter meeting date.	Name of chair.	Decision made / link to report.
Name of board.	Click here to enter meeting date.	Name of chair.	Decision made / link to report.

**Next steps**  
 Please send the completed pre-consultation form to the Chief Executive’s Policy Team: Jaspal Mann ([Jaspal.Mann@coventry.gov.uk](mailto:Jaspal.Mann@coventry.gov.uk) 024 7683 3112); or Wendy Ohandjanian.

**Version control**

Find the latest version on Beacon at <http://beacon.coventry.gov.uk/equalityanddiversity/>

Version	Date	Summary of Changes (Author)
1.0.0	17 July 2014	Initial release (Jaspal Mann)
1.0.1	05 August 2014	Added protected characteristic of Disability under section 2 (Si Chun Lam)

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Cabinet Member for Culture, Leisure, Sports and Parks

12 November 2015

**Name of Cabinet Member:**

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

**Director Approving Submission of the report:**

Executive Director for Place

**Ward(s) affected:**

All

**Title:**

Progress report on Primary Authority Partnerships

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**Is this a key decision?**

No

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**Executive Summary:**

On 2<sup>nd</sup> October 2014, a report was submitted to the Cabinet Member for Policing and Equalities entitled "Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses". The report was accepted with one of the outcomes being:

The Cabinet Member requested a further report be presented by officers in 12 months' time detailing the initial outcomes of implementing the Primary Authority Partnership scheme.

This report details the actions taken to consult with Home Authority and Lead Authority companies and the subsequent implementation of Primary Authority Partnerships.

**Recommendations**

The Cabinet Member is recommended to:

1. Note the good progress made in signing up Coventry's first business to a Primary Authority Partnership agreement, with further businesses wanting to join.
2. Note the results of the consultation to transfer businesses from previous business advice arrangements to a Primary Authority Partnership.
3. Request officers continue to promote Primary Authority Partnerships with Coventry based businesses in support of the growth agenda.

**List of Appendices included:**

N/A.

**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?**

No



## 1. Context (or background)

1.1 The Regulatory Enforcement and Sanctions Act 2008 introduced the concept of 'Primary Authority Partnerships'. A Primary Authority Partnership (PAP) is effectively a written agreement setting out the terms on which a company that operates across two or more local authorities can seek detailed advice. However the scope of a PAP has been widened to include trade associations and is under further review to apply to any businesses. The advantage to companies is that the advice may be regarded as 'assured advice' (meaning it has to be taken into account by any other regulator). The advantage to the local authority is that it can better manage its resources and it can charge for its services in delivering a PAP scheme.

1.2 On 2<sup>nd</sup> October 2014 the Cabinet Member for Policing and Equalities approved the introduction of PAP schemes along with a charging policy. The report referenced that once the scheme had been introduced in Coventry, officers would consult with companies under the existing 'Home Authority' and 'Lead Authority' arrangements and offer a transition to Primary Authority if they still wish to receive services covered by the scheme. The transition process will be managed over a period of time, e.g. 12 months.

1.3 On 5<sup>th</sup> February 2015 delegated authority was given to officers to undertake all steps necessary to arrange, negotiate and complete a PAP application.

1.4 Regulatory Services offered 'voluntary' partnerships to local businesses under existing schemes, such as 'Home Authority' and the HSE's former 'Lead Authority' scheme. The Trading Standards team had 47 'Home Authority' companies. The Health & Safety/Food team had one 'Lead Authority' agreement. These schemes continued for existing companies until transition to a PAP is offered.

1.5 On 14<sup>th</sup> April 2015 all Home Authority and Lead Authority companies were sent a letter seeking their views on the impact that the introduction of a PAP may have on them. The letter contained a form that could be returned in a stamped addressed envelope requesting information on;

- their current level of interaction with Regulatory Services,
- whether they would welcome receiving 'Assured Advice',
- whether they would sign up to a PAP,
- what impact did they foresee with the introduction of a PAP, and
- whether they wished to make any other comments.

The results of the consultation is detailed in Section 3.

1.6. As the transitional period is now over, those Home Authority and Lead Authority companies that have not requested to join a PAP will be written to advising them that their existing agreement will be now be ended.

## 2 Options considered and recommended proposal

Cabinet Member is recommended to:

- 1 Note the good progress made in signing up Coventry's first business to a Primary Authority Partnership agreement, with further businesses wanting to join.
- 2 Note the results of the consultation to transfer businesses from previous business advice arrangements to a Primary Authority Partnership.
- 3 Request officers continue to promote Primary Authority Partnerships with Coventry based businesses in support of the growth agenda.

### **3. Results of consultation undertaken**

- 3.1 All of the 48 Home Authority / Lead Authority companies in Coventry were written to on 14<sup>th</sup> April 2015 advising them of the decision to enter into PAPs and consulting with them as to the impact that it may have on them.
- 3.2 The level of response was limited so the businesses that had interacted most with Regulatory Services were sent a follow up letter / e-mail. 5 of the businesses had ceased trading or moved out of Coventry and of the 43 remaining, 8 responded. This resulted in an overall response rate of 18.6 %.
- 3.3 5 businesses wanted to enter into a PAP, 3 did not.  
The feedback from the businesses that wanted to join can be summarised as:
  - welcome the ability to rely on 'assured advice',
  - want to maintain / support the existing relationship and in some cases increase it,
  - they see the charge as a cost to business but reasonable,
  - currently have had to use other agencies for advice so as to be sustainable,
  - welcome the relationship being more accessible.

The feedback from the businesses that did not wanted to join can be summarised as:

- Do not want to join at present,
  - Do not use our services at present,
  - Some confusion as to how it applies to them and that they have to use the service a lot.
  - Already operate in a heavily regulated environment.
- 3.4 Of the 5 businesses that wanted to enter into a PAP, one has already been approved by the Secretary of State and 2 applications are in process. The other 2 are in the negotiation stage, 1 of which relates to a trade association.

### **4. Timetable for implementing this decision**

- 4.1 Recommendations 1 and 2 for noting, and recommendation 3 with immediate effect.

### **5. Comments from Executive Director of Resources**

#### **5.1 Financial implications**

No additional resource will be required to implement the scheme. Any additional income generated by entering into agreements with companies is difficult to estimate, but is not expected to be significant. Any extra increase in income will contribute towards Council resources.

#### **5.2 Legal implications**

Primary Authority Partnerships were introduced by part 2 of the Regulatory Enforcement and Sanctions Act 2008, as amended by the Enterprise and Regulatory Reform Act 2013. This creates a statutory basis for the introduction of such schemes, and for the ability to

charge for the advice given (section 31). Section 33 (3) of the Act requires a local authority to have regard to any guidance given, the most recent Statutory guidance is dated September 2013. Officers have taken this guidance into account when setting up potential arrangements for a PAP scheme and drafting this report.

Companies who have entered into Primary Authority Partnerships are still subject to regulation in the usual way. The fact a Partnership exists does not preclude any authority from taking enforcement action against a company, but the scheme requires a notice period to be given to the Primary Authority, and section 28 of the Act allows a Primary Authority to direct that such enforcement action should not be taken. The Primary Authority may, therefore, effectively veto proposed action which another Authority might wish to take.

## **6. Other implications**

None identified.

### **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 introduction of Primary Authority Partnerships will give businesses the support they look for in terms of 'assured advice', which must be recognised by other regulators across the UK. This in turn helps provide them with consistency in their decision making and so generally contributes towards the growth agenda.

### **6.2 How is risk being managed?**

The key risk relates to having sufficient capacity to meet any demand from businesses wishing to sign up to Primary Authority Partnerships. However, the statutory scheme enables fees to be charged (at a cost recovery rate) and so if demand proves greater than expected, further resource may be provided using some of the additional income. There is no obligation to create a Primary Authority Scheme and if the authority was unable to meet the need, the scheme could be terminated, subject to a notice period and consultation.

Any advice provided by officers will be covered by the Council's insurers. Due to the low income levels anticipated and the low volume of cases likely to require more specialised input, the overall risk is considered to be low.

Any contracts entered into between the Council and companies for the provision of any services will be subject to approval by legal services, in accordance with Part 2M (section 5, sub-point 18) of the constitution.

It is possible, although unlikely, that enforcement action might need to be considered at some point against a partner company where compliance on an important matter is not achieved. Whilst the fact a Partnership exists does not preclude any enforcement, it would be likely to cause a breakdown in the relationship and the termination of the Partnership Agreement. This risk is considered to be at a low level.

### **6.3 What is the impact on the organisation?**

None

#### **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, as this is a progress report there is no additional impact from that considered in the Cabinet Member for Policing and Equalities report entitled "Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses".

#### **6.5 Implications for (or impact on) the environment**

None

#### **6.6 Implications for partner organisations?**

None

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<b>Contributors:</b>				
Carolyn Sinclair	Governance Services Officer	Resources	2.10.2015	6.10.2015
Hamish Simmonds	Head of Regulatory Services	Place	30.9.2015	02.10.2015
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant	Resources	2.10.2015	5.10.2015
David Joy	Solicitor	Resources	2.10.2015	5.10.2015
Andrew Walster	Assistant Director	Place	2.10.2015	7.10.2015
Martin Yardley	Executive Director Place	Place	8.10.2015	8.10.2015
Members: Councillor A Khan	Cabinet Member for Culture, Leisure, Sports and Parks			

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## Public report Cabinet Member Report

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Cabinet Member for Culture, Leisure, Sports and Parks

12 November 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 Resources

**Ward(s) affected:**

None

**Title:**

Outstanding Issues Report

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**Is this a key decision?**

No

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**Executive Summary:**

In May 2004 the City Council adopted an Outstanding Minutes System, linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member for Culture, Leisure, Sports and Parks so he is aware of them and can monitor progress.

**Recommendations:**

The Cabinet Member for Culture, Leisure, Sports and Parks is requested to consider the list of outstanding issues and to ask the Member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

**List of Appendices included:**

*Table of Outstanding Issues.*

**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

**Will this report go to Council?**

No

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**Directorate:** Resources

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<b>Contributors:</b>				
Other members	Not applicable			
<b>Names of approvers:</b> (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

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	<b>Subject</b>	<b>Date for Further Consideration</b>	<b>Responsible Officer</b>	<b>Proposed Amendment to Date for Consideration</b>	<b>Reason for Request to Delay Submission of Report</b>
1	<b>Withdrawal of Council Services from Spencer Park Petition - Request that the Council keep the Pavilion open for at least part of each week in the 2015 season and to re-open the tennis courts and the flat green:</b> Progress report on this work be submitted to a future meeting of the Cabinet Member (minute 3/15 refers)	No date specified	Andrew Walster Assistant Director for Streetscene and Greenspace  Place Directorate		
2*	<b>Petition – security fencing to open land at rear of 2-66 Brookside Avenue</b>  Update progress report  (CM(P&E) 23.04.2015 (Minute 103))	12 November 2015	Executive Director of Place  Graham Hood		
3	<b>Public Space Protection Order (Coventry Dog Control)</b>  A review of arrangements after a year of operation  (CM(P&E) 18 December 2014 (Minute 58))	10 December 2015	Executive Director of Place  Craig Hickin		
4	<b>Report in response to a petition concerning a property in Earlsdon Ward</b>  Progress made on resolving the issues  (CM(P&E) 23.7.2015 (Minute 8))	10 December 2015	Executive Director of Place  Craig Hickin/Marcus Fothergill		
5*	<b>Fines Policy – Redress Schemes for Letting Agents and Property Management</b>	12 November 2015	Executive Director of Place		

	Report back on operation of system (CM(P&E) 22 Jan 2015 (Minute 72))		Allan Harwood		
6*	<b>Progress Report on Primary Authority Partnerships</b>  Progress report following implementation of the scheme  (CM(P&E) 2 October 2014 (Minute 37/14))	12 November 2015	Executive Director of Place  Allan Harwood		
7	<b>Progress report on the Hillfields Community Safety Action Plan</b>  Further report on progress of recommendations made at meeting held on 23 July 2015  (CM (PE) 23 July 15 (min 7))	10 December 2015	Executive Director of Place  Bev Massey/Liam Nagle		