



Cabinet Member for Policing and Equalities

Time and Date

3.00 pm on Thursday, 26th July, 2018

Place

Committee Room 3 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
 - (a) To agree the minutes of the Cabinet Member (Policing and Equalities) meeting held on 13th March, 2018
 - (b) Matters arising
4. **Gambling Act 2005 - Revised Statement of Licensing Policy 2019 - 2022** (Pages 9 - 34)

Report of the Deputy Chief Executive (Place)
5. **Response to a petition regarding concerns over environmental issues, anti-social and criminal behaviour and a lack of police assistance in the vicinity of Winchester Street** (Pages 35 - 40)

Report of the Deputy Chief Executive (Place)

To consider the above petition, bearing 15 signatures, which has been submitted by Councillor O'Boyle, a St Michael's Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.
6. **Petition - Upgrade of the Caludon Castle Park Play Area** (Pages 41 - 54)

Report of the Deputy Chief Executive (Place)

To consider the above petition, bearing 41 signatures, which has been submitted by the petition organiser, who has been invited to the meeting for the consideration of this item.

7. **Report of the Cabinet Member for Policing and Equalities - Disability Equality Advisory Panel (DEAP)** (Pages 55 - 62)

Report of the Deputy Chief Executive (Place)

8. **Social Media Protocol for Members** (Pages 63 - 70)

Deputy Chief Executive (People)

9. **Outstanding Issues** (Pages 71 - 74)

Report of the Deputy Chief Executive (Place)

10. **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

Martin Yardley, Executive Director, Place, Council House Coventry

Wednesday, 18 July 2018

Note: The person to contact about the agenda and documents for this meeting is Michelle Rose Tel: 024 7683 3111; michelle.rose@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member), A Andrews (Shadow Cabinet Member) and A Khan (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.

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Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at
10.00 am on Tuesday, 13 March 2018

Present:

Members: Councillor A Khan (Chair)
 Councillor A Andrews (Shadow Cabinet Member)
 Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor N Akhtar (Invited for Item 16 below)
 Councillor A Lucas (Invited for Item 15 below)
 Councillor D Welsh (Invited for Item 16 below)

Employees (by Directorate):

People A Harwood, C Hickin, M McHugh, M Rose, L Stockin

Apologies: Councillor J O'Boyle

Public Business

13. Declarations of Interest

There were no disclosable pecuniary interests.

14. Minutes

The minutes of the meeting held on 26th October, 2017 were agreed and signed as a true record.

15. Response to a petition regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road.

The Cabinet Member considered a report of the Deputy Chief Executive (Place) which responded to a petition bearing 17 signatures, sponsored by Councillor Mrs Lucas, a Holbrooks Ward Councillor, which had been submitted to the City Council on 16th January, 2018. The petition was regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road. Councillor Mrs Lucas attended the meeting and spoke on behalf of the petitioners.

The report stated that the residents had highlighted concerns that the area was constantly being fly tipped on and whilst the council had cleared the site they wanted a long term solution to the issue. Residents stated that there were numerous incidents of anti-social behaviour, littering and fly tipping in the same area. This made the area look dirty and untidy and encouraged more flytipping. Residents were keen to have the issues addressed at the earliest opportunity.

Coventry City Council recorded data from January 2017 to January 2018 showed 17 reports related directly to flytipping to the rear of Selworthy Road and Kirkdale Avenue. The Council therefore agreed that some action was required to reduce this activity and had been working with residents prior to receiving this petition.

Residents requested that the council install two new bollards which drop down within the entry to only allow authorised vehicular access to the entry. The entry that ran between the two roads was privately owned and was therefore the collective responsibility of all the residents, there was no deed of ownership therefore it was essentially a patch of no-man's land. The council doesn't have any ownership or liability for this piece of land, however it was decided that in the interests of public health, the waste that had been dumped in the area would be removed at cost to the council.

Officers from the Council had made contact with the Ward Councillors, had made numerous site visits and had spoken to many residents. The Council were monitoring the situation and extra patrols take place as duties allow and individuals found to be causing issues were challenged and appropriate action taken.

The area had been highlighted as a 'Hot Street' and as such weekly patrols were made of the area. In addition, specific visits were undertaken to collect reported fly tipping from this private land. All cases of fly tipping were investigated, with the appropriate course of action depending on any evidence found at the scene and witnesses to the offence(s).

Officers from the council had already implemented some target hardening measures in the area notably the installation of the bollards on the access passages from Selworthy Road. This would ensure that only authorised vehicles were able to access the rear entry via this route. Officers would continue to monitor the area and meet with residents when needed. It was not the intention of the Council to install the 2 new bollards within the entry itself. It was believed that the introduction of these bollards would be problematic, as no one would take ownership of the padlocks, and that leaving the site open but with monitoring of the site was a better option. This would be reviewed at a later date and look at installation of a height restriction barrier if necessary.

Officers had arranged for the adaption of the lamp column on Marshdale Avenue so that it could accommodate a CCTV Camera and also for the entry to be cleared of all waste.

The Cabinet Member and Councillor Lucas thanked the officers for their support with the issue in the area.

The Cabinet Member, the Ward Councillor and other members present discussed with officers prosecutions and bollards and keys.

RESOLVED Cabinet Member for Policing and Equalities :-

- 1. Request Council officers [and West Midlands Police if relevant] to continue their monitoring of the area and respond accordingly to residents requests for assistance.**

2. **Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police and the Council as soon as they occur.**
3. **Reinstate the missing / broken bollards on the access roads from Selworthy Road so as to prevent unauthorised vehicular access to the rear entry.**
4. **Install a lamp column on Marshdale Avenue which has the capacity to accommodate a deployable CCTV camera. [This will allow all vehicles which enter the entry to be observed and footage can be checked if there are any further incidents of tipping]**
5. **Arrange for a clearance of all waste from site so that the area is left in a clean fly-tipped free state, this will allow the council to note any subsequent tipping. And hopefully deter further tipping on the site.**
6. **Install a no flytipping sign in the area, this will emphasise that flytipping is not acceptable and offer advice to residents as to who to report any subsequent tipping to.**

16. **6 Months Update: Response to a Petition regarding concerns over anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close**

Further to Minute 3/17 the Cabinet Member considered a report of the Deputy Chief Executive (Place) which was a six months progress report for a petition bearing 48 signatures and requested help with various concerns over anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close, notably focussed around the greenspace to the rear of 16-22 Priors Harnall. The petition was sponsored by Councillor's N Akhtar, O' Boyle and Welsh, the St. Michaels Ward Councillors and had been submitted to the City Council on 16th June, 2017 and considered by the Cabinet Member initially on 27th July, 2017. The petition organiser and Councillor's N Akhtar and Councillor Welsh were present at the meeting and spoke on behalf of the petitioners, Councillor O'Boyle had sent his apologies.

The report noted that the petition highlighted residents' concerns with anti-social behaviour notably that young children and youths congregate around the green open space between Priors Harnall and Cawthorne Close in the St Michaels Ward. The residents highlight that young children were playing ball games within the grassed area within Cawthorne Close. They also state that in the evening there were older youths who congregate to the rear of the garage area and it was believed that they were taking drugs. Residents felt intimidated and were regularly disturbed by the activity of these groups and stated that there were also numerous incidents of dog fouling, littering and fly tipping in the same area. This made the area look dirty and untidy and encouraged more flytipping. Residents were keen to have the issues addressed at the earliest opportunity.

The report listed the decisions from the previous meeting and updated on progress and actions taken by the City Council and West Midlands Police. The report noted

that an outcome of the initial meeting was that the police and council agreed to carry out more proactive patrols in the area. Additional patrols had been carried out by both the police and the council to ensure that any Anti-Social Behaviour could be monitored. Reporting of incidents by local residents to both the police and the council over the previous 6 months, including Summer 2017 had been sparse.

Residents were encouraged to set up a Neighbourhood Watch in the area, records showed that residents from Cawthorne Close had one set up, and that Priors Harnall had made initial enquiries.

The local policing team were looking to work with partner agencies in the community in order to provide youth engagement, this was intended to commence once the warmer weather arrived.

It was agreed that a lamp column on the green space would be adapted to assist the police and the council in identifying perpetrators of Anti-Social Behaviour. Officers had requested that a lamp column be adapted in the area, this had been delayed however, it had now been installed in readiness for the lighter nights.

It was agreed that the ownership of the land and potential solutions would be investigated. The council own the land and it was officially designated as highways land, however due to logistical and operational arrangements it was maintained by the streetpride and grounds teams.

Several residents wanted the land to be closed off and turned into an allotment garden, however once this was raised with colleagues in highways / streetpride and also public health, they all felt that the land should remain how it was. It was a valuable piece of greenspace in a heavily built up area. Other residents had approached the Council and claimed that they enjoyed having a space where their children could play, within sight of their houses.

As part of the original petition it was agreed that a review would be undertaken 6 months' from the original meeting. It was originally noted that the Police and crime commissioner could be invited, however in light of the low levels of reporting of issues this was not pursued.

The Cabinet Member discussed the following issues with the petition spokesperson, Ward Councillors, other members present and officers:

- Cameras
- Reasons for the low level of reporting
- Police presence

The Cabinet Member, Ward Councillors and officers highlighted the importance of reporting any concerns as soon as possible.

Officers agreed to pass on contact details of the petition organiser to the local police so that they could communicate directly as requested.

RESOLVED that the Cabinet Member for Policing and Equalities:

- 1) Request West Midlands Police and Council officers to continue their**

monitoring of the area and respond accordingly to residents requests for assistance.

- 2) Encourage residents to set up and create an active Neighbourhood Watch in the 2 area's and report incidents of concern to Police and the Council as soon as they occur.**
- 3) Request that some form of youth engagement be initiated in the area before the warmer weather arrives to mitigate the impact that large numbers of children may have on the area.**
- 4) Look at the use of CCTV in the area if it felt that there is a need to monitor criminal activity.**
- 5) A report back be considered in 6 months**

17. Annual Compliance Report - Regulatory and Investigatory Powers Act (RIPA)

The Cabinet Member considered a report of the Deputy Chief Executive (Place) which reported on the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA governed the acquisition and disclosure of communications data and the use of covert surveillance by local authorities. The report had been considered by the Audit and Procurement Committee on 19th February, 2018 (their minute 83/17 refers).

The report indicated that the Council used powers under RIPA to support its core functions for the purpose of prevention and detection of crime where an offence may be punishable by a custodial sentence of 6 months or more, or were related to the underage sale of alcohol and tobacco. The three powers available to local authorities under RIPA: the acquisition and disclosure of communications data; directed surveillance; and covert human intelligence sources ("CHIS")

The report noted that the Act set out the procedures that the City Council must follow if it wished to use directed surveillance techniques or acquire communications data in order to support core function activities (e.g. typically those undertaken by Trading Standards and Environmental Health). The information obtained as a result of such operations could later be relied upon in court proceedings providing RIPA was complied with.

The Home Office Code for Covert Surveillance Property Interference recommended that elected members, whilst not involved in making decisions or specific authorisations for the local authority to use its powers under Part II of the Act, should review the Council's use of the legislation and provide approval to its policies. The Council adopted this approach for oversight of the authority's use of Parts I and II of the Act.

The report noted that on the 1st September 2017, the Office of Surveillance Commissioners (OSC) and the Interception of Communications Commissioners (ICCO) were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) was now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

The report also noted that the Assistant Surveillance Commissioner, Sir David Clarke inspected the Council's RIPA arrangements in respect of directed surveillance on 8th December, 2016. He found that the Council's arrangements were 'generally in good order' and 'the use by the Council of its statutory powers is appropriate' and that the 'quality of authorisations is good'. One of the recommendations he made was that Coventry City Council's Policy and Guidance be further revised. A revised policy was being finalised and would go to a future Information Management Strategy Group and then to the Audit and Procurement Committee.

The report indicated that for the period 1 April 2016 to 31 March 2017, as reported to the Office of Surveillance Commissioners (OSC), three direct surveillance applications were granted and three authorisations were granted by the Magistrates. For the period 1st April 2017 to 31st December, 2017 one direct surveillance applications was granted and one authorisations was granted by Magistrates. There were no reported instances of the Council having misused its powers under the Act. There had been no applications for the disclosure of communications data during 2017.

The Audit and Procurement Committee were of the view that there were no specific comments or recommendations to forward to the Cabinet Member for Policing and Equalities.

RESOLVED that the Cabinet Member for Policing and Equalities:

- 1. Consider any comments and recommendations provided by the Audit & Procurement Committee.**
- 2. Approve the report as a formal record of the Council's use and compliance with RIPA.**

18. Outstanding Issues

The Cabinet Member considered a report of the Deputy Chief Executive (Place) that contained a list of outstanding issue items that would be submitted to future meetings and summarised the current position in respect of each item.

RESOLVED that the Cabinet Member for Policing and Equalities approves the dates for future consideration of matters relating to the outstanding issue items listed in the report.

19. Any Other Business

There were no other items of business.

(Meeting closed at 11.00 am)



Cabinet Member for Policing and Equalities
Licensing and Regulatory Committee

26th July 2018
14th August 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities Councillor Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Licensing Policy 2019 - 2022

Is this a key decision?

No

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Statement of Licensing Policy 2019 - 2022 under the Gambling Act 2005.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Gambling Policy and authorise the Deputy Chief Executive (Place) to carry out the consultation as detailed in the report

The Licensing and Regulatory Committee is requested to consider the draft Statement of Gambling Policy and forward any comments it wishes to make as part of the consultation process.

List of Appendices included:

Revised Statement of Gambling Policy (shaded paragraphs illustrate the amendments to the document)

Other useful background papers:

Gambling Act 2005
Gambling Act 2005 Guidance to Licensing Authorities

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 – 14th August 2018

Will this report go to Council?

No

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

1. Context (or background)

- 1.1 Under the terms of the Gambling Act 2005 the Council's Statement of Gambling Policy has to be renewed every three years. The current Statement of Gambling Policy came into effect on 31st January 2016 and a review must therefore be completed. There is a requirement in the Act for the Council to publish and advertise the revised Statement of Gambling Policy at least 4 weeks before, by 3rd January 2019.
- 1.2 The Gambling Policy produced by the Licensing Authority under the Gambling Act 2005 will be relevant for all licensing decisions taken by the Council as the Licensing Authority over three years commencing on 31st January 2019.
- 1.3 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 or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 Before amending the policy for a further three year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.
- 1.5 The Responsible Authorities (statutory consultees - Gambling Commission, West Midlands Police, West Midlands Fire and Rescue Service, Planning, Environmental Health (functions in relation to pollution to the environment or harm to human health) Safeguarding Children Board, HM Revenue & Customs), Community Safety team and Public Health will be consulted on the draft revised policy.
- 1.6 The public consultation exercise will begin on the 7th August 2018, for a 6 week period and finish on the 18th September 2018 and will include 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 businesses and organisations; and
 - Wider public consultation through the City Council Web Site
- 1.7 The revised policy complies with updated Gambling Commissions guidance and regulations. It has been developed with all 6 Warwickshire Licensing Authorities (Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile.

A copy of the draft revised policy is attached as an Appendix to the report.

Key Changes to the Revised Licensing Act Policy

- 1.8 There are no proposed significant changes to the policy only minor amendments and additions. These can be shown highlighted in grey in the draft revised policy

2. Options considered and recommended proposal

- 2.1 The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Gambling Policy and authorise the Deputy Chief Executive Place to carry out the consultation as detailed in the report.
- 2.2 The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Gambling Policy and forward any comments as part of the consultation process.

3. Results of consultation undertaken

- 3.1 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities on the 25th October 2018, before a finalised policy document is presented to Full Council for approval on the 4th December 2018.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Gambling Policy must be published by 3rd January 2019 and commence from 31st January 2019, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Gambling Act 2005.

5. Comments from Director of Finance and Corporate Services

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 Council will not be able to undertake its role as a Licensing Authority after the 31st January 2019 unless it has approved and published its revised Statement of Gambling Policy. The policy must be reviewed every three years or more often if appropriate.

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

The Council is required to have regard to any current Government Guidance when carrying out any licensing functions under the Gambling Act 2005 including preparing its Statement of Gambling Policy.

6. Other implications

6.1 How will this contribute to achievement of the Council's Plan?

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 structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing 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.

6.2 How is risk being managed?

If the Gambling Policy is not renewed in the above timeframe, the City Council will not legally be able to perform its function under the Act. The consultation process and committee 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 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 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 is no human resource, financial or ICT implications.

6.4 Equalities / EIA

The Gambling Policy makes links to the Council's Equality and Diversity Policies and an Equalities Assessment exists for licensing activities. This will be reviewed and updated as part of the consultation process.

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. They 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.

Report author(s): Debbie Cahalin-Heath

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Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Davina Blackburn	Regulatory Services Manager	Place	15.06.18	17.06.18
Michelle Rose / Usha Patel	Governance Services Officer	Resources	27.06.18	06.07.18
Tracy Miller	Head of Planning and Regulation	Place	18.06.18	19.06.18
Names of approvers for submission: (officers and members)				
Councillor Khan	Cabinet Member Policing & Equalities	Cabinet Member	25.06.18	25.06.18
Cathy Crosby	Finance	Resources	27.06.18	03.07.18
Gill Carter	Legal	Resources	27.06.18	12.07.18
No HR Issues				
Martin Yardley	Deputy Chief Executive	Place	20.06.18	On Andrew's Approval 27.06.18
Andrew Walster	Director	Place	18.06.18	20.06.18

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www.coventry.gov.uk/councilmeetings

Gambling Act 2005

**Draft
Gambling Policy
Statement of
Principles
2019/2022**

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 353,200 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; and
- 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; and**
- **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 2019 and will have effect until 30th January 2022 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; and
- 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 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 society's lotteries.

3.3 The following activities are not authorised by the Authority:

- Spread betting is regulated by the Financial Services Authority;
- Remote Gambling is dealt with by the Gambling Commission; and
- The National Lottery (regulated by the 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 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 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 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 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.

5.3 The 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 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 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 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; and
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the 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 (a track is a site where racing or other sporting events take place) the 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; and
- 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" but the Commission states that for regulatory purposes it assumes "vulnerable" persons" to include:

- people who gamble more than they want to;
- people who are gambling beyond their means; or
- people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs

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

7.3 This 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 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; and
- The 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 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; and
- 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. This can be viewed at:

http://licensing.coventry.gov.uk/MVM/Online/EGov/License_Registers/Registers_Criteria.aspx

9. Location

9.1 This 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 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 can be found at:

www.coventry.gov.uk/downloads/file/19670/local_area_profile_and_risk_assessment

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; and
- 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 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 health issues or learning disabilities, and those with problem gambling, 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 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 Commission's 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 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 for the same area;
- an authority with functions in relation to pollution of the environment or harm to human health;
- a body designated in writing by the 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 The designated body for Coventry City Council is the Safeguarding Children Board. Details of this and all other responsible authorities are available at: www.coventry.gov.uk/downloads/file/1616/gambling_law_information_leaflet.

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 **Factors that the Authority will apply** to determine whether a person is an interested party include (please note this list is not exhaustive):

- 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 Individuals are encouraged to approach their local Councillor(s) to represent their interests; individuals should however be mindful that where a conflict of interest exists it may be the case that their local Councillor(s) is unable to assist them

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 relevant to the premise which is 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;
 - reasonable in all other respects; and
 - 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; or
 - 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 Commission's 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 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming provisions without the premises needing to obtain a bingo operating licence. Where the level of bingo played in these premises however reaches a certain threshold, it will no longer be authorised by these rules, and a bingo operating licence will have to be obtained from 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 Authority.
- 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, the Authority 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 premise 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 (TUN) 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 TUN, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 19.2 The Authority can only accept a TUN from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that TUNs 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 for TUNs (see Gambling Commission Guidance, which can be viewed at: www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-14-Temporary-use-notices.asp). This includes the definition of "premises" and, "a set of premises". 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 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 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 Authority will 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, 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 (FEC) 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 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 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 indicates that an application for a permit may be granted only if the 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 an Authority cannot attach conditions to this type of permit.

22.5 This Authority has adopted a Statement of Principles that is available at: http://www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/428/gambling_licences/2 Potential applicants / other interested persons are advised to read the Statement of Principles before applying to the Authority for a permit.

22.6 With regard to renewals of these permits, an 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 Authority. The 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 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 Authority must consider that application based upon the licensing

objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This 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 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 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 the 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 an 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 Authority proposes to consider in determining the suitability of the applicant for a permit".
- 24.2 This Authority has adopted a Statement of Principles that is available at: http://www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/428/gambling_licences/2 Potential applicants / other interested persons are advised to read the Statement of Principles before applying to the Authority for a licence or permit.
- 24.3 In making its decision on an application for this permit the 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 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 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 authority's 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 Authority 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; or
- for any other non-commercial purpose other than that of private gain.

27. Exchange of Information

27.1 The principle that the 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 General Data Protection Regulations will not be contravened. The 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 Authority 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 Authority'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 Authority'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; and
- 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 Authority 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 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 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 and can be viewed at:
http://www.coventry.gov.uk/downloads/file/12158/part_2
- 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. 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 at: www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/428/gambling_licences/1. 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 the Authority 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:
www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/416/alcohol_and_entertainment_licences

Effective date of reviewed policy: 31st January 2019 Valid until 30th January 2022

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Cabinet Member for Policing and Equalities

26th July 2018

Name of Cabinet Member:

Policing and Equalities – Councillor Abdul Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

St Michaels

Title:

Response to a petition regarding concerns over; environmental issues, anti-social and criminal behaviour and a lack of police assistance in the vicinity of Winchester Street.

Is this a key decision?

No

Executive Summary:

A petition of 15 signatures, sponsored by Councillor O'Boyle, St Michael's Ward Councillor, regarding concerns over; environmental issues, anti-social and criminal behaviour and a lack of police assistance in the vicinity of Winchester Street was submitted to the Council on 20th May 2018.

The petition specifically mentions acts of criminal damage to vehicles by persons unknown and the presence of litter throughout the area as a result of the activity of sex workers.

This report details actions taken by the City Council and West Midlands Police.

Recommendations:

The Cabinet Member is recommended to:-

1. Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance.
2. Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police and the Council as soon as they occur.
3. Look at the possibility of installing CCTV within the area to deter antisocial and criminal activity.

List of Appendices included:

None

Background papers:

None

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:

Response to a petition regarding concerns over; environmental issues, anti-social and criminal behaviour and a lack of police assistance in the vicinity of Winchester Street

1. Context (or background)

- 1.1 On 24th May 2018, a petition signed by 15 people was received by the Council. The petition highlights residents' concerns with regards to anti-social and criminal behaviour and a perceived lack of action by the council and the police in dealing with these issues.
- 1.2 The main issue concerned a spate of incidents [18th – 19th May 2018] during which a large number of local resident's vehicles were damaged by unknown persons. Residents felt that the police could have done more on this occasion.
- 1.3 Another issue of concern was that the area is affected by litter which often includes condoms which are believed to emanate from sex workers within the area. Residents want to know what can be done to ensure the area is kept in a clean state.
- 1.4 Residents feel that the activity of the sex workers in the area make it an unsafe place for young children to play and grow up. This makes the area look dirty and untidy and discourages the children from playing outside. Residents are keen to have the issues addressed at the earliest opportunity.
- 1.5 Coventry City Council recorded data regarding litter and refuse complaints from June 2017 to June 2018 shows;

30 reports directly related to Winchester Street. Of those reports, **18 were as a result of council officers logging the issues.**

Another notable street in the area is that of Colchester Street, [due to the proximity of the 2 streets it is difficult to treat either in isolation], and over the same period June 2017 to June 2018 shows;

68 reports directly related to Colchester Street. Of those reports, **44 were as a result of council officers logging the issue.**

Both Streets are patrolled regularly, at least once a week by officers from the Neighbourhood Enforcement Team and referrals are made to ensure the area is kept clean.

- 1.6 The Councils Street Cleansing Team carry out cleaning schedules once a week on a Wednesday in both Winchester Street and Colchester Street, their operatives will also visit the area as a result of specific complaints as and when they are reported. The operatives also visit the neighbouring Raglan Street and Vauxhall Street every Friday and will pick up additional litter as and when they see it.
- 1.7 In addition, specific visits are undertaken to collect reported fly tipping from council land. All cases of littering and fly tipping are investigated, with the appropriate course of action depending on any evidence found at the scene and witnesses to the offence(s).
- 1.8 Police data for the same period shows **a total of 49 logs for Winchester Street and 69 logs for Colchester Street.** A large proportion of these logs relate to one individual who has been evicted from the area earlier this year. Other logs relate to regular Police business and are not relevant for the purposes of this report.

1.9 Police undertake targeted operations to educate those involved in sex work and enforce against those sex workers and the associated antisocial behaviour that it brings.

2. **Options considered and recommended proposal**

2.1 In response to the petition, officers from the Council and the Police have made contact with the lead petitioner.

2.2 West Midlands Police and the Council are monitoring the situation. Extra patrols take place as duties allow and individuals found to be causing issues are challenged and appropriate action taken.

2.3 The issues around the specific incidents on the 18th to 19th May 2018 form part of an ongoing police investigation and therefore the police are unable to comment further at this moment in time.

2.4 In taking this matter forward the following recommendations are made to Cabinet Member:

2.4.1 Request West Midlands Police and the Council to continue their monitoring of the area and respond accordingly to residents request for assistance.

2.4.2 Encourage residents to set up a Neighbourhood Watch in the area as there are none in the area and report incidents of concern to Police as soon as they occur. [Details of how to set this up have been passed to the lead petitioner].

2.4.3 To look at the possibility to install temporary deployable cameras to highlight and discourage crime in the area and also look at ways in which the issues here could possibly be designed out in some way.

3. **Results of consultation undertaken**

3.1 Officers and the Police have been in regular contact with the lead petitioner

4 **Timetable for implementing this decision**

4.1 Officers from the Council and the Police will monitor the area and meet with residents when needed. A meeting **shall be arranged** with the ward councillors to visit the site to take a look at the issues and to speak to residents about their concerns.

5. **Comments from Director of Finance and Corporate Services**

5.1 **Financial implications**

There are no financial implications arising from this report, all costs will be met from core budgets.

5.2 **Legal implications**

The Council has powers to try to address anti-social behaviour through the Anti-social Behaviour, Crime and Policing Act 2014 dependant on the type of behaviour and the available evidence.

6 Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer and our city cleaner and greener.

6.2 How is risk being managed?

See paragraph 4.1 above.

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

The Council has a zero tolerance approach to littering and fly tipping. Where evidence is available, Council officers will take legal action against the perpetrators.

6.6 Implications for partner organisations?

None

Report author(s): Martin McHugh

Name and job title: Street Enforcement Manager
Directorate: Place Directorate

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Craig Hickin	Head of Environmental Services	Place Directorate	19/06/2018	20/06/2018
Graham Hood	Head of Streetpride and Greenspaces	Place Directorate	19/06/2018	20/06/2018
Lara Knight	Governance Services Co-ordinator	Place Directorate	20/06/2018	18/07/2018
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Place Directorate	20/06/2018	20/06/2018
Legal: Gill Carter	Regulatory Crime & Licensing Lawyer	Place Directorate	20/06/2018	20/06/2018
Andrew Walster	Assistant Director	Place Directorate	20/06/2018	20/06/2018
Members: Name				
Cllr Abdul Khan	Cabinet Member for Policing & Equalities			

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

26th July 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities Councillor A Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

Wyken

Title: Petition - Upgrade of the Caludon Castle Park Play Area

Is this a key decision? : No

Executive Summary:

This report responds to a petition containing 41 signatures which was submitted to Coventry City Council and requests that the Council upgrade the children's play area located within Caludon Castle Park.

The petition reads:

"As a mother of two very lively boys, I would like to ask if there is possibility for upgrade of the Caludon Park Play Area. The actual place is very poor and apart from the huge area for football there is no proper space for older kids to burn some energy. We were at Allesley Park on Sunday and it was so busy and noisy (in a positive meaning). There is a big slide, spider web climbing frame (it was the main attraction), a lot of swings and few other attractions to entertain kids. I live in Wyken area and seen a lot of families with small kids suffering from lack of space to keep the kids busy. Apart from St Margaret Road and Caludon Park poor play areas, there is no place to spend the time with kids. Is there any possibility at least for one more attraction (spider web frame) to place in Caludon?"

This play site includes a number of items of play equipment designed to cater for the younger age group as well as some informal sports provision such as a goal post and basketball hoop. There are also a number of infrastructural elements associated with the play area including fencing, tarmac paths and safer surfacing. The park is under the control of the Parks Service within the Place Directorate

Play facilities in the City are inspected on a weekly basis and repairs/replacements are undertaken as and when necessary to maintain the equipment in a safe and usable condition.

Recommendations:

The Cabinet Member for Policing and Equalities is recommended to:

1. Note that inspections of the play area have identified that much of the equipment is reaching the end of their practicable life.
2. Note that Caludon Castle Park falls outside the catchment area of the nearest equipped local play facility
3. Agree that Caludon Castle Park play area be retained and that items of the existing play equipment be replaced as and when it reaches the end of their practicable life and be funded through a combination of external funding and existing budget provision.

List of Appendices included:

Appendix 1 Site Images

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 Caludon Castle Park Play Area is located in the south east of the City and contains a number of items of equipment designed to be appropriate for both the younger age group aged 4 to 7 years and the senior age group 8 to 13 years. These play items include rockers, swings with both junior and toddler seats, Multi Use Play Units, dish roundabout and cable runway. In addition the play site also includes items for informal sports play this includes basketball net and court and a Multi-Use Games Area. Infrastructural elements associated with the play site include fencing, wooden posts, seating, bins, tarmac footpaths and safer surfacing. Items of existing equipment are shown in appendix 1
- 1.2 The park is under the control of the Parks Service within the Place Directorate. It is the Area Park for the South of the City and is submitted annually for a Green Flag award, which it has achieved for the last 6 years. Play facilities in the City are inspected on a weekly basis and repairs/replacements are undertaken as and when necessary to maintain the equipment and associated infrastructural features in a safe and usable condition.
- 1.3 During 2010/11 the play area was refurbished at a cost of approximately £105,000. This was financed from funding secured from the Governments Play Builder Initiative. Since that time a further £7,000 has been spent undertaking general refurbishment works. Recent inspections however have found that most of the equipment is nearing the end of its practicable life. Some items are showing signs of wear and tear, and an element of vandalism. In addition the sand-filled safer surfacing will require attention in the near future.
- 1.4 When external or internal inspections are undertaken, consideration is also given to the serviceable life expectancy of the facility, usually on an item by item basis as not all equipment needs to be replaced at the same time. In these cases, recommendations are made as to what items should be considered for replacement or improvement and the works are then included in the play area maintenance programme.

2. Options considered and recommended proposal

- 2.1 During 2015/16 the Parks Service operational budget was reduced by £1m from 2016. As part of its financial strategy the service now reviews the replacement of play equipment as and when its practicable life ends. This review will be on an item by item and site by site basis and will take into consideration cost, remaining equipment and location to other play areas.
- 2.2 The option to remove and not replace items of equipment deemed to have reached the end of its practicable life has been considered however this would result in the gradual further and overall reduction in the play value and benefit of the facility over time and lead to its eventual removal.
- 2.3 A full refurbishment of this play area has also been considered however would cost approximately £100,000 to complete and the Parks Service does not have the existing resources to undertake this proposal..
- 2.4 The nearest other play facility is located at St Margarets Park and Caludon Castle Park falls outside its catchment area. The eventual removal of this play facility will leave the local community without any play provision within a reasonable distance. Removal of the play area would also potentially lead to its loss of Green Flag status. It is therefore recommended that the Councils Park Service retain the facility and it continues to explore

and exploit all funding opportunity both external and internal to replace items which reach the end of their practicable life with dynamic and high play value items of equipment and when possible install additional items to provide an exciting and stimulating play environment.

- 2.5 The ability of the service to implement this recommendation will be subject to available resources and its ability to secure external funding.

3. Results of consultation undertaken

No consultation has taken place on this issue

4. Timetable for implementing this decision

- 4.1 To be agreed subject to approval of a recommendation within this report

5. Comments from the Director of Finance and Customer Services

5.1 Financial implications

There are no financial implications arising from the recommendations at the present time. As and when the replacement of items of play equipment becomes necessary, this will be managed through a combination of external and existing budget provision.

5.2 Legal implications

No legal implications associated with this matter.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's Plan?

N/A

6.2 How is risk being managed?

The continued programme of play area and equipment safety inspection will ensure that facilities are maintained in a safe and usable condition.

6.3 What is the impact on the organisation?

It is the Council's responsibility to ensure facilities are maintained in a safe condition

6.4 Equalities / EIA Implications for (or impact on) the environment

The Service will continue to provide a level of provision which will ensure that all children within the City have access to park play facilities.

6.5 Implications for (or impact on) the environment

Continued provision of safe, attractive and stimulating play environments.

6.6 Implications for partner organisations?

None

Report author(s):

Name and job title: Graham Hood, Head of Streetpride and Greenspace

Directorate: Place

Tel and email contact: 024 7683 2194 graham.hood@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Cath Crosby	Lead Accountant	Resources	21-6-18	28-6-18
Gill Carter	Solicitor Team Leader (Regulatory)	Resources	21-6-18	22-6-18
Lara Knight	Governance Services co-ordinator	Place	19-6-18	20-6-18
Names of approvers for submission: (officers and Members)				
Andrew Walster	Assistant Director (Streetscene and Regulatory Services)	Place	28-6-18	29-6-18
Councillor Abdul Khan	Cabinet Member for (Policy and Equalities)	-		

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

Appendix 1 Site Images
General Site Image



Site approach – Bollards



Bow Top Fencing around play area



Timber Wall Oak Sleepers



Site Signage Play Area – MUGA



3m Long Balance Beam



Basketball Hoop



Carousel – Dish Roundabout



Benches



Bins



Teen Shelter



Multi Use Games Area



Multiplay Unit



3-Way Spring Rocker



Cable Runway



Swings – Cradle Seats



Swings – Flat Seats



Multi Play Unit Senior





Cabinet Member for Policing and Equalities

26th July 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A Khan

Director Approving Submission of the report:

Deputy Chief Executive (People)

Ward(s) affected:

None

Title:

Report of the Cabinet Member for Policing and Equalities – Disability Equality Advisory Panel (DEAP)

Is this a key decision? No

Executive Summary:

Disability Equality Advisory Panel (DEAP) is appointed at the Annual meeting of the Council with Terms of Reference. The panel meets three times a year and representatives of various groups and invited by the chair to attend. DEAP is not open to the public.

As a working proactive panel the DEAP has always been well attended by invited members. Councillor Christine Thomas has been Chair for two years. Each year the panel has been reassessed to ensure that new people are invited that represent a diverse cross section of Coventry residents, Charities/Voluntary Organisations and service users who meet to work together as an effective, proactive, working panel. The panel deals with different issues at every meeting as well as providing updated information on ongoing issues.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

1. Following the successful format, approve the continuation of the Disability Equality Advisory Panel (DEAP) for a further 3 years from July 2018 to July 2021 to act as a formal advisory panel to the Cabinet Member with responsibility for equalities.
2. Accept and note the DEAP work and achievements as set out in the Report over the last 3 year

List of Appendices included:

Terms of Reference

Background papers:

None

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: Continuation of the Disability Equality Advisory Panel

1. Context (or background)

1.1. DEAP Chair's update - Councillor Christine Thomas

- 1.1.1. As Chair of the Disabled Equality Action Partnership (DEAP) I have been very encouraged by the way that this panel has raised and in certain circumstances been able to support community initiatives in relation to equality issues brought to the panel by members. One example was that a panel member raised the issue of pavement parking with regard to the difficulties it caused him and others due to his sight loss. The panel discussed the issue which was then picked up by the students of Hereward College who then took it forward with support from officers, myself and Cabinet Member for Equalities Councillor Abdul Khan. The students of Hereward College have now developed and launched a pavement parking initiative with a campaign highlighting the problems all people with disability have due to thoughtless pavement parking. This and other initiatives undertaken by the panel confirms, to a high degree, the best value of this panel.
- 1.1.2. DEAP has also supported and publicised the 'near miss' survey of cyclists, skateboarders and mobility scooter users having had near misses with pedestrians as part of the Public Space Protection Order (PSPO)
- 1.1.3. Over the past year the DEAP has worked very effectively as a conduit for information and discussion about Coventry City Council's aspirations for the City. Members have been consulted on the masterplan of the redevelopment of the train station, bus services, and taxis and more recently Coventry City South redevelopment.
- 1.1.4. As a working, proactive panel the DEAP has always been well attended by its invited members. As Chair, I have been in place now for two years. Each year the panel has been reassessed to ensure that new people are invited that represent a diverse cross section of Coventry Residents, Charities and Service Users who meet to work together as an effective, proactive, working panel. The panel deals with different issues at every meeting as well as providing updated information on on-going issues
- 1.2. The Disabled Equality Advisory Panel has been in place since 2007 (although the Disabled People's advisory group to the council existed for some years before this). The advisory panel has advised the Cabinet Member with overall responsibility for equalities. The approval for this group was granted up until April 2018.
- 1.3. The Disabled Equality Advisory Panel agreed to protocols for the new panel to strengthen its membership each year. The aim of the panel is to improve services, enable, empower, involve and educate various community organisation's representing persons with disability who would otherwise struggle to put across their views thereby improving the quality of people life for people from the particular "communities of interest" they represent.

2. Options and Recommended Proposal:

2.1. Cease the DEAP Panel.

The first option would be to cease the DEAP Panel. This is not the recommended option.

2.2. Continue the DEAP Panel

The second option would be to continue with the DEAP Panel. The reasons why this is the recommended option are set out below:

2.2.1. Purpose of the Group and what it achieves:

- To inform and assist the Cabinet Member with responsibilities for equality in improving access for disabled people to Council services and employment opportunities.
- To identify issues that are significant in order to meet the needs and aspirations of disabled people.
- To provide feedback to the Cabinet Member with responsibilities for equality on key developments and policy proposals
- To harness the skills, knowledge and abilities of panel members to strengthen working together to identify and resolve issues.
- To provide a conduit for collating and disseminating key messages to disabled people
- To ensure young disabled people and other disability forums are working collaboratively with the panel
- To identify key areas where services and partner agencies could deliver improvements
- Representatives from different groups input into the panel
- Officers are able to utilise this group for input and feedback in service delivery e.g. Shared spaces

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1.** Three year extension starting June 2018 and ending in June 2021. The Disability Equality Advisory Panel will meet at least three times a year. The expected outcomes are improved communication and services for disabled people.

5. Comments from Director of Finances and Corporate Services

5.1. Financial implications

There are no additional financial implications arising from the report

5.2. Legal implications

Under section 149 of the Equality Act 2010 the Council must in the exercise of its functions, eliminate discrimination, harassment and victimisation and advance equality of opportunity and foster good relations between those who have and do not have a protected characteristic. Disability is a protected characteristic under the Act.

6. Other implications

6.1. How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Improving the quality of life for Coventry people – helping to maintain their independence and supporting them when they need help. A diverse cross section of Coventry residents, charities and service users to meet, to work together as an effective, proactive, working panel with the aim of improving the quality of life of disabled persons living in Coventry.

6.2. How is risk being managed?

No implications

6.3. What is the impact on the organisation?

The Panel will provide an opportunity to discuss issues relating to disabled people. Officers have the opportunity to present information and receive authentic feedback from the group.

6.4. Equalities / ECA

Disability is one of the listed protected characteristic within the Equality Act 2010.

6.5. Implications for (or impact on) the environment

No implications

6.6. Implications for partner organisations?

The aim of the panel is to improve services, enable, empower, involve and educate various community organisation's representing persons with disability who would otherwise struggle have their voices heard thereby improving the quality of life for people from the particular "communities of interest" they represent

Report author(s):

Name and job title: Wendy Ohandjanian Equality and Diversity Officer Insight Team

Directorate: People

Tel and email contact: 02476 832939

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Lara Knight	Governance Services Coordinator	Place	18/06/18	21/06/2018
Helen Shankster	Insight Manager (Engagement)	People	18/06/18	18/06/2018
Other members	Cllr Christine Thomas – Chair of DEAP		21/06/18	25/06/18
Names of approvers for submission: (officers and members)				
Finance: Ewan Dewar		Place	18/06/18	21/06/18
Legal: Gill Carter		Place	18/06/18	21/06/18
Director: Gail Quinton	Deputy Chief Executive	Chief Executives	18/06/18	21/06/18
Members: Name				
Councillor Abdul Salam Khan	Cabinet Member for Policing and Equalities			

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

Cabinet Member for Policing and Equalities Advisory Panel - Disability Equality

Terms of Reference

Work jointly to tackle issues which are important to all disabled people in the city

Advise, comment and make recommendation to the Cabinet Member with responsibilities for Equalities on issues impacting disabled people

Take an annual report to the Cabinet Member with responsibilities for Equalities on the progress made through the Disability Equality Advisory Panel.

Identify key areas where services and partner agencies could deliver improvements.

Harness the skills, knowledge and abilities of panel members to strengthen working together to identify and resolve issues.

Provided a conduit for collating and disseminating key messages to disabled people.

Ensure young disabled people and other disability forums are working collaboratively with the panel.

To receive confirmation that all advice and recommendations have been considered and carried out or are to be implemented in the near future subject to Council policy

Membership of the panel will be reviewed on an annual basis.

The Disability Equality Advisory Panel will meet at least three times a year.

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Public report

Ethics Committee
Cabinet Member for Policing and Equalities

26 July 2018
26 July 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A Khan

Director Approving Submission of the report:

Director Customer Service & Transformation

Ward(s) affected:

None

Title:

Social Media Protocol for Elected Members

Is this a key decision?

No

Executive Summary:

Social media is a powerful communication and networking tool which has become increasingly part of our everyday life. Social media is used to describe any kind of on-line tool that you can use for sharing information, including blogs, photo sharing, video sharing, social networks, mobile phone applications, texting, digital TV services and collaboration tools. Unlike a telephone conversation or email, it is a broadcast medium meaning messages have the potential to be viewed by a wider range of people than just the intended recipient.

Although it is not a requirement for elected members to use social media to fulfil their job as a councillor, an increasing number do so in an attempt to share information and to give and gauge opinions. As a result, a first-ever social media protocol for Coventry City Council's elected members has been created. It is designed to offer basic help and advice as well as highlighting good practice and helping to avoid potential pitfalls. The protocol also complements the general rules under the Code of Conduct for Members.

Recommendations:

- 1) The Ethics Committee is asked to consider the social media protocol for elected members and to make any recommendations for consideration by Cabinet Member for Policing and Equalities.
- 2) Cabinet Member for Policing and Equalities is asked to consider any recommendations made by the Ethics Committee and to approve the social media protocol and confirm that it should be shared with all elected members

List of Appendices included:

Social media protocol for Elected Members

Background papers:

None

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?

Cabinet Member for Policing and Equalities

Will this report go to Council?

No

Report title: Social media protocol for Elected Members

1. Context (or background)

- 1.1 Social media is a powerful communication and networking tool which has become increasingly part of our everyday life. Coventry City Council is supportive to any elected members' increasing use of social media which is a good way of connecting with their electorate as well as people and issues across the city. With more and more councillors using social media, a protocol has been created to provide clarity on what is and what is not acceptable usage of social media and minimise legal and reputational risk. This guidance complements the existing general rules under the Members' Code of Conduct. In short, the basic position is that the same standards of behaviour and conduct apply online as would be expected offline.

2. Options considered and recommended proposal

- 2.1 A social media protocol has been put together in recognition of the increasing number of councillors who are using social media to reach out and engage with the electorate. Although it is not a requirement for members to use social media to fulfil their job as a councillor, more are choosing to do so. The protocol is designed to offer basic help and advice as well as highlighting good practice and helping to avoid potential pitfalls.
- 2.2 It is also designed to assist members in understanding their obligations when using Social Media and to provide advice for how they may better protect themselves from risks.
- 2.3 The protocol highlights potential legal issues when using social media including libel, copyright and data protection. It also raises awareness of how members' use of social media could leave them at risk of falling foul of the Members' Code of Conduct.

3. Results of consultation undertaken

- 3.1 The protocol has been put together by Coventry City Council's Communications Team and has been tested with three, cross-party elected members who are known to be users of social media.

4. Timetable for implementing this decision

- 4.1 The Social media protocol for Elected Members would be shared with all 54 elected members if endorsed by the Ethics Committee and Cabinet Member.
- 4.2 This will be achieved by sending copies to them and through social media training sessions that will be offered later this year.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report

5.2 Legal implications

There are no specific legal implications arising from this report. However, offering social media guidance to all members will help demonstrate the Council is committed to monitoring and reviewing ethical standards of members using social media.

6. Other implications

None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable

6.2 How is risk being managed?

Providing social media guidance will help mitigate the risk of elected members inadvertently falling foul of any potential issue.

6.3 What is the impact on the organisation?

Keeping such matters under review will help promote high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s):

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Legal: Julie Newman	Head of Legal Services	Place	03/07/2018	03/07/2018
David Ashmore	Director Customer Service & Transformation	People	03/07/2018	06/07/2018
Members: Cllr Walsh	Chair of Ethics Committee		09/07/2018	09/07/2018
Cllr Khan	Cabinet Member for Policing and Equalities		09/07/2018	09/07/2018

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A social media protocol for elected members July 2018



Purpose of this protocol

Coventry City Council is supportive to any elected members' increasing use of social media which is a good way of connecting with their electorate as well as people and issues across the city. With more and more councillors using social media, this protocol is designed to provide clarity on what is and what is not acceptable usage of social media and minimise legal and reputational risk. This guidance complements the existing general rules under the Members' Code of Conduct.

What is social media?

Social media is the collective term to describe websites and other online tools which allow people to engage and interact. This includes popular platforms such as Facebook, Twitter, LinkedIn and Snapchat as well as blogs.

On many of these sites, users share information and give opinions. They may also create interest groups or pages leading to longer exchanges. Ultimately the majority of people use these sites and tools to reach online communities and networks which encourage participation and engagement.

Social media and elected members

It is important to make clear that it is not a requirement for members to use social media to fulfil their job as a councillor. However, if you already use – or are planning to use – social media in connection with your work as a councillor (or are already using it in a private capacity), then these guidelines will be relevant.

Remember, whenever you act – or appear to act – in your official capacity, you must comply with the Members' Code of Conduct.

Benefits of using social media

Social media is a useful tool for elected members by:

- Supporting councillors in performing their community leadership role
- Keeping in touch with local views, concerns, interests and opinions
- Providing an effective and relatively cheap way of making the electorate more aware of the work you do
- Campaigning on local issues
- Providing a platform for political campaigning

Social media good practice

The following points are intended to give some handy hints when managing your social media platforms:

- Start your name with the word 'Cllr' to let people know exactly who you are or make it very clear in your bio that you are a councillor
- Think before you Tweet or post. A good rule of thumb is never say anything that you would not say to someone's face or you would not want recorded in a public meeting
- Consider keeping your personal (if you have any) and elected member accounts separate and maintain appropriate professional boundaries
- Be aware that you will be seen as acting in your official capacity whenever you use social media
- Set appropriate privacy settings for your blog or networking site – especially if you use a private account
- If you blog, monitor the comments. Failure to remove defamatory or obscene posts from others could give the perception that you condone such views

- Making political points is expected of a councillor but be careful about being too personal if referring to individuals. An attack on an individual may be seen as disrespectful, whereas comments on another party or a policy are less likely to be viewed as disrespect

Social media bad practice:

- Never blog or post in haste – particularly in circumstances where your judgement might be impaired e.g. you're angry, tired or have consumed alcohol
- Do not publish confidential information that you may have learned or had access to as part of your role as an elected member. As well as private agenda papers, this includes personal information about service users, their families or friends or others e.g. contractors and council staff
- Never represent your personal views, or those of any political party or interest group you belong to, as being those of the council
- Do not share, favourite, like, download, upload or distribute any material that could be considered inappropriate offensive, defamatory, illegal or discriminatory

Things to be wary of when using social media:

- With no privacy settings, anyone can read your posts not just your friends and followers. Journalists will regularly trawl through what many elected members are saying
- Any communication is capable of being misinterpreted but the immediacy of social media has the potential to magnify this problem
- Updating on what is happening in a meeting and receiving comments can be helpful; for transparency and engagement BUT may lead to people forming the impression you are not concentrating on the business in hand

- Sending an inappropriate message privately is no defence if the person you send it to decides to share it wider. If you are not happy for others to see it, do not send it
- Be careful about following or friending a council employee or contractor, a pressure group or someone submitting a planning application – the association could be construed as a personal interest
- Although the best use of social media is conversational in tone, publishing to the web is still publishing – never say anything that you would not be comfortable repeating or justifying at a public meeting, for example. Even if you subsequently delete it, something published can still be available

Legal issues and social media

There is an ever increasing number of legal cases that have resulted from people's use of social media. The main issues to be cautious of are:

- **Libel**
If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. A successful legal claim could result in the award of damages against you
- **Copyright**
Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about. Again, a successful legal claim for breach of copyright could lead to an award of damages against you
- **Data protection**
Never publish the personal data of individuals unless you have their express

permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information onto a public forum you should expect it to be published by others

- **Bias and predetermination**

If you are involved in making planning, licensing or other quasi-judicial discussions, do not say anything through social media (or indeed anywhere else) that suggests you have made up your mind on an issue that is due to be formally decided. While your view on a particular application may be well known, you need to be able to show that you attended the committee of hearing prepared to take on board all the evidence and were genuinely persuadable to a different view otherwise the decision may be challenged as invalid. If a person has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the council for damages.

Social media and the Members' Code of Conduct

Aspects of the Code of Conduct for members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual.

Recent examples played out in the media has shown that this important difference is increasingly harder to demonstrate as anyone who knows you are an elected, public figure will automatically think you are commenting in that capacity. Although you may be clear in your mind that you are acting in a private capacity, that it is not necessarily obvious or clear to others.

Indeed, a number of recent cases have shown that any comment made by an elected member on their social media account is interpreted as an official line whether it is meant as a private

comment or not. The best rule is to use your social media account for professional purposes and comment only, to avoid any potential problems.

Coventry City Council's Communications Team can help you with more specific advice if needed.

Relevant elements of the Members' Code of Conduct

- Treat others with respect
Do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments
- Comply with equality laws
Never publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith
- Do not bully or harass anyone
You should never say anything that may be construed as bullying or intimidation
- Do not bring the council into disrepute
Never publish anything that could reasonably be perceived as reflecting badly or lowering the reputation of yourself or the council
- Never disclose confidential information
Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context

More information

Any elected member wanting more information of further advice on the use of social media should contact either the Communications Team or the Council's Monitoring Officer.

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Cabinet Member for Policing and Equalities

26th July, 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor Abdul Khan

Director Approving Submission of the Report

Deputy Chief Executive (Place)

Ward(s) affected:

None

Title:

Outstanding Issues Report

Is this a key decision?

No

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 Policing and Equalities so he is aware of them and can monitor progress.

Recommendations:

The Cabinet Member for Policing and Equalities 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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Other members	Not applicable			
Names of approvers: (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

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	Subject	Date for Further Consideration	Responsible Officer	Proposed Amendment to Date for Consideration	Reason for Request to Delay Submission of Report
1	<p>Petition - Response to a petition regarding concerns over :anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close</p> <p>Request that a progress report back be considered in 6 months' time CM(PE) 13th March 2018 (Minute 16/17)</p>	September, 2018	<p>Executive Director of Place</p> <p>Craig Hickin</p>		

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