



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 14th August, 2018

Place

Diamond Room 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 14)

To agree the minutes of the Committee meeting held on 26 June 2018 and the Sub-Committee hearings held on 15 June, 27 June and 5 July 2018.

4. Exclusion of Press and Public

To consider whether to exclude the press and public for the items of private business for the reasons shown in the reports.

5. Gambling Act 2005 - Revised Statement of Licensing Policy 2019 - 2022
(Pages 15 - 40)

Report of the Deputy Chief Executive (Place)

6. Outstanding Issues Report

There are no outstanding issues to report.

7. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**Private Business**

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 9.30 am

8. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

Reports of the Executive Director, Place on the following:
(Listing Officer: Mick Coggins – tel: 024 7683 2183)

8.1 Application for Grant of a Private Hire Operator's Licence (Pages 41 - 56)

9. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive, Place, Council House Coventry

Monday, 6 August 2018

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair carolyn.sinclair@coventry.gov.uk

Membership: Councillors J Birdi, R Brown, J Clifford, G Crookes, D Gannon, P Hetherington (Chair), B Kaur, D Kershaw, A Lucas, T Mayer, K Sandhu, R Thay, C Thomas (Deputy Chair) and S Walsh

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

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

Usha Patel/Carolyn Sinclair

Tel: 024 7683 3198/3166

Email: usha.patel@coventry.gov.uk or Carolyn.sinclair@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 26 June 2018

Present:

Members: Councillor P Hetherton (Chair)
Councillor J Clifford
Councillor G Crookes
Councillor B Kaur
Councillor D Kershaw
Councillor A Lucas
Councillor T Mayer
Councillor K Sandhu
Councillor R Thay

Employees (by Directorate):

Place: G Carter, A Harwood, C Sinclair

Apologies: Councillor J Birdi, R Brown, D Gannon and S Walsh

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 24 April 2018 were signed as a true record.

3. Exclusion of Press and Public

RESOLVED that, under Section 1004(A) of the Local Government Act 1972, the public be excluded from the meeting for the item of business indicated below on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

| Minute No. | Subject | Relevant Paragraph of Part 1 of Schedule 12A |
|------------|---|--|
| 6 | General store found to be in possession for sale illegal tobacco products | 7 |
| 7 | Illegal Tobacco Goods (2) | 7 |
| 8 | Illegal Tobacco Goods (3) | 7 |
| 9 | Illegal Tobacco Goods (4) and Alcohol | 7 |

| | | |
|----|---|------|
| 10 | Underage sale of E-Cigarette liquid | 7 |
| 11 | Underage sale of Cigarettes | 7 |
| 12 | Dangerous Toys | 7 |
| 13 | Review of Hackney Carriage Driver's Licence | 1, 3 |

4. Outstanding Issues Report

There were no outstanding issues.

5. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

Private Business

6. General store found to be in possession for sale illegal tobacco products

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016, and the Consumer Protection from Unfair Trading Regulations 2008 against the appropriate person in respect of the illegal tobacco products found at Aqua Supermarket, 256 Harnall Lane East, Coventry, CV1 5AY.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

7. Illegal Tobacco Goods (2)

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016 and the Consumer Protection from Unfair Trading Regulations 2008 against the appropriate person in respect of the illegal tobacco products found at Bell Green Store, 8 Hall Green Road, Coventry, CV6 7BW.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

8. Illegal Tobacco Goods (3)

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related

Products Regulations 2016 and the Consumer Protection from Unfair Trading Regulations 2008 against the appropriate person in respect of the illegal tobacco products found at 43 Trentham Road, Hillfields, Coventry and in motor vehicle registration number DE59 UVZ.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

9. Illegal Tobacco Products (4) & Alcohol

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016 and the Consumer Protection from Unfair Trading Regulations 2008 against the appropriate persons in respect of the supply of illegal tobacco goods, bottles of spirits and beer found at 85 Watersmeet Road, Coventry.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

10. Underage sale of E-Cigarette liquid

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Children and Families Act 2014 s.92(2) against the appropriate persons (alleged offenders 1, 2 and 3) in respect the sale of a bottle of liquid for refilling an e-cigarette which contained 3mg/ml of nicotine to a young person aged 16 at Acti-vape UK Ltd, 142 Walsgrave Road, Coventry, CV2 4AX.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

11. Underage sale of Cigarettes

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to

(a) Institute legal proceedings under the Children Young Persons Act 1933 against the appropriate persons (alleged offenders 1 and 2) in respect of the sale of a packet of 20 Marlboro cigarettes to a young person aged 16 at Sam mini-market, 681 Foleshill Road, Coventry.

(b) Authorise the issue of a simple caution to alleged offender 3

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

12. **Dangerous Toys**

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Toy Safety Regulations 2011, the General Product Safety Regulations 2005 and The Reach Enforcement Regulations 2008 against appropriate persons in respect of dangerous toys at The Swag Shop, 4 Upper Precinct, Coventry, CV1 4QP.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

13. **Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences**

RESOLVED that, having considered the circumstances set out in the reports of the Deputy Chief Executive (Place) now submitted:

- (a) The Hackney Carriage driver's licence held by Mr Samiudin Safi be suspended for a period of one month and that he attend a training course specific to wheelchair carriage, to be organised by the Taxi Licensing department within the period of suspension.

(Note: Mr Safi attended the meeting in support of his case, together with his legal representative, Mr Skudra, his daughter (as an interpreter if needed) and a colleague taxi driver to support him).

14. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of private business.

(Meeting closed at 12.00 pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 15 June 2018

Present:

Members: Councillor A Lucas (Chair)
 Councillor J Birdi
 Councillor G Crookes

Employees (by Directorate):

Place: U Patel, F Samuda

Public Business

1. Appointment of Chair

RESOLVED that Councillor Lucas be appointed as Chair for the Hearing.

2. Apologies

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest.

4. Licensing Act 2003 - Application for a New Premises Licence

The Licensing Sub-Committee hearing was held to consider objections raised by West Midlands Police in respect of an application for a new premises licence at Cocoa Caffé, Kiosk 8 Terrace Food Court, West Orchards, Coventry.

Following the publication of the agenda and the time before the hearing, mediation between the applicant and police had continued and resulted in conditions being agreed by both parties. As a result, the police gave the requisite notice under Regulation 10 of the Licensing Act 2003 Hearing Regulations 2005 to withdraw its objection and further under Regulation 9(1) of the said Regulations to dispense with the hearing as they considered a hearing to be unnecessary. The Sub Committee was thereafter left to determine whether it agreed with the parties that a hearing was unnecessary under Regulation 9(2).

The Licensing Sub-committee, having reviewed all of the information provided in advance of the hearing, the detailed further submission made by the Police dated 4th June, 2018 and the email correspondence dated 12th June 2018 that outlined the conditions agreed, decided that they deemed it necessary to hold a hearing on a date yet to be arranged.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In particular, the Sub Committee noted that whilst the Police and the applicant had agreed conditions, there was a lack of evidence from both parties to dispel the concerns that they had.

RESOLVED that the hearing be adjourned to a date and time yet to be arranged to allow all parties an opportunity to be present and for the Sub-Committee to seek further clarification on the conditions agreed.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.30 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 27 June 2018

Present:

Councillor J Clifford
Councillor P Hetherton
Councillor T Mayer

Employees (by Directorate):

Place: D Cahalin-Heath, R Masih, U Patel, F Samuda

In Attendance:

L. Charambilides (Applicant's Barrister)
C. Kullar (Applicant's Son and General Manager)
V. Kullar (Applicant)
P. Rafferty (Objector)
M. Voisey (Objector)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Hetherton be appointed Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Licensing Act 2003 - Application to Vary a Premises Licence**

The Licensing Sub-Committee considered an application to vary the Premises License in respect of Tiki Hut, 52b Earlsdon Street, Coventry. The Application sought to extend the licensable activities for the sale of alcohol, recorded music and late night refreshment by one hour on Thursday, Friday and Saturday only. This being a change from 00:00hrs to 01:00hrs on the said days. Objections had been received from Other Persons who were residents.

Mr Charambilides presented the case for the Applicant. It was confirmed that the Applicant had been operating since 1994 had various establishments and further that there had been no issues no reviews and no complaints about him. He had personally put his own name to this application/premises and it was confirmed that the establishment would be run by him with his son as General Manager who was also present.

In terms of the Licensing Objectives and addressing the objections made; it was indicated that these had been addressed and met. Conditions had been

negotiated with the Police and Environmental Protection and further the representations made by the residents were either general or insufficient to show that the issues emanated from the Tiki Hut. It was further indicated that the area was not a residential area and that other licensed premises in the area were open for longer extended hours. It was also noted that this was not an area subject to a cumulative impact assessment. This was in particular given as one of the reasons for the Thursday night request for the additional hour.

Questions were asked in respect of Challenge 25 and the negotiated conditions with the Police and Environmental Protection with a focus on Challenge 25 and the draft Policies for Dispersal and Drugs. The Applicant provided the draft policies in this regard.

In respect of Dispersal a procedure was in place to slow down the music 30 minutes before the end of service. It was noted the front doors would be attended to by 2 SIA trained staff and that the 2 SIA trained staff members at 00:00 hrs would start to go through the building and politely ask clients to finish their drinks and encouraged them to leave the premises. SIA staff would be on site from 8pm. The outside area was further unavailable after 9pm except for smoking.

When queried that the front doors would be left unattended, the Applicant confirmed that one SIA staff member would remain on the front doors and thereafter the 2nd SIA staff member would do the walk through with the Applicant's son present.

In particular to the direct incident on 30th January 2018 (Page 62 of the Agenda pack), the Applicant could not give an account as was unaware of the incident and assumed this was general and not related to the premises. It was indicated that they had tried a student night on a Monday night which finished in February 2018 as they were in effect not working.

The Sub Committee was reminded that if there was an issue with the licence being varied; any issues could essentially be picked up upon a Review.

Mr Voisey complained about problems in Earlsdon Street generally over the years with noise from taxis and that the area was a residential area. This had affected his and other residents sleep. One resident who was a lorry driver whose house was just in front stated in his representation that he had personally experienced difficulties from all the noise. He indicated that the residents had to close their windows. There has been lots of disturbances and issues in particular with the Cottage premises. The incident on Tuesday 30 January 2018 where young lads fighting had spilled over into their garden was directly from the Tiki Hut. This had been reported to the noise team however the matter had not progressed. There was a problem with the area having many bars and as such the Tiki Hut did not need their hours extended.

The Sub Committee was satisfied that there was no evidence to conclude that the issues experienced by the residents emanated from the Tiki Hut aside from the one incident on 30 January 2018. The Sub Committee noted that the representations were general and not evidence based however accepted that the January 2018 incident did occur and that the residents had real concerns. The

January 2018 incident further seem to relate to the student nights which the Sub Committee accepted had been discontinued by the Applicant in February 2018.

The Sub Committee was of the view that the Licensing Objectives would be met from the representations made by the Applicant and in particular by the negotiated conditions with the Police and Environmental Protection hence its decision.

The Licensing and Regulatory Sub Committee, having considered the Licensing Act 2003, the Home Office Section 182 Guidance, the Council's Statement of Licensing Policy and further the representations made by the parties present, and having reviewed all of the papers provided; resolved to agree the variation to the Premises Licence to include the negotiated conditions with West Midlands Police and the Environmental Protection Team.

RESOLVED that the Licensing Sub-Committee, having heard all of the evidence from the parties, and having reviewed all of the papers provided in advance of the hearing, including those from objectors, decided to grant the licence subject to the conditions agreed with West Midlands Police and the Environmental Protection Team.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.20 am)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 5 July 2018

Present:

Councillor J Clifford
Councillor P Hetherton
Councillor C Thomas

Employees (by Directorate):

Place: U Patel, F Samuda

In Attendance: I Tipton (West Midlands Police Licensing Officer)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Hetherton be appointed Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee hearing was reconvened from 15th June 2018 to seek clarification on the conditions agreed with West Midlands Police.

The matter was originally listed due to the Authority receiving one objection from the Police as a responsible authority. Prior to the hearing of 15 June 2018 the Police had given notice that it was withdrawing its objection as conditions had been negotiated with the Applicant. The Police had previously provided a detailed objection where from the information provided in respect of the negotiated conditions did not seem to answer the concerns that the Police had originally had. Clarity was therefore required. The parties were not in attendance on 15 June 2018 hence no one was present to clarify the position on that day. As a consequence the matter was adjourned to 5 July 2018 for the Police to attend and address the Sub-Committee on the agreement reached. Notwithstanding this, all parties were invited to the adjourned hearing.

Given the above, on 15 June 2018, in accordance with Regulation 9(2) of the Licensing Act 2003 Hearing Regulations 2005 the Sub-Committee resolved that it was not satisfied that the hearing should be dispensed.

Mr Ian Tipton, Police Licensing Officer confirmed that the Police's concern was that this was an unknown area as West Orchards did not have any alcohol sales premises currently on site. This was therefore a 'first' for everyone. The main concern was about alcohol being moved around the food hall area and the expectation being that West Orchards security would step forward and offer some assurances in respect of any problems arising if the premises were licensed; they declined. Mr Tipton could not compel West Orchards security to do more for these premises than any other premises as they were required to manage the whole site.

In view of this, Mr Tipton had to assess and focus on the Applicant's premises in terms of what could be done to effectively 'contain' the alcohol to the premises whilst being based in a food hall. The Applicant was thereafter requested to provide a more solid parameter around the premises so that it would be clear to customers that they were in a licensed premises. This would ensure that Cocoa Caffe was appropriately sectioned off as a licensed premises. Mr Tipton had also discussed the use of CCTV footage with the Applicant.

The parties had agreed the following conditions which resulted in the objection being withdrawn:

1. Provision of barriers that clearly identify the extremity of the premises and prevent drinks or persons passing through them. This leaving the only entrance and exit from the premises adjacent to the shop counter
2. Signage to clearly indicate that no alcoholic drinks may be taken outside the premises
3. At the point of sale the customer will be informed by a member of staff that no alcoholic drinks can be taken outside the premises
4. The sale of alcohol is ancillary to the purchase of food and will be decanted and served at table
5. 'Proxy sales' notices to warn against the purchase of alcohol on behalf of a child
6. All staff to receive training on Child Sexual Exploitation, this will be documented and refreshed on a 12 monthly basis
7. All staff to be trained in basic licensing laws
8. Refusals are to be monitored and documented

The Sub Committee was satisfied upon the clarification given by the Police resulting in the Police withdrawing its objection that the Licence should be granted. Furthermore, the Sub Committee was of the view that the Licensing Objectives would be met by the Applicant given the negotiated conditions agreed with the Police; hence its decision.

RESOLVED that the Licensing and Regulatory Sub Committee, having considered the Licensing Act 2003, the Home Office Section 182 Guidance, the Council's Statement of Licensing Policy and further the withdrawn representation of the Police; and having reviewed all the papers provided; agreed to the grant the Licence subject to the negotiated conditions agreed with West Midlands Police as detailed above.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.25 am)

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Public report Cabinet Member Report

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 Executive Director of Resources

5.1 Financial implications

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

5.2 Legal implications

The 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 key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Preventing gambling from being a source of crime or disorder is a licensing objective where the Gambling Commission takes a leading role. The Commission investigates the suitability of applicants to hold an operators or personal licence. An operator's licence is required to be held prior to being able to apply for a premises licence through the licensing authority. Licensing authorities may consider the locations of premises in the context of this objective. There are strong 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

Name and job title: Licensing Manager

Directorate: Place

Tel and email contact: x1948 debbie.cahalin-heath@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: | | | | |
| 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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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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