



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 23rd October, 2018

Place

Diamond Rooms 1 and 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 12)

To agree the minutes of the Committee meeting held on 2 October 2018 and the Sub-Committee hearings held on 28 September and 8 October 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. Outstanding Issues Report

There are no outstanding issues to report.

6. Gambling Act 2005 - Revised Statement of Gambling Policy (Pages 13 - 52)

Report of the Deputy Chief Executive, Place

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****8. Reports of the Deputy Chief Executive (Place)**

1. Refusal to carry assistance dog and disabled passenger by licensed Private Hire Driver (Pages 53 - 64)

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

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

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

1. Review of Hackney Carriage Driver's Licence (Pages 65 - 74)

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

Martin Yardley, Executive Director, Place, Council House Coventry

Monday, 15 October 2018

Note: The person to contact about the agenda and documents for this meeting is Usha Patel

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

By invitation Councillors

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

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Carolyn.sinclair@coventry.gov.uk**

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 2 October 2018

Present:

Members: Councillor P Hetherton (Chair)
Councillor R Brown
Councillor J Clifford
Councillor D Gannon
Councillor D Kershaw
Councillor A Lucas
Councillor K Sandhu
Councillor R Thay
Councillor C Thomas

Employees (by Directorate):

Place: A Barrett, S Beechey, N Castledine, X Jacques, U Patel,
A Walster, A Wright, S Yarker

Apologies: Councillor J Birdi, B Kaur, T Mayer and S Walsh

Public Business

31. Declarations of Interest

Councillor Thomas declared an 'Other Interest' in the matter the subject of Minute 38(b) as the complainant who attended the meeting was a personal friend. She withdrew from the meeting during the consideration of this item.

32. Minutes

The minutes of the Committee meeting held on 11th September 2018 were signed as a true record.

33. 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
36	Fatal accident and serious injuries caused by collapse of metal stillages of tyres through office roof	7
37	Illegal Shisha Bar	7

38	Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Driver's Licence	1 and 3
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34. Outstanding Issues Report

There were no outstanding issues.

35. 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.

36. Fatal accident and serious injuries caused by collapse of metal stillages of tyres through office roof

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999 against appropriate persons in respect of the fatal accident and serious injuries caused by the collapse of metal stillages of tyres through the office roof at DHL Supply Chain Ltd, Unit 3, West Avenue, Central Boulevard, 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.

37. Illegal Shisha Bar

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Health Act 2006 and the Tobacco and Related Products Regulations 2016 against appropriate persons in respect of the alleged illegal shisha business at Arabella Lounge, 181 Spon Street, 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.

38. 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 Major Singh be suspended for a period of one month and that he attend training

specific to customer service to be organised by the Taxi Licensing Office.

(Notes: (i) Mr M Singh attended the meeting in support of his case.
(ii) The complainant also attended the meeting in support of her complaint.)

(b) The Hackney Carriage Driver's Licence held by Mr Purvez Iqbal be revoked.

(Notes: (i) Mr P Iqbal and a representative attended the meeting in support of his case.
(ii) The complainant and her representative also attended the meeting in support of her complaint.)

(c) The Hackney Carriage Driver's Licence held by Mr Chamkaur Singh Sandhu be confirmed and the Director of Streetscene and Regulatory Services be instructed to issue Mr Sandhu with a written warning. Mr Sandhu also be required to attend training specific to customer service to be organised by the Taxi Licensing Office.

(Note: Mr C S Sandhu and a Union Representative attended the meeting in support of his case.)

39. 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 1.25 pm)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 28 September 2018

Present

Members: Councillor J Birdi
Councillor P Hetherton
Councillor A Lucas

Employees (by Directorate):

Place: D Blackburn, D Cahalin-Heath, R Masih,
U Patel, A Wright

In Attendance: West Midlands Police
PC K Healy
Inspector M Teago
Mr H Waller (Counsel)
PS N Witts

Westbourne Leisure (Licence holder)
J Barrett (Proposed Designated Premises Supervisor)
Miss S Clover (Counsel)
C Moore (Licensing Consultant)
K Stevens (Westbourne Leisure)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor P 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. **Exclusion of Press and Public**

RESOLVED that the Sub-Committee agrees to exclude the press and public under Sections 100(A)(4) of the Local Government Act 1972 relating to the private report in Minute 17 below headed “Licensing Act 2003 – Application to Review a Premises Licence” on the grounds that the item involves the likely disclosure of information as defined in Paragraph 7 of Part 1 Schedule 12A of the Act, as it contains information relating to the any action taken in connection with the prevention, investigation or prosecution of crime and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. **Licensing Act 2003 - Application to Review a Premises Licence**

The Sub-Committee considered a summary review application for the premises licence in respect of Club M, Hertford Place, Coventry. The application was submitted by West Midlands Police following an Interim Steps hearing held on 5th September 2018 where the Premises Licence was suspended pending a full review hearing.

To date, no representations had been received from Westbourne Leisure, the Premises Licence holder, against the interim steps imposed by the Sub-Committee on 5th September 2018.

Under Section 53C of the Licensing Act 2003, the Licensing Authority is required to hold a full review of the Premises Licence and determine the review within 28 days after the day of receipt of the chief officer's application, during which the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives, taking into account any change in circumstances since any interim steps were imposed. The Licensing Authority is also required to consider any relevant representations, and review the interim steps already taken.

In making its final determination, the steps the Licensing Authority may take are:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- removal of the designated premises supervisor from the licence;
- suspension of the licence for a period not exceeding 3 months; and
- revocation of the licence

At the beginning of the hearing, Mr Waller indicated that he wished to present some CCTV evidence and a plan of the premises to the Sub-Committee. As this evidence had not been served in advance of the hearing, it had not been viewed by Miss Clover or the Licence Holder. It was therefore suggested that the parties be allowed some time to consider and discuss the same.

When the hearing reconvened, Miss Clover indicated that the parties had engaged in a positive and productive dialogue which they would like more time to explore, in order to present a picture as conducive and productive as possible to the Sub Committee. It was noted that there had initially been some polarised positions, but the Licence Holder wished to present to the Police a business model that was a radical departure from that which was currently in place, in terms of style and model.

The parties requested more time in the expectation that they could reach a position that they could present to the Sub Committee for consideration. This was granted by the Sub-Committee.

Following a short break, the parties came forward with a mutual proposal that they stated completely changed the operating style for the premises. The proposal was

for a crazy golf themed indoor premises, which was described as “a novelty concept”.

The premises would be run by John Barrett who is a well-known licensee in Coventry. The parties acknowledged that the style would need to be fixed in some way so that it could not be changed, and it was agreed that the way to do this would be to include conditions in the operating plan. Miss Clover indicated that the premises would not be able to trade for at least 8 weeks owing to the need to refurbish.

Inspector Teago confirmed that the Police had now been presented with a completely different model which would mean the closure of Club M and a new opening with a new Designated Premises Supervisor. As a result, he confirmed that an agreed set of modified conditions on the licence would be adequate to promote the licensing objectives.

The agreed wording of the proposed conditions was mutually prepared by the parties and passed to the Sub-Committee for consideration.

The Sub-Committee wished to make clear that Club M no longer exists.

The Sub-Committee attended the hearing having considered the voluminous documentation provided by West Midlands Police in support of their application to review the premises licence. This included upsetting and distressing information surrounding the tragic death of a young man, Fidel Glasgow, in the early hours of 1st September 2018.

Owing to the discussions that took place between the parties, and the agreed position that had been presented to the Sub-Committee, they considered that they did not have the opportunity to address a number of points causing deep concern and which, on the face of the documentation, left a question hanging as to whether the young man’s death could have been prevented had an earlier review of the licence taken place. The Sub-Committee expressed hope that their concerns would be addressed through the relevant legal processes.

There is a young, vibrant residency of people in Coventry and the Sub-Committee are aware of their responsibility to ensure that they at all times feel protected and safe through the licensing regime.

The Sub-Committee heard from West Midlands Police that their position on the continuation of the Premises Licence has changed owing to the fact that Club M has closed its doors for the final time and an entirely new business model had been presented, with an entirely new Designated Premises Supervisor on board.

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

In particular, the Sub Committee attached the appropriate weight to Guidance point 9.12 namely that the Police should be the Licensing Authority’s main source of advice on matters relating to the promotion of the crime and disorder objective. It was noted that the Licensing Authority should accept all reasonable and

proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub-Committee noted the position of West Midlands Police, namely, that the imposition of the conditions agreed with the Licence Holder, would meet their concerns.

The Sub-Committee wish to express their deepest sympathy and condolences to the family of Fidel Glasgow and all those affected by this tragedy.

RESOLVED that the Sub-Committee having considered the representations made by both parties at the hearing, allowed the Premises Licence to remain in place with the addition of the following conditions:-

- 1. The Licence Holder shall not operate until an operating plan addressing the matters set out below is submitted to, and agreed to in writing by, West Midlands Police and the Licensing Authority acting as Responsible Authority:**
 - a. Operating style for the premises.**
 - b. Door security policy on a risk assessed basis.**
 - c. Dispersal policy.**
 - d. Maximum capacity policy.**
 - e. Drugs policy.**
 - f. Entry and search policy.**
 - g. Training policy.**
 - h. Music policy.**
 - i. Refusals and incidents log book policy.**
 - j. CCTV policy.**
- 2. The Licence Holder is to operate in accordance with the agreed operating plan;**
- 3. The operating plan must not be amended except with the agreement of the West Midlands Police and Licensing Authority, in writing;**
- 4. All licensable activities on the premises are to commence at 1200hours and terminate at 0200hours;**
- 5. The premises is to be closed to the public at 0230hours.**

Review of the interim steps under Section 53D of the Licensing Act 2003

To ensure that there are appropriate and proportionate safeguards in place at all times, the Sub-Committee were also required to review any interim steps currently in place. On 5th September 2018, the decision was taken by a Sub- Committee to suspend the premises licence pending the full review.

The Sub Committee resolved to modify the licence conditions as follows:

1. The Licence Holder shall not operate until an operating plan addressing the matters set out below is submitted to, and agreed to in writing by, West Midlands Police and the Licensing Authority acting as Responsible Authority:
 - a. Operating style for the premises.
 - b. Door security policy on a risk assessed basis.
 - c. Dispersal policy.
 - d. Maximum capacity policy.
 - e. Drugs policy.
 - f. Entry and search policy.
 - g. Training policy.
 - h. Music policy.
 - i. Refusals and incidents log book policy.
 - j. CCTV policy.
2. The Licence Holder is to operate in accordance with the agreed operating plan;
3. The operating plan must not be amended except with the agreement of the West Midlands Police and Licensing Authority, in writing;
4. All licensable activities on the premises are to commence at 1200hours and terminate at 0200hours;
5. The premises is to be closed to the public at 0230hours.

Right of Appeal

There is a right of appeal against the interim steps decision, and the final review decision. Any appeal is to be made within 21 days.

6. **Any Other Business**

There were no other items of public business.

7. **Licensing Act 2003 - Application to Review a Premises Licence**

This was no longer required.

(Meeting closed at 3.40 pm)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 8 October 2018

Present

Members: Councillor D Gannon
 Councillor P Hetherton
 Councillor T Mayer

Employees (by Directorate):

Place: R Masih, U Patel, A Wright

Public Business

8. Appointment of Chair

RESOLVED that Councillor P Hetherton be appointed Chair for the hearing.

9. Apologies

There were no apologies for absence.

10. Declarations of Interest

There were no declarations of interest.

11. Exclusion of Press and Public

RESOLVED that the Sub-Committee agrees to exclude the press and public under Section 20 of the Licensing Act 2003 in respect of Minute 14 below on the grounds that the Sub-Committee have to view the film in order to consider whether it should be reclassified.

12. Licensing Act 2003 - Application to Review the British Board of Film Classification (BBFC)

Following a request, the Sub-Committee considered the classification of a film called 'A Northern Soul' under Section 20 of the Licensing Act 2003. The film had received a classification of '15' by the British Board of Film Classification (BBFC). Licensing officers had been contacted by a Creative Events Producer for Culture Coventry who wished to show the film as part of the Screening Rights Film Festival in Coventry in October.

Where a film has a classification, a Local Authority (as the Licensing Authority) may review that classification and determine a different one for local showing purposes. As such, the Sub Committee should have regard to the BBFC guidance but may depart from it if there is good reason to do so.

The BBFC, through press releases, had stated that the classification of '15' given to 'A Northern Soul' was so done because there were approximately 20 uses of strong language which they stated exceeded anything they had permitted as a 12A.

RESOLVED that the Sub-Committee having viewed the film 'A Northern Soul' awarded a '12' rating for showing as part of the Screening Rights Film Festival.

13. **Any Other Business**

There were no other items of public business.

14. **Licensing Act 2003 - Application to Review the British Board of Film Classification (BBFC)**

Further to Minute 12 above, the Sub Committee watched the full film to consider the use of the language in context and make their determination.

RESOLVED that the Sub-Committee having viewed the film 'A Northern Soul' awarded a '12' rating for showing as part of the Screening Rights Film Festival.

(Meeting closed at 11.30 am)



Public report Cabinet Member Report

Licensing and Regulatory Committee
Cabinet Member for Policing and Equalities
Council

23rd October 2018
25th October 2018
4th December 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:

All

Title:

Gambling Act 2005 - Revised Statement of Gambling Policy

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 6 week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval, a revised policy for the period 2019 – 2022.

The revised policy consulted on had no major changes and only contained minor wording proposals. Five consultation responses were received; 4 supported these changes and provided additional minor wording proposals (a summary of which have been outlined in Annex B) and 1 provided no comments/changes.

Recommendations:

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation, and the proposed changes on the revised Statement of Gambling Policy for the period 2019 - 2022 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:-

1. Consider the results of the consultation, and the proposed changes on the revised Statement of Gambling Policy for the period 2019 – 2022 and any comments from the Licensing and Regulatory Committee
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

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

List of Appendices included:

Appendix A - Revised Statement of Gambling Policy 2019 - 2022
Appendix B - Summary of consultation responses and changes to the policy

Other useful background papers:

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

Has it been or will it be considered by Scrutiny?

No

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

Yes
Cabinet Member (Policing and Equalities) 26th July 2018 and 25th October 2018
Licensing and Regulatory Committee 14th August 2018 and 23rd October 2018

Will this report go to Council?

Yes
4th December 2018

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

1. Context (or background)

- 1.1 The Gambling Act requires each licensing authority to prepare and publish a Statement of Gambling Policy. The policy statement sets out how the licensing authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives.
- 1.2 The current Gambling Policy came into effect on 3rd January 2016, to cover a period up to 31st January 2019.
- 1.3 This policy has to be renewed every three years and be subject to a full consultation process.
- 1.4 Cabinet Member (Policing and Equalities) on 26th July 2018 and the Licensing and Regulatory Committee on 14th August 2018 considered a report on the draft revised Gambling Policy and authorised the Deputy Chief Executive (Place) to consult on its contents.
- 1.5 The report advises Members of the consultation that has taken place and outlines the comments received and amendments made to the Council's draft Gambling Policy.
- 1.6 There are no major changes to the Policy except some minor wording amendments. The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three licensing objectives, namely:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - Ensure gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.7 Following public consultation, the revised draft Statement of Gambling Policy is now ready to be recommended for adoption to take effect from 31st January 2019 (Appendix A).

2 Options considered and recommended proposal

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2019 - 2022 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2019 – 2022 and any comments from the Licensing and Regulatory Committee.
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

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

report.

3 Results of consultation undertaken

3.1 The public consultation exercise finished on 18th September 2018, and included the following elements:-

- Mail shots to operators
- Notification to the responsible authorities
- Mail shots to trade organisations
- Wider public consultation through the city council's website.

3.2 All statutory consultees have received a full copy of the draft Gambling Policy and notification of the draft policy was given to all Council Members and Parish councils. The draft policy was also made available on the council's website from 7th August 2018 to 18th September 2018 and was sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

3.3 Five responses have been received to the consultation and are summarised in Appendix B, with the proposed changes. There are no major changes proposed other than minor wording changes to bring the policy in line with Gambling Commission and industry guidance

4. Timetable for implementing this decision

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

5. Comments from Executive Director of Resources

5.1 Financial implications

The costs associated with the consultation and publishing of the Licensing Policy can be managed within existing resources.

5.2 Legal implications

Section 349 of the Gambling Act 2005 requires the licensing authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next statement must be published by 3rd January 2019. The statement is one of a number of guidance documents that the licensing authority must aim to make its decisions in accordance with.

Section 25 of the Gambling Act 2005 requires the licensing authority to have regard to the Gambling Commission when making its decisions.

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

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

Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

Other implications

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

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

One of the licensing objectives is 'Protecting children and other vulnerable persons from being harmed or exploited by gambling'. Applicants are required to show how they will address this objective in their risk assessment when making applications. The Coventry Safeguarding Children Board is a Responsible Authority consulted on 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 be able to perform its function under the Act. The consultation process and council meeting dates have been planned to ensure that the policy is in place at the required time.

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

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

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for partner organisations?

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

Report author(s): Debbie Cahalin-Heath

Name and job title: Licensing Manager

Directorate: Place

Tel and email contact: x1888 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:				
Carolyn Sinclair	Governance Services Officer	Place	02.10.2018	04.10.2018
Davina Blackburn	Head of Regulatory Services	Place	18.09.2018	19.09.2018
Names of approvers for submission: (officers and members)				
Tracy Miller	Head of Planning and Regulation	Place	18.09.2018	19.09.2018
Cath Crosby	Finance	Place	02.10.2018	03.10.2018
Gill Carter	Licensing and Regulatory Solicitor	Place	02.10.2018	05.10.2018
Andrew Walster	Director (Streetscene & Regulatory Services)	Place	19.09.2018	20.09.2018
Martin Yardley	Deputy Chief Executive	Place	21.09.2018	02.10.2018
Councillor Abdul Khan	Cabinet Member for Policing & Equalities		27.09.2018	27.09.2018

This report is published on the council's website:
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 be reasonably consistent with the licensing objectives. 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 be reasonably consistent with the licensing objectives; 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 be reasonably consistent with the licensing objectives.

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 (which outlines examples of sensitive areas). 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 be reasonably consistent with the licensing objectives.

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. Examples of sensitive areas and locations are detailed in the local area profile and 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 unable to make an informed or balanced decision about gambling due to, for example, misuse of drink or drugs, mental health problems, a learning disability 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. **Gambling Activity**

10.1 The **gambling 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 **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 **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 Commission's 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 All Gambling Act premises licences are subject to mandatory and default conditions and these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence in the circumstances of a particular case that these conditions need to be supplemented. 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 (self-service betting terminals (SSBT’s)), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. (It is important to make the distinction between gaming machines where the licence holder of a betting licence may make available for use up to four gaming machines of categories B, C or D)

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

transactions, and the ability of staff to monitor the use of the machines.

17. Bingo

- 17.1 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.
- 17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 17.3 This authority also notes the Commissions guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.
- 17.4 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. 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. The Authority will expect the local risk assessment (or a copy thereof) to be available at the premises for inspection by any authorised officer.
- 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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Responses to Coventry City Council Statement of Gambling Policy Consultation

7th August 2018 – 18th September 2018

1 Background

- 1.1 The public consultation on the draft Statement of Gambling Policy took place for 6 weeks from 7th August 2018 – 18th September 2018.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities.
- 1.3 5 responses were received during the consultation period, 1 of which made no comments
- 1.4 All consultees were asked for comments on the draft policy, which have been organised into themes and are presented below.

Theme of comments	Respondent	Feedback/comments/amendments	Action
Licensing Objectives	Association of British Bookmakers	Within paragraphs 5.3, 5.4, 7.3 and 7.4, there are references to the promotion of the licensing objectives. In paragraph 5.3, there is an indication that the applicant will need to demonstrate how it will promote the licensing objective of preventing gambling from being a source of crime and disorder. Similarly, the final bullet point in paragraph 7.4 indicates that applicants must demonstrate that they have sufficient control measures in place to promote the licensing objectives whilst paragraphs 7.3 and 5.4 refers to conditions being	Noted and references be re-drafted. In paragraphs 5.3, 5.4, 7.3 and 7.4 amend all references of 'promote the licensing objectives' to read 'be reasonably consistent with

	<p>Public Health</p>	<p>placed on licences to “promote” the licensing objectives. Unlike the Licensing Act 2003, there is no requirement for an applicant to “promote” the licensing objectives as applications are required to be “reasonably consistent” with the licensing objectives.</p> <p>The only body that the Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Accordingly, all of these references should be re-drafted to reflect the position that applications and the operation of licensed premises must be reasonably consistent with the licensing objectives.</p> <p>Public Health are pleased to see the inclusion in the draft Gambling Policy of a number of considerations in regard to ensuring a proposed premise meets the gambling licensing objectives.</p> <p>Public Health does however feel that there should be additional considerations in the Statement of Licensing Policy in regard to the location of a gambling premise.</p> <p>One of the considerations in section 7.4 does refer to location, stating <i>“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.”</i></p> <p>This consideration would benefit from clarification that, “if an application for a gambling premises is received for a location within a</p>	<p>the licensing objectives’</p> <p>Noted no action required for the policy as this is too limiting.</p> <p>If an operator intends to apply for a new premises licence or a variation to a premises licence then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact a gambling</p>
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		<p>sensitive area or in close proximity to sensitive areas, the application will not be granted if the applicant has not demonstrated that they have sufficient and suitable control measures in place to promote this licensing objective”. In addition, an explanation that the local area profile document is a fluid document that will be updated during the lifetime of the Gambling Policy Statement of Principles should be added.</p> <p>Furthermore, there should be acknowledgement to the fact that where there are several sensitive premises together in the proximity of a proposed gambling premise, it is unlikely that there will be sufficient control measures that can be put in place to promote the licensing objective, in which case the application will not be granted.</p>	<p>premises and its operation may have on the licensing objectives, considerations for operators are also identified in the Licensing Authority Gambling Policy.</p> <p>It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how any potential concerns can be overcome.</p>
Criteria/ Considerations	GamCare	<p>Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?</p> <p>Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</p> <p>Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <p>Consider whether any promotional material associated with the premises could encourage the use of the premises by children or</p>	<p>Noted no action required for the policy. Already included within Paragraph 7.4.</p>

		young people if they are not legally allowed to do so.	
Location of Premises	Association of British Bookmakers (ABB)	The final bullet point within paragraph 7.4 refers to the potential for an application in a “sensitive area”. The term “sensitive area” is not, however, defined. There is a further reference to “sensitive area” at paragraph 9.2. The term “sensitive area” either needs to be defined or removed. On the basis that each application must be determined on its own merits and that all applicants must take into account local risks within their risk assessment, we respectfully submitted that the most appropriate course of action would be to delete references to “sensitive areas” leaving it clear that each application will be considered on its own merits with specified reference to the local risk assessment which is required to identify local risks and outline policies, procedures and control measures to mitigate those risks.	Noted What the authority deem to be sensitive areas are outlined in the local area profile and risk assessment which is a fluid document and an appendix to the gambling policy. Amend the final bullet point of paragraph 7.4 to insert the words: <i>‘(which outlines examples of sensitive areas)’</i> after the words ‘local area profile’. Amend the last sentence of paragraph 9.2 to insert the words: <i>‘Examples of sensitive areas and locations are detailed in the local area profile and’</i> can be found at: www.coventry.gov.uk/downloads/file/19670/local_area_profile_and_risk_assessment ’.
	Public Health	The issue of location of a gambling premise can be a major factor of	Noted

the promotion of the licencing objectives, in particular the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling and Public Health are pleased to see acknowledgement of this in the draft Gambling Policy Statement of Principles.

Public Health notes that the Statement of Licensing Policy is following the Gambling Commissions assumption that ‘vulnerable persons’ includes; people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or a substance misuse relating to alcohol or drugs. Public Health has shaped its consultation response in line with this, for regulatory purposes.

Additionally, Public Health are pleased to see that, in reference to location and the local area profile, section 9.2 states “Applications will not be granted in sensitive locations unless the relevant criteria have been met”.

Section 9.3 lists some of the supporting information that may be included to show that the criteria has been met. This includes: “What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs etc”. Although it is stated that this is not an exhaustive list, to reiterate the assumption by the Gambling Commission of who is included in ‘vulnerable persons’, this bullet point would benefit from expanding to read “What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those unable to make an informed or balanced decision about gambling due to, for example, misuse of drink or drugs, mental health problems, a learning disability etc”.

Amend the last bullet point of paragraph 9.3 to read:
‘What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those unable to make an informed or balanced decision about gambling due to, for example, misuse of drink or drugs, mental health problems, a learning disability etc’.

		<p>Section 9.4 states "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". For clarification to those considering submitting and application (or those involved in the determination of applications), this would benefit from additional wording to the effect that if evidence is not submitted to show how this will not adversely affect the gambling objectives, the application will not be granted.</p> <p>Public Health would like it noted that, on the existing Local Area Profile, the list of types of premises that the Licensing Authority considers are sensitive has been included, but feel that additions would be beneficial, along with emphasis that the list is still not exhaustive. Public Health recommend that the local area profile be updated accordingly.</p> <p>Suggested additions include:</p> <p>1) Deprivations levels of the area</p> <ul style="list-style-type: none"> - In deprived areas, there is greater possibility of customers falling under the vulnerable person's group as there is a greater chance that they will be gambling beyond their means - There is a greater concentration of people suffering from drug and/or alcohol misuse in deprived areas (and therefore a greater concentration of vulnerable people, as per the Gambling Commissions inclusion of "people who may not be able to make 	<p>Noted no action for the policy as this is too limiting.</p> <p>It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.</p> <p>Noted. Add '<i>deprivation levels of the area</i>' to the bullet pointed list of sensitive areas listed within the local area profile.</p>
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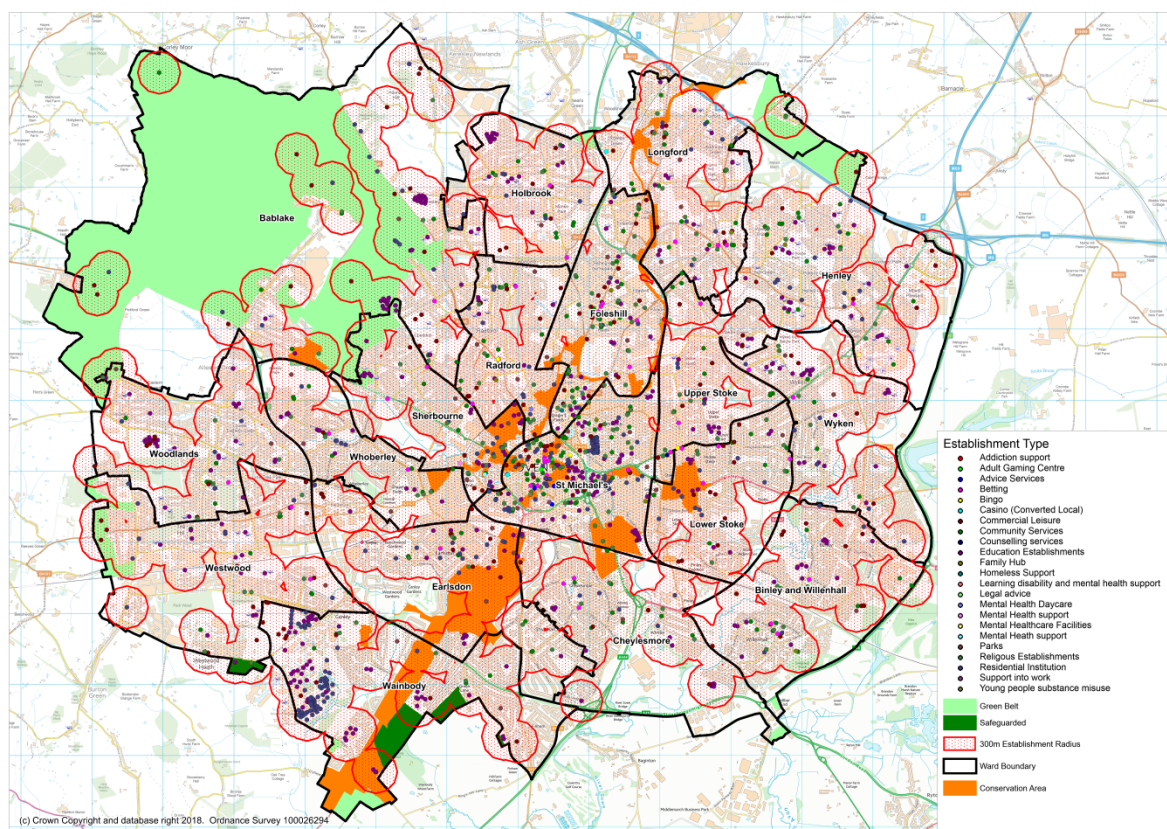
		<p>informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs”</p> <p>Considerations of the levels of deprivation for applications would also support Coventry’s work around being a Marmot City, which has brought together partners from different parts of Coventry City Council and from other public sector and voluntary organisations, whose decisions and activities have an impact on health. The Marmot principles, from the Marmot Review, Fair Society, Healthy Lives which aim to reduce inequality and improve health outcomes for all have been embedded into the core functions of the council and its partners, Improving health and reducing inequalities in Coventry is not only a priority for the NHS and public health, but is a priority for everyone who is working to improve the lives of people in the city.</p> <p>2) Functions of nearby premises</p> <ul style="list-style-type: none"> - An existing concentration of gambling premises in the proposed location of a new gambling premise could have a detrimental effect on the vulnerable group classed by the Gambling Commission as ‘People who gamble more than they want to’ and therefore adversely affect that gambling objective. An area with a high concentration of existing gambling premises should therefore be considered as a sensitive location. - Proximity to any existing pawnbroker shop(s) - a new gambling premise close to an existing pawnbroker shop could have a detrimental effect on the vulnerable group classed by the Gambling Commission as ‘People who gamble beyond their means’ 	
Primary Activity	Association of British Bookmakers (ABB)	Paragraph 10 refers to the concept of “primary activity” and should be re-drafted to reflect the latest Gambling Commission Guidance.	Noted Change ‘ <i>Primary Activity</i> ’ to

		Whilst primary gambling activity was an issue when the draft Gambling Policy was last published, matters have now been clarified and as far as gaming machines are concerned, these may be provided where substantive facilities for the activity specified on the operating licence are provided.	' <i>gambling activity</i> ' throughout paragraph 10.1.
Conditions of Licence	Association of British Bookmakers (ABB)	Paragraph 14 explains the Licensing Authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft Policy should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case which requires that the mandatory and default conditions be supplemented.	Noted Insert an additional paragraph to 14.1 that reads: <i>'All Gambling Act premises licences are subject to mandatory and default conditions and these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence in the circumstances of a particular case that these conditions need to be supplemented'</i> .
Betting machines in Betting Premises	Association of British Bookmakers (ABB)	Paragraph 16 refers to betting machines in betting premises. This section would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority has a power to restrict the number of machines) and gaming machines where there is no such power. The holder of a betting premises licence may make available for use up to 4 gaming machines of categories B, C or D.	Noted Amend paragraph 16.1 to read: <i>'The Authority is aware of its power to restrict the number of betting machines (self-service betting terminals</i>

			<i>(SSBT's)), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. (It is important to make the distinction between gaming machines where the licence holder of a betting licence may make available for use up to four gaming machines of categories B, C or D).'</i>
General	GamCare	We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk	Noted no action required for the policy. Operators Licences issued by the Gambling Commission cover similar grounds to GamCare certification.
Local Area Profile Risk Assessment	Gambling Commission	Recommendation that the Local Risk Assessment is kept on the premises, so that it makes it easier to look at during an inspection and would encourage staff to look at it and take ownership	The following paragraph to be added to Paragraph 29.2: <i>'The Authority will expect the local risk assessment (or a</i>

			<p><i>copy thereof) to be available at the premises for inspection by any authorised officer'.</i></p>
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LOCAL AREA PROFILE & RISK ASSESSMENTS



The Gambling Commission's social responsibility code within the Licence Conditions and Codes of Practice, require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. This provision came into force on 6th April 2016. Coventry City Council has produced this guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessment.

The plan provides details of the location that the Licensing Authority consider are sensitive premises, and this should be considered by licensees along with relevant matters identified in the Licensing Authority's Statement of Gambling Policy when assessing and making their risk assessments.

The Licensing Authority considers the following as examples of sensitive premises (although this list is not exhaustive):

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

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

Operators are required to review their local risk assessment if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment;
- Any vulnerable group identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area); and
- The deprivation levels of the area.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

An operator will need to consider risks in relation to how the premises will be or is run. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered include:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;
- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place;

- How it advertises locally and on the premises;
- The marketing material within the premises; and
- The display and provision of information, etc.

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design of the premises is an important factor when considering local risks. Premises which are located within an area which has a high number of children and young people present throughout the day may identify that the standard external design is not appropriate. Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

Risks to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter;
- Whether the premises is sufficiently covered by CCTV to enable the identification of offenders;
- Whether the premises windows are screened or covered to obscure the interior of the premises;
- What age verification policies are in place; and
- Provision of magnetic door locks.

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

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of the Local Government Act 1972.

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