



Cabinet Member for Policing and Equalities

Time and Date

12.30 pm on Thursday, 22 July, 2021

Place

Diamond Rooms 1 and 2 - Council House

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Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
 - (a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 8 March 2021
 - (b) Matters arising
4. **Response to a Petition - Potters Green Park - Request for a Children's Play Facility** (Pages 9 - 18)

Report of the Director of Street Scene and Regulatory Services

To consider the above petition, bearing 298 signatures, which has been sponsored by Councillor E Ruane, a Henley Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.
5. **Gambling Act 2005 - Revised Statement of Licensing Policy 2022 -2025** (Pages 19 - 48)

Report of the Director of Street Scene and Regulatory Services
6. **Outstanding Issues**

There are no outstanding issues

7. Any Other Business

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

Private Business

Nil

Julie Newman, Director of Law and Governance, Council House Coventry

Wednesday, 14 July 2021

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett e mail Suzanne.bennett@coventry.gov.uk Tele: 02476 832299

Membership: Councillors P Akhtar (Deputy Cabinet Member), AS Khan (Cabinet Member)

By invitation: Councillors J Lepoidevin (Shadow Cabinet Member), E Ruane

Public Access

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Suzanne Bennett

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Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 1.00
pm on Monday, 8 March 2021

Present:

Members: Councillor AS Khan (Chair)
Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor G Ridley (for Minute 20 below)

Employees Present:

C Bradford, Law and Governance
D Cahalin-Heath, Streetscene and Regulatory Services
G Carter, Law and Governance
G Hood, Streetscene and Regulatory Services
J Newman, Director of Law and Governance
U Patel, Law and Governance
C Sinclair, Law and Governance

Public Business

18. Declarations of Interest

There were no declarations of interest.

19. Minutes

The minutes of the meeting held on 3 December 2020 were agreed as a true record. There were no matters arising.

20. Response to a petition requesting the Council improve defences on the Brookstray to prevent unauthorised access by travellers

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which responded to a petition bearing 484 signatures which was submitted to Coventry City Council in August 2020. The petition was organised by Councillor Ridley a Woodlands Ward Councillor and requested that the Council improve defences on the Brookstray to prevent unauthorised access onto the site by travellers.

The Cabinet Member had considered the petition prior to this meeting and requested that the petition be dealt with by way of a determination letter rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

The determination letter and the report stated that in the past 3 months, there had been several incidents of unauthorised access by travellers on a number of sites off the Guphill Brookstray. Furthermore, the Council had received reports of attempts being made by travellers trying to gain access to Eastern Green Recreation Ground.

In response to these incidents and in an attempt to make it more difficult to gain unauthorised access the Council has carried out extensive works to secure sites along the Guphill Brookstray since receipt of the petition at a cost of approximately £13,153. This included the following:

- Land off Alderminster Road & Land off Nod Rise.

Bollards & gate installed at Dunchurch Highway

Bund created at Shottery Close.

Bollards & gate installed at Nod Rise (bollards on both sides)

Bund created at Nod Rise

Bollards installed at Honeybourne Close

Bollards installed at Pebworth Close

Bollards installed at Cantlow Close

Bollards installed at Aynho Close (two entrances)

Bollards installed at Beausale Croft

Gate & bollards installed at Alderminster Road (bollards on both sides)

Bund created at Alderminster Road

Bollards installed at Hardwick Close

New bunds were installed where practical as this could be achieved at minimal cost by diverting staff from other work.

Bollards were also installed to secure land off Buckingham Rise, which is outside of Woodlands Ward.

- Bollards and a gate were installed to prevent unauthorised vehicular access to the land off Farcroft Avenue and bollards were also installed at the end of the cul-de-sac in Stonebury Avenue (between 198 and 200 Stonebury Avenue).
- A new lockbox was welded to existing gate on Church Lane Eastern Green Recreation Ground to prevent unauthorised vehicular access to the Eastern Green Recreation Ground
- In respect of private land, Officers were still looking into the ownership of the open space at Sutton Avenue and its future security against unauthorised encampments. Unfortunately, the land is not registered, and the owner was proving difficult to identify. As the City Council has maintained the land for over 12 years, a case for adverse possession and ownership was currently being complied.

Officers were also looking into the future management of other privately owned land space alongside the Guphill Brook.

The Flood Risk Team and the Parks Service team were working together on an external funding bid to Severn Trent Water's community fund (and/or other grants) to improve the Guphill Brookstray. Works being considered included repairs to the

unadopted footpath, riverbank stabilisation and providing natural play and other recreational opportunities alongside the stream.

Officers would continue to monitor the defences at the Brookstray and respond to any future incursions as effectively as possible within the resources available. However, it was important to note that unfortunately it was not possible to completely protect open space from determined effort to gain unauthorised access.

Councillor G Ridley, the petition organiser, was present at the meeting, thanked Officers for the comprehensive work undertaken to improve defences on the Brookstray to prevent any unauthorised access.

RESOLVED that, the Cabinet Member for Policing and Equalities:

- 1. Having considered the content of the report, notes the concerns of the petitioners.**
- 2. Notes the extensive works undertaken to secure sites along the Brookstray.**
- 3. Notes that the cost of undertaking the defence works have been estimated at approximately £13,153.**
- 4. Endorses and supports Officers to continue to maintain and implement defences on public open space subject to traveller incursions within existing resources.**
- 5. Notes that Council Officers will continue to investigate how the unregistered land at Sutton Avenue could be better secured.**

21. New Code of Conduct for Elected and Co-opted Members

The Cabinet Member considered a report of the Director of Law and Governance which sought approval to the revised Model Code of Conduct and to recommend to Council to adopt the revised Model Code of Conduct.

The Local Government Association (LGA), following a consultation held in summer of 2020, published a new Model Code of Conduct for Members. The new Model Code of Conduct was produced on the recommendation of the Committee on Standards in Public Life in its report on local authority standards published in January 2019. The Ethics Committee made representations to the LGA on the wording of the proposed Code.

Ethics Committee considered the new Model Code of Conduct at its meeting on 21 January 2021. Its comments and observations were summarised in the report. On 17 February 2021, the Constitutional Advisory Panel considered a revised Code which incorporated the changes suggested by the Ethics Committee. The Panel resolved to recommend to the Cabinet Member that he recommend to full Council the adoption of the revised Code set out in the appendix to the report.

The Council's current Code of Conduct for Elected and Co-opted Members was adopted by the Council in 2012. While there have been some amendments to it, it has remained largely the same since then. The publication of the new Model Code provided an ideal opportunity to consider moving from its current Code to the new one.

The report provided further information and outlined what the main points of the Model Code of Conduct were.

Ethics Committee was asked to consider the Model Code of Conduct and whether they wished to recommend its adoption by the Council, either as drafted or with modifications. The Committee made a number of comments in relation to the Model Code and in its adoption by the City Council, in particular: -

- The Committee welcomed that the term "treating others with respect" was favoured rather than "with civility", together with the definitions provided in the Model Code
- That the threshold for the registration of gifts and hospitality should be set at £50 in line with the national threshold
- That the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared
- That appropriate training to new and existing Members should be provided following the adoption of the new Code
- That the Member Complaints Protocol should be strengthened and updated to reflect any new changes to the Code
- That the Model Code should be amended to be more user friendly and easier to reference, to include using the second person, to remove unnecessary preamble, to be numbered, and to include the Nolan Principles at the forefront of the document, rather than as an Appendix.

The revised Code of Conduct was attached as an Appendix to the report and took into account the points made by the Ethics Committee. The revised Code of Conduct was endorsed by the Constitutional Advisory Panel on 17 February 2021.

RESOLVED that, the Cabinet Member for Policing and Equalities, having considered the recommendations from Ethics Committee and the Constitutional Advisory Panel, recommends that Council adopts the revised Model Code of Conduct for Elected and Co-opted Members.

22. **Proposed Changes to the Constitution**

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which sought approval to proposed changes to the Constitution.

On 17 February 2021, the Constitutional Advisory Panel considered a number of proposed changes to the Constitution. These were:

- (a) The Contract Procedure Rules: Part 3G
- (b) A proposed new Employee Code of Conduct: Part 4B
- (c) The terms of reference of Planning Committee and consequential change to the scheme of delegation: Part 2G

- (d) A review of Code of Good Planning Practice for Members and Employees Dealing with Planning matters: Part 4C

The changes to the Contract Procedure Rules and the Code of Conduct for Employees were detailed in Appendices 1 and 2 of the report, including the required tracked changes to the Constitution.

The Constitutional Advisory Panel resolved to recommend to the Cabinet Member that he recommends to full Council the adoption of changes which were detailed in the report.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council:

- 1. Approves the proposed changes to the Contract Procedure Rules shown in Appendix 1 to the report;**
- 2. Approves the revised Code of Conduct for Employees set out in Appendix 2 to the report;**
- 3. Approves the changes to the Terms of Reference of Planning Committee and the Scheme of Delegation to Employees set out in paragraphs 2.10 to 2.12 of the report.**
- 4. Approves the proposal that once the Planning Committee has approved the new Planning Code, that the new Planning Code is appended to the Constitution and made available on the Council's website, in accordance with the Constitution.**

23. Licensing Act 2003 - Revised Statement of Licensing Policy 2021-2026

Further to Minute 8/20 of the meeting held on 5 October, 2020, the Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which provided an update on the outcome of the 8-week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003 and sought approval to the revised policy for the period 2021 – 2026.

The Licensing Act requires each licensing authority to prepare and publish a Statement of Licensing Policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives. This policy must be renewed every five years and be subject to a full consultation process.

The current Statement of Licensing Policy came into effect on 6th January 2016, to cover a period up to January 2021. However, due to the pandemic, and on the advice of the Local Government Association (LGA), the Cabinet Member for Policing and Equalities approved the decision to delay the consultation on the draft Statement of Licensing Policy 2021 – 2026, and that the existing Statement of Licensing Policy be extended past the 6th January 2021, until the draft policy had been consulted on and approved.

This report outlined the comments received and proposed amendments to the Council's draft Statement of Licensing Policy.

This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The general principles of the Licensing Policy remain the same and the document is centred around the Licensing Act's four licensing objectives, namely, the prevention of crime and disorder; ensuring public safety; the prevention of public nuisance; and the protection of children from harm.

The policy had been reviewed throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.

Following public consultation, the revised draft Statement of Licensing Policy was now ready to be recommended for adoption to take effect from 16th March 2021 as attached at Appendix A of the report.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council adopts the revised Statement of Licensing Policy 2021-2026 attached as Appendix A of the report.

24. **Outstanding Issues**

There were no outstanding issues.

25. **Any Other Business**

There were no other items of business.

(Meeting closed at 1.25 pm)



Cabinet Member for Policing and Equalities

22 July 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

Henley

Title: Response to a petition: Potters Green – Request for Children’s Play Facility

Is this a key decision?

No

Executive Summary:

This report responds to a petition containing 298 signatures which was submitted to Coventry City Council in October 20. The petition is supported by Councillor E Ruane, a Henley Ward Councillor and requests that the Council provide a children’s play facility on the field between Woodway Lane and Shilton Lane

The petition reads:

“We the undersigned petition the Council to request a park with play equipment for children (swings, slide, climbing frame etc) on field between Woodway lane and Shilton Lane adjacent to Woodway lane cemetery, historically there was a play area located on this site for the children of Potters Green ”.

The petition provides the following justification:

This play area has grown with new houses and many young families moving to the area, there is little for the children to do , especially in light of the recent Covid -19 pandemic, it would be a great health benefit both mentally and physically to have a park in this area, a safe place for children to and family to enjoy.

The children’s play facility which had originally been located at this location had been removed as a result of continued vandalism and complaints from neighbouring residents.

Potters Green falls with the catchment area of two local play facilities located at Eaglestone Way new housing development off Shilton lane and Woodway Walk Play area both around 10 minutes' walk away respectively.

Recommendations:

The Cabinet Member for Policing and Equalities is recommended to:

1. Consider the content of the petition and note the concerns of the petitioners
2. Note that a play facility has been built by a developer and located at Eaglestone Way new housing development off Shilton lane.
3. Note that the cost of providing a children's play facility has been estimated at approximately £150, 000
4. Note that the Greenspace Service do not have the resources to provide a new children's play facility at this location and that this will be subject to securing external funding.
5. Note that as part of the Planning Application for the New Elmfield Farm Development on Wigston Road and should permission be granted the developer has been requested to provide a new children's play facility on the development

List of Appendices included:

Appendix A – Archived image of original play facility at Potters Green dated 1994
Appendix B – Plan showing location of play facilities of which Potters Green Falls within their catchment areas.

Background papers:

None,

Other useful documents

None.

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Petition – Provide a children’s play facility Potters Green Park

1. Context (or background)

- 1.1 A number of years ago a children’s play area did exist at this location as suggested by the petitioners. The facility was removed some years ago (possibly 26 years ago) due to repeated vandalism and complaints from residents on Woodway Lane whose houses looked onto the site. The attached image taken in 1994 clearly shows that most of the play area had virtually all gone at that point shown Appendix A.

2. Options considered and recommended proposal

- 2.1 A new housing development was completed in 2020 at Eaglestone Way off Shilton Lane which was developed by Persimmon Homes. As part of that development the developer created a new children’s play facility which is managed and maintained by the developer. Its provision was a planning requirement. The play area appears to be designed to cater for the 8 to 12 age group and the Potters Green Area falls within the catchment of the facility and is approximately 10 minutes’ walk. Its location is shown Appendix B
- 2.2 In addition, Potters Green Park falls within the catchment area of a further play facilities located at Woodway Walk, which is on Woodway Lane and this play facility is designed to cater for children aged 8 to 12 and is located approximately 10 minutes’ walk away. This is managed and maintained by the Streetpride and Council Greenspace Service. This is also shown on Appendix B
- 2.3 Outline planning permission is being sought for the Elmfield Farm Residential Development on Wigston Road. It is likely that this will be considered by Planning Committee in August this year. As part of the consultation process the Councils Parks Service has requested the developer provide a new children’s play facility on the development. Should permission be granted this would provide an additional children’s play facility whose catchment would include parts of the Potters Green Area and would be approximately 15 minutes walk from the old facility which had previously existed on the field between Woodway lane and Shilton Lane.
- 2.4 During 2015/16 the Parks Service operational budget was reduced by £1m from 2016. As part of its financial strategy the service now reviews the provision of children’s play facilities and the replacement of play equipment as and when its practicable life ends. This ongoing review will be on a item by item and site by site basis and will take into consideration cost, remaining equipment and location to other play areas.
- 2.5 The re-establishment of a play facility at Potters Green has been considered however it would cost a minimum of approximately £150,000 to complete to a National Playing Fields Association Locally Equipped Area for Play Standard. The Parks Service does not have the existing resources to undertake this proposal.
- 2.6 It is therefore recommended that the Council’s Park Service continues to explore and exploit all funding opportunities both external and internal to maintain existing play facilities and provide new facilities to ensure all children have access to facilities with dynamic and high play value items of equipment offering an exciting and stimulating play environment.

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

3. Results of consultation undertaken

3.1 No consultation has taken place on this issue

4. Timetable for implementing this decision

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

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

There are no financial implications arising from the recommendations at the present time.

The service reviews the provision of new play facilities and the replacement of play equipment as and when its practicable life ends. This review will be on an item by item and site by site basis and will take into consideration cost, remaining equipment and location to other play areas.

New children's play provision and when the replacement of items of play equipment becomes necessary, this will be managed through a combination of external funding (for example section 106 funds) and the existing budget provision.

5.2 Legal implications

The responsibility for managing and maintaining the children's play area in this park falls to the Council which has a duty of care towards employees, contractors and the public who use the play facilities. Play provision is governed by the Health and Safety at Work Act 1974 and the Occupiers Liability Acts of 1957 and 1984. The Council has a legal responsibility to ensure the children's play area is in as safe a condition as reasonably practicable. The Management of Health and Safety at Work Regulations 1999 require providers to carry out risk assessments. Play provision also has to meet the requirements of the Equality Act 2010.

6. Other implications

None

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

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

6.2 How is risk being managed?

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

6.3 What is the impact on the organisation?

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

6.4 Equality Impact Assessment (EIA)

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

6.5 Implications for (or impact on) climate change and the environment

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

6.6 Implications for partner organisations?

None

Report author(s):

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

Directorate: Streetscene and Regulatory Services

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Cath Crosby	Lead Accountant - Business Partnering	Financial Management	6 th July 21	7 th July 21
Gill Carter	Team Leader, Legal Services	Law and Governance	6 th July 21	7 th July 21
Usha Patel	Governance Services Officer	Law and Governance	6 th July 21	6 th July 21
Mark Yates	Parks Service Manager,	Street Pride and Green spaces	6 th July 21	7 th July 21
Names of approvers for submission: (officers and Members)				
Andrew Walster	Director (Streetscene and Regulatory Services)	-	8 th July 21	8 th July 21
Councillor AS Khan	Cabinet Member for Policing and Equalities		7 th July 21	8 th July 21

This report is published on the council's website:

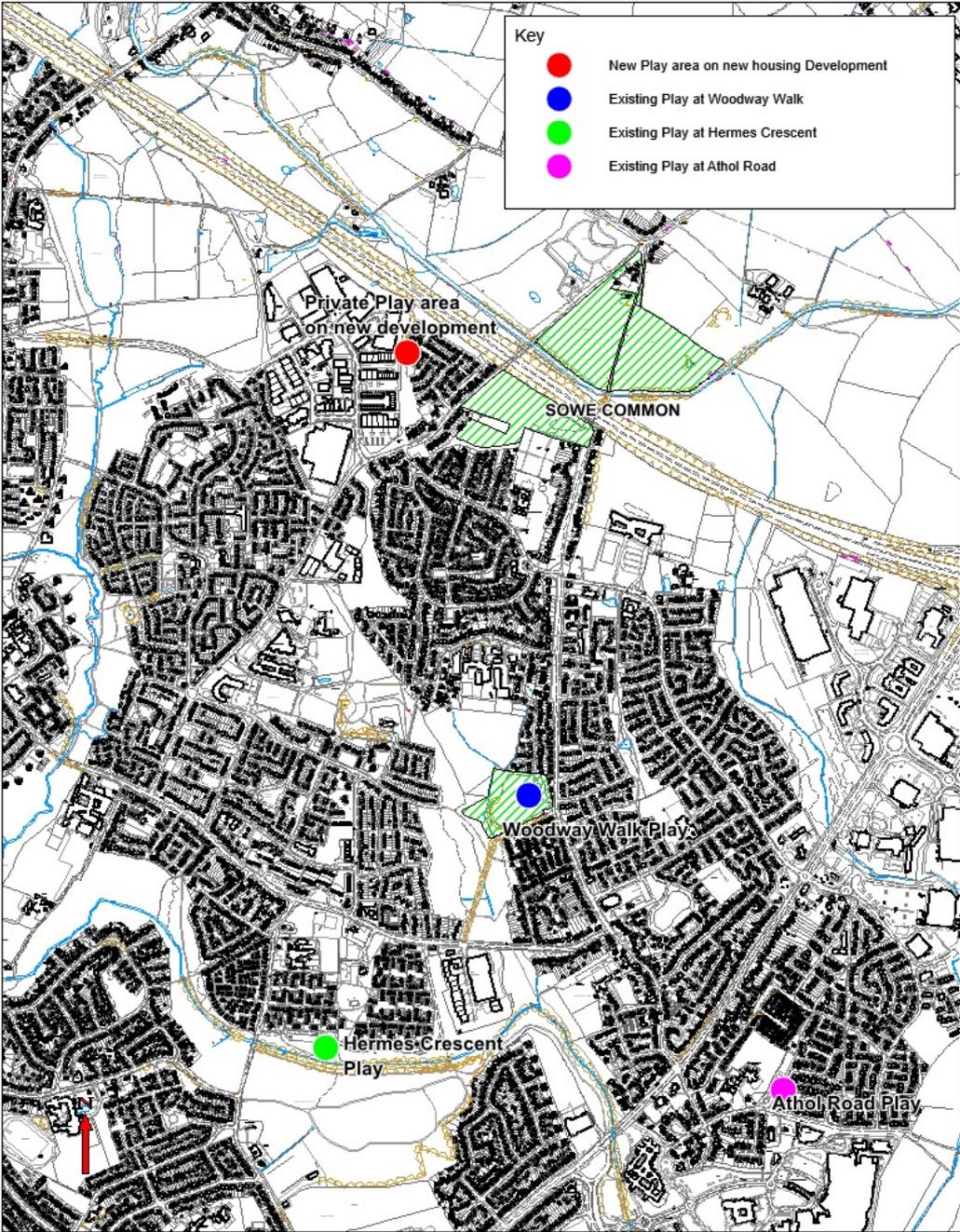
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Appendix A



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Appendix B



Not to Scale



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Cabinet Member for Policing and Equalities
Licensing and Regulatory Committee

22 July 2021
27 July 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Licensing Policy 2022 - 2025

Is this a key decision?

No

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Statement of Licensing Policy 2022 - 2025 under the Gambling Act 2005.

Recommendations:

Cabinet Member for Policing and Equalities is requested to:

Consider the draft revised Statement of Gambling Policy and authorise the Director of Streetscene and Regulatory Services to carry out the consultation as detailed in the report.

Licensing and Regulatory Committee is requested to:

Consider the draft Statement of Gambling Policy and forward any comments it wishes to make as part of the consultation process.

List of Appendices included:

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

Other useful background papers:

Gambling Act 2005

Gambling Act 2005 Guidance to Licensing Authorities

Has it been or will it be considered by Scrutiny?

No

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

Yes – Licensing and Regulatory Committee – 27 July 2021

Will this report go to Council?

No

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

1. Context (or background)

- 1.1 Under the terms of the Gambling Act 2005 the Council's Statement of Gambling Policy has to be renewed every three years. The current Statement of Gambling Policy came into effect on 31st January 2019 and a review must therefore be completed. There is a requirement in the Act for the Council to publish and advertise the revised Statement of Gambling Policy at least 4 weeks before, by 3rd January 2022.
- 1.2 The Gambling Policy produced by the Licensing Authority under the Gambling Act 2005 will be relevant for all licensing decisions taken by the Council as the Licensing Authority over three years commencing on 31st January 2022.
- 1.3 The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three licensing objectives, namely:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 Before amending the policy for a further three year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.
- 1.5 The Responsible Authorities (statutory consultees - Gambling Commission, West Midlands Police, West Midlands Fire and Rescue Service, Planning, Environmental Health (functions in relation to pollution to the environment or harm to human health) Safeguarding Children Board, HM Revenue & Customs), Community Safety team and Public Health will be consulted on the draft revised policy.
- 1.6 The public consultation exercise will begin on the 2 August 2021, for a 6 week period and finish on the 13 September 2021 and will include the following elements: -
 - Mail shots to representatives of the licensed trade, clubs and key partners;
 - Formally writing to the Chief Officers of the responsible authorities;
 - Mail shots to businesses and organisations; and
 - Wider public consultation through the City Council Web Site.
- 1.7 The revised policy complies with updated Gambling Commissions guidance and regulations. It has been developed with all 6 Warwickshire Licensing Authorities (Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile.

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

Key Changes to the Revised Licensing Act Policy

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

2. Options considered and recommended proposal

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

3. Results of consultation undertaken

- 3.1 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities before a finalised policy document is presented to Full Council for approval.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Gambling Policy must be published by 3rd January 2022 and commence from 31st January 2022, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Gambling Act 2005.

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

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

5.2 Legal implications

The Council will not be able to undertake its role as a Licensing Authority after the 31st January 2022 unless it has approved and published its revised Statement of Gambling Policy. The policy must be reviewed every three years or more often if appropriate.

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

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

6. Other implications

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

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

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

6.2 How is risk being managed?

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

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

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

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for partner organisations?

The Gambling Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the police.

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

Report author(s): Rekha Masih

Name and job title: Licensing Team Leader

Directorate: Street Scene and Regulatory Services

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Law and Governance	23/06/2021	25/06/2021
Davina Blackburn	Strategic Lead of Regulation	Street Scene and Regulatory Services	23/06/2021	23/06/2021
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Finance	23/06/2021	30/06/2021
Legal: Amy Wright	Solicitor	Law and Governance	21/06/2021	23/06/2021
Andrew Walster	Director, Streetscene and Regulatory Services		23/06/2021	30/06/2021

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Gambling Act 2005

Draft Gambling Policy

Statement of Principles

2022/2025

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 371,500 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 2022 and will have effect until 30th January 2025 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 a 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 a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

13. Representations

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

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

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

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

- who is making the representation and whether there is a history of making representations that are not relevant;

- whether it raises a 'relevant' issue or not; or
- whether it raises issues specifically relevant to the premise which is the subject of the application.

14. Conditions of Licence

14.1 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 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.

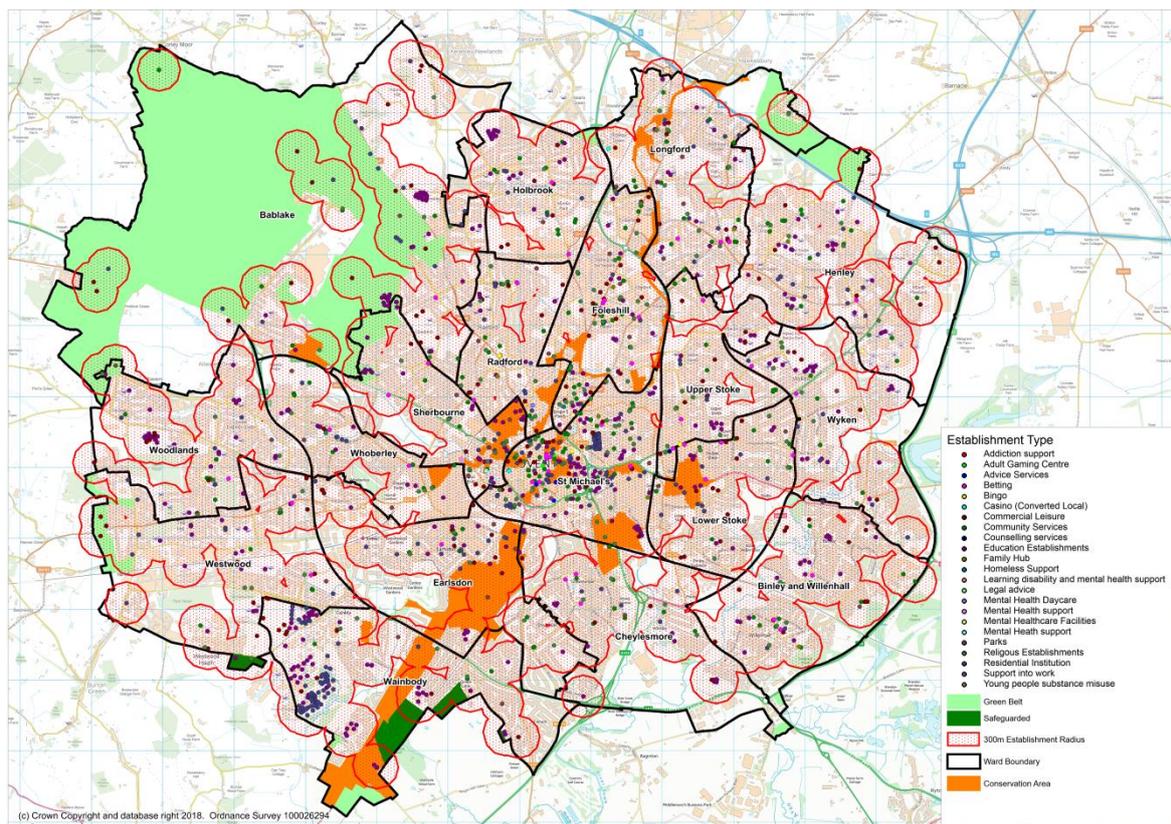
29.4 The Act requires the Authority to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:
www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/416/alcohol_and_entertainment_licences

Effective date of reviewed policy: 31st January 2022 Valid until 30th January 2025

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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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