



Licensing and Regulatory Sub-Committee (Hearing)

Time and Date

10.00 am on Monday, 10th October, 2022

Place

Diamond Rooms 1 and 2 - Council House

Public Business

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Application for a Premises Licence under the Gambling Act 2005** (Pages 3 - 54)

To consider an application for a Premises Licence in respect of Merkur Slots, 241 Walsgrave Road, Coventry, CV2 4BB.

Note: The applicant and their representative have been invited to attend the hearing.

Persons who have made representations have been invited to attend.

5. **Any Other Business**

To consider any other items of business which the Chair 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

Friday, 30 September 2022

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

Usha Patel/Carolyn Sinclair

Email: usha.patel@coventry.gov.uk/carolyn.sinclair@coventry.gov.uk

Membership: Councillors L Bigham, S Keough and R Thay

Public Access

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

Usha Patel/Carolyn Sinclair**Email:****usha.patel@coventry.gov.uk/carolyn.sinclair@coventry.gov.uk**



Licensing & Regulatory Sub-Committee

10 October 2022

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Director of Street Scene and Regulatory Services

Ward(s) affected:

Upper Stoke

Title: Application for a Premises Licence under the Gambling Act 2005

Is this a key decision?

No

Executive Summary:

The purpose of this report is to consider an application for a New Bingo Premises Licence under the Gambling Act 2005 for Merkur Slots, 241 Walsgrave Road, Coventry, CV2 4BB.

Recommendations:

The Sub-Committee is recommended to consider whether to:

1. Grant the application as requested.
2. Grant the application subject to such conditions that are necessary to promote the Licensing Objectives.
3. Refuse the application wholly or in part where it is necessary in order to promote the Licensing Objectives

List of Appendices included:

1. Premises Licence application
2. Operational Standards Document
3. Gaming Machine Proposed Plan
4. Plan of Premises
5. Representations
6. Location Plan
7. Hearing Procedure Note
8. Bingo Mandatory Conditions
9. Gambling Policy - Statement of Principles

Other useful background papers:

Gambling Commission's Guidance to Licensing Authorities

It is a statutory obligation of the Sub-Committee to take into account the Gambling Commission's Guidance to the Gambling Act 2005 before reaching a decision.

Gambling Policy Statement of Principles

The Council will have regard to the policy when making a decision on applications made under the Act.

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

Not applicable

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?

Not applicable

Report title: Premises Licence Application

1. Context (or background)

1.1 The Gambling Act 2005 requires Coventry City Council, as the Licensing Authority, to carry out its various licensing functions so as to promote the following three Licensing Objectives:

- 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

1.2 A Premises Licence application for Merkur Slots was received on 25 May 2022. The application is requesting a Bingo Licence to operate Monday to Sunday 09:00 – 00:00 Midnight.

1.3 There are no restrictions on access to gaming machines in bingo premises.

1.4 Three representations from (other persons) have been received to the application (outlined in paragraph 3.3).

1.5 The Gambling Act 2005 requires the Council to publish a ‘Gambling Policy Statement of Principles’ which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Policy will be available at the hearing for reference purposes.

1.6 It is essential that the Sub-Committee takes into account the government’s guidance to the Gambling Act before reaching a decision. The applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee’s attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing.

2. Options considered and recommended proposal

2.1 There are three courses of action available to the Sub-Committee in relation to this application:

- (i) Grant the application as requested. If the Sub-Committee consider that granting the application would not undermine any of the Licensing Objectives, it should be granted in full as submitted. This would be granted subject to mandatory conditions and conditions consistent with the applicant’s operational standards, and any other conditions agreed by the applicant as part of the consultation / mediation process. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
- (ii) Grant the application as above, but the Sub-Committee could impose extra conditions as it thinks fit, or make amendments to the operating schedule conditions, and/or proposed hours. This option may include adding any conditions suggested by other parties at the hearing, including the applicant. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
- (iii) If the Sub-Committee concludes that no additional conditions would ensure that the Licensing Objectives would be upheld, then the whole application should be rejected.

- 2.2 Your officer recommends option (i).
The reason for this recommendation is that the applicant has submitted a robust Operational Standards document and a Local Area Risk Assessment that outlines in detail how the Licensing Objectives will be upheld.

The Responsible Authorities who responded to the Consultation have not offered up further conditions because they consider the application to be suitably conditioned for the type of business model and operation intended at the premises, and if problems do occur then the Review procedure is available to both responsible authorities and any other persons.

- 2.3 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. This application should be considered on its own merits and all the circumstances taken into account before a decision is made.
- 2.4 The Sub-Committee must also be aware that licences can be reviewed at any time by any Responsible Authority or any 'other person', if it is considered that any of the Licensing Objectives have been undermined following the grant of the Premises Licence.

3. Results of consultation undertaken

- 3.1 As prescribed by the Gambling Act 2005, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises, and a notice published in a local newspaper.
- 3.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response Received	Objections	Conditions Agreed
Licensing	Yes	No	-
Police	Yes	No	-
Environmental Protection	Yes	No	-
Fire Safety	Yes	No	-
Health & Safety	No	-	-
Planning	No	-	-
Safeguarding Children	Yes	No	-
HM Revenue & Customs	No	-	-
Gambling Commission	No	-	-

- 3.3 Three representations from other persons have been received (Appendix 6). The grounds for the representations is that the granting of a Premises Licence would undermine the Licensing Objectives of protecting children and other vulnerable people from being harmed or exploited by gambling, preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime and ensuring that gambling is conducted in a fair and open way.
- 3.4 A mediation meeting has been offered and if accepted, the outcome will be presented at the Licensing & Regulatory Sub-Committee Hearing.

4. Timetable for implementing this decision

4.1 The Appeal period is 21 days beginning on the date that the Appellant(s) receive notification of the decision of the Licensing Authority.

5. Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

5.1 Financial implications

There are no financial implications arising directly from this report. However, there are possible cost implications if an appeal against the decision is made to the Magistrates Court and the decision of the Sub-Committee is not upheld.

5.2 Legal implications

The Gambling Act 2005 sets out how applications for Premises Licences should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the three Licensing Objectives.

In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence, the applicant may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

6. Other implications

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

It is the Regulatory Services team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. The business' failure to uphold the Licensing Objectives may have an adverse effect on Public Safety and citizen's quality of life.

6.2 How is risk being managed?

If the application is not handled in line with the Gambling Act 2005, there is a risk of judicial appeals, reviews and associated costs.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant in this case.

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

None

6.6 Implications for partner organisations?

The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the West Midlands Police, Community Safety Partnership, local people and those involved in child

protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined.

6.7 Human Rights Act Implications

None

Report author(s):

Name and job title:

Rekha Masih, Licensing Officer

Service: Street Scene and Regulatory Service

Telephone: 024 7697 2247

Email: rekha.masih@coventry.gov.uk

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	29/06/2022	30/06/2022
Debbie Cahalin-Heath	Strategic Manager - Regulation	Regulatory Services	29/06/2022	30/06/2022
Davina Blackburn	Strategic Lead of Regulation	Regulatory Services	29/06/2022	01/07/2022
Names of approvers for submission: (officers and members)				
Andrew Walster	Director	StreetScene and Regulatory Services	04/07/2022	04/07/2022
Syeda Ahmed	Regulatory Barrister	Law and Governance	29/06/2022	02/7/2022
Cath Crosby	Lead Accountant	Finance	29/06/2022	30/06/2022

This report is published on the Council's website:

www.coventry.gov.uk/councilmeetings

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked “Details of further applicants”.]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: **Merkur Slots UK Limited**

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Seebeck House,
1A Seebeck Place,
Knowlhill,
Milton Keynes**

Postcode: **MK5 8FR**

8(a) The number of the applicant's operating licence (as given in the operating licence):

003266-N-103444

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: **N/A**

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **Merkur Slots**

11. Address of the premises (or, if none, give a description of the premises and their location):

**241 Walsgrave Road,
Coventry**

Postcode: **CV2 4BB**

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground floor high street premises

14(a) Are the premises situated in more than one licensing authority area?

Yes/No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **Yes/No** [delete as appropriate]
 [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence. **N/A**

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates: **N/A**

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **Yes / No** [delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?
 Yes [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

Ground Floor 535-539 Foleshill Road, Coventry	CV6 5AU	BINGO	LN/2210000597
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20. Please set out any other matters which you consider to be relevant to your application:

The Applicant operates a national estate of licensed bingo premises which include the provision of bingo tablets and Bingo Plus and Bingo Express terminals. Substantive facilities for non-remote bingo will be made available in accordance with legislative provisions.

The operator has full authority to provide licensed bingo by the provision of an Operating Licence granted by the Gambling Commission. The UK's Gambling Regulator has therefore approved the measures implemented to ensure that effective anti-money laundering procedures are implemented, and policies have been developed to ensure responsible trading in accordance with the gambling legislation, the licensing objectives and the licence conditions and code of practice.

A copy of Merkur Slots UK Limited's Operational Standards has been provided in support of the application and full copies of the Applicant's policies and procedures are available, if required.

A copy of Merkur Slots UK Limited's 'Working Together' document has also been supplied in support of the application, which provides an overview of the licensee's proposed operation.

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:	Poppleston Allen		
Date:	25/05/2022	Capacity:	Solicitors for & on behalf of the applicant
22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity: Signature:			
Print Name:			
Date:		Capacity:	
<p><i>[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]</i></p> <p><i>[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]</i></p>			

Part 8 – Contact Details	
23(a) Please give the name of a person who can be contacted about the application:	Felix Faulkner
23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:	0203 859 7751
24. Postal address for correspondence associated with this application:	Felix Faulkner Poppleston Allen The Stanley Building 7 Pancras Square London Postcode: N1C 4AG
25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:	f.faulkner@popall.co.uk

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THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005

- 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- Merkur Slots UK Limited is aware that it must notify the Gambling Commission should we suspect that offences under the Gambling Act 2005 are being committed.
- Merkur Slots UK Limited complies with the Commission's advice on the Proceeds of Crime Act 2002.
- Merkur Slots UK Limited has completed its own Business Anti-money laundering risk assessment, local area risk assessments and implements anti-money laundering policies and procedures.
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our Head of Compliance and record the instance in the AML and Incidents modules of the electronic Smart Tablet system.
- All Merkur Slots UK Limited premises operate digital CCTV and customer areas are supervised.
- Merkur Slots operates a group-wide Security Alert system where incidents are shared instantly with all licenced premises. We have an internal Fraud Measures Team that respond to and investigate incidents. As a BACTA member, we receive nationwide Security Alerts, which are circulated via the Security Alert system to all licenced premises.
- All Merkur Slots premises provide a static alarm system which is also supported by Staff Guard, a nationwide security company that offers 24hr support via a monitoring centre with fully trained operatives who advise on difficult situations and escalate appropriately.
- Merkur Slots UK Limited has an extensive security, audit and money laundering team monitoring employees and customer activity.
- All Merkur Slots employees complete six-monthly refresher training which covers this licencing objective; anti-money laundering policies and procedures; and guidance on the Proceeds of Crime Act 2002.
- Merkur Slots operate a robust late night working policy, which is fully supported by a full-time Night Manager.

- Merkur Slots does not operate a single-manning policy between 8pm and close, however, should an emergency occur a 'locked door' and 'keep in touch' policy is implemented.

Objective 2 - Ensuring that gambling is conducted in a fair and open way.

- Our gaming rules are prominently displayed in each of our licensed premises.
- Our employees have a full understanding of machine gaming rules.
- We encourage customer-facing employees to use positive discretion to resolve customer issues at a local level, where possible.
- Our Customer Complaints procedure is displayed prominently in every venue. Where customer disputes cannot be resolved satisfactorily, we refer all potential disputes to our appointed Alternate Dispute Resolution provider (IBAS).
- All venue managers attend our National Training Centre for a thorough induction programme prior to taking on responsibility of their own venue and team.
- All licensed premises employees receive induction and six-monthly refresher training during the course of their employment to ensure that potential issues can be addressed at the earliest opportunity.

Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

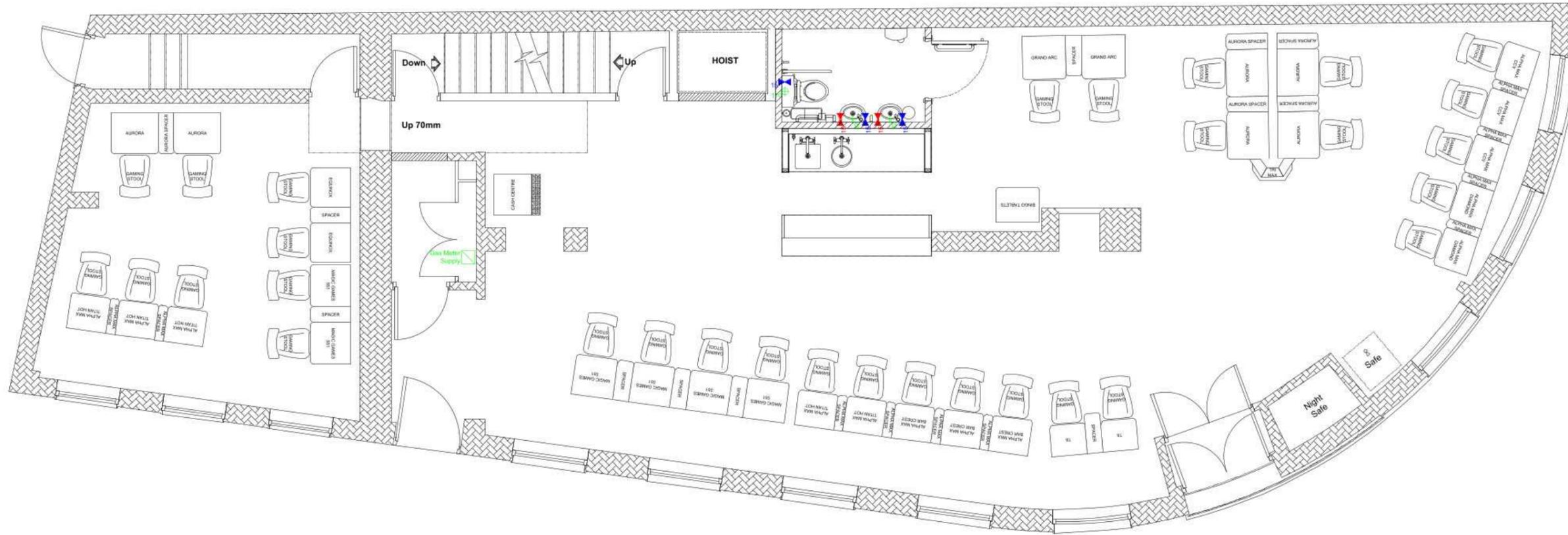
- All our licensed premises are strictly adult only and we provide appropriate notification on entry, on all marketing material and throughout our premises.
- We operate a Think 25 policy as standard and all employees are trained to request a photographic form of identity if they suspect that a customer is under age. All challenges are recorded on our Smart Tablet system under Age Verification Checks and Check Policy are our third-party independent partner for compliance testing.
- All licensed premise employees receive induction and six-monthly refresher training during the course of their employment on social responsibility and safeguarding children and vulnerable people, with a particular focus on the prevention of harm.
- We prominently display information throughout our licensed premises on responsible gambling and provide details of organisations that can provide support and guidance such as BeGambleAware.
- Playright is installed in all licensed premises - this is a self-help App available to customers to enable them to manage spend and play time.
- Socially Responsible messaging is implemented on B3 and Category C digital machines.
- All licensed premise employees are trained to identify potential at risk customers and conduct effective interactions. Customer interactions are recorded on the Interactions module on the electronic Smart Tablet and reviewed centrally by the Compliance team.
- We implement a self-exclusion policy throughout our licensed premises and operate a Smart Tablet system for recording self-exclusions, reinstatements and breaches. We are also members of the Bingo Association Multi-Operator Self-exclusion Scheme.

- The layout of our premises is designed to facilitate customer supervision by employees.
- We provide an annual donation in support of research, education and treatment of problem gambling.

All three licensing objectives are embedded at all levels within the organisation via training both on-line and face to face, during Operational meetings, Business Bulletin communications, Compliance/Audit visits and annual conferences.

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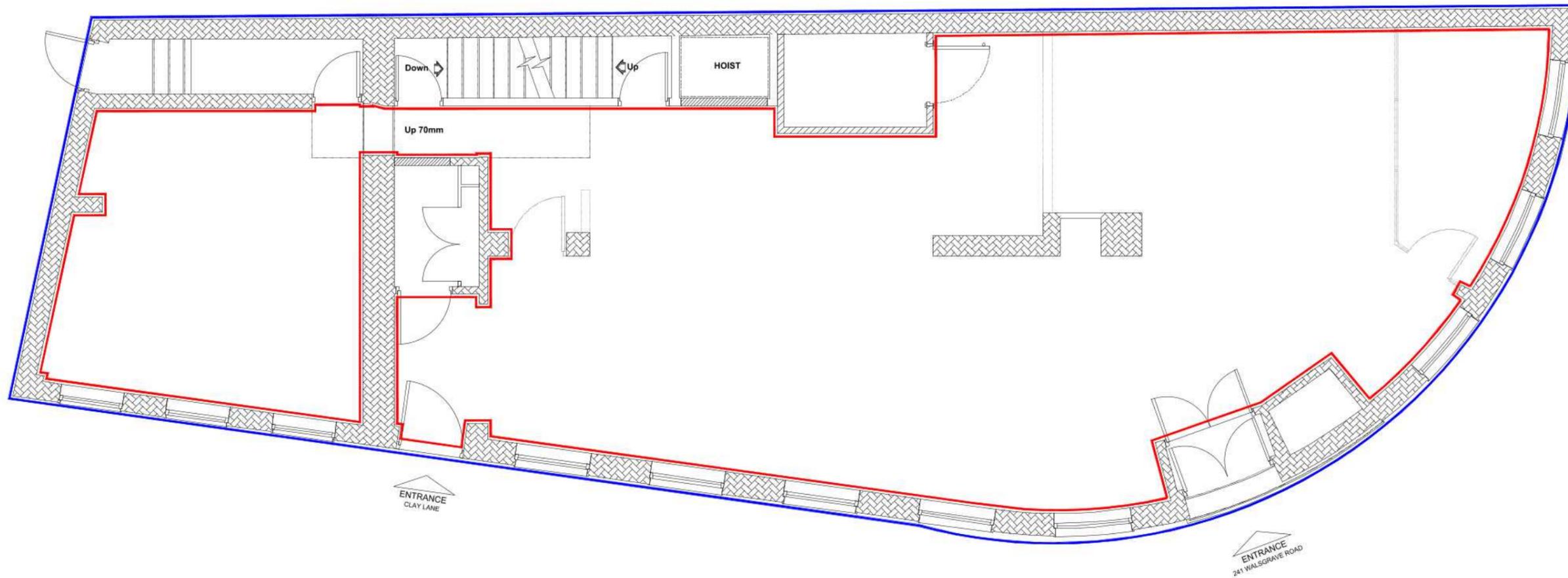
PROPOSED GAMING AREA: 126.7m²
FOR ILLUSTRATION PURPOSES ONLY



REVISIONS REV 00:	FIT OUT TYPE CONCEPT	REFERENCE DRAWINGS	
	PROJECT MERKUR SLOTS 241 WALSGRAVE ROAD COVENTRY CV2 4BB	SCALE 1:75	
	DESCRIPTION PROPOSED LICENCE PLAN	DRAWN BY MG	
		DATE 06/04/22	DRAWING No. 999-PL-13

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LICENSE PLAN LEGEND	
LINE TYPE	LINE TYPE DESCRIPTION
	AREA IN WHICH FACILITIES WILL BE PROVIDED FOR GAMING.
	EXTENT OF PREMISES

GAMBLING ACT 2005 LICENSING PLAN
 Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 is for illustrative purposes only, and does not form part of the premises licence.

REVISIONS
REV 00:

FIT OUT TYPE CONCEPT
PROJECT MERKUR SLOTS 241 WALSGRAVE ROAD COVENTRY CV2 4BB
DESCRIPTION PROPOSED LICENCE PLAN

REFERENCE DRAWINGS	
SCALE 1:75	
DRAWN BY MG	
DATE 06/04/22	
DRAWING No. 999-PL-13	REVISION 00



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Representations

From: [REDACTED]

Sent: 07 June 2022 19:38

To: Licensing <licensing@coventry.gov.uk>

Cc: [REDACTED]

Subject: Application 241 Walsgrave Road, Coventry by Meekar Slots Ltd FAO Carleen Simms

Good morning Carleen,

Thank you for your time today, even though we may differ in our positions on this matter, it was still nice to speak to you.

I am a local resident living close to Ball Hill and I have become aware that a licence has been applied for - a "bingo licence" to be established at the old Barclays Bank Building. You have kindly clarified the type of place it would be (slot machines) and the hours within which it might operate (10am to 10pm). The times currently allowed by the gambling commission may at some point change so that is a concern.

As I said earlier I know that gambling can be fun, I play lotto, occasionally bingo, fun raffles, it's a personal choice and it's usually relates to fund fundraising. However I do feel that opening such an establishment in an area with mixed fortunes is exploitative. It would have a negative impact on the area, there is already a bookmakers on the opposite corner and Shipleys down the road- is this what we want in our already deprived communities? Gambling addiction is a huge issue in our society, this will not help those who are hooked on slot machines.

You did mention that the demographic of Shipleys tends to be retired peaceful types and is run very well, which on one hand sounds nice, however I wonder why another gambling place is therefore necessary? To have too many of the same type of establishment in a small area changes the atmosphere and dynamic of a community, not always for the better.

Also - what will the organisation be putting back into the community? Will it be maintaining the premises and surrounding area? ie litter, security, crime fuelled by gambling addiction, noise pollution etc? Referring to your Gambling Policy, Statement of Principles 2022/2025 (7.2) it mentions protecting those that are vulnerable- those who are gambling beyond their means, suffering from mental health, disabilities etc. How on earth is this established? Are customers vetted and spoken to by a counsellor / psychologist, are their credit ratings and financial status looked at? I think we know the answer is no. So - How are customers protected?

It is well known that people who accrue gambling debt often resort to desperate means to fund it. Drug dealing, stealing from friends and families, fraud etc. This particular road, and surrounding area already has regular criminal activity (drug dealing, burglary, shop lifting etc) which affects the community- another such establishment may increase this trend. Link from the government below re effects of gambling on individuals and society.

<https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary>

I understand there is a deadline of 22nd June, is this email classed as an objection?

I look forward to hearing from you.

Regards


St Osburgs Road

From: [REDACTED]
Sent: 14 June 2022 10:44
To: Masih, Rekha <Rekha.Masih@coventry.gov.uk>
Cc: [REDACTED]
Subject: Re: FW: Gaming License

Dear Rekha,

Thank you for your email below.

I am very concerned that a Gambling Establishment plans to open in a very deprived area of Coventry. Just to give you some background of this area. Ball Hill once had 5 or more Banks or Building Societies in Walsgrave Road . Sadly within the last 2 years they have all shut up shop with the ATM's going as well. The last Bank to close down was a Barclays Bank Branch (to become Merkur Slots) which left the area in January 2022. There is now only one ATM serving the area being at the Tesco Store.

A Gambling Establishment in such a socially deprived area is likely to draw customers that may ill afford to lose monies which may otherwise go to feed their children/families or pay such things as energy bills. We live in difficult economic times and the last thing these areas need is a Gambling Business which may pull the area and livelihood of people living in the area down.

The location itself sits on a busy junction and with the parking problems in the area this may get worse with illegally parked cars often parked half in the road and on the pavement blocking pedestrians right outside the building.

This also is a High Crime area with often homeless people sitting on the pavement outside Tesco and other businesses in the area Street Begging. This can be a daily occurrence. It is likely this Gambling Establishment may draw " Beggars/Homeless People" to their doors. In many cases these people are vulnerable and may have drug or alcohol addictions.

Without knowing the proposed licencing hours of this proposed business a 24/7 opening trading period could cause added noise and disruption in the area. Although it is claimed that " Bingo" is to be the main attraction. I suspect Gaming Slot Machines will also be on offer.

I would like to understand why Merkur Slots feel this is a good area to open this type of Business or is it merely to exploit a socially deprived area.

Yours sincerely,

[REDACTED]
Hastings Road
Coventry
CV2 4JF

From: [REDACTED]

Sent: 21 June 2022 23:20

To: Simms, Carline <Carline.Simms@coventry.gov.uk>

Subject: Re: Representation against this proposal - New Application - Merkur Slots, 241 Walsgrave Road, Coventry, CV2 4BB.

Hi, Carline!

Thanks for responding to my e-mail.

I'm sorry I didn't make it clear that my objection to the proposed use of the old Barclay's bank building is based on the first objective: "protecting children and other vulnerable people from being harmed or exploited by gambling".

My point is that, if you create yet another opportunity for gambling, wherever it is placed, then you are potentially attracting people who may be vulnerable to the pressures caused by such activity. Especially at a time of growing poverty and the inability of many people to cope with high prices and low incomes, offering gambling as a possible way out is a disaster waiting to happen. As I said in my e-mail, of course not everybody who gambles ends up addicted but it will always attract vulnerable people who see it as a life-line, only to find themselves addicted, with little help to recover, especially when there are so many opportunities to continue with their addiction.

I hope that this and my previous e-mail help to make my objection clear.

Regards,

[REDACTED]

From: [REDACTED]

Sent: 20 June 2022 21:26

To:

Subject: Re: Representation against this proposal - New Application - Merkur Slots, 241 Walsgrave Road, Coventry, CV2 4BB.

Dear Martin,

Thanks for letting me have all this documentation. It's a pity that it wasn't accessible without your help, as I suspect some people might have been put off when they couldn't find it where they expected it to be.

As a resident of St. Osburg's Road (which meets Walsgrave Road just opposite the building in question), I am concerned about the prospect of yet another gaming facility in Ball Hill. Currently we have Shipleys, with its gaming machines, and a William Hill betting shop. In such a small area, while the Council may feel able to allow one or two such premises, I believe a third is excessive.

It's not clear from the documents what exactly will be offered in the proposed Merkur enterprise but, if I read it correctly, there will be bingo and some gaming machines. Both of these are types of gambling and both can lead to addiction. I'm not suggesting that everyone who goes into such a place will inevitably develop an addiction but there is evidence to show that addiction figures are much higher than the betting industry claims.

Why does the Council feel that this is a desirable business to encourage? Have there been no other proposals for the use of the old bank?

Regards,

[REDACTED]

[REDACTED] St. Osburg's Road,

CV2 4EG

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241 Walsgrave Road

Bank



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Coventry City Council

LICENSING ACT 2003/GAMBLING ACT 2005

LICENSING SUB-COMMITTEE

HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.]

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the determination.

* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.

BINGO

Mandatory Conditions

Summary of all terms and conditions of the premises licence shall be displayed in a prominent place.

The layout of the premises shall be maintained in accordance with the plan.

The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets in the premises is otherwise prohibited.

A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect, a casino premises licence, an adult gaming centre premises licence or a betting premises licence other than a track premises licence.

Where children and/or young persons are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises, then the gaming machines must be:

- separated from the rest of the premises by a physical barrier to prevent access other than by an entrance designed to be the entrance.
- supervised at all times to ensure children or young persons do not enter the area
- arranged in such a way that ensures all parts of the area can be observed by persons responsible for supervision, or closed circuit television, which is monitored.

The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.

Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.

A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all or part of the participation fee may be waived at the discretion of the person charging it. The notice can be displayed in electronic form.

The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing

Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default Condition

No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.

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Gambling Act 2005

**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 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 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, 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:https://www.coventry.gov.uk/downloads/file/27580/statement_of_principles_for_unlicensed_entertainment_centres 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: https://www.coventry.gov.uk/info/23/alcohol_and_entertainment_licensing/428/gambling_licences/3 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 2022 Valid until 30th January 2025

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