



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 6th August, 2024

Place

Diamond Rooms 1 and 2 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 1 - 24)

To agree the minutes of the Committee meetings held on 12th March 2024 and the 22nd May 2024, the Sub-Committee (1) (Hackney Carriage & Private Hire Taxi Licensing) meeting held on 11th June, and the Sub-Committee hearings held on the 18th March 2024, 4th June 2024, 18th June 2024, and 16th July 2024.

4. **Outstanding Issues Report**

There are no outstanding issues to report.

5. **Gambling Act 2005 - Review of Gambling Policy Statement of Principles 2025 - 2028** (Pages 25 - 54)

Report of the Director of Law and Governance

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

Private Business

Nil

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

Monday, 29 July 2024

Note: The person to contact about the agenda and documents for this meeting is Thomas Robinson - thomas.robinson@coventry.gov.uk

Membership: Councillors F Abbott (Chair), J Birdi, B Christopher, S Gray, G Hayre,

A Hopkins, J Innes, T Jandu, R Lakha, R Lancaster, J Lepoidevin, K Maton (Deputy Chair), R Thay and CE Thomas

Public Access

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Thomas Robinson

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 12 March 2024

Present:

Members: Councillor F Abbott (Chair)
Councillor S Gray
Councillor A Hopkins
Councillor T Jandu
Councillor S Keough
Councillor R Lakha
Councillor R Lancaster
Councillor J Lepoidevin
Councillor R Thay
Councillor CE Thomas

Employees (by Service Area):

Law and Governance S Ahmed, T Robinson, C Sinclair

Regulatory Services D Cahalin-Heath, M Coggins, S Yarker

In Attendance (Observers): S Manhertz (Trainee Solicitor)

In Attendance: Taxi Driver Representative

Apologies: Councillor J Innes, L Kelly and A Masih

Public Business

56. Declarations of Interest

There were no declarations of interest.

57. Minutes

The Minutes of the Committee meeting held on 23 January 2024 were agreed and signed as a true record.

58. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant paragraphs
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		of Part 1 of Schedule 12A
62	Applications for Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licence	1 & 3

59. Hackney Carriage and Private Hire Licensing Fee Review 2024 - 2025

The Licensing and Regulatory Committee received a report of the Director of Law and Governance regarding the Hackney Carriage and Private Hire Licensing Fee Review 2024 – 2025. This review allowed members to consider objections, following a 28-day public consultation to the recent proposed increase in fees & charges for Hackney Carriage and Private Hire licensing.

The proposed fee changes were approved by the Licensing & Regulatory Committee on 23rd January 2024, subject to a 28-day public consultation and consideration of the objections received. The proposed fees will come into force on 1st April 2024.

Following a discussion with officers, the Committee raised concerns around the general misunderstanding raised throughout the representations during the consultation period regarding the legal powers the council has to control the use of app based private hire vehicles. They also raised concerns around parking enforcement especially at sites such as Coventry Railway Station. Officers reassured the Committee that work was being done with the Taxi Forum, Avanti, and other neighbouring authorities to better enforce against private hire vehicles parking inappropriately and in taxi ranks throughout the city. They did however recognise that more joint operations should take place especially during the nighttime economy to pick up on these issues. The Committee further suggested communicating these issues to the West Midlands Combined Authority in order to remedy these problems on a wider scale.

RESOLVED that the Licensing and Regulatory Committee:

- 1) Approves, the proposed fee changes detailed in Appendix A of the report to commence on the 1st April 2024.**
- 2) Requests that licensing officers send out communications to taxi drivers regarding the concerns now raised in relation to the legal remit of the Council.**
- 3) Requests that officers raise the Committee's concerns regarding private hire parking at Coventry Railway Station and the operation of app-based taxi operations with the Cabinet Member for City Services to consider and, if necessary, take up with the West Midlands Combined Authority.**

60. Outstanding Issues Report

There were no outstanding issues.

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

There were no other items of public business.

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

RESOLVED that, having considered the circumstances set out in the report of the Director of Law and Governance now submitted,

(a) The application for the Review of a Hackney Carriage Driver's Licence be given written warning.

(Notes: i) Councillor R Lakha did not vote on this application as he had left the meeting. ii) The Applicant attended the meeting in support of his case).

(b) The application for the Review of a Hackney Carriage Driver's Licence be revoked with immediate effect.

(Notes: i) Councillor R Lakha did not vote on this application as he had left the meeting. ii) The Applicant and his Union Representative attended the meeting in support of his case).

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

There were no other items of private business.

(Meeting closed at 12.45 pm)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 10.30 am
on Wednesday, 22 May 2024

Present:

Members: Councillor F Abbott (Chair)
Councillor J Birdi
Councillor B Christopher
Councillor S Gray
Councillor G Hayre
Councillor A Hopkins
Councillor T Jandu
Councillor R Lakha
Councillor R Lancaster
Councillor K Maton
Councillor R Thay

Employees (by Service Area):

Law and Governance F Cartwright, U Patel, T Robinson, A Wright

Streetscene and Regulatory Services D Cahlin-Heath, M McCrystal

In Attendance:
(Interested Parties) Applicant
Applicant's Legal Representative
Applicant's Representatives
Public Health Representative (in support of Application)
Objectors

Apologies: Councillor J Innes, J Lepoidevin and CE Thomas

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

The Minutes of the Committee meeting held on 12 March 2024 and the Sub Committee Hearing held on 18 March 2024 were agreed and signed as a true record.

3. Local Government (Miscellaneous Provisions) Act 1982 – Application for the Grant of a Sexual Entertainment Venue (SEV) Licence

The Committee considered an application for a Sexual Entertainment Venue (SEV) under the Local Government (Miscellaneous Provisions) Act 1982 for Club Heat, Hertford Place, Coventry, CV1 3JZ. The application requested the following opening times: Monday – Sunday 18:00 – 06:00 hours.

The Licensing Officer presented the report and gave an outline of the application to the Committee. She explained that the Applicant had held a SEV Licence for Club Heat, 7 City Arcade, Coventry since 17th April 2012 but was looking to relocate due to a Compulsory Purchase Order issued by Coventry City Council due to the City Centre South redevelopment programme.

No objections had been received from any of the Responsible Authorities. Objections were received from other persons after the final date for objections of 29th April 2024. Prior to the commencement of the hearing, the Committee considered whether they would exercise their discretion to hear the late objections, stating as follows:-

“A local authority is under a duty to consider any objections made within 28 days of the application. However, Home Office guidance surrounding SEV’s states that it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections. The Committee considered the reasons for the late objections, which came in over two and a half weeks past the deadline of 29th April 2024. The Committee also considered the representations of the Applicant, and note that a lawful consultation was carried out. As such, the Committee have decided not to exercise their discretion to hear the late objections, and the hearing will proceed as scheduled this morning.”

Public Health had submitted a representation in support of the application following a meeting with the Applicant at the proposed venue.

The Applicant’s Legal Representative outlined the case for the Applicant. He explained that the venue had operated lawfully and without any significant issue in the city for 19 years, the last 12 of which have been under an SEV Licence. He explained that the basis for the application was the requirement for the premises to relocate, and that the Applicant had actively been looking for a suitable premises together with the Police and Licensing Authorities. The Applicant reassured the Committee that the current management team have worked cooperatively with the Council and Police for many years and would continue to do so.

The Applicant took the Committee through the area plans and the layout of the premises, explaining that the nearby nursery is closed and had been for some time, and is currently being advertised for sale with a number of different potential uses including a nightclub. The Applicant also turned the Committee’s attention to the witness statements of himself, the club manager and the area manager, explaining their roles within the business and offering the Committee to ask them any questions about the operations of the premises.

An officer from Public Health provided some representations in support, explaining that the Applicant had embraced working with Public Health to ensure the safety of performers and those going into the venue. She described the premises as being one of the best she had engaged with.

The Committee then asked questions of the Applicant, whereby he explained that he currently provides 8 door staff at the weekend to deal with approximately 250/300 customers coming through the doors, which is well above the national quota for door staff to customer ratios. He also reassured the Committee that the premises would be regulated under its Premises Licence to ensure it does not cause any nuisance to nearby residents and would not be including anything on the outside of the premises that would identify it as an SEV.

In terms of security, the Applicant explained that the new premises would be safer in that customers and performers would be able to get a taxi directly from the premises rather than the current location which requires them to walk through the city centre to access the nearest road. He also explained that Challenge 25 was rigorously operated, and they do not actively promote or encourage students to attend the premises.

There were further questions surrounding the smoking areas and whether there would be separate areas for the public and the performers. The Applicant took the Committee through the layout within the agenda to demonstrate how this would work and that whilst it would be located at the front of the premises, it is well segregated and hidden using foliage and grills to ensure nothing can be passed through and that no embarrassment would be caused should somebody walk past. The Committee asked if there were plans for the third floor, and the applicant confirmed this would likely be used as office space, but there were also plans to include facilities for the performers on this floor.

Finally, the Committee asked what the sign facing the road would say. The applicant said it would simply say "Heat" and confirmed that all external imagery would need to be approved by the Licensing Authority.

In the Applicant's concluding statement, the Committee's attention was drawn to the 25 years that he had spent managing hospitality across Coventry. It was also noted that he is heavily involved in PubWatch and is a Director of the BID. The Applicant's solicitor described him as a model citizen of the city and invited the Committee to grant the licence as requested.

In reaching its decision, the Committee had regard to both the Home Office guidance for Sexual Entertainment Venues and the Council's own policy.

Whilst the Council currently has a nil policy, the Committee noted that regard must be given to Paragraph 10.3 of the SEV Policy, which states that the Council recognises that Club Heat is an established Sexual Entertainment Venue which has traded in the city for a long period of time without significant concern. Accordingly, the nil policy does not apply to the said Sexual Entertainment Venue. Rather, any application in respect of the said Sexual Entertainment Venue is to be judged on its own merits and without reference to the nil policy.

The Committee considered the detailed representations provided by the Applicant and his Representative in conjunction with the written representations, including the witness statements submitted prior to the hearing. The Committee noted the supportive statement provided by Public Health, and the supplementary oral representations provided at the hearing today.

The Committee did not feel that there were any grounds under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, for refusing the application. It was advised that none of the mandatory grounds for refusal were relevant to this application. It noted that the objections to the application had been received late, and the Committee having considered the reasons for this decided not to exercise their discretion to hear these objections. As such, these objections were not viewed by the Committee. It was noted that the current premises had been operating as an 'adult venue' for many years without any significant concerns from the relevant enforcement bodies. The Committee was satisfied that sound management arrangements were in place.

RESOLVED that the application for a Sexual Entertainment Venue licence in respect of Club Heat, Hertford Place, Coventry, CV1 3JZ be approved subject to the Council's Standard Conditions.

4. Outstanding Issues Report

There were no outstanding issues.

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

There were no other items of public business.

(Meeting closed at 12:40pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub Committee (1) (Hackney Carriage & Private Hire Taxi Licensing) held at 9.30 am on Tuesday, 11 June 2024

Present:

Members: Councillor R Lancaster (Chair)
 Councillor B Christopher
 Councillor T Jandu
 Councillor R Lakha
 Councillor R Lancaster
 Councillor J Lepoidevin

Employees (by Service Area):

Law and Governance S Ahmed, U Patel, T Robinson

Streetscene and Regulatory Services M Coggins, S Yarker

Apologies: Councillors F Abbott, J Birdi and A Hopkins

Public Business

1. **Appointment of Chair**

In the absence of the Chair and Deputy Chair, RESOLVED that Councillor R Lancaster be appointed as Chair for the Sub Committee.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Exclusion of Press and Public**

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant paragraphs of Part 1 of Schedule 12A
6	Applications for Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licence	1 & 3

4. **Outstanding Issues Report**

There were no outstanding issues.

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

There were no other items of public business.

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

RESOLVED that, having considered the circumstances set out in the report of the Director of Law and Governance now submitted,

(a) The application for the Grant of a Private Hire Driver's Licence be granted with a written warning.

(Note: The Applicant and his legal representative attended the meeting in support of his case).

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

There were no other items of private business.

(Meeting closed at 10.25 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 18 March 2024

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Keough
 Councillor R Lancaster

Employees (by Service
Area):

Law and Governance T Robinson, C Sinclair, A Wright

Streetscene and
Regulatory Services D Blackburn, R Masih

In Attendance: (Interested Applicant
Parties) Applicant's Associates

Public Business

6. Appointment of Chair

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

7. Apologies

There were no apologies for absence.

8. Declarations of Interest

There were no declarations of interest.

9. Application for a Premises Licence Application under the Licensing Act 2003

The Sub-Committee considered an application for a Premises Licence in respect of Kasbah Roof Terrace, Primrose Hill Street, Coventry, CV1 5LY. The application requested the Sale of Alcohol (On and Off Sales) from Monday to Sunday from 1000hrs to 0600hrs and Late Night Refreshment from Monday to Sunday 2300hrs to 0500hrs. During the application process, the applicant amended the application to include the following condition – *“the terrace will open from 2000hrs on weekdays during school term times”*.

109 representations objecting to the application had been received from Other Persons following the initial application, at the time of the hearing 54 representations had been withdrawn following the amendment to the application. This left 55 representations for the Sub Committee to consider. The representations stated that granting the application could undermine all four of the Licencing Objectives, namely The Prevention of Crime & Disorder, The Protection

of Public Safety, The Prevention of Public Nuisance, and The Protection of Children from Harm.

None of the Responsible Authorities had objected.

The Sub-Committee's statutory duty was to consider the application and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was invited to present his case and began by explaining that a Premises Licence has been in place at the Premises for 30 years. He stated that in order to adapt to the ever-changing hospitality landscape, a decision had been taken to create a roof terrace with a unique view of the three spires. The terrace itself is surrounded by a 1.7m high glass wall and blossom trees. The intention is to give patrons a unique experience and it is considered that this will be an attractive addition to the existing Nightclub.

The Applicant further explained that the application had been made in consultation with the licensing department and it seemed sensible that the licensable hours should be in sync with the existing Premises Licence. This, in the Applicant's submission, unfortunately led to the assumption by the Head Teacher of Sydney Stringer School (which is directly opposite the Premises), that the application was for the Premises to open as a Nightclub from 1000hrs, which is not the case.

The Applicant was alerted to the significant number of representations by Licensing Officers, who suggested that the hours could be varied to alleviate any concerns. The Applicant agreed to this immediately and volunteered a condition that would allow the terrace to open from 2000hrs only, on weekdays during school term times. This caused almost half of the representations to be withdrawn. In respect of the remaining representations, the Applicant offered to attend mediation but none of the objectors attended.

The Sub Committee asked whether the Premises currently holds any events that start during the day. The Applicant confirmed that they do occasionally but only at the weekends and with a start time of around 1500hrs.

The Sub Committee also asked if the roof terrace was open already. The Applicant confirmed that it was not yet in operation.

Finally, the Sub Committee asked the Licensing Officers whether they were aware of any issues with the general operation of the Premises. The Licensing Officers confirmed that they had not received any complaints and that had there been any issues leading to the undermining of the Licensing Objectives, it would be reasonable to expect the Responsible Authorities to make representations to that effect. None of the Responsible Authorities had made representations.

In summing up, the Applicant confirmed that he felt he had overcome the concerns outlined in the representations which were mainly to do with the potential to disrupt the education of school children across the road.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

The Sub Committee fully considered the 55 remaining written submissions provided by the Objectors. Further, the Sub Committee noted that the majority of the concerns raised by the Objectors were alleviated by the Applicant's voluntary condition that "*the terrace will open from 8pm on weekdays during school term times*". The Applicant was made aware that the Premises Licence for the roof terrace will be bound by this condition.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application.

Having listened to all the evidence, the Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or from the premises that may undermine the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was satisfied that the Applicant took his responsibilities in respect of the Licensing Objectives seriously, and that the concerns regarding the nearby school had been taken into account and this would continue to be the case.

RESOLVED that the application for a Premises Licence in respect of Kasbah Roof Terrace, Primrose Hill Street, Coventry, CV1 5LY be granted.

10. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.20 am)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 4 June 2024

Present:

Members: Councillor R Lakha (Chair)
 Councillor S Gray
 Councillor A Hopkins

Employees (by Service Area):

Law and Governance F Cartwright, T Robinson, C Sinclair, A Wright

Streetscene and
Regulatory Services R Masih

In Attendance: Councillor R Bailey (Objector)
(Interested Parties) Residents (Objectors, including One Spokesperson and a
 Petition Organiser)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor R Lakha be appointed as Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a Premises Licence under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of Burger Boi, 48 Daventry Road, Coventry CV3 5DP. The application requested Late Night Refreshment Monday to Sunday from 2300hrs to 0000hrs.

Three representations had been received objecting to the grant of the application on the basis that to do so would undermine the Licensing Objectives of Public Safety and the Prevention of Public Nuisance. There were two representations from “other persons” and a petition containing 34 signatures.

None of the Responsible Authorities had objected.

The Sub-Committee's statutory duty was to consider the application and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with. Additionally, the Sub Committee noted that mediation had not been successful.

At the outset of the Hearing, it was noted that the Applicant was not in attendance, so the Sub Committee asked the Licensing Officer for assurance that they had been made aware of the Hearing. The Licensing Officer confirmed that formal notification of the Hearing had been emailed to the Applicant. The Licensing Officer had also tried to email and telephone the Applicant this morning but as yet had received no response. This was the second time that the Applicant had not been in attendance, the first being on 13th May 2024 when the Applicant asked for an adjournment at short notice due to an emergency. Having received no contact from the Applicant, the Sub Committee decided to proceed in their absence in accordance with Regulation 20(2)(b) of the Licensing Act 2003 (Hearings) Regulations 2005.

In the absence of the Applicant, the Sub Committee confirmed that their Operating Schedule would be considered in reaching their decision.

The Objectors were then invited to present their cases. Councillor Bailey began by outlining the significant issues caused by volume of traffic and illegal parking in the area which has been a problem for residents for some time and raises nuisance and public safety concerns. An objector had, prior to the hearing, submitted further statements from local residents expressing their concerns should the application be granted, and explained to the Sub Committee that she had lived in her property for 16 years and only since Burger Boi had arrived had the disturbances started. She reiterated that there were safety concerns regarding illegal parking and reported that noise emanating from the premises was an issue for residents, impacting their sleep and overall wellbeing.

The Sub Committee asked whether all reports of nuisance had been reported to the Council's Environmental Health department and the objector confirmed that reports had been made to both Environmental Health and the Police. The Sub Committee noted that neither Environmental Health nor the Police, as Responsible Authorities, had objected to the application.

The Sub Committee asked whether any other premises in the area had licences beyond 11pm. The Licensing Officer confirmed that Mayflower House Takeaway has a licence until 11.30pm, although the objector stated it was always closed by 10.30pm.

In summing up, the Objectors collectively reiterated the concerns surrounding parking and traffic in the area and the impact that opening an extra hour may have in relation to this. The Sub Committee noted that parking and traffic issues were not a consideration for them to take into account as they are not relevant to promotion of the Licensing Objectives, and they should therefore be disregarded in accordance with Regulation 19 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Objectors concluded by providing the Sub Committee with an insight into their personal circumstances and the issues it would cause for themselves and close family members who live with them should the premises be granted a licence.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)* the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application.

In particular, the Sub Committee considered paragraph 9.15 of the Licensing Act 2003 Statutory Guidance which states that the Police should make representations where there are concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Neither the Police nor Environment Health had objected or raised concerns surrounding this application.

In the absence of the Applicant, who did not attend the hearing for reasons unknown, the Sub Committee fully considered the Operating Schedule and the measures that the Applicant will put in place to promote the Licensing Objectives. In particular, the Sub Committee noted that the Applicant would be making regular inspections of the outside area to remove any discarded refuse and provide waste bins inside and outside the premises. Further, the Sub Committee noted that the Applicant would display clear and prominent notices asking customers to be respectful of neighbouring properties by keeping noise to a minimum when leaving the premises. The Applicant will also have a Noise Management Plan in place.

The Sub Committee acknowledged and sympathised with the Objectors individual circumstances and concerns raised about the Premises being allowed to operate for a further hour. However, in light of the Operating Schedule, the Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or from the premises that may undermine the Licensing Objectives. A significant number of the Objectors concerns surrounded illegal parking in the local area which could not be taken into account by the Sub Committee as they do not relate to the Licensing Objectives. As such, these concerns were disregarded when the Sub Committee were reaching their decision.

The Sub Committee confirmed they would like the Applicant to continue to take the concerns of local residents into account.

The Sub Committee were satisfied that local residents are aware that the procedure should they witness nuisance arising from the premises is to make an immediate report to the Council's Environmental Health department.

The Applicant should equally be aware that if the premises prove to operate in any way that does not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that the application for a Premises Licence in respect of Burger Boi, 48 Daventry Road, Coventry CV3 5DP be granted

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.10 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 18 June 2024

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Gray
 Councillor K Maton

Employees (by Service
Area):

Law and Governance F Cartwright, U Patel, T Robinson, A Wright

Streetscene and
Regulatory Services J Glover, R Masih

In Attendance: (Interested Applicant
Parties) Interpreter
 Objectors (West Midlands Police)

Public Business

6. **Appointment of Chair**

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

7. **Apologies**

There were no apologies for absence.

8. **Declarations of Interest**

There were no declarations of interest.

9. **Exclusion of Press and Public**

RESOLVED that the press and public be excluded under Sections 100(A)(4) of the Local Government Act 1972 relating to the private report in Minute XX below headed “Applications to Transfer and Vary the Designated Premises Supervisor (DPS) under the Licensing Act 2003” on the grounds that it contains information relating to an individual or individuals and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

Private Business

10. Applications to Transfer and Vary the Designated Premises Supervisor (DPS) under the Licensing Act 2003

The Sub-Committee considered applications to Transfer the Premises Licence and vary the Designated Premises Supervisor (DPS) in respect of Monopoly, 74 Far Gosford Street, Coventry, CV1 5DZ.

One representation from West Midlands Police had been received to the applications. The representation stated that granting the applications would undermine the Licensing Objective of Prevention of Crime and Disorder.

The Sub-Committee's statutory duty was to consider the applications and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

The Licensing Officer gave a brief summary of the applications and confirmed that all licensing formalities had been complied with.

RESOLVED that the applications to Transfer the Premises Licence and vary the Designated Premises Supervisor (DPS) in respect of Monopoly, 74 Far Gosford Street, Coventry, CV1 5DZ be refused.

11. Any Other Business

There were no other items of business.

(Meeting closed at 1.40 pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 16 July 2024

Present:

Members: Councillor K Maton (Chair)
 Councillor B Christopher
 Councillor J Lepoidevin

Employees (by Service
Area):

Law and Governance U Patel, T Robinson, A Wright

Streetscene and
Regulatory Services R Masih, C Simms

In Attendance:
(Interested Parties) Applicants

Public Business

12. **Appointment of Chair**

RESOLVED that Councillor K Maton be appointed as Chair for the hearing.

13. **Apologies**

There were no apologies for absence.

14. **Declarations of Interest**

There were no declarations of interest.

15. **Application for a Premises Licence under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of Coventry Reggae Fever Festival, War Memorial Park, Coventry CV3 6PT. The Application requested an annual three-day festival, with Supply of Alcohol and Regulated Entertainment, including amplified music. The Applicant sought to apply for a consecutive Friday, Saturday and Sunday in either June, July, August or September, with the date to be determined by Coventry City Council. The hours requested are 1100hrs to 2200hrs on each of the days of the festival.

One representation had been received objecting to the grant of the application on the basis that to do so would undermine the Licensing Objective of Prevention of Public Nuisance.

None of the Responsible Authorities had objected.

The Sub-Committee's statutory duty was to consider the application and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was given the opportunity to present his case. It was explained to the Sub Committee that a Caribbean festival had historically taken place in War Memorial Park but there had not been one for a number of years. Feedback from the community demonstrated a desire for it to be re-established in order to celebrate Caribbean culture and the contribution that many Caribbeans have made to the city of Coventry.

The Applicant had applied for a Premises Licence with a three-day variable window of delivery each year, running from Friday to Sunday. This being the first year, the Applicant stated that licensable activities would only take place on Saturday 20th July 2024 to give residents an idea of the CIC's intentions going forward, with a view to the event growing naturally. This year, should the Premises Licence be granted, the Applicant stated that the event would run from 1100hrs to 2000hrs only.

The Applicant advised the Sub Committee that they have worked closely with the Police to ensure the event will tie in with the night-time economy and local policing teams. The Police have assisted to devising a security plan, and the Applicant has also received confirmation from the Local Authority that CCTV coverage across the city centre and within the park will be provided to ensure the safety of attendees.

The Applicant stated that a reputable security company will provide security until 2300hrs, ensuring attendees are able to return to the city centre, particularly to the train station and car parks, safely.

In terms of concerns surrounding the potential for noise nuisance, the Applicant advised that sound engineers would be actively monitoring the stages with noise equipment, and a company called SPL Acoustics would conduct noise monitoring around the park, including at the nearest residential development. The event will use the same resident complaints telephone number as the Godiva Festival so that residents are familiar with it.

The Applicant explained that they have worked closely with the Council's events team and used their self-imposed noise limits which matched those used for the Godiva Festival and are below industry standards.

In terms of any Public Health concerns, the Applicant stated that an on-site, doctor-led medical team would provide cover for members of the public as well as site crews and artists, throughout the event and for at least one hour after show down.

The Applicant advised that a welfare team and safe-guarding lead would be on-site to ensure the safety of children attending the event. This would include a child safe scheme whereby all children have a parent or carer's telephone number on

their wristbands to ensure children are reunited quickly with adults in the event that they become separated.

The Applicant confirmed that the event would be scrutinised by Coventry Safety Advisory Group (SAG) and would comply with all recommendations in exchange for hiring the park for the event.

Finally, the Applicant confirmed that the festival would be promoted as a family friendly event.

The Sub Committee were given the opportunity to ask questions of the Applicant. The Sub Committee asked whether young people were required to enter with an adult and whether the Applicant felt confident in the security arrangements.

The Applicant confirmed that customers would be restricted at the point of purchase to buy up to three child tickets with one adult ticket. Child tickets would be for those under the age of 18. Wrist banding staff have been briefed not to allow entry to a young person without an adult present, and every ticket purchased will have a named adult individual that must be present during ticket redemption, with ID checks taking place. The Applicant stated that they are trialling a strict regime while they anticipate a lower audience.

In terms of security, the Applicant confirmed that wand searches would be conducted for all attendees as well as artists and crew, in addition to a loose item and bag search. This would be escalated to a physical search only if an issue was raised during the wand/bag search. The Applicant advised that they are working alongside a well-respected security firm who have done similar events within Coventry and would be a clear point of contact within the park should anyone need to raise a security issue. The Police would also be providing a small team of three officers and one sergeant, including two taser officers who would accompany the procession through the city.

The Sub Committee asked what measures had been put in place with regard to accessibility. The Applicant stated that an email address had been set up for people requiring additional access needs so that they could make direct contact with the events team to create a tailored plan which would ensure that they have the best experience possible. In addition, a team would be placed at the main entrance to meet anyone with additional access requirements to show them around the site if requested, including the welfare tent and accessible bar counters and toilets. Support would also be offered throughout the day to assist with accessing food vendors who do not have adequate accessibility options in place.

In the absence of the Objector, the Sub Committee confirmed that their written representation had been considered. The Applicant provided the Sub Committee with a comprehensive Noise Management Plan detailing how any concerns regarding noise nuisance would be controlled.

In summing up, the Applicant advised the Sub Committee that they come with a good track record for running events, such as the Leicester Carnival which has always been safe and well organised. The Applicant encouraged the Sub Committee to contact Leicester Council should they require any reference.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application, in particular Environmental Health in respect of the Objector's concerns surrounding the Licensing Objective of Prevention of Public Nuisance.

The Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or during the annual event that may undermine the Licensing Objectives.

The Sub Committee was impressed with the levels that the Applicant had gone to in order to promote the Licensing Objectives and ensure the safe running of the event. The Sub Committee was particularly pleased to see that the Applicant had liaised closely with the Local Authority and Responsible Authorities during the application process and endeavoured to build a positive relationship going forward with the local community. This, they believed, was the sign of a responsible Applicant who is dedicated to prioritising the promotion of the Licensing Objectives.

The Sub Committee considered the submission provided by the Objector. However, the Sub Committee believed the Applicant to be professional and knowledgeable, with a genuine desire to provide a safe event whilst upholding the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was satisfied that the Applicant took its responsibilities in respect of the Licensing Objectives seriously, and that the concerns of residents had been taken into account and this would continue to be the case.

RESOLVED that the application for a Premises Licence in respect of Coventry Reggae Fever Festival, War Memorial Park, Coventry CV3 6PT be granted.

16. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.35 am)



Public report Cabinet Member Report

Cabinet Member for Policing & Equalities
Licensing & Regulatory Committee

1st August 2024
6th August 2024

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

All

Title:

Gambling Act 2005 – Review of Gambling Policy Statement of Principles 2025 - 2028

Is this a key decision?

No

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

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Gambling Policy Statement of Principles 2025 – 2028 under the Gambling Act 2005.

Recommendations:

Cabinet Member for Policing and Equalities is requested to:

Consider the draft revised Gambling Policy Statement of Principles and authorise the Director of Law & Governance to carry out the consultation as detailed in the report.

Licensing & Regulatory Committee is requested to:

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

List of Appendices included:

Appendix 1 - Revised Gambling Policy Statement of Principles 2025 - 2028 (shaded paragraphs illustrate the amendments to the document)

Appendix 2 – Local Area Profile

Other useful background papers:

Gambling Act 2005

Gambling Act 2005 Guidance to Licensing Authorities

Has it been or will it be considered by Scrutiny?

No

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

Yes Licensing & Regulatory Committee – 6th August 2024

Will this report go to Council?

Yes

1. Context (or background)

- 1.1 Under the terms of the Gambling Act 2005 the Council's Gambling Policy Statement of Principles has to be renewed every three years. The current Gambling Policy Statement of Principles came into effect on 31st January 2022 and a review must therefore be completed. There is a requirement in the Act for the Council to publish and advertise the revised Gambling Policy Statement of Principles at least 4 weeks before, by 3rd January 2025.
- 1.2 The Gambling Policy Statement of Principles produced by the Licensing Authority under the Gambling Act 2005 will be relevant for all licensing decisions taken by the Council as the licensing authority over three years commencing on 31st January 2025.
- 1.3 The general principles of the Gambling Policy Statement of Principles remain the same and the document is still centered around the Gambling Act's three licensing objectives, namely:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 Before amending the policy for a further three-year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.
- 1.5 The Responsible Authorities (statutory consultees – Gambling Commission, West Midlands Police, West Midlands Fire and Rescue Service, Planning, Environmental Health (functions in relation to pollution to the environment or harm to human health) Safeguarding Children Board, HM Revenue & Customs, Community Safety Team and Public Health will be consulted on the draft revised policy.
- 1.6 The public consultation exercise will begin on the 9th August 2024, for a 6 week period and finish on the 20th September 2024 and will include the following elements:
- Mail shots to representatives of the licensed trade, clubs and key partners;
 - Formally writing to the Chief Officers of the responsible authorities;
 - Mail shots to businesses and organisations, places of worship; and
 - Wider public consultation through the City Council Website.
- 1.7 The revised policy complies with updated Gambling Commission guidance and regulations. It has been developed with all 6 Warwickshire Licensing Authorities (Warwickshire County Council, North Warwickshire Borough Council, Nuneaton & Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile.

A copy of the draft revised policy is attached as Appendix 1.

Key Changes to the Revised Gambling Policy

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

- 1.9 There are potential forthcoming changes which are under review from the Gambling Commission, but at this stage full details of these changes have not been confirmed. The proposed changes include Improving consumer choice on direct marketing, strengthening age verification in premises, amending and introducing new requirements on remote game design, remote gambling (financial vulnerability checks and financial risk assessments). Once these changes have been implemented a further review of the policy will take place.

2. Options considered and recommended proposal.

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

3. Results of consultation undertaken

- 3.1 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities on 7th October 2024 before a finalised policy document is presented to Full Council for approval on 15th October 2024.

4. Timetable for implementing this decision.

- 4.1 The revised Gambling Policy Statement of Principles must be published by 3rd January 2025 and commence from 31st January 2025, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Gambling Act 2005.

5. Comments from Interim Director of Finance & Resources (Section 151 Officer) and Director of Law & Governance.

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the Gambling Policy Statement of Principles.

5.2 Legal implications

The Council will not be able to undertake its role as a Licensing Authority after the 31st January 2025 unless it has approved and published its revised Gambling Policy Statement of Principles. The policy must be reviewed every three years or more often if appropriate.

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

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

6. Other implications

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

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

This aligns with the One Coventry Plan and the following delivery priorities,

- Improving outcomes and tackling inequalities within our communities
- Improving the economic prosperity of the city and regions

6.2 How is risk being managed?

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

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

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

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

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

None

6.6 Implications for partner organisations?

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

6.7 Human Rights Act Implications

None

Report author(s):
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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Thomas Robinson/Usha Patel	Governance Services Officer	Law and Governance	17/07/2024	18/07/2024
Debbie Cahalin-Heath	Strategic Manager of Regulation & Communities	Regulatory Services	15/07/2024	15/07/2024

Davina Blackburn	Strategic Lead of Regulation & Communities	Regulatory Services	15/07/2024	17/07/2024
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Names of approvers for submission: (officers and members)				
Amy Wright	Regulatory Lawyer	Law and Governance	16/07/2024	17/07/2024
Richard Shirley	Lead Accountant	Finance	17/07/2024	17/07/2024
Julie Newman	Chief Legal Officer	Law & Governance	19/07/2024	24/07/2024
Cllr A S Khan	Elected Member	Cabinet Member for Policing & Equalities	19/07/2024	24/07/2024

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

Gambling Act 2005

Gambling Policy Statement of Principles

2025/2028

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 345,300 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 2025** and will have effect until **30th January 2028** 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:
<https://www.coventry.gov.uk/downloads/file/36700/local-area-profile-2022>
- 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 **themselves** 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

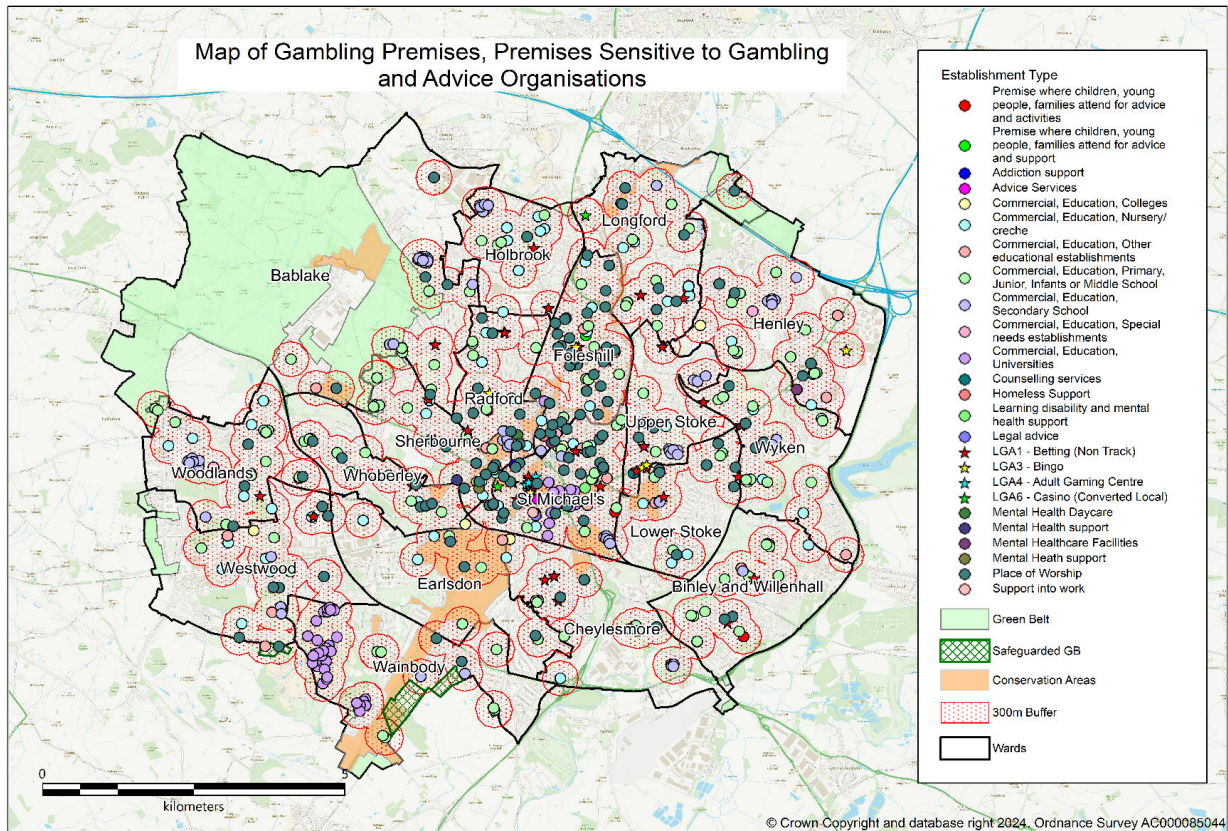
- 29.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing and Regulatory Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation and can be viewed at:
<https://www.coventry.gov.uk/constitution>
<https://edemocracy.coventry.gov.uk/documents/s60244/Part%20%20-%20Scheme%20of%20Delegation%20April%202024.pdf>
- 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 2025 Valid until 30th January 2028

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LOCAL AREA PROFILE & RISK ASSESSMENTS



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

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

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

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

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

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

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

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

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

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

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

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

Risks to be considered may include:

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

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

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