

# Council Meeting

30 January 2019

**Time** 5.45 pm **Public Meeting?** YES **Type of meeting** Full Council

**Venue** Council Chamber - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Membership** (Quorum for this meeting is 15 Councillors)

**Mayor** Cllr Phil Page (Lab)  
**Deputy Mayor** Cllr Claire Darke (Lab)

## Labour

Cllr Obaida Ahmed  
Cllr Ian Angus  
Cllr Harbans Bagri  
Cllr Harman Banger  
Cllr Mary Bateman  
Cllr Philip Bateman MBE  
Cllr Payal Bedi-Chadha  
Cllr Peter Bilson  
Cllr Alan Bolshaw  
Cllr Greg Brackenridge  
Cllr Ian Brookfield  
Cllr Paula Brookfield  
Cllr Alan Butt  
Cllr Craig Collingswood  
Cllr Jasbinder Dehar  
Cllr Steve Evans  
Cllr Val Evans

Cllr Bhupinder Gakhal  
Cllr Val Gibson  
Cllr Dr Michael Hardacre  
Cllr Celia Hibbert  
Cllr Keith Inston  
Cllr Jasbir Jaspal  
Cllr Milkinderpal Jaspal  
Cllr Rupinderjit Kaur  
Cllr Welcome Koussoukama  
Cllr Roger Lawrence  
Cllr Linda Leach  
Cllr Hazel Malcolm  
Cllr Asha Mattu  
Cllr Barbara McGarrity  
Cllr Louise Miles  
Cllr Beverley Momenabadi  
Cllr Lynne Moran

Cllr Anwen Muston  
Cllr Peter O'Neill  
Cllr Rita Potter  
Cllr John Reynolds  
Cllr Susan Roberts MBE  
Cllr John Rowley  
Cllr Zee Russell  
Cllr Sandra Samuels OBE  
Cllr Caroline Siarkiewicz  
Cllr Stephen Simkins  
Cllr Clare Simm  
Cllr Mak Singh  
Cllr Paul Sweet  
Cllr Jacqueline Sweetman  
Cllr Martin Waite

## Conservative

Cllr Simon Bennett  
Cllr Christopher Haynes  
Cllr Sohail Khan  
Cllr Arun Photay  
Cllr Paul Singh  
Cllr Udey Singh  
Cllr Jane Stevenson  
Cllr Wendy Thompson  
Cllr Jonathan Yardley

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

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**Tel** 01902 550320

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# Agenda

*Item No.*     *Title*

## MEETING BUSINESS ITEMS

- 1            **Apologies for absence**
- 2            **Declarations of interest**
- 3            **Minutes of previous meeting** (Pages 5 - 14)  
[To receive minutes of the previous meeting held on the 5 December 2018.]
- 4            **Communications**  
[To receive the Mayor's announcements.]
- 5            **State of City Address**  
[To receive the Leader of the Council's statement regarding the City.]

## DECISION ITEMS

- 6            **Statement of Gambling Policy** (Pages 15 - 86)  
[To approve the revised Statement of Gambling Policy.]
- 7            **Local Council Tax Support Scheme** (Pages 87 - 90)  
[To approve the Local Tax Support Scheme.]
- 8            **Housing Revenue Account Business Plan 2019-2020 including Rents and Service Charges** (Pages 91 - 108)  
[To approve the HRA Business Plan.]
- 9            **i54 Western Extension** (Pages 109 - 112)  
[To approve the i54 Western Extension Scheme.]
- 10           **Motions on Notice** (Pages 113 - 114)  
[That Council consider the motions received by Councillor Paul Singh and Councillor Jonathan Yardley.]
- 11           **Questions to Cabinet Members** (Pages 115 - 116)  
[That the Cabinet Members for Education and Skills, City Environment and City Economy respond to questions received.]

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## Attendance

**Mayor** Cllr Phil Page (Lab)  
**Deputy Mayor** Cllr Claire Darke (Lab)

## Labour

Cllr Obaida Ahmed	Cllr Bhupinder Gakhal	Cllr Anwen Muston
Cllr Ian Angus	Cllr Val Gibson	Cllr Peter O'Neill
Cllr Harman Banger	Cllr Dr Michael Hardacre	Cllr Rita Potter
Cllr Mary Bateman	Cllr Celia Hibbert	Cllr John Reynolds
Cllr Philip Bateman MBE	Cllr Milkinderpal Jaspal	Cllr John Rowley
Cllr Payal Bedi-Chadha	Cllr Rupinderjit Kaur	Cllr Zee Russell
Cllr Peter Bilson	Cllr Roger Lawrence	Cllr Caroline Siarkiewicz
Cllr Alan Bolshaw	Cllr Linda Leach	Cllr Mak Singh
Cllr Greg Brackenridge	Cllr Hazel Malcolm	Cllr Paul Sweet
Cllr Craig Collingswood	Cllr Asha Mattu	Cllr Jacqueline Sweetman
Cllr Jasbinder Dehar	Cllr Barbara McGarrity	Cllr Martin Waite
Cllr Steve Evans	Cllr Beverley Momenabadi	
Cllr Val Evans	Cllr Lynne Moran	

## Conservative

Cllr Simon Bennett	Cllr Jane Stevenson
Cllr Christopher Haynes	Cllr Wendy Thompson
Cllr Sohail Khan	Cllr Jonathan Yardley
Cllr Udey Singh	

## Employees

Tim Johnson	Managing Director
Kevin O'Keefe	Director of Governance
Claire Nye	Director of Finance
John Denley	Director of Public Health
David Watts	Director of Adult Services
Ross Cook	Service Director - City Environment
Ian Fegan	Head of Communications
Jaswinder Kaur	Democratic Services Manager

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Reverend David Wills was unable to attend due to a bereavement within the family. The Mayor and all Councillors sent their condolences to him and his family.

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*Item No.*     *Title*

**1        Apologies for absence**

Apologies for absence were received from Councillors Jasbir Jasper, Arun Photay, Sandra Samuels, Stephen Simkins and Paul Singh.

**2        Declarations of interest**

There were no declarations of interest made.

**3        Minutes of previous meeting**

The Mayor proposed, the Deputy Mayor seconded, and it was resolved:

That the minutes of the previous Extraordinary and Ordinary meetings, held on 7 November 2018, be agreed as a correct record and signed accordingly by the Mayor.

**4        Communications**

**1. Carols in the City - The Victorian Christmas Market**

The Mayor reminded Councillors that the three-day Victorian Christmas Market would return to Wolverhampton for the second year running. The Christmas Market would have over 200 stalls selling a range of items including; international street food, local produce and gifts. There would be entertainment, an original Victorian carousel and funfair rides.

The Mayor would formally open the Victorian Market on Friday 14 December at 4pm. Carols in the City would then take place at 5pm. The Mayor hoped that Councillors would attend to support the events.

**2. Holocaust Memorial Day**

The Mayor invited Councillors to a service of remembrance, led by Interfaith Wolverhampton, which was to be held at 11 am on Holocaust Memorial Day, Friday 25 January at the Cenotaph.

**3. Christmas wishes**

The Mayor wished all Councillors a happy Christmas and hoped they enjoyed the festive break.

**5        Treasury Management Activity Monitoring - Mid Year Review 2018-2019**

Councillor Louise Miles presented the Treasury Management Activity Monitoring - Mid Year Review 2018-2019 report for approval. She confirmed that all activity had taken place in accordance with the code of practice that governed this area and that new national provisions were due to come into place. The situation was being monitored closely and an update would be provided at a future Council meeting.

Councillor Louise Miles proposed the recommendations and Councillor Peter Bilson seconded the recommendations.

Resolved:

1. That it be noted, that a mid-year review of the Treasury Management Strategy Statement had been undertaken and the Council had operated within the limits and requirements approved in March 2018.
2. That it be noted, a revenue net overspend of £2.2 million for the General Fund and an underspend of £12,000 for the Housing Revenue Account (HRA) were forecast from treasury management activities in 2018-2019.
3. That it noted, the detailed guidance notes for the Code of Practice on Treasury Management and the Prudential Code had recently been published by CIPFA and were under review by the Director of Finance. Therefore, the Treasury Management Statements for 2018-2019 were still based on the Council's interpretation of these Codes.
4. That it noted, the updated position on the revised guidance on Local Government Investments and Minimum Revenue Provision as detailed in paragraphs 2.6 and 2.7 of the Cabinet report, 21 November 2018.
5. That it be noted, the position regarding the Money Market Fund reform which was effective from 21 January 2019 and would require an update to the Annual Investment Strategy for 2018-2019 as detailed in paragraph 5.11 of the Cabinet report, 21 November 2018.

## 6 **Capital programme 2018-2019 to 2022-2023 quarter two review**

Councillor Louise Miles presented the Capital programme 2018-2019 to 2022-2023 quarter two review for approval. She outlined the changes to the capital programme and advised that the capital was committed to future capital programmes which would deliver the future vision for the City with partners.

Councillor Louise Miles proposed the recommendations and Councillor Peter Bilson seconded the recommendations.

The report was debated by Council.

Resolved:

1. That the revised medium-term General Fund capital programme of £338.9 million be approved, an increase of £17.9 million from the previously approved programme.
2. That the net additional General Fund resources of £17.9 million be approved for;
  - i. New projects totalling £20.1 million (as detailed in section 4 of the Cabinet report, 21 November 2018);
  - ii. Existing projects net reduction totalling £2.2 million (as detailed in section 3 of the Cabinet report, 21 November 2018).

## 7 **Situation of Polling Stations for the 2019 Local Elections**

Councillor John Reynolds presented the Situation of Polling Stations for the 2019 Local Elections report for approval. He advised that three minor changes had been made however, the stations would remain within the polling districts and that no objections had been received.

Councillor John Reynolds proposed the recommendations and Councillor Val Gibson seconded the recommendations.

The report was debated by Council.

Resolved:

1. That it be agreed that polling stations for the 2019 local election should be unchanged from those used at the 2018 local election with the exception that three stations would have a slight location change but would still remain in the polling district.
2. That authority be delegated to the Returning Officer, following consultation with the Leader of the Council, Cabinet Member for Governance and the Leader of the Opposition Group on the Council to make any operational changes to polling stations.
3. That it noted, that the statutory polling place review would commence in May 2019, shortly after the local election, in readiness for changes to be implemented by 2020.

## 8 **Calendar of Meetings 2019 – 2020**

Councillor John Reynolds presented the Calendar of Meetings 2019 – 2020 report for approval subject to Children, Family and Young People Scrutiny Panel meeting set for 18 September 2019 be changed to the 25 September 2019.

Councillor John Reynolds paid tribute to the work undertaken by Democratic Services and this was also echoed by Councillor Wendy Thompson.

Councillor John Reynolds proposed the recommendation and Councillor Val Gibson seconded the recommendation.

Resolved:

That the City of Wolverhampton Council Calendar of Meetings for 2019-2020 attached at appendix 1 to this report be approved subject to the date for Children, Young People and Families Scrutiny Panel being changed to the 25 September 2020.

## 9 **Executive Business**

The Council received a summary of Executive Business relating to the Roadworks Permitting and Establishing the Regional Adoption Agency (Adoption@Heart) as a hosted model in City of Wolverhampton Council.

In response to Councillor Simon Bennett's question regarding the Establishing the Regional Adoption Agency, Councillor Paul Sweet welcomed the commitment of funds from the DfE and thanked the Director of Children's Services for progressing this work which led to this Council being the host authority.

Resolved:

That the Executive Business be noted.

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## **Questions to Cabinet Members**

### **a. Garden Waste Collection Service**

Councillor Udey Singh asked the Cabinet Member for City Environment:

Can the Cabinet Member for City Environment tell the Council how many households have signed up for the new garden waste collection service so far?

The Cabinet Member for City Environment, Councillor Steve Evans responded that 7147 households had signed up for the new garden waste collection service.

Councillor Udey Singh asked the Cabinet Member for City Environment the following supplementary question:

The residents who want to sign up for this service cannot pay by BACS, cheques or cash, the Council's website requests payment by debit/credit card or advised that a family member or friend can pay on their behalf, does the Cabinet Member agree that this was financially discriminating against those who do not hold a credit or debit card and that third-party involvement could lead to increased fraud.

The Cabinet Member for City Environment, Councillor Steve Evans responded no.

### **b. Westside Link**

Councillor Simon Bennett asked the Cabinet Member for City Economy:

Can the Cabinet Member for City Economy explain how much the Council has spent to date on the controversial Westside Link project?

The Cabinet Member for City Economy, Councillor John Reynolds, responded that design stages 1 to 3 of the project had been funded from the Black Country Local Enterprise Partnership (BCLEP) Access to Growth fund for 2017-2018 and 2018-2019 totalling £205,000. To date £181,000 of that fund had been spent over the 2 financial years on design, survey and project management.

He added it was proposed that the full project costs for the delivery of Phases 1 and 2, would be secured through the BCLEP and West Midlands Combined Authority. Discussions were currently ongoing and an application for grant

funding would be submitted in due course should the scheme continue in its present or amended form.

Councillor Simon Bennett asked the Cabinet Member for City Economy the following supplementary question:

To go ahead with the current plans which were set out in the public consultation was both dangerous and very short-sighted which were the words of Councillor Phil Bateman, the Cabinet Member for City Economy did not have the support of own party and needed to grasp his portfolio, more than a 1000 traders were against the pedestrianisation plans and St Peter's church, what will it take for Labour to stop destroying the City Centre ?

The Cabinet Member for City Economy, Councillor John Reynolds, responded that he would be interested in the addressees of 1000 traders who had objected to the westside scheme and added that a significant number of strategic partners were in support of the scheme.

### **c. Non-disclosure Agreements**

Councillor Sohail Khan asked the Leader of the Council:

Can the Leader of the Council please disclose how many non-disclosure agreements were signed by the Council between September 2014 and July 2018?

The Leader of the Council, Councillor Roger Lawrence responded the Council like any large commercial organisation would enter into non-disclosure agreements with partners, stakeholders and other businesses during negotiations of commercial acquisition or disposal or at the commencement of any large project. The Council did not hold the information of numbers for these types of non-disclosure agreements.

He added that settlement agreements were also entered into following the termination of an employment contract, a suite of Terms of Conditions would be entered into which contained mutual obligations which were to be abided by both parties, which would safeguard both parties.

He added, the Council also incorporated mutual non-disclosure clauses as a matter of cause for every employee who signed a settlement agreement. The overwhelming majority of settlement agreements were signed by employees who request Voluntary Redundancy (VR). This was to ensure the privacy of these employees' sensitive personal information. Settlement agreements signed by employees requesting VR was 701 and other settlement agreements non-voluntary agreement was 118. There was no payment for non-disclosable agreements.

Councillor Sohail Khan asked the Leader the following supplementary question:

How much had the Council spent on non-disclosable agreements?

The Leader of the Council, Councillor Roger Lawrence responded that no payments had been made for non-disclosure agreements.

**d. Unemployment Rates**

Councillor Wendy Thompson asked the Cabinet Member for Education and Skills:

The economic picture nationally remains positive, with the number of people in work at a record high and wages rising at their fastest pace in nearly ten years. Despite this, in Wolverhampton the unemployment rate remains well above average at 7.5%. Can the Cabinet Member for Education and Skills explain why this Council has failed the people of our City and allowed them to be left behind?

The Cabinet Member for Education and Skills, Councillor Lynne Moran, responded that jobs and employment were increasing in the City and local residents were getting upskilled to successfully compete for these jobs. Contrary to what the question suggests the City was showing positive trends in unemployment. Unemployment in the City has been halved in the last 4 years, (moving from 14% in 2014 to 7% in 2018).

She added since January 2017 Wolves at Work had moved 3492 residents into work. The latest Annual Population Survey data showed that one in four (26.2%) of the working age population were now educated to degree level or above – an increase of 11% in just one year. In the same year - the number of residents without any qualifications reduced by 6300. The total number of jobs increased from 98,000 in 2016 to 100,000 in 2017 (+2%). This was almost double the national rate.

She added the Council acted as a catalyst to assist people getting jobs and recent examples included apprenticeships at a WV Living housing development site, two women securing employment at a construction site, and partners were also encouraged to employ local people.

Councillor Wendy Thompson asked the Cabinet Member for Education and Skills the following supplementary question:

Why are the figures at the bottom and below national average in the wards for the Cabinet Member for Education and Skills, Leader and Deputy-Leader and why were targets not achieved in these wards?

The Cabinet Member for Education and Skills, Councillor Lynne Moran, responded that the Council had delivered a very successful youth employment initiative called Impact. Impact supported some of the most vulnerable young people aged 15 – 29 to engage in learning, training and employment. It provided intensive support and had been extended in the City for a further 3 years due to its success.

She added that the number of young people who were participating in some form of education or training was at an all-time high. This was due to the excellent work of the Connexions service who provided advice and support to vulnerable young people in the City and encouraged them back into learning.

In 2017 the nationally published annual out turn statistics showed that 94.3% young people were participating in learning, the highest in the Black Country.

She added the Council also funded grass roots level delivery to ensure that skills and employment was accessible to deprived neighbourhoods and communities in the City, this work had engaged with over 3,833 residents in the last year

She added that Workbox was also had great success story, which provided information and advice on skills and employment. The Workbox website gets over 600 unique visits per day and since June 2017, over 3400 people and over 100 providers have registered.

She added the Council had achieved resounding success despite Conservative cuts and in spite of in work poverty being at the highest. The value of pay had fallen, average earnings falling and there was a rise in the number of people attending food banks.

**e. Civic Hall Organ**

Councillor Jane Stevenson asked the Cabinet Member for City Economy:

In September 2016, Councillor Reynolds said that the Civic Hall organ was “of historical significance” and appointed renowned organ specialist Steve Tovey to lead the project to remove and restore it to its former glory. Mr Tovey sadly died at the end of September 2016, so what steps did Councillor Reynolds take to ensure that this important project continued, so that the organ could be removed from the Civic Hall and preserved?

The Cabinet Member for City Economy, Councillor John Reynolds, responded that following in depth discussions with the Heritage Lottery Fund were held in 2016. The council were advised that a bid to fund the removal and restoration of an organ of this nature would not be successful. It was the view of Heritage Lottery Fund that other, more visible organs, which would cost significantly less to restore would be their priority.

He added it was the council’s intention that the organ restoration formed part of the overall restoration scheme, however this was now deemed not to be financially viable due to the poor condition of the organ pipes. This therefore meant that with Heritage England’s agreement, and the knowledge that any restoration would cost approximately £2m, the decision had been taken reluctantly to remove the organ, and listed building consent had been granted for its removal.

Councillor Jane Stevenson asked the Cabinet Member for City Economy the following supplementary question:

Why was the organ not removed before the asbestos work was carried out, why was the offer from the organ charity refused, which was at no additional cost, would the Cabinet Member meet with her and the organ preservation society?

The Cabinet Member for City Economy, Councillor John Reynolds, responded that Council needed to distinguish between the organ and organ pipes. The recent work carried out did not have an impact on the organ or organ pipes. Asbestos had been added to the building at various stages as the building had been modified and developed over the years. Therefore, all items removed had been treated as contaminated waste to ensure the project could continue in a timely manner.

He added if a pipe was removed it would cost £250 to test each pipe for asbestos and there would be further costs to remove the pipes. If Councillor Jane Steven had attended the Capital Projects Member Reference Group, she would have had the opportunity to ask questions however, the Conservative Group had not attended the meeting.

Resolved:

That the responses to the written questions be noted.

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	Statement of Gambling Policy	
<b>Referring body</b>	Statutory Licensing Committee, 28 November 2018	
<b>Councillor to present report</b>	Councillor Alan Bolshaw	
<b>Wards affected</b>	All wards	
<b>Cabinet Member with lead responsibility</b>	Councillor Steve Evans, City Environment	
<b>Accountable director</b>	Ross Cook, Service Director of City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee</b>	Chris Howell	Licensing Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
<b>Report has been considered by</b>	Statutory Licensing Committee	28 November 2018

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**Recommendation for decision:**

The Council is recommended to:

1. Approve the revised Statement of Gambling Policy.

## **1.0 Purpose**

- 1.1 The purpose of this report is to seek Councils' approval for the revised Statement of Gambling Policy.

## **2.0 Background**

- 2.1 On 28 November 2018 Statutory Licensing Committee considered a report on the Review of the Statement of Gambling Policy.

- 2.2 Copies of the report have been supplied to Councillors and can also be accessed online on the Council's website. [The public report can be found here.](#)

Councillors are asked to refer to the report when considering the recommendations from the Statutory Licensing Committee.

- 2.3 Statutory Licensing Committee recommended to Council that it approves:

1. The draft policy for implementation from 31 January 2019.

## **3.0 Financial implications**

The financial implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **4.0 Legal implications**

The legal implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **5.0 Equalities implications**

The equalities implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **6.0 Environmental implications**

The environmental implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **7.0 Human resources implications**

The human resources implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **8.0 Corporate Landlord implications**

The Corporate Landlord implications are detailed in the Statutory Licensing Committee report of 28 November 2018.

## **9.0 Schedule of background papers**

Statutory Licensing Committee – Review of the Statement of Gambling Policy – 28  
November 2018

## **10.0 Appendices**

10.1 Appendix 1: Statement of Gambling Policy

10.2 Appendix 2: Gambling Act 2005 - Statement of Principles

10.3 Appendix 3: Gambling Act 2005 - Local Gambling Risk Assessments

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CITY OF  
WOLVERHAMPTON  
COUNCIL

# **Statement of Gambling Policy**

**This Gambling Licensing Policy shall take effect from the 31<sup>st</sup> January 2019**

# STATEMENT OF GAMBLING POLICY

## Gambling Act 2005

(Published for consultation purposes May 2018)

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## PART A

### 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), the Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In carrying out its licensing functions under the Act and in accordance with section 153, the Council will, when making decisions about premises licences and temporary use notices aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of gambling policy

### 2. Introduction

City of Wolverhampton is situated in the West Midlands, which contains seven Councils in total. The Council area has a population of 252,987 and covers an area of 26 square miles. The Council area is urban in nature and is densely populated with approximately 3,500 residents per square kilometre. In addition to the Wolverhampton city centre, there are 3 other local centres, Bilston, Wednesfield and Tettenhall. These areas are shown in the map below.



**The Council is required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.**

The Gambling Act requires that the following parties are consulted by the Council:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

### **3. Declaration**

In producing the final statement, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

### **4. Responsible Authorities**

The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission’s Guidance for licensing authorities, this Council designates the Children and Young People Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council’s website at

<http://www.wolverhampton.gov.uk/article/3000/Responsible-authorities-gambling>

In addition to the Responsible Authorities, the Council recognises the significant risk gambling can have on health and wellbeing and will therefore seek to consult the Director of Public Health on all applications for a gambling licence.

### **5. The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance regarding the manner in which local authorities exercise their licensing functions under the Act. They can be contacted at

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or by post at, The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP.

## 6. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person

- 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 who satisfy paragraph (a) or (b)”

The Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Each case will be decided upon its merits. This Council 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 licensing authorities at 8.9 - 8.11. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.16). This Council 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 i.e. lives sufficiently close to the premises to be 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 this however, the Council will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient.

If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Licensing and Support Services, Civic Centre, St Peters Square, Wolverhampton. WV1 1RP.

## 7. Exchange of Information

The Council is required to include in its statement the principles to be applied by the authority in exercising its function under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## 8. Enforcement

The Council is required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising their functions under part 15 of the Act, with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Council's principles are that:

It will be guided by the Gambling Commission's Guidance for licensing 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.

The Council is committed to avoiding duplication with other regulatory regimes so far as possible. However, it should be noted that it will be necessary to liaise with West Midlands Police on occasion in relation to the consideration of applications and reviews of gambling premises licenses. The Council intends to adopt a similar approach to that utilized for the Licensing Act 2003 and on this basis will seek to agree a set of protocols with the Police that will determine the way in which the two parties interact which is set out within Regulatory Services enforcement policy.

The Council recognises that some companies within the gambling industry will have a number of premises within the City. In order to ensure that any compliance issues are identified and resolved at the earliest stage, operators will be requested, where appropriate, to give the Council a single, named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance issues arise.

This Council has adopted and implemented a risk-based inspection programme based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Gambling Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 05 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating 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 Council but will be notified to the Gambling Commission.

The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

### **9. Licensing Authority Functions**

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miner's welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (as delivered by the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

**PART B****PREMISES LICENCES****1. General Principles**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Council is able to exclude default conditions. The Council also has the power to impose additional conditions or exclude conditions from the licence.

**Decision Making** - The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's Statement of Gambling Policy.

It is appreciated that, as stated in the Gambling Commission's Guidance for licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except in the case of a 'no casino resolution' - see section on Casinos) and also, that "unmet demand" is not a consideration for a licensing authority.

**Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in Guidance to Licensing Authorities that: "In most cases the exception is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is locations within a wider venue, a Licensing Authority should request a plan of the venue on which the premise should be identified."

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The Council takes particular note of the Gambling Commission's Guidance for Licensing authorities which states that: Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises' should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

### **Casinos**

- the principal entrance to the premises must be from a street (as defined at 7.23 of the guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

### **Betting Shops**

- Access must be from a street (as defined at 7.23 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of the café – the whole area would have to be licensed.

**Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

**Bingo Premises**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premise, other than a track

**Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

**Premises “ready for gambling”**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the council can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56-7.65 of the Guidance.

**Location** – The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In accordance with the Gambling Commission’s Guidance for licensing authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

**Planning:**

The Gambling Commission Guidance to licensing authorities, states:

7.58 - In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this Guidance gives more information about provisional statements.

The Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

**Duplication with other regulatory regimes** – The Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of

organised crime the authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** – The Council has noted that the Gambling Commission state that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** – The Council has noted the Gambling Commission's Guidance (**for local authorities**) states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include, but are not limited to,

- the supervision of entrances to prevent access by children (or known vulnerable persons)
- the supervision and monitoring of gaming machines,
- specifying the location of gaming machines
- areas where the nature of the gambling carried on in those areas should not be available to children should be segregated to exclude their entrance.

Measures are also likely to include a general requirement, in terms of the licensing of premises, in relation to the protection of children from harm and the prevention of vulnerable persons being harmed or exploited by gambling. In so doing it is anticipated that the Council will encourage, in its administration of gambling premises licensing, the promotion of organisations that seek to protect members of the public from gambling beyond their means and provide assistance to those who already gamble beyond their means.

The Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” The Council will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building 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; and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as, the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect applicants to offer their own suggestions as to way in which the licensing objectives can be met effectively.

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. These measures may include, but are not limited to, the supervision of entrances; segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Council will seek to ensure that where category C or above machines are available for use in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated 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 these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to, and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premise licences are applicable.

The Council is aware that tracks may be subject to one, or more than one, premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council notes that there are conditions which the licensing authority cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winning or prizes.

**Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if the Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons)

then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **2. Adult Gaming Centres**

The Council will have specific 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, for example, ensure that under 18 year olds do not have access to the premises.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **3. (Licensed) Family Entertainment Centres**

The Council will have specific 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Measures/Training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Council will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### **4. Casinos**

##### ***Casinos and competitive bidding – Small casinos***

The Council was empowered by Parliament to grant one premises licence for a small casino. The licence has now been granted. The Council has no power to grant further casino licences.

***Licence considerations / conditions*** – The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

***Betting machines*** – The Council will, as per the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **5. Bingo Premises**

The Council notes that the Gambling Commission's Guidance states:

18.5 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 bingo 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 licences, for that or those excluded areas.

18.8 - Section 172(7) provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

#### **6. Betting Premises**

Betting machines – The Council will, in accordance with the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 7. Tracks

The Council is aware that tracks may be subject to one, or more than one, premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council will therefore expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

**Betting machines** – The Council will, as per part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that the council can be satisfied that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

## **8. Travelling Fairs**

The Council is responsible for deciding whether, where category D gaming machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

The Council will consider whether the applicant falls within the statutory definition of a travelling fair. Travelling fairs do not require any permit to provide gaming machines but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. Provisional Statements**

Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

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The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

### **10. Premises Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however it is for the council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's Statement of Gambling Policy.

The request for the review will also be subject to the consideration by the council as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence, on the basis of any reason which it thinks is appropriate.

## APPENDIX 1

Once a valid application for a review has been received by the council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The council must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the council should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the council must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## PART C

### Permits / Temporary & Occasional Use Notices

#### 1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council for a gaming machine permit. It should be noted that the applicant must show that the premise will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that the Council 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 for considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. The Gambling Commission's Guidance to licensing authorities also states: "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...., licensing authorities will want to give weight to child protection issues." (24.8)

Guidance also states: an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. On this basis the Council will ask applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

#### **Statement of Principles**

The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits however, they may include appropriate measures and training for staff as regards suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premise. The Council will require applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

A full copy of the statement of principles is available on request to:

Licensing Services  
Wolverhampton City Council  
Civic Centre  
St Peters Square  
Wolverhampton  
WV1 1RP

[licensing@wolverhampton.gov.uk](mailto:licensing@wolverhampton.gov.uk)

## **2. (Alcohol) Licensed Premises Gaming Machine Permits**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Council of them.

The Council can remove this automatic authorisation in respect of any particular premise, if:

- provision of 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 licensing 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.

### ***Permit: 3 or more machines***

If a premises wishes to have more than 2 machines, then it will need to apply for a permit from the Council. The Council will then consider the application based upon the licensing objectives and any guidance issued by the Gambling Commission. The Commission also states that the Council should also consider other relevant matters. Such matters will be decided on a case by case basis but generally the Council will have 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. These measures may include the adult machines being in sight of the bar, or in the sight of staff that will monitor the machines to ensure they are not being used by those under 18.

Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as Gamcare.

The Council recognises that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

It should also be noted that the Council can decide to grant the 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.

Applicants should also note that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission regarding the location and operation of gaming machines.

### **3. Prize Gaming Permits**

The Gambling Act 2005 states that the Council 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 licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Accordingly, the Council has prepared a Statement of Principles which requires the applicant to set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- and, that the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for this permit the Council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that the Council cannot and therefore will not attach conditions to the permit. However where facilities are provided in an adult gaming centre, a licensed family centre or for equal chance prize gaming, section 293 of the Gaming Act 2005 provides conditions with which the permit holder must comply. These 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.

### **4. Club Gaming and Club Machines Permits**

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 forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "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. The Secretary of State

has made regulation and these cover bridge and whist clubs, which replicate(s) 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."

The Commission Guidance also states that "licensing authorities may only refuse an application on the grounds that:

- (a) 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;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police."

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 Paragraph 10). As the Gambling Commission Guidance to licensing authorities 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 the Council can refuse a permit are reduced. And "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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. The Council will enforce these statutory conditions.

## **5. Temporary Use Notices**

Temporary use notice(s) 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 temporary use notice according to the gambling commission would include hotels, conference centres and sporting venues.

The council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

## **6. Occasional Use Notices**

The council 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 council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

The Council will though consider the definition of a 'track' and whether applicant is permitted to avail him/herself of the notice.

- Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1<sup>st</sup> January.
- The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.
- A notice must be served on the Council and copied to the Chief of Police.
- The notice must specify the day on which it has effect and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.
- The Council will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.
- No gaming machines may be provided

## **7. Lotteries**

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act. One exemption is in respect of what are termed 'small society lotteries'. The Council will be responsible for registering these small lotteries.

A society will be allowed to register with the Council if it is a 'non-commercial' lottery i.e. it is established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or of supporting, sporting, athletic or cultural activities or
- for any other non-commercial purpose other than for private gain

The Council will maintain a register of small society lotteries which it has registered.

## **8. Local Authority Lotteries**

Under the terms of the Act Council's can, if they elect to do so, apply to the Gambling Commission for a licence to operate a Local Authority Lottery, the proceeds of which should be utilised for the benefit of the local community.

**PART D****Small Casino Licence**

1. On 15<sup>th</sup> May 2008 the categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino premises Licences) Order 2008 were approved. This specified which licensing Authorities could issue large and small casinos. Wolverhampton City Council was one of the authorities authorised to issue a small casino premises licence.
2. The council issued the licence for a Small Casino under Part 8 of the act on 12 September 2016 in accordance with the following principles. If the Council is able to issue a further licence at any time in the future it will do so in accordance with those principles.
3. On 26<sup>th</sup> February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:
  - a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
  - b) matters to which the Licensing Authority should have regard in making those determinations.
4. The Licensing Authority is aware that there may be a number of applications made by operators to operate the small Casino in the City, including existing Casino operators, who currently have licenses in the city. In such a situation, the Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the DCMS Code of Practice issued by the Secretary of State.
5. In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the small Casino Premises Licence.
6. Where the Licensing Authority receives more than one valid application for a Casino Premises Licence or Provisional Statement, there will be a two-stage application process in accordance with the DCMS Code of Practice issued by the Secretary of State.

**General Principles**

7. The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:
  - (a) hold or have applied for an Operating Licence; issued by the Gambling Commission.
  - (b) have the right to occupy the land or buildings that is the proposed site of the Casino.

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8. In making any decision in respect of an application, the Licensing Authority shall not take into account whether or not an applicant has planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission be sought prior to submitting an application in order to avoid disappointment. Conditions or agreements attached to Planning consents usually fall outside the Licensing process and will not therefore be taken into account by the Licensing Authority at Stage 2 of the competition. Therefore, benefits which are likely to arise independently of the Licensing process will be disregarded.
9. The Licensing Authority will not consider unmet demand when considering applications for casino premises licenses and each application will be taken on its own merit.
10. Where more than one valid application is received, the Stage 2 process will commence and the Licensing Authority will expect the applicant to set out and demonstrate the deliverable benefit such a development will bring to the residents of the borough, the contribution it will make to the well being of the area, and the steps it will take to minimise and mitigate any disbenefits.
11. In determining the principles the Licensing Authority intends to apply in making any determination for a Casino Premises Licence or Provisional Statement, the Licensing Authority will pay specific regard to:
  - Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority however recognises that persons who gamble beyond their means do not necessarily emanate from Casino's and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
  - Any provision that is made for preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
  - Any provision that is made for ensuring that gambling is conducted in a fair and open way.
  - The beneficial impacts the proposal will have and, in the Authority's view, which proposal will deliver the greatest benefit to the Authority's area.
  - The design and location of the proposed development and the nature / character of the surrounding area.
  - Range and nature of non gambling facilities to be offered as part of the proposed development.
  - Likely effects of an application on employment, training opportunities and regeneration in the local area.
  - Deliverability of the development, any financial and other contributions proposed by the applicant, and any steps to be taken by the applicant to monitor the impact of the Casino and to mitigate adverse effects and to assess the community benefit.

12. The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the principles for determining applications or the procedure for assessing applications so as to make it unfair or perceived to be unfair to any application. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.
13. The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice. In making a decision on both stages the Licensing Authority will take heed of any Codes of Practice and Regulations issued by the Secretary of State, DCMS and Gambling Commission.

### **Casino Application Stage 1**

14. The Licensing Authority will publish an invitation in a trade newspaper, journal or similar publication, which the Licensing Authority considers likely to be read by potential applicants in the United Kingdom or abroad.
15. The Licensing Authority shall provide an application pack to all applicants, which will include a Statement of the procedure the Licensing Authority proposes to follow and the detailed principles to be considered in assessing applications for the Casino Premises Licence or Provisional Statement.
16. Stage 1 will be implemented after the closing date for receipt of applications where the Licensing Authority receives one or more applications. Applications may also include provisional statement applications. Applications received prior to the closing date will be deferred until after this date. The Licensing Authority will consider each application separately on its own merit with no comparison being made to the other applications received.
17. At this stage the Licensing Authority cannot accept any additional information other than the information required by the Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 for Stage 1. All such additional information will be disregarded and returned to the applicant.
18. With regard to Stage 1, the General Principles as stated at paragraphs 7-12 in this Gambling Policy shall apply to all applications.
19. The Licensing Authority recognises that each of the other competing applicants are considered as an 'interested party' and as a result may make representations. As such applicants are reminded that each representation will be considered carefully to ensure they meet those principles.
20. Representations will be treated in the same manner as for a Premises Licence or Provisional Statement, and in accordance with the paragraphs relating to representations and interested parties in this Policy and in the Gambling Commissions Guidance to Local Authorities. It is recognised that the Licensing Authority's decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until the final determination of all appeals.
21. Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Statement will have effect. The Authority may consider extending this period if the applicant so applies.

22. If more than one application for a premises licence or Provisional Statement results in a decision to grant a premises license or Provisional Statement, Stage 2 of the licensing procedure will be implemented.

### **Casino Application Stage 2**

23. Stage 2 will be implemented after the closing date for the competition, if more than one application under Stage 1 has been granted and following the final determination of any appeal of a stage 1 decision.
24. At this stage, the applicant will be required to state the benefit they can bring to the residents of Wolverhampton and how they can contribute to the well being of this area.
25. Full details of the Licensing Authority's criteria, procedure and an explanation of the proposed evaluation process will be enclosed in the application pack that will be sent to applicants.
26. The Licensing Authority will decide between the competing applications and grant the available licence to the applicant that it considers in its opinion will result in the greatest benefit to Wolverhampton. The competition will be judged on a wide range of issues, reflecting the issues that are important to the city, local concerns and local priorities.
27. The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area.
28. The Licensing Authority will not, during Stage 2, discuss the details of a person's application with the other competing applicants without that person's permission.
29. The Licensing Authority will expect the applicants to enter into a written agreement in order to secure the benefits proposed. The Licensing Authority may have regard to this agreement when determining which application would result in the greatest benefit to the Authority's area. The Licensing Authority will attach conditions to a licence granted so as to give effect to any agreement entered into. The agreement will allow for an applicant to provide a third party guarantor and will have regard to the effect of any agreement so entered into and any guarantee provided in such agreement in making the determination on the competing applications.

### **General Principles that apply and information to be provided that the licensing authority consider appropriate in determining whether to grant a Licence**

30. The Licensing Authority has set out in Appendix 1 an overview of the principles for selection. It is expected that applicants be fully conversant with this and the Council's policies, strategies and plans. Further details of these will be stated in the application pack. In addition the applicant will be expected to have understood and be fully conversant with any Codes of Practice issued by the Gambling Commission or Department of Culture, Media and Sport.
31. With regard to the Local Authority's preferred location for the Casino, although applicants are able to submit plans for any site within the Borough which will be

judged on their own individual merits, applicants should have regard to the Council's Local Development Framework for the area.

32. The Licensing Authority expect applicants to present a detailed package that will bring the greatest benefit to the Authority's area taking into account the criteria set out in Appendix 1. It is expected that the applicants will have undertaken detailed research and liaised with the relevant departments of the Council prior to submitting their application.
33. The applicant will be expected to provide:
  - A scaled plan of the premises including the table gaming area (including electronic gaming), machines area, other gaming areas and any non gaming areas. The Licensing Authority will also require full details of minimum and maximum numbers of gaming tables, automated tables, electronic gaming terminals and electronic gaming machines and any other games to be provided. In evaluating competing applications the Licensing Authority will take into account the degree to which the proposal offers a wide range casino experience, as opposed to a concentration on a small number of types of games.
  - Detailed numbers of all staff and Personal Licence Holders to be employed, together with a clear management structure.
  - Proposals for refreshment and entertainment. Where alcohol is to be supplied, the Licensing Authority would wish to have sight of the menu to ensure substantial refreshment and not just bar snacks will be provided.
  - An indication of the proposed location of the casino, which should be sustainable and appropriate taking into account transport accessibility. Each application will be considered on its own merit assuming it meets this Council's competition criteria. Applicants must provide an indication of the availability of the site chosen, including any matter that may impact on anytime restraint that may affect the delivery of the proposal. Details may also be required of any proposed linked development, including plans, and the extent to which the Casino would be dependent on any linked development and vice versa.
  - Demonstration of sufficient financial capacity to raise the funding for the scheme.
  - Evidence of financial standing including submission of the applicant's last 3 year financial accounts, together with 2 financial references confirming that there is sufficient finance in place to ensure delivery of the project.
  - Two professional references to evidence that the applicant has a demonstrable ability within the casino / gambling sector.
  - Submission of a clear and detailed Business Plan supported by a signed agreement in a form that is acceptable to the Council, committing the applicant in the event that his application is successful to the proposals that he has put forward.

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- A timescale for implementation and completion of the proposed development (casino and/or ancillary developments) and, where applicable, setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.
- Evidence that there is ongoing consultation with statutory bodies and responsible authorities to ensure that all statutory regulations/legislation are complied with.
- Evidence of ongoing consultation with West Midlands Police in particular with respect to the development and evaluation of scheme proposals to promote the prevention of crime and disorder. Proposals should consider for example: CCTV, security procedures and relevant policies, Door Supervisors, external and internal lighting, and proposals to ensure that where possible opportunities for crime are designed out at an early stage. West Midlands Police however expects the Operator to take responsibility for their own security issues.
- Evidence of a robust training plan that will be put in place for all employees in accordance with the Gambling Commissions Licence conditions and Codes of Practice. Training to cover all matters including awareness of the Licensing Objectives, knowledge of the gambling legislation, an awareness of problem gambling and all relevant internal procedures. In addition, applicants are required as part of their training plan to evidence customer service training and a knowledge of the local area.
- The applicant will be expected to provide a Premises Log Book recording all training undertaken and this should be signed by the recipient to acknowledge training was given and understood. All training should be ongoing and based on a two-tier system. This system should demonstrate that staff are trained to their level of responsibility with senior staff trained to a higher level to ensure that they can effectively apply procedures and respond appropriately to any consumer requesting information, or assistance.
- Evidence of Policies and Procedures that will be put in place to protect children and vulnerable persons from harm. In particular, the applicant should evidence clearly how they intend to promote the Licensing Objectives.
- A Policy detailing the mechanism enabling the applicant to identify problem gamblers. This Policy should be incorporated within the Training Plan for all employees. This Policy is likely to set out how advice and support will be provided to those engaged in or affected by problem gambling.
- A Policy detailing commitment to educating the community on gambling and problem gambling.
- An Admissions Policy incorporating procedures for Door Supervisors to manage the entry of individuals affected by alcohol or other substance abuse, under age persons and any dress code.
- Confirmation that all gambling advice will be available in a language other than English when a predetermined percentage of regular customers are identified as speaking that language.

- A Social Responsibility Policy and casino rules for each gambling activity on offer. In addition, the applicant shall provide within the gaming area a specific practice area/room that enables any customer to learn how to gamble on the various activities offered without feeling intimidated or embarrassed. Where there is a practice room there shall be information provided that emphasises the importance of staying in control of their gambling, the steps they can take to achieve this and where to access help should they become concerned about their gambling. Where an area is provided, there should be leaflets and information clearly displayed setting out these points.
  - An indication on the plan where the separate non-gambling refuge area of the premises is located. This area should provide a refuge from gambling and could be by way of a non threatening sound proofed quiet room that is always available for those concerned about their own or someone else's gambling. Within this room there should be installed the facility to telephone appropriate counselling services, access online counselling facilities or contact a local face-to-face counselling service or Gamcare. Leaflets with contact addresses and telephone numbers should be prominently displayed within this room. This is in addition to any information displayed in other non gambling areas such as toilet or hospitality areas.
34. Evidence on how the proposal is likely to benefit the City, in terms of an assessment of the social, economic and physical impact, will be required to be submitted with the application. Guidance on local priorities and how proposals could benefit the City and the community will be set out in the application pack and are summarised in Appendix 1, together with criteria against which the Council will judge the package of non-gambling public benefits which should accompany the application. These criteria and priorities which will be used to assess which application provides the greatest benefit are summarised below:
- Proposals for the location of the casino and other high quality leisure and entertainment facilities and how the site(s) selected and the design and architecture will regenerate the surrounding area and street scene.
  - Proposals regarding day/night access and travel arrangements to and from the casino taking into consideration staff and customer travel
  - How the proposal will assist with the rebranding of the tourism sector towards a new upmarket image and address issues relating to hotels, conference facilities and cinema.
  - How the proposal will improve the environment with improved public realm, tackling poor buildings or the provision of new infrastructure.
  - The provision of a marketing policy which explains how the proposal will promote the City in line with the Council's strategy to improve the quality and image of the City.
  - Support for contributions towards community schemes, such as improving the night time economy, and the local community/voluntary sector.
  - How the proposals will directly assist sustainable job creation, safeguard existing jobs, local economic benefit and regeneration, learning and skills, youth unemployment specifically non-gambling related jobs.
  - How the proposal will deal with social responsibility including problem/fair gambling, protection of children and vulnerable people, crime and disorder, public nuisance and the Council's Cumulative Impact Policy.

35. In addition, the Licensing Authority will expect the applicant to state:
- How many new jobs the casino will create and its employment policy with regard to local recruitment;
  - How many existing jobs will be safeguarded by the proposed development;
  - Sustainable Training Policy it intends to promote with regard to training of local employees into the casino market;
  - Any policy on local service providers, such as local architects, designers, contractors and suppliers when constructing the casino;
  - Policy on suppliers for the casino itself to be sourced from small and medium sized businesses, including local businesses;
  - Set out what local community partnership it proposes to communicate and consult with;
  - The regeneration benefits of the additional facilities particularly the benefits that will be delivered in terms of non gaming facilities/services;
  - The financial viability of the proposal;
  - The monitoring and reporting on the impact of the casino.
36. The Licensing Authority will expect applicants to present a detailed package that will bring maximum benefit to the city and it is expected that the applicant will have undergone detailed research and liaised with the relevant departments of the Council prior to submitting their application.
37. In assessing the impact of competing bids the applicant will be expected to have taken into account the additional criteria set out in Appendix 1 to this Policy. In addition, the applicant will be expected to have understood and be fully conversant with any Codes of Practice issued by the Gambling Commission or Department of Culture, Media and Sport.

### **Process of Evaluation**

38. The Council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
39. As it is recognised that the Licensing Authority does not necessarily have planning or regeneration expertise it may, in certain circumstances, seek advice on an applicant's proposal from officers in other relevant departments such as Planning, Highways, Finance, Regeneration, Legal, etc. For this purpose, the Licensing Authority may request that an independent Evaluation Panel be formed to assist in the evaluation of the Stage 2 application process. Members of this group will comprise of individuals who are not biased or perceived to be biased and whose personal interests will not compromise their independence. They will be individuals who are able to maintain the confidentiality on which the integrity of this process demands. It will be for the Licensing Authority to determine which individuals would best represent the interests of the community. Where such a panel is formed, the Licensing Authority will require a written remit on the purposes of the panel to ensure that the process is open and transparent.

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40. It is accepted that only the Licensing Authority, consisting of elected Members and not Members of the Evaluation Panel, will make the final decision on the successful applicant. Licensing Authority Members are bound by code of conduct and rules governing the competition. All applications will be kept confidential throughout the competition process and in accordance with the Stage 2 Storage Protocol until such time as a decision is made. In any event it should be noted that the entire process is open to judicial review. The Licensing Authority will, however, give equal time to all applications and will carefully scrutinise all proposals prior to making any decision. The process will be open, fair and transparent.
41. In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's website; alternatively a hard copy will be made available on request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.
42. In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage so as to maintain confidentiality. This Protocol is available on the Council's website or a hard copy is available from the Council's offices upon request.
43. Where there is more than one applicant who complies with the competition criteria the Licensing Authority shall hold individual hearings where the applicant will be given the opportunity to expand and explain their proposals. However, it is strongly recommended that all documents and paperwork in support of these proposals are submitted to the Licensing Authority well in advance in order to give the Licensing Committee sufficient time to seek advice and read through the proposals.
44. Once all the bid documentation has been submitted, the Evaluation Panel will evaluate each bid and the bids will be scored numerically within definite bands. Once assessed, the Evaluation Panel will ensure that the draft evaluation on each applicant is sent to the applicant to enable the relevant applicant to correct any factual errors or make representations as to the scoring or qualitative evaluation. At this stage they will not, however, be permitted to provide any new information.
45. The Evaluation Panel will then provide a final written report with a copy of all applicants' representations to the Licensing Committee. While it is legally possible for the Committee to delegate the decision to a Sub-Committee, the Licensing Authority intends that the decision shall be made by a wide body of councillors and so has decided that the Licensing Committee itself shall decide the applications. However, the quorum for the Committee shall be set at 5 so as to ensure that the Committee may continue to sit even if one or more of its members are indisposed. Assisted by the Evaluation Panel's recommendation as to the correct band for

each criterion, the Panel's qualitative evaluation and also the applicant's response, the Licensing Committee will determine a precise score within each recommended band for each criterion. The Committee will not take further evidence or representations by the applicants but will then make its decision. However, where the Committee has any new concerns not previously identified, it may give the applicant an opportunity of answering them.

- a. The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. It should be noted that once a decision has been made there will be no right of appeal.

## **Part D – Appendix 1**

### **Application Guidance: Principles for Selection**

#### **1. Introduction**

- 1.1 This Appendix outlines the general principle criteria, which will be used by the Council to assess applications received for a small casino licence. The criteria include general guidance and specific principles, which will be taken into account by the Council in judging the merits of applications. The guidance represents a summary of the objectives of the Council in relation to the development of a small casino, further details will be provided in the application pack.
- 1.2 The guidance aims to advise applicants on the positive impacts for economic physical and social regeneration from a casino that the Council will be seeking, and what it will seek in terms of mitigating and minimising any adverse or negative social impact.
- 1.3 The Council wishes to maximise, harness or capture the economic benefits of a casino in the public interest. This is an exciting time for Casino operators to consider investing in Wolverhampton because of the major changes which are taking place in the city with increasing investor confidence and major public and privately funded development projects underway which are significantly changing the face of the city. Therefore, the Council requires the applicant to understand the physical, social and economic issues in the city and develop the casino in a way which addresses local problems and opportunities.
- 1.4 The guidance provides an indication of local priorities and which issues are likely to be assessed as providing the greatest benefit to the area.
- 1.5 Whilst guidance sets out the principles the Council will use in assessing applications, it is not intended to be prescriptive and applicants are encouraged to examine the opportunities currently presented by the city and apply their own expertise and creativity in compiling their applications licence.

- 1.6 The Council wishes to see lasting, tangible and visible public benefits arising from a casino development. Facilities or capital or revenue should not impose future costs on the community or the Council that is not shown to be capable of being funded by the casino operator.

## 2. General Principles

- 2.1 **The following are the key principles/criteria that the Licensing Authority will consider in assessing which casino submission provides the greatest benefit to the area.**

### 2.2 Social Responsibility

- 2.3 Prior to the issuing of any premises licences operators will have reached the required standards in social responsibility laid down by the Gambling Commission via the application process for operating and personal licences.

- 2.4 Stage 2 will consider proposals over and above the social responsibility standards laid down by the Gambling Commission, which in the Licensing Authority's view will confer the greater levels of benefit to the area/best minimise harm, including:

- a) proposals for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder, being associated with the sex industry, or being used to support crime;
- b) proposals to identify and mitigate problem gambling including policies on access restrictions, provision of safe practice zones etc;
- c) financial contributions that will be made by the casino operator to support the provision of services to support those suffering from problem gambling, over and above payments currently provided via the RIGT levy.

### 2.5 Employment

- 2.6 The Licensing Authority wishes to see training and employment opportunities maximised for local residents with staff training within the Wolverhampton area. Proposals should include opportunities that will be created for local employment including:

- a) the number of jobs created during construction of the casino;
- b) the number and types of jobs directly created within the new casino;
- c) training to be provided for staff, including recognised accredited qualifications.
- d) the number and types of jobs created in ancillary, non-casino activities;
- e) in both cases job 'types' should include indication of pay levels, and levels of qualification required;
- f) proposals to maximise local recruitment to jobs;
- g) proposals to maximise local training opportunities; and

- h) investment in local training provision/infrastructure to enhance capacity to deliver training opportunities.
- 2.7 Local Business Benefits
- 2.8 Opportunities that will be available to local businesses to compete for work related to the construction and operation of the casino, including:
- a) proposals for local contractors/sub-contractors/suppliers to be involved in the construction phase;
  - b) proposals for local contractors/sub-contractors/suppliers to be involved in the casino and associated activities operation.
- 2.9 Regeneration benefits – additional facilities
- 2.10 What additional benefits will be delivered in terms of non-gaming facilities / services including:
- a) associated on-site leisure facilities/services including restaurants and bars (including destination quality restaurant), retail, performance space, etc included in proposals;
  - b) hotel development supported by the casino (either off-site or on-site) including hotel star rating and associated hotel facilities such as conference, health-spa, etc;
  - c) overall impact/contribution of the proposed casino to Wolverhampton in terms of:
    - its night-time economy offer;
    - its cultural offer;
    - its retail offer;
    - its overall city-regional role;
    - the image and perception of Wolverhampton
- 2.11 Regeneration benefits – physical development
- 2.12 What benefits the proposal will give the area in terms of its physical impact including:
- a) the capital value of the proposed development;
  - b) the quality of the proposed design;
  - c) the impact of the proposal on the immediate surrounding area/environment, including other investment attracted due to the casino;
  - d) the impact on Wolverhampton image through additional high quality development;
  - e) the environment/carbon reduction quality of the proposals;
  - f) proposals for access, public transport and parking and any additional benefits these provide other than for immediate casino use/access;
  - g) any other benefits or added value which will accrue to the area from the proposal/location of the casino.

- 2.13 Regeneration benefits – community regeneration
- 2.14 In addition to the benefits already outlined, any other benefits of the proposal to the community.
- 2.15 Financial contributions
- 2.16 There may be instances where benefits take the form of financial contributions by the license-holder to the Council for a number of purposes. If these types of benefits are included in proposals then proposers are requested to identify either the flat rate sums involved, or appropriate methods for determining the levels of these contributions based on profit share or other formulae.
- 2.17 Deliverability and Risk
- 2.18 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and contractual obligation with penalties for non-delivery is required.
- 2.19 The application pack will include a template agreement under paragraph 5(3) (b) of Schedule 9 to the 2005 Act (“a schedule 9 agreement”). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligations as opposed to merely damages for non-delivery, are likely to receive greater weight in the evaluation process.
- 2.20 The council is aware that the casino application may form part of a wider development proposal. The stage 2 evaluation will only take into consideration parts of a development that the applicant is willing to make a firm contractual commitment to deliver within a set timescale. Any benefits not supported by a contractual commitment in the schedule 9 agreement along with meaningful proposed penalties on non-delivery or delay and without proof of funding will receive little if any weight. Development outside of the control of the applicant will not be considered.
- 2.21 Further detail including the information required its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

2.22 Commuted Sums

2.23 Where appropriate the Licensing Authority will also require that commuted sums be payable in lieu of regeneration benefits proposed which are subsequently not delivered.

2.24 Proposals are sought as to the value of commuted sums, suggested mechanism for handling of commuted sums, etc.

CITY OF  
WOLVERHAMPTON  
COUNCIL

# **CITY OF WOLVERHAMPTON COUNCIL**

## **GAMBLING ACT 2005**

Statement of Principles

Unlicensed Family Entertainment Centre –  
Gaming Machine Permits

&

Prize Gaming Permits

## **Statement of Principles – Gambling Act 2005**

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  - 5.4 Other miscellaneous issues
  - 5.5 Consideration of applications

## 1. The Gambling Act 2005

- 1.1 The Gambling Act 2005 creates a new system of licensing and regulation for commercial gambling.

The Act contains three licensing objectives which underpin the functions under the Act:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 1.2 The Act has introduced a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Act removes from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and licensing authorities will share between them responsibility for all matters previously regulated by licensing justices

- 1.3 The Act gives licensing authorities, such as City of Wolverhampton Council (the Council), a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- 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 occasional use notices for betting at tracks; and
- register small societies' lotteries.

## 2. Purpose of this document

- 2.1 This document has been prepared to assist persons considering making an application for either an Unlicensed Family Entertainment Centre (uFEC) gaming machine permit or a prize gaming permit under the Gambling Act 2005.

- 2.2 In respect of uFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with

paragraph 8 of Schedule 14 of the Act. This document should be read in conjunction with the document 'Wolverhampton City Council – Statement of Gambling Policy'.

- 2.3 When considering permit applications for uFEC gaming machine permits and prize gaming permits, the Council:
- need not (but may) have regard to the licensing objectives;
  - must have regard to any guidance issued by the Gambling Commission; and
  - can draw up a statement of principles to be applied in relation to applications for uFEC and prize gaming permit applications.
- 2.4 The purpose of this document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits to enable the Council to determine the suitability of an applicant and the premises for a permit.
- 2.5 Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:
- they are a suitable person to hold the permit;
  - they have considered and are proposing suitable measures to promote the licensing objectives; and
  - they have a legal right to occupy the premises to which the permit is sought.

### **3. Unlicensed family entertainment centres**

- 3.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.
- 3.2 The Council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bona-fide unlicensed family entertainment centre.
- 3.3 In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.
- 3.4 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time (permits are granted for a period of ten years).

## **4. Prize gaming permits**

- 4.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences
- 4.2 A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.
- 4.3 Applicants should be aware of the conditions in the Act by which prize gaming permit holders must comply. 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.
- 4.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.
- 4.5 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time (permits are granted for a period of ten years).

## **5. Statement of Principles for uFEC gaming machine permits and prize gaming permits**

### **5.1 Supporting documents**

- 5.1.1 The Licensing Authority (hereafter called the Council) will require the following supporting documents to be provided with all uFEC gaming machine permit and prize gaming permit applications:
- proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over);
  - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document;
  - In the case of applications for a uFEC gaming machine permit evidence that the machines to be provided are or were supplied by

a licensed gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission; and

- A plan of the premises to which the permit is sought showing the following:
  - the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
  - where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny falls, cranes)
  - the location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed.
  - the positioning and types of any other amusement machines on the premises
  - the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
  - the location of any ATM/cash machines or change machines
  - the location of any fixed or temporary structures such as columns or pillars
  - the location and height of any stages in the premises;
  - any steps, stairs, elevators, balconies or lifts in the premises; and
  - the location of any public toilets in the building.

Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

## 5.2 Child protection issues

5.2.1 The Council will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported;
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school;
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays;

- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times;
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.);
- ensure all young children are accompanied by a responsible adult;
- maintain policies to deal with any young children who enter the premises unaccompanied; and
- enhanced criminal records checks for all staff who will be working closely with children.

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

### **5.3 Protection of vulnerable persons issues**

5.3.1 The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to Part B Section 1 of the Council's 'Gambling Act 2005 - Statement of Licensing Policy' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits; however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- display Gamcare helpline stickers on all gaming machines;
- display Gamcare posters in prominent locations on the premises;
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable; and
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines).

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

### **5.4 Other miscellaneous issues**

5.4.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of nuisance as follows:

- maintain an effective CCTV system to monitor the interior and exterior of the premises;
- keep the exterior of the premises clean and tidy;
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises;
- consider the design and layout of the outside of the premises to deter the congregation of children and youths; and
- to ensure the premises are smoke free.

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

## **5.5 Consideration of applications**

5.5.1 The application for an uFEC or prize gaming permit (PGP) must be made on the approved application form and be accompanied by the required supporting documents plus prescribed fee as set by the Secretary of State.

5.5.2 The application form must be fully completed in accordance with the accompanying guidance notes applicable at the time of application.

### **5.5.3 Granting or Refusing a Permit**

- a. A permit cannot be issued in respect of a vessel or a vehicle.
- b. The applicant must be aged 18 and over.
- c. The Licensing Section of Wolverhampton City Council will have delegated authority to consider all applications for a permit.
- d. Prior to any consideration of an application for a permit the Council will consult with the Chief Officer of Police as required under the Act, responsible for the Wolverhampton area, on the application. The Council will provide the Chief Officer of Police with a copy of the application form and ask if they have any objection to the issuing of the permit. Their response will be requested to be communicated to the Council within 21 days of receipt of the copy application form.
- e. The application will be considered with reference to the following:
  - Any conviction of any applicant as notified to the Council that would make them unsuitable to operate prize gaming
  - The location of the intended premises in relation to
    - (a) Other gambling premises
    - (b) Educational premises
    - (c) Retail units
    - (d) Any area where children or young persons use or congregate

- (e) Alcohol licensed premises
    - (f) Reported instances of disturbance in the vicinity
  - Measure either in place or planned to satisfy the points raised in:
    - Point 5.2 child protection issues
    - Point 5.3 protection of vulnerable persons
    - Point 5.4 other miscellaneous issues
  - Any objection made by the Chief Officer of Police
- f. Each application will be considered on an individual basis with reference to the criteria contained in Point 5.
- g. The decision, by a delegated officer, on each application will be recommended in an appropriate form to the Chief Environmental Services Officer who will authorise, reverse or request further information on the decision, until a decision to grant or refuse is made.
- h. If the application is granted a permit will be issued in the prescribed form within 14 days.
- i. The Council may not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- j. A permit that has been issued will have effect for 10 years and no annual fee is payable.
- k. The permit may lapse for a number of reasons:
- a. if the holder ceases to occupy the premises;
  - b. if the Council notify the holder that the premises are not being used as an uFEC.
  - c. if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of his estate is ordered; or
  - d. if the company holding the permit ceases to exist, or goes into liquidation.
- l. Where a permit lapses, the Act provides that the permit may be relied upon for a period of six months after it has lapsed, by the following persons:
- the personal representative of the holder (in the case of death);
  - the trustee of the bankrupt's estate (in the case of individual bankruptcy);
  - the holder's interim or permanent trustee (in the case of an individual whose estate is sequestrated); or
  - the liquidator of the company (in the case of a company that goes into liquidation).

- m. The permit may also cease to have effect if the holder surrenders it to the Council. Notice of such surrender must be accompanied by the permit, or by an explanation of why the permit cannot be produced.
- n. If the permit holder is convicted of a relevant offence (that is an offence listed in schedule 7 of the Act) the court may order the forfeiture of the permit. The court must order the holder to deliver the permit to the Council, or provide a statement explaining why it is not reasonably practicable to produce it. The court must notify the Council that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court pending appeal against conviction of a relevant offence.
- o. The permit must be kept on the premises and it is an offence not to produce it when requested to by a constable, an enforcement officer, or an authorised local authority officer.
- p. If a permit is lost, stolen or damaged, the holder may apply for a replacement, subject to paying a fee that will be set by the Secretary of State in regulations. The Council will grant the application if it is satisfied that the permit has been lost, stolen or damaged and a report has been made to the Police. The Council will then issue a copy and certify it as a true copy.
- q. If the person to whom the permit is issued changes their name or wishes to be known as another name they may send the permit along with the prescribed fee as set by the Secretary of State, to the Council to request that a new name be substituted for the old name. The Council will comply with the request and return the permit to the holder.

### 5.5.4 Appeal Procedure

- a. The applicant for or holder of a permit may appeal if the Council:
  - 1. reject an application for the issue or renewal of a permit,
  - 2. give notice that the holder that the premises are not being used as a uFEC, or
  - 3. give notice that in its opinion the individual permit holder is incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity.
- b. An appeal must be instituted in Wolverhampton Magistrates Court, by notice of appeal to the Council and must be done within 21 days beginning with the day on which the notice of refusal (Point 9.) is given.
- c. On appeal the court may:
  - dismiss the appeal;

## **APPENDIX 2**

- substitute for the decision appealed against;
- restore a permit;
- remit the case to the Council to decide in accordance with a direction of the court;
- make an order about costs.

## Appendix B

**LIST OF RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES  
INCLUDED IN CONSULTATION EXERCISE**

<b>Name of Responsible Authority etc.</b>	<b>Details</b>
Chief Superintendent, West Midlands Police, Wolverhampton West	Responsible authority under the Gambling Act 2005
Chief Superintendent, West Midlands Police, Wolverhampton East	Responsible authority under the Gambling Act 2005
Chief Fire Officer, West Midlands Fire Service	Responsible authority under the Gambling Act 2005
Trading Standards, Wolverhampton City Council	Interested party
Director for Children & Young People, Wolverhampton City Council	Responsible authority under the Gambling Act 2005
Director for Adult & Community Services, Wolverhampton City Council	Interested party
Responsibility in Gambling Trust	Independent trust voluntarily funded by the gaming industry to research and limit problem gambling.
Gamcare	Registered charity - leading expert on the social impact of gambling addressing the needs of those affected by problem gambling.
Gamblers Anonymous	Registered charity dealing with gambling addiction
MENCAP	A UK charity which campaigns for equal rights for children and adults with a learning disability
NCH West Midlands	One of the UK's leading children's charities
Gordon House	Organisation offering residential assistance to those affected by problem gambling
Gamestec Limited	UK supplier of gaming machines
Leisure Link	UK supplier of gaming machines
British Amusement Catering Trade Association	Association set up to represent the pay-to-play leisure industry
Food & Environmental Safety, Wolverhampton City Council	Interested party
Public Protection, Wolverhampton City Council	Interested party
Strategic Sites & Major Development, Wolverhampton City Council	Interested party
Development Control, Wolverhampton City Council	Responsible authority under the Gambling Act 2005
Legal Services, Wolverhampton City Council	Interested party

## **Local Gambling Risk Assessments Gambling Act 2005**

### **Purpose**

This document was originally developed by Westminster City Council, in collaboration with Coral Racing Limited. It has been modified by City of Wolverhampton Council (the Council) and is published as a guide which gambling operators can use when undertaking and preparing their local risk assessments. This guide is intended for all gambling operators and is not been designed with a specific gambling sector in mind.

### **Background**

The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which 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 to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Wolverhampton has been doing for a number of years and continues to champion. We have found that a risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guide provides a framework for the local risk assessment process that will provide the necessary framework to comply with the LCCP requirements. Local risk assessments will be beneficial to the Council as Licensing Authority as well as responsible authorities and interested parties when considering new and variation applications. A well thought out and complete risk assessment will benefit gambling operators by reducing the need for additional information or the possible imposition of conditions.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must also review of those assessments when certain triggers are met. These triggers, along with the Council's views on what may instigate either a new assessment or the review of an existing one are detailed within this guidance document.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

## **Gambling Act 2005**

City of Wolverhampton Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Wolverhampton. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- (b) ensuring that gambling is conducted in a fair and open way
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.

The Licensing Authority will set out how it intends to carry out its functions under the Act in its statement of licensing principles, also known as Gambling Act 2005 Statement of Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

## **LCCP and Local Risk Assessments**

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, gambling operators must ensure that they comply with and meet the requirements of the LCCP.

In February 2015, following substantial consultation with relevant stakeholders the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

### **Social responsibility code provision 10.1.1**

#### **Assessing local risk**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.**

- 1 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 2 Licensees must review (and update as necessary) their local risk assessments:
  - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c) when applying for a variation of a premises licence; and
  - d) in any case, undertake a local risk assessment when applying for a new premises licence.

### **Ordinary code provision 10.1.2**

#### **Sharing local risk assessments**

#### **All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences**

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions come into effect on 6<sup>th</sup> April 2016. As a result, all premises that provide facilities for gambling must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

#### **Risk assessment triggers**

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers and it will be ultimately down to gambling operators, the Commission and the Council to assess when these triggers have been met.

In order to assist gambling operators this section sets out the Licensing Authority's views on what these triggers may be and when operators should provide a copy of their assessments to the Licensing Authority.

#### **New premises**

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out as required by the Commissions LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises

are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

### **Significant changes in local circumstances**

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The review of the premises risk assessment may simply mean that after review no action is necessary as the measures and systems already in place will mitigate any risk associated with that significant change. In this case gambling operators may record that a review has taken place, why it had occurred and that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

As the Gambling Commission has not set out what a significant change in local circumstances it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The Council, in an attempt to assist gambling operators has produced the following lists of examples that may be considered to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Policy.
- Any new pay day loan or pawn brokers open in the local 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.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is 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).

The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in reviewing their risk assessments. The Council may inform gambling operators when it feels that a significant change has occurred in the area. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from

the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council.

### **Significant changes to the premises**

From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.

As with the examples of significant changes in local circumstances, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

### **Variation of the premises licence**

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

### **Regular review of risk assessment**

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Policy for Gambling.

### **Local risks and control measures**

There are two specific parts to the risk assessment process:

- the assessment of the local risks
- the determination of appropriate mitigation to reduce those risks

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. Gambling operator should identify and list all of the local risks within the assessment that they have identified. The level of such risks can range from being low to very high depending on the potential impact that the gambling operator has assessed it to have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures that the gambling operators deems as being necessary to mitigate such risk.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. The requirement of the Commissions LCCP social responsibility code provision 10.1.1 is that gambling operators consider the local area in which the premises are situated and the impact that the premises operation may have on the licensing objectives.

### **Local area risks**

There are a number of factors relating to the local area that operators may consider which is independent of who the operator believes is their target market. It will be for the gambling operator to identify these risks. However, there may be occasions that the Commission or the Council will provide information on what they perceive as being a local risk. This may be specified in the Statement of Licensing Policy or in a separate guidance document, both of which will be found on the Council's website.

The local area will be different depending on the premises and the size of its operation. For example a casino may have a wider catchment area than a neighbourhood betting shop as the casino attracts customers from further afield.

### **Risk Assessment Mapping Tool**

***Risk Assessment mapping tool has been developed by Public Health.***

### **Gambling operational risks**

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP.

Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design to the toilet to deter people from using it for illegal drug use.

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

**Premises design risks**

The design of the premises is an extremely important factor when considering local risks. For example, an Adult Gaming Centre which is located within an area which has a high number of children and young people present throughout the day may identify that the doors on either side of the premises are being used by local children as a short cut to access the adjacent street. The appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives. Gambling operators are experienced in premises design and often these considerations are made during the planning phase. It is advisable that gambling operators ensure that there is a process in place to record these key decisions at an early stage of the planning process for the premises design so that this can be included in their risk assessment.

**Interior design risks**

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATMs.

Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

**Exterior design risks**

The exterior of premises will be a major advertisement for the gambling operator. However, the design should be assessed based on the associated risk. Operators may identify a risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

**Control measures**

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific

local risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front of the shop next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff can see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

The control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

**Systems:** PASS card or age verification policies, challenge 21 scheme, staff training and door staff.

**Design:** Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

**Physical:** Magnetic door locks and ID scans.

### **Undertaking a local risk assessment**

The risk assessment should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

In order to assist gambling operators in this process the Council has developed a local risk assessment form that encompasses the step-by-step approach to the assessment as set out above. The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed. This form is not mandatory and gambling operators can develop their own assessment forms to suit their own business.

### **Who should undertake the assessment?**

It is for the gambling operator to decide who should assess the local risks for their premises. The assessor must be competent to undertake this role as failure to carry out this function

properly could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

### **Step 1: The local area**

Assessors should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important. Use the mapping tool [gambling tool](#) and your own local knowledge. It is possible that the mapping tool does not have the latest information and staff or area managers may have information that the mapping tool is missing.

### **Step 2: Gambling operation and physical design**

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

### **Step 3: Control measures**

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

### **Step 4: Action Plan**

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

### **Completed assessment**

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular regime.



# Local Gambling Risk Assessment Template

**Notes for completing this form**

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

For further guidance on completing this assessment or when this assessment must be reviewed please refer to City of Wolverhampton Council’s Local Gambling Risk Assessment Guidance.

- Risks                      Area of consideration that may impact on one or more of the licensing objectives.
- Local Risks                These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises or in the local area.
- Control Measures        These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.
- Frequency of Review    Operators will need to specify the time period in which a review of this risk assessment should be carried out. The frequency will be up to the gambling operator but it shouldn’t be longer than 36 months.

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**Local Gambling Risk Assessment**

Premises number or licence number:

Premises Address:

Name of Assessor:

Colleagues Present:

Date of assessment:

Review date:

**1 Local Area**

**1a Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling**

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

**1b Licensing Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

1c Licensing Objective: Ensuring that gambling is conducted in a fair and open way		
Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

**2 Gambling Operation & Physical Design (internal and external)**

2a Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling		
Risks	Existing control measures	Further controls recommended
1.		
2b Licensing Objective: Preventing gambling from bei		
3.		
4.		
5.		
6.		

2c Licensing Objective: Ensuring that gambling is conducted in a fair and open way		
Risks	Existing control measures	Further controls recommended
1.		
2.		
3.		
4.		
5.		
6.		

**Action Plan (add pages as necessary)**

Local Area / Gambling Operation / Physical Design (delete as appropriate)

Identified risk (e.g. 1a-3, 2c-1)	Action required	By whom, when, date completed
1.		
2.		
3.		
4.		
5.		
6.		

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**Assessment Review**

Frequency of Review:

Date review due:

Completed risk assessment brought to the attention of:

Name	Position	Signature	Date



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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	Local Council Tax Support Scheme	
<b>Referring body</b>	Cabinet, 23 January 2019	
<b>Councillor to present report</b>	Councillor Louise Miles	
<b>Wards affected</b>	All Wards	
<b>Cabinet Member with lead responsibility</b>	Councillor Louise Miles Resources	
<b>Accountable director</b>	Claire Nye, Director of Finance	
<b>Originating service</b>	Revenues and Benefits	
<b>Accountable employee</b>	Sue Martin	Head of Revenues and Benefits
	Tel	01902 554772
	Email	sue.martin@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Cabinet	23 January 2019

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**Recommendations for decision:**

The Council is recommended to:

1. Approve a revision to the Local Council Tax Support Scheme so that changes in entitlement of £3 or less are not applied.
2. Approve a revision to the Local Council Tax Support Scheme so that the financial and household information used to assess entitlement to Universal Credit is used to calculate council tax support.
3. Approve a revision to the Local Council Tax Support Scheme so that claims will be accepted from notification of an award of Income Support, Jobseeker's Allowance (income-based), Employment and Support Allowance (income-related) or Universal Credit.
4. Approve the revised scheme for adoption from 1 April 2019.
5. Approve a scheme of transitional protection for 2019-2020.

## **1.0 Purpose**

- 1.1 The report seeks approval from Council for the Local Council Tax Support Scheme with a recommendation that the proposed revisions to the scheme be adopted from 1 April 2019.

## **2.0 Background**

- 2.1 On 23 January 2019, Cabinet will consider a report on Local Council Tax Support Scheme.
- 2.2 Copies of the report have been supplied to Councillors and can also be accessed online on the Council's website [here](#).

Councillors are asked to refer to the report when considering the recommendations from the Cabinet.

- 2.3 Cabinet has been recommended to recommend that Council:

1. Approve a revision to the Local Council Tax Support Scheme so that changes in entitlement of £3 or less are not applied.
2. Approve a revision to the Local Council Tax Support Scheme so that the financial and household information used to assess entitlement to Universal Credit is used to calculate council tax support.
3. Approve a revision to the Local Council Tax Support Scheme so that claims will be accepted from notification of an award of Income Support, Jobseeker's Allowance (income-based), Employment and Support Allowance (income-related) or Universal Credit.
4. Approve the revised scheme for adoption from 1 April 2019.
5. Approve a scheme of transitional protection for 2019-2020.

## **3.0 Financial implications**

- 3.1 The financial implications are detailed in the Cabinet report of 23 January 2019.

## **4.0 Legal implications**

- 4.1 The legal implications are detailed in the Cabinet report of 23 January 2019.

## **5.0 Equalities implications**

- 5.1 The equalities implications are detailed in the Cabinet report of 23 January 2019.

## **6.0 Environmental implications**

- 6.1 The environmental implications are detailed in the Cabinet report of 23 January 2019.

**7.0 Human resources implications**

7.1 The human resources implications are detailed in the Cabinet report of 23 January 2019.

**8.0 Corporate Landlord implications**

8.1 The Corporate Landlord implications are detailed in the Cabinet report of 23 January 2019.

**9.0 Health and Wellbeing implications**

9.1 The Health and Wellbeing implications are detailed in the Cabinet report of 23 January 2019.

**10.0 Schedule of background papers**

10.1 Cabinet report of 23 January 2019.

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	Housing Revenue Account Business Plan 2019-2020 including Rents and Service Charges	
<b>Referring body</b>	Cabinet, 23 January 2019	
<b>Councillor to present report</b>	Councillor Peter Bilson	
<b>Wards affected</b>	All Wards	
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson, City Assets and Housing Councillor Louise Miles, Resources	
<b>Accountable director</b>	Kate Martin, Service Director of Housing Claire Nye, Director of Finance	
<b>Originating service</b>	City Housing, Finance	
<b>Accountable employee</b>	Kate Martin	Service Director of Housing
	Tel	01902 554841
	Email	kate.martin@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Cabinet	23 January 2019

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**Recommendations for decision:**

The Council is recommended to:

1. Approve the implementation of the 1% reduction in social housing rents in accordance with the Welfare Reform and Work Act and to give 28 days' notice to all secure and introductory tenants of the rent reduction from 1 April 2019.
2. Adopt the Business Plan set out at Appendix 1 to this report as the approved Housing Revenue Account Business Plan including:
  - a. The revenue budget for 2019-2020 at Appendix 1B to this report
  - b. The Capital Programme for 2019-2020 to 2023-2024 at Appendix 1C to this report to include the following;
    - Provision of £24.0 million for estate remodelling
    - An increase to the budget for the refurbishment of Heath Town Estate of £10.1 million

- An addition of £15.0 million to the budget for High Rise mechanical and electrical infrastructure
  - Total new build programme provision of £157.3 million with £5.0 million for community housing development at Bushbury Hill, £4.0 million for phase 5 of the small sites programme and £60.0 million set aside for future development.
3. Approve the rates for garage rents and service charges set out in Appendix 2 to this report and formally notify tenants. There is one stepped increase to approve, all other charges remain the same.

## 1.0 Purpose

- 1.1 The report presents an updated Housing Revenue Account (HRA) Business Plan 2019-2020 for approval. The additional borrowing flexibility provides real opportunities for the Council to increase the provision of new homes for rent, whilst continuing to invest in better and safer homes programmes to the existing stock and improving and redeveloping housing estates.
- 1.2 The report also provides, as an integral part of that Business Plan, a proposed HRA budget for 2019-2020, including proposed rents and service charges to take effect from 1 April 2019, and a proposed HRA Capital Programme for the period 2019-2020 to 2022-2023 for approval.

## 2.0 Background

- 2.1 On 23 January 2019, Cabinet will consider a report on the Housing Revenue Account Business Plan 2019-2020 including Rents and Service Charges.
- 2.2 Copies of the report have been supplied to Councillors and can also be accessed online on the Council's website [here](#).

Councillors are asked to refer to the report when considering the recommendations from the Cabinet.

- 2.3 Cabinet has been recommended to recommend that Council:
  1. Approve the implementation of the 1% reduction in social housing rents in accordance with the Welfare Reform and Work Act and to give 28 days' notice to all secure and introductory tenants of the rent reduction from 1 April 2019.
  2. Adopt the Business Plan set out at Appendix 1 to this report as the approved Housing Revenue Account Business Plan including:
    - a. The revenue budget for 2019-2020 at Appendix 1B to this report
    - b. The Capital Programme for 2019-2020 to 2023-2024 at Appendix 1C to this report to include the following;
      - Provision of £24.0 million for estate remodelling
      - An increase to the budget for the refurbishment of Heath Town Estate of £10.1 million
      - An addition of £15.0 million to the budget for High Rise mechanical and electrical infrastructure
      - Total new build programme provision of £157.3 million with £5.0 million for community housing development at Bushbury Hill, £4.0 million for phase 5 of the small sites programme and £60.0 million set aside for future development.
  3. Approve the rates for garage rents and service charges set out in Appendix 2 to this report and formally notify tenants. There is one stepped increase to approve, all other charges remain the same.

### **3.0 Financial implications**

3.1 The financial implications are detailed in the Cabinet report of 23 January 2019.

### **4.0 Legal implications**

4.1 The legal implications are detailed in the Cabinet report of 23 January 2019.

### **5.0 Equalities implications**

5.1 The equalities implications are detailed in the Cabinet report of 23 January 2019.

### **6.0 Environmental implications**

6.1 The environmental implications are detailed in the Cabinet report of 23 January 2019.

### **7.0 Human resources implications**

7.1 The human resources implications are detailed in the Cabinet report of 23 January 2019.

### **8.0 Corporate Landlord implications**

8.1 The Corporate Landlord implications are detailed in the Cabinet report of 23 January 2019.

### **9.0 Health and Wellbeing implications**

9.1 The Health and Wellbeing implications are detailed in the Cabinet report of 23 January 2019.

### **10.0 Schedule of background papers**

10.1 Cabinet report of 23 January 2019.

## Appendix 1

This report is PUBLIC –  
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### 30-year Business Plan 2018-2019 to 2047-2048

REVENUE ACCOUNT	Years	Years	Years	Years	Years	Years
	1 - 5	6-10	11 - 15	16 - 20	21 - 25	26 - 30
	£M	£M	£M	£M	£M	£M
<b>Income</b>						
Dwelling Rents	(472)	(537)	(581)	(608)	(645)	(695)
Other Rents	(3)	(3)	(3)	(4)	(4)	(6)
Service Charges	(33)	(37)	(42)	(47)	(53)	(61)
	<b>(508)</b>	<b>(577)</b>	<b>(626)</b>	<b>(659)</b>	<b>(702)</b>	<b>(762)</b>
<b>Expenditure</b>						
Management and Maintenance (net of retained surpluses)	246	272	299	332	364	403
Depreciation and provision for redemption of debt	186	203	218	191	167	153
Net Financing Costs	75	102	109	136	171	206
	<b>508</b>	<b>577</b>	<b>626</b>	<b>659</b>	<b>702</b>	<b>762</b>
<b>Balance</b>	-	-	-	-	-	-

## Appendix 1

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<b>CAPITAL ACCOUNT</b>	<b>Years 1 - 5</b>	<b>Years 6-10</b>	<b>Years 11 - 15</b>	<b>Years 16 - 20</b>	<b>Years 21 - 25</b>	<b>Years 26 - 30</b>
	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>
<b>Expenditure</b>						
Capital Expenditure	388	202	318	332	324	350
<b>Financing</b>						
Major Repairs Reserve	(108)	(105)	(102)	(99)	(96)	(94)
Grants, Contributions and Receipts	(28)	(17)	(17)	(17)	(17)	(17)
Borrowing	(252)	(80)	(199)	(216)	(211)	(239)
	<b>(388)</b>	<b>(202)</b>	<b>(318)</b>	<b>(332)</b>	<b>(324)</b>	<b>(350)</b>
<b>Balance</b>	-	-	-	-	-	-

## Appendix 1

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### Medium term Business Plan 2018-2019 – 2022-2023

REVENUE ACCOUNT	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023
	Estimate	Budget	Forecast	Forecast	Forecast
	£000	£000	£000	£000	£000
<b>Income</b>					
Dwelling Rents	(88,946)	(89,692)	(91,139)	(94,041)	(96,980)
Other Rents	(779)	(524)	(538)	(553)	(568)
Service Charges	(5,728)	(6,311)	(6,350)	(6,508)	(6,669)
	<b>(95,453)</b>	<b>(96,527)</b>	<b>(98,027)</b>	<b>(101,102)</b>	<b>(104,217)</b>
<b>Expenditure</b>					
Wolverhampton Homes	39,301	39,301	40,087	40,889	41,707
Bushbury Hill EMB	1,271	1,411	1,439	1,468	1,497
New Park Village TMO	375	375	383	390	398
Springfield Horseshoe TMO	353	353	360	367	375
Dovecotes TMO	1,091	1,091	1,113	1,135	1,158
Pension contributions	2,455	2,514	2,565	2,616	2,668
SLA/Recharges	263	268	270	272	274
Depreciation	22,056	22,033	21,768	21,554	21,390
Net Financing Costs	10,274	10,831	13,106	15,491	17,505
Provision for Bad debts	1,000	1,500	2,000	2,022	2,084
	<b>78,439</b>	<b>79,677</b>	<b>83,091</b>	<b>86,204</b>	<b>89,056</b>
<b>Surplus/deficit for the year</b>	<b>(17,014)</b>	<b>(16,850)</b>	<b>(14,936)</b>	<b>(14,898)</b>	<b>(15,161)</b>
Provision for the redemption of debt	<b>17,014</b>	<b>16,850</b>	<b>14,936</b>	<b>14,898</b>	<b>15,161</b>
<b>Balance</b>	-	-	-	-	-

## Appendix 1B

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CAPITAL ACCOUNT	2018-	2019-	2020-	2021-	2022-	2023-
	2019	2020	2021	2022	2023	2024
	Budget	Budget	Budget	Budget	Budget	Budget
	£000	£000	£000	£000	£000	£000
<b>Expenditure</b>						
Capital Expenditure	54,782	94,340	90,770	77,660	64,040	60,890
	<b>54,782</b>	<b>94,340</b>	<b>90,770</b>	<b>77,660</b>	<b>64,040</b>	<b>60,890</b>
<b>Financing</b>						
Major Repairs Reserve	(22,202)	(22,033)	(21,768)	(21,554)	(21,390)	(21,258)
Grants, Contributions and Receipts	(7,464)	(8,620)	(6,874)	(4,350)	(4,120)	(4,150)
Borrowing	(25,116)	(63,687)	(62,128)	(51,756)	(38,530)	(35,482)
	<b>(54,782)</b>	<b>(94,340)</b>	<b>(90,770)</b>	<b>(77,660)</b>	<b>(64,040)</b>	<b>(60,890)</b>
<b>Balance</b>	-	-	-	-	-	-

## Capital Programme 2018-2019 to 2023-2024

	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Total
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
	£000	£000	£000	£000	£000	£000	£000
<b>New Build Programme</b>							
Tap Works site	2,460	1,700	-	-	-	-	<b>4,160</b>
Tower and Fort Works	1,000	1,400	-	-	-	-	<b>2,400</b>
CAASH Fund Units	552	-	-	-	-	-	<b>552</b>
Small Sites Phase 3	2,740	-	-	-	-	-	<b>2,740</b>
Small Sites Phase 4	1,500	4,000	-	-	-	-	<b>5,500</b>
Small Sites Phase 5	-	1,000	3,000	-	-	-	<b>4,000</b>
Burton Crescent	2,510	3,410	-	-	-	-	<b>5,920</b>
Heath Town Phase 1	2,000	1,000	-	-	-	-	<b>3,000</b>
Heath Town Phase 3	-	7,080	4,520	-	-	-	<b>11,600</b>
WVL units - Danesmore	1,130	-	-	-	-	-	<b>1,130</b>
WVL units - Ettingshall and Sweetbriar Road	-	1,100	-	-	-	-	<b>1,110</b>
WVL units - Prouds Lane	-	940	-	-	-	-	<b>940</b>
WVL units - Wednesfield	-	3,510	3,510	3,510	-	-	<b>10,530</b>
WVL units - Former Residential Care Home sites	-	2,750	-	-	-	-	<b>2,750</b>
St Luke's School	-	2,860	-	-	-	-	<b>2,860</b>
Northicote	-	-	6,480	-	-	-	<b>6,480</b>
HRA Medium Sites	200	3,800	3,400	-	-	-	<b>7,400</b>
Reedham Gardens	100	1,900	2,000	-	-	-	<b>4,000</b>
Parkfields	-	-	2,080	-	-	-	<b>2,080</b>
Additional Social Housing	1,700	2,000	2,000	2,000	2,000	2,000	<b>11,700</b>
Inkerman St Community Housing Development	-	1,500	-	-	-	-	<b>1,500</b>
Bushbury Hill Community Housing Development	400	2,000	2,600	-	-	-	<b>5,000</b>
<b>New Build Programme</b>	<b>-</b>	<b>-</b>	<b>5,000</b>	<b>15,000</b>	<b>20,000</b>	<b>20,000</b>	<b>60,000</b>

	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Total
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
	£000	£000	£000	£000	£000	£000	£000
<b>New Build Programme Total</b>	<b>16,292</b>	<b>41,950</b>	<b>34,590</b>	<b>20,510</b>	<b>22,000</b>	<b>22,000</b>	<b>157,342</b>
<b>Estate Remodelling</b>							
Heath Town	2,040	-	-	-	-	-	<b>2,040</b>
Estate Remodelling	0	500	1,500	5,000	8,500	8,500	<b>24,000</b>
<b>Estate Remodelling Total</b>	<b>2,040</b>	<b>500</b>	<b>1,500</b>	<b>5,000</b>	<b>8,500</b>	<b>8,500</b>	<b>26,040</b>
<b>Adaptations for People with Disabilities</b>							
<b>Disabled Adaptations Total</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>6,000</b>
<b>Decent Homes Stock Condition</b>							
Refurbishment of Voids	3,250	2,400	2,400	2,400	2,400	2,400	<b>15,250</b>
External Improvement Programme	1,100	1,100	1,100	600	-	-	<b>3,900</b>
Boiler Replacement Programme	780	670	670	680	680	680	<b>4,160</b>
Internal Decency Works	1,000	2,620	3,500	4,250	4,750	5,000	<b>21,120</b>
Heath Town - Refurb of Retained Properties	14,700	14,300	13,600	10,300	2,350	-	<b>55,250</b>
New Park Village maisonettes	330	500	5,000	5,270	-	-	<b>11,100</b>
High Rise M&E	3,100	8,800	5,000	5,000	5,000	5,000	<b>31,900</b>
Sustainable Estates Programme	920	1,590	2,140	2,600	2,600	2,600	<b>12,450</b>
Non Trad Surveys	170	100	100	100	100	250	<b>820</b>
High Rise Sprinkler Programme	-	4,700	4,700	4,600	3,200	2,000	<b>19,200</b>
High Rise External Works	-	-	3,900	3,900	-	-	<b>7,800</b>
<b>Decent Homes Stock Condition Total</b>	<b>25,350</b>	<b>36,780</b>	<b>42,110</b>	<b>39,700</b>	<b>21,080</b>	<b>17,930</b>	<b>182,950</b>

	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Total
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
	£000	£000	£000	£000	£000	£000	£000
<b>Other Stock Condition Improvements</b>							
Structural Works	980	980	990	990	1,000	1,000	<b>5,940</b>
Lift and Disability Discrimination Act Improvements - High Rise	670	670	670	680	680	680	<b>4,050</b>
Fire Safety Improvements - High Rise	1,100	2,380	2,380	2,250	2,250	2,250	<b>12,610</b>
Roofing Refurbishment Programme	4,800	7,350	4,800	4,800	4,800	4,800	<b>31,350</b>
Door Entry Security Programme	370	370	370	370	370	370	<b>2,220</b>
<b>Other Stock Condition Improvements Total</b>	<b>7,920</b>	<b>11,750</b>	<b>9,210</b>	<b>9,090</b>	<b>9,100</b>	<b>9,100</b>	<b>56,170</b>
<b>Other Improvements to the Public Realm</b>							
<b>Pathway Improvement and Safety Programme Total</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>1,200</b>
<b>Service Enhancements and Miscellaneous</b>							
Right to Buy Sale Admin	30	60	60	60	60	60	<b>330</b>
Wolverhampton Homes Capitalised Salaries	1,650	1,700	1,700	1,700	1,700	1,700	<b>10,150</b>
City Council Capitalised Salaries	300	400	400	400	400	400	<b>2,300</b>
<b>Service Enhancements and Miscellaneous Total</b>	<b>1,980</b>	<b>2,160</b>	<b>2,160</b>	<b>2,160</b>	<b>2,160</b>	<b>2,160</b>	<b>12,780</b>
<b>GRAND TOTAL</b>	<b>54,782</b>	<b>94,340</b>	<b>90,770</b>	<b>77,660</b>	<b>64,040</b>	<b>60,890</b>	<b>442,482</b>

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## Appendix 2

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### Non-dwelling rents

#### Garage rents

1. The table below sets out recommended garage rents to take effect from 2 April 2018. It is recommended that there is no increase in the basic rent (before VAT).
2. Under VAT rules, garages that are let along with a dwelling do not attract VAT, whereas those that are let separately do. Furthermore, exemption from VAT only extends as far as two garages per tenant/leaseholder. Therefore, there are three different levels of garage rents

	Rent per week 2018-2019 (excl VAT)	% increase 2019-2020	Rent per week 2019-2020 (excl VAT)	Rent per week 2019-2020 (incl VAT)
Dwelling tenants and leaseholders (No VAT)	£4.41	No change	£4.41	
Dwelling tenants and leaseholders – three or more garages (VAT)	£4.41	No change	£4.41	£5.29
Privately let garages	£6.58	No change	£6.58	£7.90

## Appendix 2

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### Service charges

Service Charge	Services funded	Rationale for charge	Charge paid per week 2018-2019	Proposed change	Charge paid per week 2019-2020
Communal Facilities	Communal facilities in former sheltered schemes	Cost of service is fully covered by current charge	£2.88	No change	£2.88
Concierge mandatory only	Essential caretaking duties	Cost of service is fully covered by current charge	£5.36	No change	£5.36
Concierge mandatory plus remote CCTV and door entry	Essential caretaking duties and remote CCTV and door entry	Cost of service is fully recovered by current charge	£9.43	No change	£9.43
Communal cleaning	Cleaning services in communal areas in certain properties	Cost of service is fully covered by current charge	£3.12	No change	£3.12
Digital TV	Installation and maintenance of the wiring required to convey digital TV signals to certain high rise blocks	Cost of service is fully covered by current charge	£0.62	No change	£0.62
Fencing	Replacement of boundary fencing delivered by Wolverhampton Homes. All funds raised by this charge are ring-fenced to replacement fencing	Sufficient income raised to fund fencing programme	£1.92	No change	£1.92

## Appendix 2

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### Service Charges – Heating

Service Charge	Services funded	Rationale for charge	Charge paid per week 2018-2019	Proposed change	Charge paid per week 2019-2020
District Heating maintenance	Maintenance of boilers and district heating at Heath Town	Cost of service fully covered by current charge	£4.33	No change	£4.33
District Heating maintenance	Maintenance of boilers and district heating at Hickman Estate	Cost of service fully covered by current charge	£4.33	No change	£4.33
District Heating Usage (Heath Town)	Provision of heating and hot water at Heath Town Estate	Cost of full recovery of fuel costs based upon current metered usage	5.8p per kw/h	No Change	5.8p per kw/h
District Heating Usage (Lincoln and Tremont)	Provision of heating and hot water at Lincoln House, Tremont House and Wednesfield Road, Heath Town	Cost of full recovery of fuel costs based upon current metered usage	4.9p per kw/h	No change	4.9p per kw/h
District Heating Usage (Hickman Estate)	Provision of heating and hot water at Wodensfield and William Bentley Courts	Cost of full recovery of fuel costs based upon current metered usage	8.4p per kw/h	No change	8.4p per kw/h
Central Heating – Gas	Servicing, maintenance and replacement of gas central heating systems	Current charge increasing until recovers 100% of costs. Raise by 50p per	£3.37	£0.48 per week increase (50p increase now spread	£3.85

## Appendix 2

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		week each year until 2019-2020		over 52 weeks)	
Central Heating - Electric	Servicing, maintenance and replacement of electric heating	Charge reducing to reflect actual costs of service	£0.96	No change	£0.96

## Hostels and temporary accommodation rents and charges

- Charges for hostels and temporary accommodation were reviewed in advance of transferring the management responsibility to Wolverhampton Homes. No changes are proposed for 2019-2020

Charge	2018-2019 White House £pw	2019-2020 White House £pw	2018-2019 Other* £pw	2019-2020 Other* £pw
Gross Rent	£206.97	206.97	£131.65	£131.65
Charges:				
- Support/Care	£58.09	£58.09	£55.45	£55.45
- Heating, lighting, water	£18.97	£18.97	£18.97	£18.97
Total minimum cash payable	£18.97	£18.97	£18.97	£18.97
Total maximum cash payable	£77.06	£77.06	£74.42	£74.42

\*Properties at Ellerton Walk, Lathe Court and Heath Town

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	i54 Western Extension	
<b>Referring body</b>	Cabinet, 23 January 2019	
<b>Councillor to present report</b>	Councillor John Reynolds	
<b>Wards affected</b>	Bushbury North; Oxley;	
<b>Cabinet Member with lead responsibility</b>	Councillor John Reynolds City Economy	
<b>Accountable director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	City Development	
<b>Accountable employee</b>	David Sabine	Project Manager
	Tel	01902 555584
	Email	david.sabine@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Cabinet	23 January 2019

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**Recommendations for decision:**

The Council is recommended to:

1. Agree to be a 50:50 investment partner for i54 Western Extension to be funded through the funding strategy and driving principles.
2. Approve a phased budget approach working on the principles of working with the partners to secure and maximise grant funding and contributions, use of capital receipts generated from the site and any with borrowing being repaid from future business rates generated from the site.
3. Approve the use of the capital receipts generated from the site to form part of the funding package.
4. Delegate authority to the Cabinet Member for City Economy and Cabinet Member for Resources, in consultation with the Director of Regeneration and Director of Finance, to:

- a. Approve supplementary capital budgets for Phase 1, 2 and 3 on the basis that budgets are fully funded through external funding, existing borrowing approvals and contributions from Staffordshire County Council.
- b. Approve Phase 1, 2 and 3 capital budgets to cover the potential transfer of Staffordshire County Council's 50% share of grants and contributions in accordance with the funding strategy.

## **1.0 Purpose**

- 1.1 The report provides an update on the current position of i54 and the resulting outcomes and economic benefits. It also sets out the current status of i54 Western Extension and the funding and delivery strategy for delivery of the City's 60 acres through to realisation of outputs.

## **2.0 Background**

- 2.1 On 23 January, Cabinet will consider both an open and exempt report on i54 Western Extension.
- 2.2 Copies of the reports have been supplied to Councillors and can also be accessed online on the Council's website. The public report can be found [here](#).

Councillors are asked to refer to the report when considering the recommendations from the Cabinet.

- 2.3 Cabinet has been recommended to recommend that Council:

1. Agree to be a 50:50 investment partner for i54 Western Extension to be funded through the funding strategy and driving principles as set out in the report.
2. Approve a phased budget approach working on the principles of working with the partners to secure and maximise grant funding and contributions, use of capital receipts generated from the site and any with borrowing being repaid from future business rates generated from the site.
3. Approve the use of the capital receipts generated from the site to form part of the funding package.
4. Delegate authority to the Cabinet Member for City Economy and Cabinet Member for Resources, in consultation with the Director of Regeneration and Director of Finance, to:
  - a. Approve supplementary capital budgets for Phase 1, 2 and 3 on the basis that budgets are fully funded through external funding, existing borrowing approvals and contributions from Staffordshire County Council.
  - b. Approve Phase 1, 2 and 3 capital budgets to cover the potential transfer of Staffordshire County Council's 50% share of grants and contributions in accordance with the funding strategy set out in this report.

## **3.0 Financial implications**

- 3.1 The financial implications are detailed in the Cabinet report of 23 January 2019.

## **4.0 Legal implications**

4.1 The legal implications are detailed in the Cabinet report of 23 January 2019.

## **5.0 Equalities implications**

5.1 The equalities implications are detailed in the Cabinet report of 23 January 2019.

## **6.0 Environmental implications**

6.1 The environmental implications are detailed in the Cabinet report of 23 January 2019.

## **7.0 Human resources implications**

7.1 The human resources implications are detailed in the Cabinet report of 23 January 2019.

## **8.0 Corporate Landlord implications**

8.1 The Corporate Landlord implications are detailed in the Cabinet report of 23 January 2019.

## **9.0 Health and Wellbeing implications**

9.1 The Health and Wellbeing implications are detailed in the Cabinet report of 23 January 2019.

## **10.0 Schedule of background papers**

10.1 Cabinet report of 23 January 2019.

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	Motions on Notice
<b>Referring body/person</b>	Councillor Paul Singh Councillor Jonathan Yardley
<b>Wards affected</b>	All Wards
<b>Cabinet Member with lead responsibility</b>	N/A
<b>Accountable director</b>	Kevin O’Keefe, Director of Governance
<b>Originating service</b>	Democratic Services
<b>Accountable employee(s)</b>	Jaswinder Kaur Democratic Services Manager Tel 01902 550320 Email <a href="mailto:Jaswinder.Kaur@wolverhampton.gov.uk">Jaswinder.Kaur@wolverhampton.gov.uk</a>

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**Recommendation for decision**

The Council is recommended to:

Consider the motions received in accordance with the Council's procedure rules.

## **1.0 Purpose**

1.1 For Council to consider the motions received:

### **a. Black Country Flag**

Councillor Paul Singh will move the following motion:

That this Council recognises that the people of Wolverhampton are immensely proud of their Black Country heritage. It is at the heart of our community and has brought people together for generations. This Council therefore embraces the Black Country flag and agrees to fly it outside the Civic Centre building every day as a reminder of the pride we have in our wonderful City.

### **b. Tettenhall Pool**

Councillor Jonathan Yardley will move the following motion:

That this Council notes the overwhelming support from residents for keeping Tettenhall Pool open; agrees to start repair works immediately so that the pool can open as usual on the Spring Bank Holiday; and regrets that the future of the pool was ever called into question.

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Meeting of the City Council</b> <b>30 January 2019</b>
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<b>Report title</b>	Written Questions
<b>Referring body/person</b>	Councillor Dr Michael Hardacre, Councillor Udey Singh, Councillor Wendy Thompson, Councillor Simon Bennett
<b>Wards affected</b>	All Wards
<b>Cabinet Members with lead responsibility</b>	Councillor Lynne Moran, Education and Skills Councillor Steve Evans, City Environment Councillor John Reynolds, City Economy
<b>Accountable director</b>	Kevin O’Keefe, Director of Governance
<b>Originating service</b>	Democratic Services
<b>Accountable employee(s)</b>	Jaswinder Kaur Democratic Services Manager Tel 01902 550320 Email <a href="mailto:Jaswinder.Kaur@wolverhampton.gov.uk">Jaswinder.Kaur@wolverhampton.gov.uk</a>

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### Recommendation for decision

The Council is recommended to:

That the Cabinet Members for Education and Skills, City Environment and City Economy respond to the questions received in accordance with the Council’s procedure rules.

## **1.0 Purpose**

1.1 For Cabinet Members to respond the questions received:

### **a. Pupils' achievement and progress**

Councillor Dr Michael Hardacre to ask the Cabinet Member for Education and Skills:

Would the Cabinet Member for Education and Skills care to comment upon the following; the improvement curve at Key Stage 2 in Wolverhampton pupils' achievement, Continuing progress at Key Stage 4 and the improvement in OFSTED outcomes between 2009 and 2018.

### **b. Fly tipping funding**

Councillor Udey Singh to ask the Cabinet Member for City Environment:

Fly tipping in Wolverhampton continues to increase, particularly since opening hours at the City's rubbish tips were reduced. Can the Cabinet Member for City Environment please disclose how much has been spent by the Council in each of the last five years to tackle this serious problem?

### **c. Westside project**

Councillor Wendy Thompson to ask the Cabinet Member for City Economy:

In April 2016, Urban & Civic were selected as the development partner for the Westside project. Nearly three years on, not a single brick has been laid. Can the Cabinet Member for City Economy inform us when we will finally see building works commencing?

### **d. Cash reward for fly tipping**

Councillor Simon Bennett to ask the Cabinet Member for City Environment:

Can the Cabinet Member for City Environment explain what evidence there is that a cash reward for reporting fly tipping will lead to a reduction in the crime, and not just an increase in cost to the Council?