

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Licensing  
**Venue** Committee Room 3 - 3rd Floor - Civic Centre

## Membership

**Chair** Cllr Alan Bolshaw (Lab)  
**Vice-chair** Cllr Rita Potter (Lab)

### Labour

Cllr Greg Brackenridge  
Cllr Keith Inston  
Cllr John Rowley  
Cllr Anwen Muston  
Cllr Zee Russell  
Cllr Celia Hibbert  
Cllr Milkinderpal Jaspal  
Cllr Jacqueline Sweetman

### Conservative

Cllr Jane Stevenson  
Cllr Wendy Thompson

Quorum for this meeting is three Councillors.

## Information for the Public

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

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: [donna.cope@wolverhampton.gov.uk](mailto:donna.cope@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

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**Tel** 01902 555046

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Minutes of previous meeting</b> (Pages 3 - 6)
4	<b>Matters arising</b>
5	<b>Licensing Sub-Committee - 21 August 2018 - Minutes</b> (Pages 7 - 10)
6	<b>Licensing Sub-Committee -10 September 2018 - Minutes</b> (Pages 11 - 14)
7	<b>Licensing Sub-Committee - 21 September 2018 - Minutes</b> (Pages 15 - 20)
8	<b>Licensing Sub-Committee - 16 October 2018 - Minutes</b> (Pages 21 - 26)
9	<b>Licensing Sub-Committee - 17 October 2018 - Minutes</b> (Pages 27 - 30)
10	<b>Licensing Sub-Committee - 25 October 2018 - Minutes</b> (Pages 31 - 36)
11	<b>Licensing Sub-Committee - 8 November 2018 - Minutes</b> (Pages 37 - 42)
12	<b>Statement of Gambling Policy</b> (Pages 43 - 112)
13	<b>Ask Angela Initiative - Update</b> (Pages 113 - 120)

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Licensing Committee

## Minutes - 26 September 2018

### Attendance

#### Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)  
Cllr Rita Potter (Vice-Chair)  
Cllr Greg Brackenridge  
Cllr Keith Inston  
Cllr John Rowley  
Cllr Zee Russell  
Cllr Milkinderpal Jaspal  
Cllr Jacqueline Sweetman  
Cllr Jane Stevenson  
Cllr Wendy Thompson

#### Employees

Chris Howell	Licensing Manager
Sarah Hardwick	Senior Solicitor
William Humphries	Service Lead Environmental Health
Donna Cope	Democratic Services Officer

#### Invited Guest

Nigel Todd	Senior Driver Training Instructor - Worcestershire County Council
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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1 Apologies for absence**  
Apologies were received from Councillor Hibbert, Councillor Muston and West Midlands Police.
- 2 Declarations of interest**

There were no declarations of interest.

3 **Minutes of previous meeting**

Resolved:

That the minutes of the meeting of the Licensing Committee held on 6 June 2018 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Schedule of outstanding minutes**

None.

6 **Minutes of meeting Friday, 15 June 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 15 June 2018 be confirmed as a true record and signed by the Chair.

7 **Minutes of meeting Tuesday, 26 June 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 26 June 2018 be confirmed as a true record and signed by the Chair.

8 **Minutes of meeting Friday, 29 June 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 29 June 2018 be confirmed as a true record and signed by the Chair.

9 **Minutes of meeting Wednesday, 18 July 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 18 July 2018 be confirmed as a true record and signed by the Chair.

10 **Minutes of meeting Wednesday, 25 July 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 25 July 2018 be confirmed as a true record and signed by the Chair.

11 **Minutes of meeting Friday, 24 August 2018 of Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 24 August 2018 be confirmed as a true record and signed by the Chair.

12 **Cumulative Impact Zone - Police update**

This item was deferred and will be rescheduled for a future meeting of the Committee.

13 **Health and Safety Statutory Plan 2018/19**

Will Humphries, Service Lead, Environmental Health, presented a report asking Members to:

1. Approve the proposed Health & Safety Statutory Plan 2018/19.

A wide-ranging debate followed, and Officers agreed to take the none licensing based comments for the relevant department to respond.

Resolved:

That Members of the Licensing Committee:

1. Approved the proposed Health & Safety Statutory Plan 2018/19.

14

### **Replacement Vehicle**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed change to the private hire vehicle replacement process.

Resolved:

That Members of the Licensing Committee:

1. Approved the proposed change to the private hire vehicle replacement process.

15

### **Consultation on Guidelines**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Agree the proposed amendments to the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators should be the subject of a consultation exercise.
2. Request that employees undertake a consultation exercise.
3. Receive a further report following completion of the consultation exercise.
4. Note that the proposed amendments have been subject to an internal consultation with employees.

In response to questions asked, the Licensing Manager and Sarah Hardwick, Senior Solicitor, confirmed that when developing the proposed amendments, the current standards had not been lowered.

Resolved:

That Members of the Licensing Committee:

1. Agreed the proposed amendments to the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators should be the subject of a consultation exercise.
2. Requested that employees undertake a consultation exercise.

3. Agreed to receive a further report following completion of the consultation exercise.

Noted that the proposed amendments had been subject to an internal consultation with employees.

16

**Driver training programme**

Chris Howell, Licensing Manager, presented a report asking Members to note:

1. That the driver training programme would include modern slavery.
2. The duration of the course would be extended to include the extra training requirements.

Nigel Todd, Senior Driver Training Instructor, Worcestershire County Council, presented the modern slavery training material to Members and answered any questions they had.

Members welcomed the inclusion of modern slavery within the training programme and the Licensing Manager and Senior Driver Training Instructor welcomed Members to attend a future session.

Resolved:

That Members of the Licensing Committee noted:

1. That the driver training programme would include modern slavery.
2. The duration of the course would be extended to include the extra training requirements.

## Attendance

**Chair** Cllr Alan Bolshaw

## Sub-Committee Members

Cllr Rita Potter  
Cllr Wendy Thompson

## Employees

David Abel	Senior Legal Executive
Dereck Francis	Democratic Services Officer
Chris Howell	Licensing Manager
Johnathon Lloyd	Licensing Officer (Observer)

## Responsible Authorities

Matthew Leak	Health Improvement officer
Elaine Moreton	Section Leader - Licensing
PC Michelle Churm	West Midlands Police
Parpinder Singh	Senior Public Health Specialist

## Premises Licence Applicant

Mr Jalal Said	Applicant
Mr Alex Abdelaal	Friend
Mr Alex Leese	Architect

*Item No.*     *Title*

**1        Apologies for absence**

No apologies were received for the meeting.

**2        Declarations of interest**

There were no declarations of interests.

**3        Licensing Act 2003 –Application for a Premises Licence in respect of The Cave Lounge, Frederick Street, Wolverhampton, West Midlands, WV2 4DU**

An application for a Premises Licence in respect of The Cave Lounge, Frederick Street, Wolverhampton, West Midlands, WV2 4DU was considered following representations received from Public Health, Licensing Authority and West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed.

Chris Howell, Licensing Manager, provided an outline of the application. By way of clarification he reported that the representations letter from West Midlands Police in respect of The Cave Lounge referred to the premises being allowed A5 usage. This was an error, the premise had A3 usage which precluded the premises being used as a shisha bar. Mr Alex Abdelaal on behalf of the applicant, Mr Jalal Said confirmed that the summary was accurate.

The Chair invited the applicant to present the application. Mr Alex Abdelaal on behalf of the applicant did so.

Mr Paul Leese, the applicant's Architect arrived during Mr Alex Abdelaal's presentation. The Authority had not received prior notification that Mr Leese would be attending the hearing to support the application. Following advice from the Council's Solicitor, the Chair asked all parties present whether they were happy to give consent for Mr Leese to speak in support of the application during the meeting. All parties presented gave their consent.

The Chair afforded all parties present the opportunity to question the applicant in relation to his submission. Mr Alex Abdelaal provided responses to questions asked.

The Chair invited West Midlands Police to make representations. PC Michelle Churm did so.

The Chair invited all parties present to question West Midlands Police in relation to its submission. PC Churm provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Elaine Moreton, Section Leader - Licensing, did so.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. The Section Leader - Licensing provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh, Senior Public Health Specialist did so.

The Chair invited all parties present to question Public Health in relation to its submission. The Senior Public Health Specialist provided responses to questions asked.

The Chair invited all parties present to make their final address and Mr Alex Abdelaal made a closing statement on behalf of the applicant during which he confirmed that there would be no smoking inside the premises.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

That the Licensing Sub-Committee listened carefully to all of the representations made by those attending and carefully considered the paperwork placed before them. They also had regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement.

The Application was made individually by Mr Jalal Ahmad Said and Mr Ahmed Hassan and related to the provision of late night refreshment and the playing of recorded music at the above premises between the hours of 18.00 and 04.00. The premises operates as a Shisha lounge and objections to the application were received from the Public Health department of Wolverhampton Council on the grounds of public safety, from the Licensing Authority of Wolverhampton Council on the grounds that the application does not address all of the licensing objectives and from the Partnerships and Licensing Department of West Midlands Police also on the grounds of public safety.

The steps that may be taken by the Sub-Committee on an application for a premises licence are to:

- a) Grant the licence subject to conditions.
- b) Exclude a licensable activity to which the application relates from the scope of the licence.
- c) Refuse to specify a person as a premises supervisor.
- d) Reject the application

At the hearing which took place at 10.00am on the 21<sup>st</sup> August 2018 the Licensing Sub-Committee resolved to grant the licence subject to conditions in respect of the Cave Lounge.

The application was granted in the terms sought with the following conditions:

1. The provision of late night refreshment will be between 18.00 to 03.00 each day.
2. The playing of recorded music will be between 18.00 to 03.00 each day.
3. Smoking will only take place outside the building within the designated smoking area.
4. No one under 18 years of age will be allowed on the premises.
5. A Challenge 25 policy will be put in place regarding the sale of tobacco or tobacco products.
6. A refusals book will be kept in respect of all attempts to buy tobacco or tobacco products and will contain sequential pages and be available to any Responsible Authority on request.

Conditions 3 to 6 above are implemented with regard to furthering the Licensing Objectives of Public Safety and the Prevention of Children from harm given that smoking will be taking place outside the premises and these Conditions were voluntarily proposed by the Applicant who stated the intention to co-operate with all parties in upholding the Licensing Objectives.

The Licensing Sub-Committee took the view that the implementation of robust conditions which were agreed between the parties were necessary and proportionate to uphold the Licensing Objectives. The Sub-Committee also clarified that their decision was made solely on the furthering of the Licensing Objectives and not as enforcement action under any other legislation.

There is a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of this letter should they feel aggrieved by this decision.

**(NB: The meeting was adjourned during 12.05 pm to 12.30 pm for lunch)**

## Attendance

### Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Wendy Thompson

### Employees

Jo Till

Section Leader Licensing

David Abel

Solicitor

Donna Cope

Democratic Services Officer

Debra Craner

Environmental Health District Officer (Observing)

### Premises Licence Holder

Heath Thomas

Harrison Clark Rickerbys Limited - Solicitor

Emily Shield

Harrison Clark Rickerbys Limited – Solicitor (Observing)

Paul Atkins

Director of Atkins Leisure Ltd

Kelly Davis

Premises Manager

Andrew Rhodes

Premises Owner

Lucy Armstrong

Wolverhampton Business Improvement District

### Other Persons

Hayley Hall

Local Resident - Lych Gate Tavern

Rob Edge

Licence Leader Ltd - Agent for Hayley Hall

Rev David Wright

Local Resident - St Peter's Collegiate Church

*Item No.*    *Title*

**1        Apologies for absence**

There were no apologies for absence.

**2        Declarations of interest**

There were no declarations of interest.

**3        Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of Slater's Bar, 41 Queen Square, Wolverhampton, WV1 1TX**

An application for a Variation of a Premises Licence in respect of Slater's Bar, 41 Queen Square, Wolverhampton, WV1 1TX was considered following representations received from Other Persons.

The Chair informed all present that Mr Rob Edge, agent for Hayley Hall, was an ex-employee of the City of Wolverhampton Council but assured all parties present that this would not affect the decision of the Sub-Committee.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Ms Joanne Till, Section Leader, Licensing, provided an outline of the application. All parties confirmed that the summary was accurate.

Mr Heath Thomas, Solicitor representing Atkins Leisure Limited, questioned Mr Rob Edge's introductory statement that he was representing Black Country Ales as there was no evidence of a representation from them.

Donna Cope, Democratic Services Officer, explained that an email containing representations from Black Country Ales had been received from Mr Edge on Friday 7 September 2018 and copies of the email were available for viewing if all parties were in agreement.

Following discussions between all parties it was agreed that the representation from Black Country Ales would not be considered at the hearing as the document had not been correctly served on all parties prior to the hearing.

The Chair invited the applicant to present the application. Mr Heath Thomas, Solicitor representing Atkins Leisure Limited, did so.

During his submission he referred to additional documentation that had been submitted to all interested parties on behalf of his client prior to the hearing. As this document had been served correctly, copies were distributed to members by the Donna Cope, Democratic Services Officer, for their consideration.

Mr Thomas advised the Committee that prior to submitting the application, his client had consulted with West Midlands Police and Environmental Health to ensure both Responsible Authorities were happy with the proposals.

Mr Thomas introduced Mrs Lucy Armstrong, a representative from Wolverhampton Business Improvement District. Mrs Armstrong confirmed that the proposed premises would be the first of its kind in the city centre and that there were no issues with the applicant's existing premises within the city.

The Chair afforded all parties present the opportunity to question the applicant in relation to its representation. Mr Heath Thomas and Kelly Davis, Premises Manager, provided responses to questions asked.

The Chair invited Mr Rob Edge to make representations on behalf of his client, Hayley Hall. Mr Rob Edge did so. He stated that his client was extremely concerned that the trading hours applied for at the premises would add to the existing noise nuisance his client was experiencing.

Mr Edge explained his concerns with the proposed operating schedule and did not feel the current licence conditions were robust enough should the variation be granted.

The Chair invited all parties present to question the Mr Rob Edge in relation to his submission. Mr Rob Edge and his client, Hayley Hall, provided responses to questions asked.

The Chair invited Rev David Wright to make representations. Rev David Wright did so. He stated that he supported the new premises but believed the trading hours applied for were excessive and would cause additional noise nuisance.

The Chair invited all parties present to question Rev David Wright in relation to his submission. Rev David Wright provided responses to questions asked.

The Chair invited all parties present to make their final address.

Mr Heath Thomas, Mr Rob Edge and Rev David Wright made closing statements.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

The Licensing Sub-Committee agreed that the application should be granted as follows:

Opening hours -

Sunday to Thursday until 1.30am with last entry to the premises being at 1.00 am.

Friday and Saturday until 2.30 am with last entry to the premises being at 2.00 am.

The sale of alcohol -

Sunday to Thursday until 1.00am

Friday and Saturday until 2.00am

The playing of recorded and acoustic music -  
Sunday to Thursday until 1.00am  
Friday and Saturday until 2.00am

Under 18's would not be allowed on the premises after 22.00pm on all days of the week.

The Premises Management would monitor sound levels to comply with the existing condition that no noise or vibration should emanate from the premises and would keep a log of this sound monitoring which would be available to all responsible authorities on request.

The last entry to the venue would be 30 minutes prior to closing time.

SIA Door staff would be in place at the premises on Fridays and Saturdays from 2100 hours until close of business and would also be in place when Wolverhampton Wanderers played at home and during occasions when live music took place.

The application to change the name of the venue from Slaters Bar to the Parisian was also granted.

The Licensing Sub-Committee had listened carefully to the representations made by all of those in attendance. The Sub-Committee, in reaching its decision, tried to strike a balance between supporting a new venue as part of the night time economy and upholding the licensing objectives which was the Committees primary consideration.

The Sub-Committee heard that there was already noise from existing venues in the locality and therefore considered the cumulative effect of extending the opening times for another venue. The Sub-Committee were of the view that there was no evidence before them that the hours as granted would contribute to existing problems and speculation of noise nuisance from the premises could be dealt with by way of the Review procedure once substantiated. The Sub-Committee believed that the conditions stated were robust enough to deal with any potential nuisance.

The Sub-Committee noted that the applicant had stated that they would be happy to accept lesser hours than those granted and whilst the hours granted were less than those applied for due to existing concerns, the Sub-Committee believed that the hours and conditions imposed were reasonable and in line with existing venues in the locality and that they would not add to existing problems. Therefore, the decision of the Sub-Committee was to rebut the presumption of refusal which falls within the operation of the Cumulative Impact Zone which was in place throughout Wolverhampton City centre.

There is a right of Appeal within 21 days of receipt of this letter, to the local Magistrates Court for anyone who is aggrieved by the Sub-Committees decision.

## **Attendance**

### **Members of the Licensing Sub-Committee**

Cllr Alan Bolshaw (Chair)  
Cllr Rita Potter  
Cllr Jane Stevenson

### **Employees**

Elaine Moreton	Section Leader, Licensing
Sarah Hardwick	Senior Solicitor
Donna Cope	Democratic Services Officer

*Item No.*     *Title*

**1            Apologies for absence**

There were no apologies for absence.

**2            Declarations of interest**

There were no declarations of interest.

**3            Exclusion of press and public**

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

**4            Application for a Private Hire Vehicle Driver's Licence (AS)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AS) into the Hearing. AS was accompanied by his wife and Solicitor, Mohammed Ikram. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AS was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AS confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report and the Section Leader answered accordingly.

The Chair invited AS to make representations.

Mr Mohammed Ikram made representations on behalf of his client and confirmed that AS previously held a Private Hire Vehicle Driver's licence with Walsall Council for 20 years, receiving no complaints. He detailed the circumstances that led to the allegations against his client and emphasised that no formal charges were imposed as the allegations were dropped. He discussed his client's current personal circumstances and stated AS was a hardworking family man with no convictions.

All parties were invited to question AS and Mr Ikram on the submission.

In response to questions asked, AS, his wife and Mr Ikram gave further details surrounding the allegations made and explained that all issues within the family had been resolved.

The Chair invited AS to make a final statement and Mr Akrim did so on behalf of his client. He stated that AS was a mild-mannered gentleman of good character with no convictions. He confirmed that all allegations against his client had been dropped and emphasised his client's unblemished history as a taxi driver.

AS, his wife, Mr Akrim (applicant's solicitor) and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and grant AS a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to AS passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

## **5 Review of a Private Hire Vehicle Driver's Licence (VA)**

The Chair invited Chris Howell, Licensing Manager, Elaine Moreton, Section Leader, Licensing, and the Applicant (VA) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding a review of a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether VA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. VA confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report. No questions asked.

The Chair invited Chris Howell, Licensing Manager, to make representations.

The Licensing Manager did so. He outlined the incident of 5 July 2018 in which he witnessed VA working whilst not wearing his Private Hire Vehicle Driver's badge. He stated that VA claimed to have finished shopping, left his badge at home and would retrieve it before starting work. The Licensing Manager referred to the GPRS tracking evidence within the report which indicated VA did not return home to collect his badge.

All parties were invited to question the Licensing Manager on his submission.

In response to questions from the Sub-Committee, Senior Solicitor and VA, the Licensing Manager explained the importance of drivers wearing their badges and disputed claims made by VA regarding the incident.

Sarah Hardwick, Senior Solicitor, requested clarification on the contents of Page 5 of the Supplementary Information pack.

Elaine Moreton, Section Leader Licensing, explained that the evidence in question, confirmed that VA had been working the minute before being approach by the Licensing Manager.

The Chair invited VA to make representations.

VA explained the incident of 5 July 2018. He stated he had just finished a job and had taken his badge off, placing it on the passenger seat, before going to use the toilet. He claimed that the Licensing Manager did not verbally introduce himself, leading VA to believe he was plying for hire.

All parties were invited to question VA on his submission.

In response to questions from the Sub-Committee, Senior Solicitor and the Section Leader, VA confirmed that when approached by the Licensing Manager, his badge was on the passenger seat as he was taking a break. He explained that he hadn't logged off the 'platform' as he didn't want to lose potential fares and denied having any conversation with the Licensing Manager during the incident. VA was unable to provide a clear answer when asked if he was suggesting the Licensing Manager had lied but confirmed he had not met the Licensing Manager before the 5 July 2018 and therefore could not provide an explanation as to why the Licensing Manager would fabricate evidence.

He confirmed that following his interaction with the Licensing Manager, he drove to a shop in Chapel Ash to use the toilet facilities.

Following this submission, the Sub-Committee consulted the GPRS tracking evidence within the report and noted that VA's version of events did not correspond.

The Chair invited VA to make a final statement.

VA claimed that because the Licensing Manager hadn't verbally introduced himself there had been a misunderstanding and stated it wasn't practical to log off the 'platform' during every break.

VA, the Licensing Manager and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved that VA was not a fit and proper person and therefore they determined to suspend the Private Hire Vehicle Driver's Licence for a period of 6 weeks in accordance with section 61 of the Local Government

(Miscellaneous Provisions) Act 1976 and paragraph 5.1.19 (a) of the Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions.

The applicant's right of appeal was detailed by the Senior Solicitor.

6 **Application for a Private Hire Vehicle Driver's Licence (QZ)**

QZ was unable to attend. Hearing adjourned to a future date.

7 **Application for a Personal Licence in respect of Mr Horace Gilmore Mccalla.**

West Midlands Police were unable to attend due to mis-communication.

Hearing adjourned to a specified date, that being 16 October 2018, in accordance with paragraph 11 of the Licensing Act 2003 (Hearing) Regulations 2005.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

## Licensing Sub-Committee

### Minutes - 16 October 2018

## Attendance

### Licensing Sub-Committee Members

Cllr Alan Bolshaw (Chair)  
Cllr Wendy Thompson  
Cllr Rita Potter

### Applicants:

#### *Agenda Item 3*

Paul Dosanjh  
Dianne Slack

Service Lead, Trading Standards  
District Officer, Trading Standards

#### *Agenda Item 5*

Horace McCalla

### Premises Licence Holder (*Agenda Item 3*)

Mohammadreza Khodaei  
Hamidreza Khodaei

Premises Manager  
Premises Owner

### Responsible Authorities

Elaine Moreton  
Sgt Steph Reynolds  
Parpinder Singh

Section Lead, Licensing  
West Midlands Police  
Senior Public Health Specialist, Public Health

### Employees:

Jonathan Lloyd  
David Abel  
Donna Cope  
Michelle James  
Timothy Omodeni  
Debra Craner  
George Burrell  
Amy Baker

Senior Licensing Officer  
Solicitor  
Democratic Services Officer  
Licensing Policy Manager (observing)  
Licensing Officer (observing)  
Environmental Health (observing)  
Licensing Apprentice (observing)  
Health Improvement Officer (observing)

*Item No.*     *Title*

**1            Apologies for absence**

There were no apologies for absence.

**2            Declarations of interest**

There were no declarations of interest.

**3            Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN**

An application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN, had been received from Trading Standards.

The Chair led round-table introductions and outlined the procedure to be followed.

Jonathan Lloyd, Senior Licensing Officer, provided an outline of the application. Paul Dosanjh, Service Lead, Trading Standards (applicant), confirmed that the summary was accurate.

David Abel, Solicitor for the City of Wolverhampton Council, advised the Chair that the Premises Licence Holder, Mr Tangarasa Yogarasa was not present at the Hearing. Donna Cope, Democratic Services Officer, confirmed that numerous attempts had been made to contact the Premises Licence Holder but all attempts were unsuccessful.

In response to this, Mr Hamidreza Khodaei, Premises Owner, stated that Mr Yogarasa had previously been the premises' supervisor and had left approximately 5 months ago. Mr Hamidreza Khodaei stated that he too had been unable to contact him.

As Mr Yogarasa,, Premises Licence Holder, could not be contacted, the Sub-Committee agreed to consider the application in his absence.

The Chair invited Trading Standards to present their application. Paul Dosanjh, Service Lead, did so as per Appendix 3 of the report.

The Chair afforded all parties present the opportunity to question the applicant in relation to his submission. Paul Dosanjh, Service Lead, provided the following responses to questions asked:

- The trading of illegal tobacco was serious organised crime;
- The illegal trading was harmful to legitimate businesses and tax payers;
- The illegal tobacco products were not safe for consumers;
- Evidence gathered by Trading Standards strongly suggested the illegal products found on the premises were not for personal use.

The Chair invited Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager, to make representations. Mr Hamidreza Khodaei and Mr Mohammadreza Khodaei did so.

Mr Mohammadreza Khodaei, Premises Manager, explained that he had engaged in illegal tobacco trading without the knowledge of Mr Hamidreza Khodaei, Premises Owner. He stated that he was young, stressed and inexperienced in this business area. He explained that demand for illegal tobacco was high and due to financial problems, he felt he had no choice. He acknowledged he had made a mistake and was sorry. He also claimed that some of the goods seized, were not his.

Mr Hamidreza Khodaei, Premises Owner, confirmed that he was unaware of the illegal activities going on at the premises.

The Chair afforded all parties present the opportunity to question the Premises Owner and Premises Manager in relation to their submission. Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager, provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 5 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited West Midlands Police to make representations. Sgt Steph Reynolds did so as per Appendix 4 of the report.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Sgt Steph Reynolds provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh did so as per Appendix 6 of the report.

The Chair invited all parties present to question Public Health in relation to its submission. Parpinder Singh provided responses to questions asked.

The Chair invited all parties present to make their final address.

Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager and Paul Dosanjh, Trading Standards, made closing statements.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

The Licensing Sub-Committee listened very carefully to the representations made by those attending the hearing and carefully considered all of the paperwork placed before them.

The Sub-Committee were concerned to hear that the DPS had been absent from the premises for over 5 months and that the Owner and Manager, who attended the hearing, had admitted criminal activity. They told the Sub-Committee that they were inexperienced and had not seen the Premises Licence. They admitted selling dangerous and counterfeit tobacco products and accepted that this undermined the licensing objectives of the Prevention of Crime and Disorder and of Public Safety.

The Sub-Committee noted the section 182 Statutory Guidance at paragraph 11.27 which states “there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously.” This included, “for the sale or storage of smuggled tobacco or alcohol.”

The Panel felt that the Guidance specifically applied to these circumstances and therefore decided to revoke the Premises Licence. The Right of Appeal to the Magistrates Court within 21 days of the decision notice being received was stated.

*The Sub-Committee adjourned at 12.25 hours.*

*The Hearing reconvened at 13:40 hours.*

#### 4 **Exclusion of press and public**

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

#### 5 **Licensing Act 2003 – Application for a Personal Licence in respect of Mr Horace Gilmore McCalla.**

The Chair led round-table introductions and outlined the procedure to be followed.

Jonathan Lloyd, Senior Licensing Officer, outlined the report regarding an application for a Personal Licence, which had been circulated to all parties in advance of the meeting.

The Applicant confirmed that the information contained within the report was accurate.

The Chair invited the Applicant to present his application.

The Applicant discussed his previous employment and explained how his physical problems had affected his ability to carry out physical work. He acknowledged he had done stupid things when he was younger and stated he was now a changed man with a family.

The Chair afforded all parties present the opportunity to question the Applicant in relation to his submission.

In response to questions from the Sub-Committee and West Midlands Police, the Applicant elaborated further on his personal circumstances and discussed the previous situation.

He stated he had grown up and now had responsibilities as a father. He explained that he wanted to use his Personal Licence, if granted, to organise community events which would bring people together and keep youths off the streets.

The Chair invited West Midlands Police to present their application. Sgt Steph Reynolds did so as per appendix 5 of the report.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to her submission. Sgt Steph Reynolds provided responses to questions asked.

The Police and Applicant were afforded the opportunity to make a closing statement.

Sgt Steph Reynolds and the Applicant did so.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

The Licensing Sub-Committee listened carefully to all the representations made by those in attendance and carefully considered all the paperwork before them and their decision was to grant the application.

The Right of Appeal to all parties to the Local Magistrates Court within 21 days of receiving written notification of the Committees Decision, was stated.

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## **Attendance**

### **Members of the Licensing Sub-Committee**

Cllr Alan Bolshaw (Chair)

Cllr Rita Potter

Cllr Greg Brackenridge

### **Employees**

Jonathan Lloyd

Sarah Hardwick

Donna Cope

Senior Licensing Officer

Senior Solicitor

Democratic Services Officer

### **Responsible Authorities**

Sgt Steph Reynolds

Elaine Moreton

Debra Craner

West Midlands Police

Section Leader Licensing

Environmental Health District Officer

### **Premises Licence Applicant**

Heath Thomas

Harrison Clark Rickerbys Limited - Solicitor

### **Other Persons**

Councillor Anwen Muston

Representing the residents of East Park

*Item No.*    *Title*

**1        Apologies for absence**

There were no apologies for absence.

**2        Declarations of interest**

Councillor Anwen Muston, representative for the residents of East Park, declared that she was a Member of the Licensing Committee.

**3        Licensing Act 2003 –Application for a Premises Licence in respect of The Harp Inn, Walsall Street, Eastfield, Wolverhampton, West Midlands, WV1 3LP**

An application for a Premises Licence in respect of The Harp Inn, Walsall Street, Eastfield, Wolverhampton, West Midlands, WV1 3LP was considered following representations received from West Midlands Police, Environmental Health, The Licensing Authority and Other Persons.

The Chair led round-table introductions and outlined the procedure to be followed.

Prior to the Hearing, Mr Heath Thomas, Solicitor representing the Applicant, Angela Bent, had notified Democratic Services and all relevant parties that his client requested that the Hearing be adjourned.

The Chair asked Mr Thomas to explain his reasons for this request.

Mr Thomas stated the following reasons:

1. The applicant required further time to prepare her application for the Licensing Sub-Committee. This included collation of evidence and documentation in support of the application following meetings which had been held with representatives of Responsible Authorities who had lodged representations to the application. The documents to be lodged would result in significant amendments to the original application;
2. The Notice of Hearing received by the applicant was not in accordance with the time limits set out in the Licensing Act 2003 (Hearings) Regulations 2005 as amended. The notice was received on the 5<sup>th</sup> October 2018, providing fewer than 10 working days' notice of hearing.

He explained further that the regulations permitted the council to extend the time for determination of an application where it considered it necessary in the public interest. Furthermore, the s182 Guidance at paragraph 9.32 for example, supported an adjournment in circumstances where “the application is amended at the last moment, the Licensing Committee should consider giving other persons time to address the revised application before the hearing commences”.

Paragraph 9.33 of the Guidance also supported an adjournment where “discussions between an applicant and those making representations are taking place and it is

likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest”.

Resolved:

All parties confirmed they had no objections to the request and the Sub-Committee agreed to adjourn the hearing until Thursday 15 November 2018.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

# Licensing Sub-Committee

## Minutes - 25 October 2018

### Attendance

#### Sub-Committee Members:

Cllr Alan Bolshaw (Chair)  
Cllr Rita Potter  
Cllr Jane Stevenson

#### Premises Licence Applicant:

Chris Nixon  
Shaun Ward  
Surinder Mahey

Knight Training Ltd (Agent)  
Knight Training Ltd

#### Licensing Authority:

Chris Howell  
Elaine Moreton

Licensing Manager  
Licensing Section Leader

#### Public Health:

Parpinder Singh

Senior Public Health Specialist

#### Employees:

Sarah Hardwick  
Donna Cope  
Elizabeth Gregg  
Michelle James

Senior Solicitor  
Democratic Services Officer  
Senior Licensing Officer  
Licensing Policy Manager (observing)

*Item No.*     *Title*

**1            Apologies for absence**

There were no apologies for absence.

**2            Declarations of interest**

There were no declarations of interest.

**3            Licensing Act 2003 –Application for a Premises Licence in respect of Supernewz, 5 Market Way, Wolverhampton, West Midlands, WV14 0DR**

An application for a Premises Licence in respect of Supernewz, 5 Market Way, Wolverhampton, WV14 0DR was considered following representations received from Public Health, Licensing Authority and West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Ms Elizabeth Gregg, Senior Licensing Officer, provided an outline of the application and confirmed that the premises are situated within a Cumulative Impact Zone (CIZ). She advised that since the report had been published, mediation had taken place between Mr Chris Nixon, Knight Training Ltd, representing Mr Surinder Mahey (applicant), West Midlands Police and Public Health.

The Senior Licensing Officer confirmed that during these discussions, West Midlands Police and the Applicant had agreed on additional Licence Conditions and therefore, West Midlands Police had formally withdrawn their representations.

Mr Chris Nixon and Mr Shaun Ward, Knight Training Ltd, representing Mr Surinder Mahey (applicant), confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application. Mr Shaun Ward, Knight Training Ltd, did so.

He explained that prior to the Hearing mediation had taken place with West Midlands Police, Public Health and the Licensing Authority. He stated that all concerns raised by the Responsible Authorities had been addressed and that his client was open to further discussions.

Mr Chris Nixon added that consultation had taken place with the Responsible Authorities before, during and after the application had been made.

The Chair afforded all parties present the opportunity to question the Applicant in relation to its representation.

Mr Chris Howell, Licensing Manager, questioned when pre-consultation had taken place between the Applicant and Licensing Authority, and following discussions, it

was established that pre-consultation between the Applicant and Licensing Authority had not taken place.

Mr Nixon and Mr Ward provided the following responses to further questions asked:

- It was not essential to mention the CIZ within the application if the operating schedule demonstrated that the premises would not add to the cumulative impact already experienced;
- Robust training and support would be offered by Knight Training;
- CCTV was currently in operation at the premises;
- Incident security logs would be kept;
- There was currently no demand for alcohol at 0830 hours.
- These hours had been applied for to keep the licensing hours parallel to the opening hours.

The Chair invited the Licensing Authority to make representations. Mr Chris Howell, Licensing Manager, did so.

He confirmed that the premises was situated within a Cumulative Impact Zone (CIZ) and explained that there was a rebuttable presumption that applications within these areas would be refused.

He stated it was therefore essential that applicants detailed in full, within their operating schedule, how their application would have no negative impact on any of the Licensing Objectives and where appropriate, with supporting evidence, that the operation of the premises would not add to the cumulative impact already being experience.

The Licensing Manager advised that the application submitted, did not demonstrate this, and stated there was no reference at all to the CIZ within the application.

He stated that Police crime statistics for 2016/2017 showed an increase in anti-social behaviour incidents within the Bilston CIZ when compared to the previous 12 months.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Howell provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh, Senior Public Health Specialist, did so. He emphasised the importance of the Cumulative Impact Policy and noted that the Applicant had not referred to the policy at all in the application. He believed the Applicant had failed to demonstrate how the application for a new licence would not further exacerbate problems within the CIZ.

The Senior Public Health Specialist discussed the increase in crime in the area concerned and stated that despite mediation with the Applicant he had not felt comfortable withdrawing his representations.

The Chair invited all parties present to question Public Health in relation to its submission. Parpinder Singh provided responses to questions asked.

The Chair invited all parties present to make their final address.

Mr Parpinder Singh and Mr Chris Howell made closing statements.

*The Sub-Committee adjourned at 11.10 hours.*

*The Hearing reconvened at 11.24 hours.*

Mr Shaun Ward and Mr Chris Nixon made their closing statements.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Supernewz, 5 Market Way, Wolverhampton, WV14 0DR. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee had considered written representations from the West Midlands Police and had heard from the Licensing Authority as Responsible Authority and Public Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives. The Licensing Authority and Public Health had confirmed that the application was for a premises in a CIZ. This had not been addressed in the application and the Applicant had not provided sufficient evidence to rebut the presumption of non-grant.

The Sub-Committee had heard from the Applicant and within their submissions that West Midlands Police had agreed a proposed condition regarding the sale of white ciders on the premises.

The Sub-Committee were satisfied that the Cumulative Impact Policy applied to these premises and that therefore there was a rebuttable presumption of non-grant.

Further, they were not satisfied that sufficient evidence had been provided by the Applicant to illustrate that the premises would not add to the cumulative impact already experienced. Therefore, the presumption of non-grant had not been rebutted.

The reasons for this were as follows:

1. The CIZ was not referred to or addressed in the application;
2. The application was not sufficiently tailored to the needs of the premises or the location where it is situated;
3. The Applicant confirmed that staff would be trained, should the licence be granted, however, there seemed no clear plan of when this would happen, or examples given of what training would be provided and how;

4. When asked if there was a market for alcohol at 8.30 am the Applicant responded no which called into question why this had been applied for;
5. The application was too general for it to succeed in its present form.

The Senior Solicitor stated that all parties had a right of appeal to the Magistrates Court within 21 days of receipt of the decision.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

## Licensing Sub-Committee

### Minutes - 8 November 2018

## Attendance

### Sub-Committee Members:

Cllr Alan Bolshaw (Chair)

Cllr Rita Potter

Cllr Jane Stevenson

### Premises Licence Applicant:

Rob Edge

Samuel Evans

Licence Leader Ltd (Agent)

Business Owner

### Licensing Authority:

Elaine Moreton

Licensing Section Leader

### Police:

Sgt Steph Reynolds

### West Midlands Fire Service:

Neil Aston-Baugh

Fire Safety Officer

### Employees:

Sarah Hardwick

Donna Cope

Jonathan Lloyd

Senior Solicitor

Democratic Services Officer

Senior Licensing Officer

*Item No. Title*

**1 Apologies for absence**

There were no apologies for absence.

**2 Declarations of interest**

There were no declarations of interest.

**3 Licensing Act 2003 – Application for a Premises Licence in respect of The Hangar, Pountney Street, Wolverhampton, West Midlands, WV2 4HX**

The Chair advised all present that Councillor Jane Stevenson was held up in traffic and therefore the Hearing would be adjourned for a short while to allow her more time.

*The Sub-Committee adjourned at 10.05 hours.*

*The Hearing reconvened at 10.15 hours.*

The Chair confirmed that Councillor Stevenson had no declarations of interest.

An application for a Premises Licence in respect of The Hangar, Pountney Street, Wolverhampton, West Midlands, WV2 4HX was considered following representations received from West Midlands Fire Service, Licensing Authority, West Midlands Police and Other Persons.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

The Chair informed all present that Mr Rob Edge, agent for the Applicant, Samuel Evans, was an ex-employee of the City of Wolverhampton Council but assured all parties present that this would not affect the decision of the Sub-Committee.

Mr Jonathan Lloyd, Senior Licensing Officer, provided an outline of the application. Mr Rob Edge, representing Mr Samuel Evans (applicant), confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application. Mr Rob Edge, Licence Leader Ltd, did so.

He explained that prior to the Hearing mediation had taken place with West Midlands Fire Service, West Midlands Police, and the Licensing Authority to address any concerns raised by them.

He explained that his client, Samuel Evans, had invested significantly in the premises to ensure all health and safety issues were addressed and stated that Building Control were satisfied with the new proposed plans.

Mr Edge discussed the recent Temporary Event Notices held at the premises and advised the Sub-Committee that all issues identified had been addressed. These included parking provisions and the implementation of Parking Stewards.

The Chair afforded all parties present the opportunity to question the Applicant in relation to its representation.

Mr Edge provided the following responses to questions asked:

- No complaints were received for the two events carried out under Temporary Event Notices,
- A risk assessment had been carried out to ensure there was sufficient time allowing patrons to vacate the premises,
- A separate risk assessment would be carried out for each event,
- Building Control and WMFS had been consulted regarding fire escapes,
- WMFS had limited the venue capacity to 600 persons and Building Control would confirm the final figure when plans were approved,
- WMP would be given a list of all forthcoming events including artists and demographic,
- Car parks would be leased from the nearby Banqueting Suite when available,
- No issues with noise had been raised and Environmental Health had not objected to the application,
- SIA Security would search patrons accordingly,
- Concerns raised by WMP regarding a Temporary Event Notice had been addressed,
- A full transport assessment had been carried out and the Applicant had consulted with Building Control and Planning.

The Chair invited West Midlands Police to make representations. Sgt Steph Reynolds did so. She confirmed that mediation had taken place with the Applicant prior to the Hearing and she was now satisfied with the provisions in place.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Sgt Steph Reynolds provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader Licensing, did so. She confirmed that mediation had taken place with the Application prior to the Hearing and she no longer had objections to the application.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. No questions were asked.

The Chair invited West Midlands Fire Service to make representations. Mr Neil Aston-Baugh, Fire Safety Officer, did so. He confirmed Mr Edge's submission and discussed how the Applicant had taken extensive steps to resolve an issue regarding the use of roller shutters as a means of escape.

The Fire Safety Officer outlined a Voluntary Undertaking, signed by the Applicant, and confirmed that following mediation, he no longer had objections to the application.

The Chair invited all parties present to question West Midlands fire Service in relation to its submission. Mr Neil Aston-Baugh provided responses to questions asked.

The Chair invited all parties present to make their final address.

No further statements were made.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

The Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for The Hangar, Pountney Street, Wolverhampton, WV2 4HX. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee had heard from West Midlands Police that representations were lodged as there were concerns that granting of the licence would undermine 3 of the Licensing Objectives. The Applicant had entered into talks with West Midland Police and an agreement to modify conditions had been agreed. Therefore, it was proposed that conditions outlined at Agenda Item 3, Pages 5 and 6, be added to any licence and in that situation the West Midlands Police would be satisfied the premises licence could be granted and that the premises would promote the Licensing Objectives.

The Licensing Authority (as Responsible Authority) had made relevant representations relating primarily to the end time for licensable activities to be reduced by 30 mins. The Applicant had entered into talks with the Licensing Authority and an agreement to modify conditions had been agreed. Therefore, it was proposed that the condition outlined at Agenda Item 3, Page 7 be added to any licence.

The Sub-Committee had heard from West Midlands Fire Service, with particular reference to roller shutters at the premises to be used as means of escape being not acceptable. The Fire Service had confirmed that concerns had been addressed and that the premises had entered into continued dialogue with them. The premises had also given a voluntary undertaking as referred to at Page 4 of Agenda Item 3. The Sub-Committee were satisfied that provisions on Page 4 should remain as voluntary undertakings and not form conditions of licence as other legislation applied.

The Sub-Committee had regard to both the written and oral evidence that had been presented and attached appropriate weight.

An Other Person, for the purpose of the Licensing Act 2003, had made written representations about parking on the public highway. The Sub-Committee were not satisfied this was relevant for the purpose of the Licensing Act 2003. The Sub-Committee did however note that the Applicant had indicated Parking Marshalls were

to be used and patrons were being signposted to use local car parks. There had also been meetings with Highway Services and a full transport assessment.

Having considered the views of all concerned, the Sub-Committee decided that the application for a premises licence should be granted, as applied for but subject to the terms and conditions detailed at Agenda Item 3, Pages 5 to 7 in accordance with section 18 of the Licensing Act 2003.

It was considered by the Sub-Committee that the above conditions should be attached in support of the Prevention of Public Nuisance, Public Safety and Prevention of Crime and Disorder Licensing Objectives.

They also noted that the premises had given the voluntary undertaking at Page 4 of Agenda item 3.

Finally, such conditions as were specified on/or consistent with the Operating Schedule would be attached to the licence, together with any mandatory conditions required by the Act.

A written copy of the decision would be given in 5 working days.

All parties had a right of appeal to the Magistrates Court within 21 days of receipt of this decision.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

## Statutory Licensing Committee

28 November 2018

<b>Report title</b>	Review of the Statement of Gambling Policy	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, Service Director - City Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee(s)</b>	Jo Till	Section Leader - Licensing
	Tel	01902 550189
	Email	Joanne.till@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None	

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### Recommendation for decision:

The Licensing Committee is recommended to:

- (i) Approve the draft policy to be presented to Full Council on 5 December 2018 for approval and implementation from 31 January 2019.

### Recommendations for noting:

The Licensing Committee is asked to note:

- (ii) The review that has taken place on the terms of the Statement of Gambling Policy.

## **1.0 Purpose**

- 1.1 To present for consideration by Councillors the proposed Statement of Gambling Policy for approval by Full Council on 5 December 2018.

## **2.0 Background**

- 2.1 The first 'Statement of Gambling Policy' was approved and adopted by the Council on 8 November 2006 and came into effect on 31 January 2007. In accordance with section 349 of the Gambling Act 2005 and guidance issued by the Secretary of State the policy must be renewed every three years following this.
- 2.2 Licensing Authorities are required to prepare and consult upon a Statement of Gambling Policy every three years. In order to adhere to these requirements, the proposed draft policy must be in force with effect from 31 January 2019.
- 2.3 Once adopted and published a Statement of Gambling Policy shall remain in force for a period of three years. However, a Licensing Authority can review their statement from time to time and if they think it necessary, revise the statement and publish any revision before giving it effect.
- 2.4 New guidance has been published which requires the Statement of Gambling Policy to contain a local area assessment. This document will be to assist applicants by detailing the local area and highlighting issues that may be relevant to their applications.
- 2.5 As part of this review a local area assessment has been developed and the final document has been included with the Statement of Gambling Policy.

## **3.0 Progress, options, discussion, etc.**

- 3.1 The changes to the policy and statement of principles were very minimal. The consultation has included a local area risk assessment and a data tool.
- 3.2 The policy is attached at Appendix 1 to this report.
- 3.4 The statement of principles is attached at Appendix 2 of this report
- 3.5 The local area assessment is attached at Appendix 3 of this report.
- 3.6 Section 349 of the Gambling Act 2005 provides that the Licensing Authority shall consult with:
  - The chief of police
  - Persons who appear to represent the interests of persons carrying on gambling businesses in the authority's area
  - Persons who represent the interests of persons who are likely to be affected by activity resulting from the Act.

3.7 The consultation followed best practice and involved a twelve-week consultation with a broad range of stakeholders.

3.8 One response to the consultation was received from Public Health. The comments received have been incorporated into the policy document at section 4 and relate to:

- Consulting with Public Health on new applications

#### **4.0 Financial implications**

4.1 There are no direct financial implications associated with this report. [MK/15112018/J]

#### **5.0 Legal implications**

5.1 The legal implications are included within the main body of the report. [SH/14112018/P]

#### **6.0 Equalities implications**

6.1 There are no equalities implications associated with this report.

#### **7.0 Environmental implications**

7.1 There are no environmental implications associated with this report.

#### **8.0 Human resources implications**

8.1 There are no human resources implication associated with this report.

#### **9.0 Corporate landlord implications**

9.1 There are no corporate landlord implications associated with this report.

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

10.1 Licensing Committee – Review of the statement of gambling policy – 6 June 2018

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CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statement of Gambling Policy

DRAFT

**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)

**Contents**

<b>Item</b>
<b>Part A – General</b>
1. The licensing objectives
2. Introduction
3. Declaration
4. Responsible Authorities
5. The Gambling Commission
6. Interested parties
7. Exchange of information
8. Enforcement
9. Licensing authority functions
<b>Part B - Premises licences</b>
1. General Principles
2. Adult Gaming Centres
3. (Licensed) Family Entertainment Centres
4. Casinos
5. Bingo Premises
6. Betting premises
7 Tracks
8. Travelling fairs
9. Provisional Statements
10. Premises Reviews
<b>Part C - Permits / Temporary and Occasional Use Notices</b>
1. Unlicensed Family Entertainment Centre gaming machine permits
2. (Alcohol) Licensed premises gaming machine permits
3. Prize Gaming Permits
4. Club Gaming and Club Machines Permits
5. Temporary Use Notices
6. Occasional Use Notices
7. Lotteries
8. Local Authority Lotteries
<b>Part D – Small Casino Licence</b>
General Principles
Casino Application stage 1
Casino Application Stage 2
Process of evaluation
Part D – Appendix 1 – Application guidelines; principles of selection
General Principles

## 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 the 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."

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.

## APPENDIX 1

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.

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.

## APPENDIX 1

- 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.

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.

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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**

### **Contents**

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (uFEC)
4. Prize Gaming Permits
5. Statement of Principles for UFEC Gaming Machine Permits and Prize Gaming Permits
  - 5.1 Supporting documents
  - 5.2 Child protection issues
  - 5.3 Protection of vulnerable persons issues
  - 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;
  - 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.

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**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.

DRAFT

# 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.

Page 107

**Local Gambling Risk Assessment**

Premises number or licence number:

Premises Address:

Name of Assessor:

Colleagues Present:

Date of assessment:

Review date:

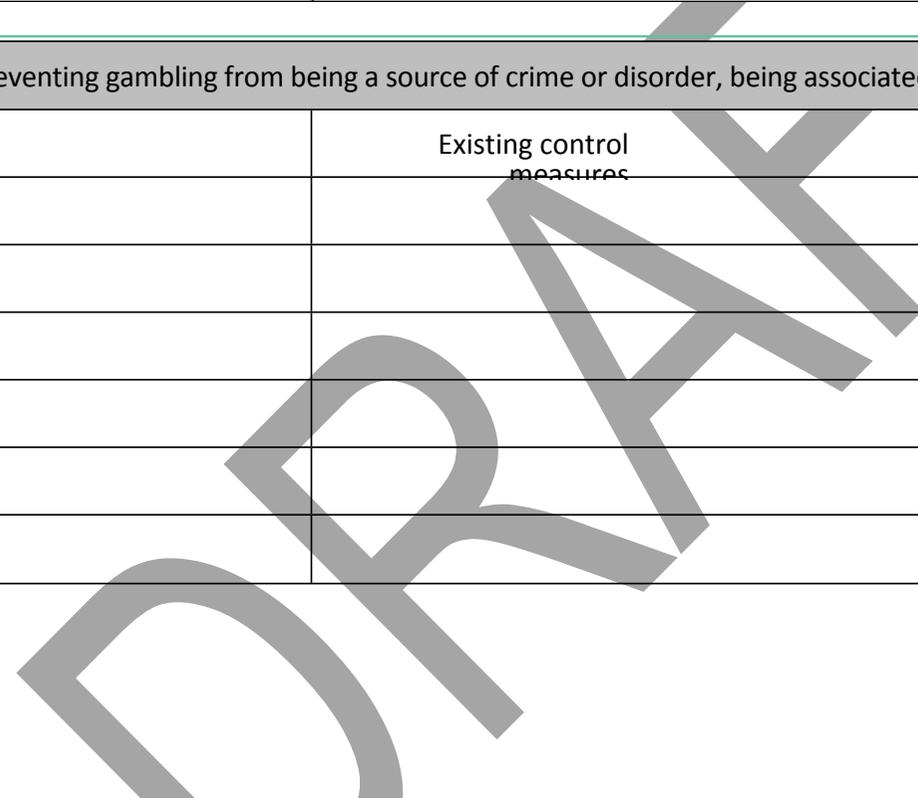
**1 Local Area**

**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.		

Page 109

**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.		
2.		
3.		
4.		
5.		
6.		

2b 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.		

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.		

**Assessment Review**

Frequency of Review:

Date review due:

Completed risk assessment brought to the attention of:

Name	Position	Signature	Date



**Statutory Licensing Committee**  
28 November 2018

<b>Report Title</b>	<b>Ask Angela Initiative - Update</b>	
<b>Wards affected</b>	All	
<b>Accountable Director</b>	Ross Cook, Service Director - City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee</b>	Arif Sain	Head of Equalities
	Tel	01902 554081
	Email	Arif.sain@wolverhampton.gov.uk

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**Recommendation for noting:**

Councillors are asked to note the progress to date of the Ask Angela initiative.

## **1.0 Purpose**

- 1.1 To advise Licensing Committee of the progress of the Ask Angela initiative to date.

## **2.0 Background**

- 2.1 The 'Ask Angela' campaign was developed by Lincolnshire County Council. The aim of the project was to promote a culture change in relation to sexual violence and abuse and enable those who feel vulnerable in pubs and clubs to discreetly approach staff and request assistance.
- 2.2 The London Borough of Merton also piloted the initiative with the London Metropolitan Police which led to a decrease in sexual violence. We are awaiting statistics from the Metropolitan Police to confirm this.
- 2.3 City of Wolverhampton Council (CWC) worked closely with Pub Watch and the Police to implement the project. Participating venues received written guidance and a briefing on the Scheme which was conducted by Council officers and partners.
- 2.4 Prior to the launch, there was a publicity campaign with partners working with the press and social media and posters and leaflets were published. CWC launched the initiative on 4 December 2017.

### **How the Scheme operates**

- 2.5 The 'Ask for Angela' initiative aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to gain assistance from staff members in order to be separated from the company of someone with whom they feel unsafe due to that person's actions, words or behaviour.
- 2.6 By "Asking for Angela", an individual is alerting staff that they require help. They will be taken aside, or to a safer location, so they can speak in confidence to that staff member about what assistance they need.

Options available to staff include: offering to call a taxi for the individual; contacting their friends or family; or requesting that an individual causing the distress leaves the venue.

- 2.7 A promotional poster can be seen in Appendix 1. There is also a guide that has been developed for employees of venues in Appendix 2.

## **3.0 Progress**

### **Working with partners**

- 3.1 The initiative has proved effective, working with key partners across Wolverhampton. The partners include West Midlands Police, Pub Watch and CWC's Community Safety Unit.

3.2 The Ask Angela initiative now includes approximately 28 pubs and clubs in Wolverhampton. The success of the scheme has led to the West Midlands Crime Commissioners Officer undertaking consultations with a number of local authorities in the West Midlands with a view to them funding the Ask Angela initiative in their area.

#### **4.0 Financial implications**

4.1 This update report is for information only and there are no further financial implications since the approval of the scheme as detailed in the report approved by Licensing Committee on 29 November 2017 (see schedule of background papers).  
[MK/15112018/H]

#### **5.0 Legal implications**

5.1 There are no direct legal implications as a result of this report. [SH/14112018/R]

#### **6.0 Equalities implications**

6.1 The service equality plans will support the Council to reach 'Excellent' status of the Equality Framework and will support the Council to implement, monitor and review the Council's equality and diversity agenda.

#### **7.0 Environmental implications**

7.1 There are no environmental implications to this report.

#### **8.0 Human resources implications**

8.1 There are no human resources implications to this report.

#### **9.0 Corporate landlord implications**

9.1 There are no landlord implications to this report.

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

10.1 Licensing Committee – 29 November 2017 Ask Angela Campaign

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# “ HI I’M ANGELA

ARE YOU ON A DATE THAT ISN’T WORKING OUT?

DO YOU FEEL LIKE YOU’RE NOT IN A SAFE SITUATION

? IS YOUR TINDER OR POF DATE NOT WHO THEY SAID THEY WERE ON THEIR PROFILE? ?

DOES IT ALL FEEL A BIT WEIRD?



IF YOU GO TO THE BAR AND ‘ASK FOR ANGELA’ THE BAR STAFF WILL HELP YOU GET OUT OF THAT SITUATION AND CALL YOU A TAXI OR HELP YOU OUT DISCREETLY, WITHOUT TOO MUCH FUSS

**Call 999 in an Emergency**  
**or for non-emergencies**  
**call 101**



CITY OF  
WOLVERHAMPTON  
COUNCIL

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# **Advice for Staff using the 'Ask for Angela' Poster scheme within their venues**

- 1.) Offer to take the person asking for help to a part of venue not in sight of the public or potential threat. (staff room, kitchen, toilets)**
- 2.) Offer to call the person a taxi or assist them in calling a friend/family member to come and collect them**
- 3.) Where safe to do so (the person asking for help is out of sight and the staff consider it safe) request the person causing distress leaves the venue.**
- 4.) Ask the person in distress what it is they want to do? (It might be they just want to alert staff that things are becoming uncomfortable and might need someone to keep watch whilst they collect possessions from the area where they were seated.**
- 5.) Do Not allow the person asking for help to leave the venue in sight of the person causing them distress as this could lead to them being followed out of the venue and placed at higher risk.**
- 6.) If the person causing distress becomes angry consider calling the police for assistance or follow your corporate policy on this issue.**



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