

**Time** 10.00 am **Public Meeting?** YES **Type of meeting** Licensing

**Venue** Council Chamber, 4th Floor, Civic Centre

## Membership

**Chair** Cllr Phil Page (Lab)

**Vice-chair** Cllr Rashpal Kaur (Lab)

### Labour

Cllr Keith Inston

Cllr Anwen Muston

Cllr Rita Potter

Cllr Zee Russell

Cllr Jaspreet Jaspal

Cllr Lynne Moran

### Conservative

Cllr Mak Singh

Cllr Wendy Dalton

Cllr Andrew Randle

Cllr Ellis Turrell

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,  
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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)<br>[To approve the minutes of the previous meeting held on 19 January 2022 as a correct record].  |
| 4               | <b>Matters arising</b><br>[To discuss any matters arising from the minutes of the previous meeting].   |
| 5               | <b>Minutes - 8 December 2021 - Statutory Licensing Sub-Committee</b> (Pages 7 - 12)<br>[To approve the minutes of the Statutory Licensing Sub-Committee held on 8 December 2021 as a correct record].    |
| 6               | <b>Minutes - 9 December 2021 - Statutory Licensing Sub-Committee</b> (Pages 13 - 22)<br>[To approve the minutes of the Statutory Licensing Sub-Committee held on 9 December 2021 as a correct record].   |
| 7               | <b>Minutes - 17 December 2021 - Statutory Licensing Sub-Committee</b> (Pages 23 - 32)<br>[To approve the minutes of the Statutory Licensing Sub-Committee held on 17 December 2021 as a correct record]. |
| 8               | <b>Gambling Act Policy</b> (Pages 33 - 62)<br>[To approve the draft Statement of Gambling Policy (2022-2025)]  |

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h1>Statutory Licensing Committee</h1> <p>Minutes - 19 January 2022</p>
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## Attendance

### Members of the Statutory Licensing Committee

Cllr Phil Page (Chair)  
Cllr Rashpal Kaur (Vice-Chair) (Virtual)  
Cllr Keith Inston  
Cllr Anwen Muston  
Cllr Rita Potter  
Cllr Zee Russell  
Cllr Jaspreet Jaspal (Virtual)  
Cllr Lynne Moran  
Cllr Mak Singh (Virtual)  
Cllr Wendy Dalton  
Cllr Andrew Randle  
Cllr Ellis Turrell

### Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Emma Caddick	Service Manager - Environmental Health
Paul Dosanjh	Service Manager - Trading Standards & Licensing Act
Charlotte Rose	Service Lead – COVID Business Support
Sarah Hardwick	Senior Solicitor
Donna Cope	Democratic Services Officer
Jas Kaur	Democratic Services Manager

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

*Item No.*     *Title*

- 1            **Apologies for absence**  
              There were no apologies for absence.

2        **Declarations of interest**

There were no declarations of interest made.

3        **Minutes of previous meeting**

Resolved:

That the minutes of the meeting of the Statutory Licensing Committee held on 10 November 2021 be confirmed as a true record and signed by the Chair.

4        **Matters arising**

There were no matters arising.

5        **Minutes - 17 November 2021 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 17 November 2021 be confirmed as a true record and signed by the Chair.

6        **Minutes - 17 November 2021 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 17 November 2021 be confirmed as a true record and signed by the Chair.

7        **Minutes - 7 December 2021 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 7 December 2021 be confirmed as a true record and signed by the Chair.

8        **Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2022-2023**

Chris Howell, Commercial Regulation Manager, presented a report outlining the proposed fees and charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2022-2023.

The Commercial Regulation Manager reported that the fees and charges remained the same as last year, and the payment plans, introduced to assist businesses that had been adversely affected by Covid-19, would continue.

Councillor Inston moved the recommendations. Councillor Muston seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the non-discretionary fees and charges set by statute in relation to the Licensing Act 2003.
2. Approved the fees and charges in relation to the Gambling Act 2005 with effect from 1 April 2022 over which the Council has fee setting powers.

3. Noted other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council has no local control.

9 **Consultation: Relaxation of Licensing Hours For Her Majesty The Queen's Platinum Jubilee**

Chris Howell, Commercial Regulation Manager, presented a verbal report on the consultation: Relaxation of licensing hours for Her Majesty The Queen's Platinum Jubilee.

The Commercial Regulation Manager outlined the Government proposals to make a licensing hours order under section 172 of the Licensing Act 2003 which would extend opening hours from 11pm to 1am on Thursday 2 June, Friday 3 June, Saturday 4 June and Sunday 5 June 2022 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises.

Members welcomed the proposals, and the Commercial Regulation Manager would submit a response on behalf of the Statutory Licensing Committee.

Councillor Page moved the recommendations. Councillor Muston seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Supported the proposed relaxation of licensing hours for Her Majesty The Queen's Platinum Jubilee.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 8 December 2021

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Anwen Muston

### Premises Licence Applicant

Patrick Burke

Vimalan Kumaralingam

Agent

Applicant

### Responsible Authorities

Chris Howell

Licensing Authority

### Employees

Debra Craner

Donna Cope

Sarah Hardwick

Jas Kaur

Section Leader Licensing

Democratic Services Officer

Senior Solicitor

Democratic Services Manager (Host)

### Observers:

Cllr Rashpal Kaur

*Item No.*    *Title*

**1        Apologies for absence**

Apologies were received from Aimee Taylor, West Midlands Police.

**2        Declarations of interest**

There were no declarations of interest.

**3        Licensing Act 2003 - Application for a New Premises Licence in respect of Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton, WV14 9XB**

An application for a Premises Licence in respect of Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton, WV14 9XB was considered following representations received from the Licensing Authority, West Midlands Police and Other Persons.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing, provided an outline of the application. Mr Patrick Burke, Agent representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Burke, Agent representing the Applicant, did so as per Appendix 1 of the report. He stated that his client successfully ran stores in other locations across the country and that there was no evidence linking the issues in the area to the premises.

The Chair afforded all parties present the opportunity to question Mr Burke and his client in relation to his submission.

In response to questions asked by Chris Howell, Licensing Authority, Mr Burke and his client agreed to accept an additional condition restricting the sale of single cans.

The Chair invited the Licensing Authority to make representations. Chris Howell, Licensing Authority, had no further objections as the Applicant had agreed to the proposed condition.

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

No final statements were made.

Councillor Page, Councillor Muston, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.



The Sub-Committee adjourned at 10.24 hours.

The Hearing reconvened at 10.43 hours.

Councillor Page, Councillor Muston, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Statutory Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton WV14 9XB. They listened to the arguments of those who had spoken at the hearing, both for and against the application.

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

The Sub-Committee heard from the applicant and his legal representative, Patrick Burke, that:

1. The application was in respect of the supply of alcohol for consumption off the premises.
2. The applicant had successfully run stores in other locations across the country.
3. Representations had been made by local residents about anti-social behaviour and the sale of drugs in the area. There was no evidence linking issues in the area to the premises, the subject of the application, and the premises did not currently sell alcohol and so were not linked to any alcohol related Anti-Social Behaviour.
4. The Thwaites case from 2008 stated that a light touch bureaucracy should be applied to applications and decisions should be made on evidence and not be speculative. Letters received from local residents were speculative in nature.
5. The applicant was content to accept conditions proposed by the Licensing Authority as Responsible Authority and West Midlands Police which were detailed at Appendix 6 of the report to the Sub-Committee.

The Sub-Committee considered written representations from the Licensing Authority as Responsible Authority and heard that:

1. They had made relevant representations in furtherance of the Prevention of Crime and Disorder and Protection of Children from Harm licensing Objectives.
2. There was insufficient information within the operating schedule to show how the applicant would address the Licensing Objectives.
3. However, terms had been agreed between the Applicant and the Licensing Authority as detailed in the report at Appendix 6, pages 41 and 42.

4. It was proposed that an additional condition be added to the licence, if granted, relating to no sale of single cans. A condition restricting no sale of single cans was agreed by the applicant.

The Sub-Committee considered written representations from West Midlands Police who were not in attendance. The evidence stated that:

1. They had made relevant representations in furtherance of the Crime and Disorder licensing objective.
2. However, terms agreed between the Applicant and the Licensing Authority as detailed in the report at Appendix 6, pages 41 and 42 address the concerns of West Midland Police and they believe the premises could operate in furtherance of the Crime and Disorder Licensing objective if these terms were added to any premises licence granted.

The Sub-Committee considered written representations from Other Persons (local residents) who were not in attendance. The evidence stated that:

1. They had made relevant representations in furtherance of the four Licensing Objectives.
2. They objected to having an additional Off Licence in the area where they lived as they already experience nuisance, and this could bring additional noise, rubbish and anti-social behaviour.
3. There had been drug dealing in the parade of shops where the premises are situated, and this could make residents and their families feel vulnerable when leaving their homes.

The Sub-Committee were satisfied that there was no evidence link between the premises for which the application was made and any nuisance or anti- social behaviour in the area that it was situated.

The Sub-Committee may take such steps as it considered appropriate for the promotion of the Licensing Objectives.

The Sub-Committee were satisfied that with agreed modification, the application, if granted, would not undermine the Licensing Objectives.

The Sub-Committee considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee had on the balance of probabilities, found that in order to promote the Licensing Objectives the application for a premises licence should be granted, as applied for, subject to the terms and conditions detailed below in accordance with section 18 of the Licensing Act 2003.

It is considered by the Sub-Committee that the following conditions should be attached in support of the Licensing Objectives:

1. Sealed containers: Any supply of alcohol for consumption off the premises must be within a sealed container.

2. Super strength: Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume).
3. Training: All staff to receive training before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
4. Designated single items: A minimum of 4 units of beer, alcopops or cider to be sold as a multi-pack only. No sale of single cans.

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

The decision in writing would be sent to all parties forthwith.

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

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CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 9 December 2021

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Wendy Dalton

### Applicant

Insp. Sophie Clement

PC. Ben Reader

West Midlands Police

West Midlands Police

### Premises Licence Holder

Leo Charalambides

Peter Adkins

Paige Gillott

Adrian Ballard

David Lowry

Nikki Vinter

Patrick Noakes

Barrister

Solicitor – Knights Plc

Solicitor – Knights Plc

Casino 36

Casino 36

Casino 36

Casino 36

### Responsible Authorities

Greg Bickerdike

Michelle Smith

Licensing Authority

Public Health

### Employees

Debra Craner

Sarah Hardwick

Jacob Stokes

Jas Kaur

Licensing Section Leader

Senior Solicitor

Democratic Services Assistant

Democratic Services Manager

### Observers

Nicola Palin

Public Health



*Item No.*     *Title*

**1            Apologies for absence**

There were no apologies for absence submitted.

**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 7 of Schedule 12A to the Act relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**4            Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Casino 36, Temple Street, Wolverhampton, WV2 4AQ**

An application for a review of a premises licence in respect of Casino 36, Temple Street, Wolverhampton, WV2 4AQ had been received from West Midlands Police (WMP), following an expedited review on 17 November 2021.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed they understood the procedure.

After discussion, it became apparent that not all parties had seen the representations from Public Health as they were missing from their agenda pack. It was therefore agreed that the meeting be adjourned for ten minutes, allowing all parties time to consider the representations.

The meeting was adjourned at 10.11 hours.

The meeting reconvened at 10.21 hours.

Debra Craner, Licensing Section Leader, provided an outline of the application. Sophie Clement, WMP, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Ben Reader did so, as per the written evidence included in the Supplementary Agenda Pack. He stated the following:

1.        On Sunday 14 November 2021 at around 02.00 hours, an incident occurred within the premises during a 25th birthday party, whereby a disorder had taken place which resulted in two males being stabbed.

2. There was an on-going police investigation and two males had so far been charged with offences relating to this incident.
3. Staff at the Casino had supported WMP with their enquiries and the overall response from the premises in terms of engagement had been pleasing.
4. WMP were satisfied that this was an isolated incident and that the premises was not a problematic one.
5. Eleven conditions had been submitted by WMP. These would be attached to the licence to ensure that the Licensing Objectives were upheld and both WMP and the premises had agreed to them.

The Chair invited the Responsible Authorities to make representations. Greg Bickerdike, Licensing Authority, did so. He noted that the Licensing Authority supported the application made by WMP and confirmed the conditions submitted were sufficient.

Michelle Smith, Public Health, also supported the application made by WMP and confirmed that the conditions were sufficient.

The eleven conditions were distributed to Sarah Hardwick, Senior Solicitor.

The Chair invited the Premises Licence Holder to make representations. Leo Charalambides, legal representative for Casino 36, did so. He stated the following:

1. The premises dealt with the incident quickly and took appropriate measures to secure and evacuate patrons.
2. CCTV of the incident was submitted to the police to assist in their investigation. The Head of Compliance provided a minute-by-minute account breakdown of the CCTV and cooperated with police on the night of the incident and at the hearing related to the interim steps.
3. The premises had replaced their security team and had agreed to the eleven conditions proposed by WMP.

He read out the eleven conditions in full to all those present at the meeting.

Responding to questions, he stated that the premises would employ a system of checks and searches to ensure that customers would not be able to bring in their own alcohol for consumption nor take it off the premises as per the modified conditions.

Responding to questions about training, he stated that the premises were satisfied that staff were adequately trained and reacted to the situation well. He strongly opposed any conclusion that poor management was a cause of the incident.

He emphasised that the appropriate measures had also been in place at the time of the incident and that the premises was able to secure the site and assist the police with their investigation because of this. He noted that the premises had subsequently refined their risk assessment to build upon existing good practice and that the security team had been replaced to prevent further incidents.

The Chair invited all parties to provide summaries of their arguments. All parties did so.



Councillor Page, Councillor Inston, Councillor Dalton, the Senior Solicitor and Democratic Services Assistant, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The meeting was adjourned at 11.03 hours.

The meeting reconvened at 11.45 hours.

Councillor Page, Councillor Inston, Councillor Dalton, the Senior Solicitor and Democratic Services Assistant re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An application was received from West Midlands Police (WMP) for a review of the premises licence in respect of Casino 36, Temple Street, City Centre, Wolverhampton, WV2 4AQ.

At the hearing to review the premises licence, the Statutory Licensing Sub-Committee was asked to determine the review under Section 53A (2) (b) in accordance with Section 53C of the Act.

At this hearing to review the premises licence, the Licensing Sub-Committee listened carefully to all representations made by the persons who spoke at the hearing and considered all the evidence presented.

The Sub-Committee considered written evidence from WMP and heard that:

1. On Sunday 14 November 2021 at around 02.00 hours, an incident occurred within the premises during a 25th birthday party, whereby a disorder had taken place which resulted in two males being stabbed.
2. CCTV footage shows three males entering the Champagne Lounge without wearing wristbands (bands which confirm they were invited to the party and were a condition of entry). An SIA operative can be seen tapping their wrist indicating the need to show the wristband, but the males ignore this and join the party prior to the disorder taking place. These persons were not searched.
3. During the party, an altercation took place.
4. Staff from the premises sounded the fire alarm in an attempt to remove patrons from the venue.
5. When police officers arrived at the venue, they found a male lying in Summer Row, at the rear of the venue, with stab injuries. He was bleeding heavily. The male was taken to hospital after receiving seven stab wounds in the back and chest area.

6. At approximately 02.04 hours, WMP received a further report of a stabbing with a second male presenting at New Cross Hospital, Wolverhampton, with stab injuries. Police confirmed there were two victims with serious injuries linked to this incident. The second male had four stab wounds.
7. CCTV evidence secured from the venue shows two groups of males involved in two incidents of disorder; the first being in the Champagne Lounge, where one male received stab wounds and then in the road running behind Casino 36, where a second male was repeatedly stabbed having run from the Champagne Lounge. A blood-stained Rambo knife was dropped by one male as he was running out of the Casino (disarmed by security staff), and two knives were recovered from the alleyway where the second disorder took place.
8. There is an on-going police investigation and two males have so far been charged with offences relating to this incident.
9. Staff at the Casino have supported WMP with their enquiries and the officer in the case wished to point out that officers were able to secure high quality CCTV footage which has assisted the investigation. The officer said staff supported the investigation without delay.
10. Inspector Clement of WMP visited the premises on Monday 6 December 2021 to engage with staff and to understand the layout of the premises. Management were keen to engage and answer questions.
11. An agreed position has been reached in terms of conditions that are effective, proportionate and allow the business to trade.

The Sub-Committee heard from Greg Bickerdike, Licensing Authority (as Responsible Authority), that:

1. They support the application made by WMP.
2. This was an isolated incident.
3. The premises have engaged with the police.
4. They endorse the conditions proposed to be added to the licence and agreed between WMP and the premises.

The Sub-Committee heard from Michelle Smith, Public Health, that:

1. They support the application made by WMP.
2. When the incident occurred, the Licensing Objectives were not upheld.
3. However, the premises have engaged with the police.
4. They endorse the conditions proposed to be added to the licence and agreed between WMP and the premises.

The Sub-Committee heard from Leo Charalambides, legal representative for Casino 36, that:

1. Paragraph 11.20 of the section 182 guidance provides that parties are encouraged to look into causes and find remedies.

2. On the night of the incident, the premises took appropriate measures and evacuated those at risk.
3. CCTV from the premises was used to assist the investigation. The Head of Compliance at the premises provided a minute-by-minute account of what happened from the CCTV and cooperated on the night with police and at the hearing relating to interim steps.
4. The premises have refreshed their agreement with their security firm and have agreed with WMP to accept the eleven new conditions of licence.
5. This would provide the remedy referenced in paragraph 11.20 of the s182 guidance.

The Licensing Sub-Committee are satisfied on the evidence that:

1. There had been serious crime on the premises (the stabbing of two males) on the 14 November 2021 and there had been failings at the premises which led to the incident.
2. However, the premises have worked with WMP and attaching the agreed conditions will allow the premises to trade effectively and further the Licensing Objectives.

Therefore, based upon the above and having regard to the application and relevant representations made, the Sub-Committee decided to modify conditions of the licence in accordance with Section 53C of the Licensing Act 2003.

The modified conditions to be attached to the licence are as follows:

1. Alcohol must be purchased on site; customers are not allowed to bring their own alcohol for consumption onto the premises.
2. All bookings for external events in the Champagne Lounge at the premises, and events of more than 50 in the Sports Bar, that intend to use an external promoter or is a booking for a private event, (together 'Notifiable Events') will be subject to a risk assessment. The premises licence holder or their nominated person will risk assess events and put them into a low, medium, or high-risk category. The PLH must give 28 days' notice of all events classified as medium or high-risk to West Midlands Police Licensing at [wv\\_licensing@west-midlands.pnn.police.uk](mailto:wv_licensing@west-midlands.pnn.police.uk). Notification to the police will include organisers' details and a risk and security assessment. Any additional security measures identified in the assessments will become conditions for that event. The risk assessment will include consideration as to the use of enhanced search methods such as knife arches and security wands. It will also consider whether security staff will be issued bodycams.
3. Signs informing patrons of a zero-tolerance policy to all drugs shall be placed at key locations, including all entrance areas and toilets. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or a single designated role-holder at the business, shall have access. All controlled drugs (or items suspected to be) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to WMP for appropriate disposal.

4. Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
5. An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises; all ejections of patrons; any complaints received; seizures of drugs, offensive weapons, fraudulent ID, or other items; any faults in the CCTV system, searching equipment or scanning equipment; any visit by a relevant authority or emergency service. The incidents log will be produced to an officer of a responsible authority upon request. Where a crime is believed to have been committed, the incident will be reported to West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
6. For all notifiable events, the booking form shall contain a notice that it is a condition of entry that the venue reserves the right to implement a search policy, that attendees agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons. The Premises Licence Holder shall determine as part of the risk / security assessment whether a search policy needs to be implemented for any particular event. Should a decision be made to implement a search policy, all persons wanting to enter, or re-enter the event will be subject to that search policy. This is to include all guests, performers, DJ's and any other entertainment and entourage.
7. All staff to receive training before their first shift and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
8. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
9. No alcoholic drinks to be taken by customers for the consumption off the premises. Open containers must be surrendered prior to leaving the premises.
10. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photo card driving licence, an EU/EEA national ID card, a card bearing the PASS hologram or Government issued ID for armed forces and emergency services.
11. An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service, including the sale of alcohol. The

refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal. The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

The above action is considered an appropriate and proportionate action for the promotion of the licensing objectives.

An appeal may be made to the Magistrates' Court against this decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

Representations had been invited in relation to the interim steps currently in place following the hearing held on 17 November 2021 and which were made in accordance with Section 53B (3) (d) of the Licensing Act 2003. WMP and the Premises Licence Holder have said they believe the interim steps have now been superseded.

Section 53D makes provision for the review of interim steps that have been taken by the relevant Licensing Authority under section 53B before a decision under section 53C comes into effect. Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the Licensing Authority have determined that the current interim steps should cease to have effect.

A decision under section 53D may also be appealed.

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CITY OF  
WOLVERHAMPTON  
COUNCIL

## Statutory Licensing Sub-Committee

Minutes - 17 December 2021

### Attendance

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

Cllr Phil Page (Chair)  
Cllr Keith Inston  
Cllr Anwen Muston

#### Premises Licence Applicant

Luciana Palmieri	Applicant
Mark Smith	Manager
Dr James Cruickshank	Landlord

#### Responsible Authorities

Greg Bickerdike	Licensing Authority
Sam Hoskins	Environmental Health
Neil Aston-Baugh	West Midlands Fire Service

#### Other Persons

Cllr Jonathan Crofts  
Carol Hipkin  
Ralph White  
Janet MacDougall  
Angus MacDougall  
Karen Powell

#### Employees

Debra Craner	Section Leader Licensing
Donna Cope	Democratic Services Officer
Sarah Hardwick	Senior Solicitor
Shelley Humphries	Democratic Services Officer (Host)

*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 new Premises Licence in respect of Al Sorriso, 18A Upper Green, Wolverhampton, West Midlands, WV6 8QH**

An application for a Premises Licence in respect of Al Sorriso, 18A Upper Green, Wolverhampton, WV6 8QH was considered following representations received from the Licensing Authority, Environmental Health, West Midlands Fire Service, and Other Persons.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

During the introductions, Sam Hoskins, Environmental Health, reported a typographical error in his written submission and confirmed that was representing Environmental Health not the Licensing Authority.

Debra Craner, Section Leader Licensing, provided an outline of the application, and reported that since the agenda had been published, a further two supplementary agendas, containing additional information, had been circulated. Ms Luciana Palmieri, Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Ms Luciana Palmieri did so as per Appendix 1 of the report. She stated the following:

1. She currently ran a restaurant in Albrighton, where there had been no issues, and was now opening a premises in Wolverhampton.
2. There was no intention to have live music and since hearing about the neighbour's concerns, she had agreed to reduce the opening hours.
3. She wanted to control the amount of alcohol consumed on the premises so by selling the alcohol she could control how much patrons drank and how they disposed of drinking receptacles.
4. A trade waste agreement was in place.
5. The premises would be run by professional persons.

The Chair afforded all parties present the opportunity to question Ms Luciana Palmieri in relation to her submission. Ms Luciana Palmieri and Mr Mark Smith responded to questions asked.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 3 of the report.



He stated that he had successfully mediated with the Applicant and no longer had concerns regarding the application.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Greg Bickerdike responded to questions asked.

The Chair invited Environmental Health to make representations. Sam Hoskins, Senior Environmental Health Officer, did so as per Appendix 4 of the report. He stated that he had also successfully mediated with the Applicant and no longer had concerns regarding the application.

The Chair invited all parties present to question Environmental Health in relation to its submission. Sam Hoskins responded to questions asked.

The Chair invited West Midlands Fire Service to make representations. Neil Aston-Baugh, Fire Safety Officer, did so as per Appendix 5 of the report. He stated that a voluntarily undertaking had been accepted by the Applicant and therefore he had no further objections to the application.

The Chair invited all parties present to question West Midlands Fire Service in relation to its submission. Neil Aston-Baugh responded to questions asked.

The Chair invited Other Persons to make representations. Councillor Jonathan Crofts did so as per Appendix 6 of the report. He referred to the City of Wolverhampton Council's Statement of Licensing Policy and requested that further conditions be added to the licence if it were granted.

The Chair invited all parties present to question Councillor Jonathan Crofts in relation to his submission. Councillor Jonathan Crofts responded to questions asked.

The Chair invited Other Persons to make representations. Carol Hipkin did so as per Appendices 7-10 of the report. She stated that if the noise levels were controlled as discussed, and conditions adhered to, then she was happy with the application.

The Chair invited all parties present to question Carol Hipkin in relation to her submission. No questions were asked.

The Chair invited Other Persons to make representations. Ralph White did so as per Appendices 7-10 of the report.

The Chair invited all parties present to question Ralph White in relation to his submission. Ralph White responded to questions asked.

The Chair invited Other Persons to make representations. Angus MacDougall did so as per Appendices 7-10 of the report. He stated that although some of his concerns had been addressed, he still had concerns regarding parking.

In response to this, Sarah Hardwick, Senior Solicitor, explained that parking issues could not be considered by the Sub-Committee as parking was not regulated by the Licensing Act.

The Chair invited all parties present to question Angus MacDougall in relation to his submission. No questions were asked.

The Chair invited Other Persons to make representations. Karen Powell did so as per Appendices 7-10 of the report and stated that she was reassured by what had been discussed at the Hearing.

The Chair invited all parties present to question Karen Powell in relation to her submission. No questions were asked.

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

Angus MacDougall, Councillor Jonathan Crofts, Neil Aston-Baugh and Luciana Palmieri made a final statement.

Councillor Page, Councillor Muston, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.58 hours.

The Hearing reconvened at 12.42 hours.

Councillor Page, Councillor Muston, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Statutory Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Al Sorriso, 18A Upper Green, Wolverhampton, WV6 8QH. They listened to the arguments of those who spoke at the hearing, both for and against the application.

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

The Sub-Committee heard from the Applicant that:

1. This was a small premises and there was no intention to have live music. Further, they had agreed to reduce licensable hours.
2. Customer satisfaction was most important to the premises.
3. Terms had been agreed with the Licensing Authority as Responsible Authority, and Environmental Health as Responsible Authority.
4. They had also accepted the voluntary undertaking offered by the Fire Service.

5. The premises had operated as a restaurant for the previous 6 years with no issues.
6. They did not want drunk persons on the premises and they wanted to control the amount of alcohol consumed. By selling alcohol from the premises they could control how much patrons drank and how they disposed of drinking receptacles.
7. The premises would be run by professional persons who knew the job.

The Sub-Committee heard from the Licensing Authority as Responsible Authority that:

1. They had made relevant representations in furtherance of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection and Protection of Children from Harm Licensing Objectives.
2. There was insufficient information within the operating schedule to show how the applicant would address the Licensing Objectives.
3. However, they had spoken to the Applicant and removed Late Night Refreshment and Live Music from indoors, plus terms had been agreed between the Applicant and the Licensing Authority as detailed in the report at pages 90 and 91.

The Sub-Committee heard from Environmental Health as Responsible Authority that:

1. They have made relevant representations in furtherance of the Prevention of Public Nuisance Licensing Objective.
2. They had concerns regarding potential noise nuisance to nearby residents if live music was to be permitted at the premises and potential noise generated if licensable activities continue until the proposed end hours of 00:30hrs (weekdays and weekends) and during non-standard timings.
3. However, terms had been agreed between the Applicant and Environmental Health as detailed in the report at page 3 of Supplemental Agenda Pack 2. These addressed the concerns of Environmental Health and they believed the premises could operate in furtherance of the Licensing Objective if these terms were added to any premises licence granted.

The Sub-Committee heard from the West Midlands Fire Authority that:

1. The premises had been inspected and there were some fire safety issues which could negatively affect the Public Safety Licensing Objective, if the licence was granted without remedial actions.
2. However, a voluntary undertaking had been offered to the applicant, to modify the proposed use of the premises and/or complete works to the appropriate standard as detailed below:
  - a. If artificial decorative effects (artificial leaves, plants etc) were to be used on the pergola at the approach to the premises, they would be supplied as suitably fire retardant. A certificate of fire retardancy, would be kept, (or other suitable evidence), and would be given to the fire officer upon request.

- b. The changes of floor level would be highlighted so that they were conspicuous and suitable signage would be provided to indicate the trip hazards.
- c. The premises would be suitably assessed (during the hours of darkness) to check if emergency lighting was required. If required, it would be provided in accordance with BS 5266-1.
- d. Staff would receive suitable instruction and training on the actions to take in the event of fire which would include hands on fire extinguisher training for appropriate staff.
- e. A Fire Risk Assessment would be undertaken as soon as was reasonably practicable. (Page 95 of the report)

The Sub-Committee heard from Other Persons (local residents) that:

1. Reference was made to City of Wolverhampton Council's Statement of Licensing Policy which referred to:  
The location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise, use of amplified or live music operating within or abutting known noise-sensitive premises containing residential accommodation, and the Sub-Committee being mindful to strike a balance between the needs of residents and the business community.
2. There were 20 immediate residents and 30 more who could be affected by medium level of noise/vibration in the vicinity of the premises. Which were also in a Conservation Area, with 9 nearby premises -shops/restaurants/cafés- with various alcohol licences. Type and Construction of the premises were wood and metal sheeting structure with a corrugated plastic roof meaning the likelihood of nuisance and disturbance was very high given non-brick construction and shared boundaries with homes, gardens and a narrow shared entrance.
3. There should be no live music, all licensed activities should cease by 11pm and certainly no recorded music after 11pm with no vertical drinking permitted.
4. The application should only be granted with appropriate conditions attached to the licence which should include controlling noise emanating from the premises.
5. There would be parking issues and increased footfall.
6. Drinking alcohol until midnight could lead to nuisance and anti-social behaviour.
7. However, they were reassured by conditions offered and assurances given at the hearing.

The Sub-Committee considered the additional conditions proposed by Councillor Crofts, representing Other Persons, but were satisfied on the evidence that terms agreed between the Applicant and Responsible Authorities were sufficient, and if attached to any licence would allow the premises to operate in furtherance of the Licensing Objectives.

Parking outside of the premises could not be considered by the Sub-Committee and any conditions attempting to control this would likely be unenforceable.

The Sub-Committee could take such steps as it considered appropriate for the promotion of the Licensing Objectives.

The Sub-Committee were satisfied that with agreed modification the application, if granted, would not undermine the Licensing Objectives.

The Sub-Committee considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee have on the balance of probabilities, found that in order to promote the Licensing Objectives the application for a premises licence should be granted, as applied for, subject to the terms and conditions agreed between the Applicant and Responsible Authorities detailed at pages 90 and 91 of the report and page 3 of Supplemental Agenda Pack 2 in accordance with section 18 of the Licensing Act 2003. The undertaking made to the fire service was also noted.

It was considered by the Licensing Sub-Committee that the following modifications to the proposed Operating Schedule and additional conditions should be attached in support of the Licensing Objectives:

### **Modifications to the Operating Schedule**

#### **Remove:**

Provision of Live Music (Indoors)

Monday to Sunday 19:00 to 23:30

Non Standard Timings Xmas eve end time 00:00, New Years Eve end time 01:00

Late Night Refreshments

Monday to Sunday 23:00 to 00:00

Non Standard Timings Xmas eve end time 00:30, New Years Eve end time 01:30

#### **To replace:**

From: Hours premises are open to the public

Monday to Sunday 09:00 to 00:30

Non Standard Timings Xmas eve end time 01:00, New Years Eve end time 02:00

To: Hours premises are open to the public

Monday to Sunday 09:00 to 23:00

### **The prevention of crime and disorder**

#### **To add:**

Customers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises; all ejections of patrons; any complaints received; fraudulent ID or other items; any visit by a relevant

authority or emergency service. The incidents log will be produced to an officer of a responsible authority upon request. Where a crime is believed to have been committed, the incident will be reported to the West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

All staff to receive training before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.

### **Public safety**

#### **To add:**

The premises licence holder shall ensure that at all times when the public are present there is at least one competent and fully trained person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

### **The prevention of public nuisance**

#### **To add:**

Hours premises are open to the public Monday to Sunday 09:00 to 23:00

#### **To add:**

Noise and vibration should not be allowed to emanate from the premises so as to cause a nuisance to nearby properties or residents.

### **The protection of children from harm**

#### **To replace:**

From: The applicant and the restaurant staff will operate a strict proof of age policy to ensure that no persons under 18 will be permitted to purchase, acquire or consume alcohol save for the exception provided in Section 150 of the Licensing Act 2003 in respect of young persons over the age of 16.

To: The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photo card driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.

**To add:**

An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service, including the sale of alcohol. The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal. The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

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

The decision in writing would be sent to all parties forthwith.

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

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Committee</b> 16 <sup>th</sup> March 2022
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<b>Report title</b>	Gambling Act Policy	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
<b>Report to be considered by</b>	Council	6 April 2022

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**Recommendation for decision:**

The Statutory Licensing Committee is recommended to:

1. Approve the draft Statement of Gambling Policy (2022-2025) and recommend it be presented for adoption at Full Council.

## **1.0 Purpose**

- 1.1 Statutory Licensing Committee is asked to approve the draft Gambling Act Policy, following full public consultation and recommend it is presented to full Council for adoption.

## **2.0 Background**

- 2.1 The Gambling Act 2005 regulates the provision of gambling in Great Britain, other than the National Lottery and spread betting. The Act makes local authorities responsible for licensing premises that are used for gambling within their area.
- 2.2 Examples of land-based gambling establishments are bingo halls, bookmakers, amusement arcades and public houses with gaming machines. Licensing authorities are not involved in licensing remote (e.g. online) gambling as falls to the Gambling Commission
- 2.3 The Gambling Commission's role is to regulate 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 also regulates online gambling and provides guidance on the 2005 Act to the Gambling Commission
- 2.4 The 2005 Act also requires each local authority to adopt and publish a 'Statement of Gambling Policy' at least every three years. Wolverhampton's last policy was issued in 2019 and so liable to review. The purpose of the policy is to set out the principles that the local authority will apply when carrying out its role under the Act.

The Policy is an explicit statement of the local authorities' commitment that in exercising its functions the Council will have regard to the licensing objectives as set out in the Act namely

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by Gambling
- 2.5 Whilst the policy is a public statement of the Council's approach to regulating gambling in its area it is not a pre-requisite for the day-to-day administration of licenses and inspections which are carried out by Licensing Officers.
- 2.6 Licensing Services consulted with the West Midlands Police; Her Majesty's Revenue and Customs and local trade representatives through a link on the Council's website where respondents will be able to make comments on the draft policy for consideration. The consultation period lasted for 12 weeks to allow for adequate time for comment, reflection and, if necessary, consolidation into the new policy.

2.7 Through the Consultations Hub on the corporate website the draft policy was made available, and 16 bodies were specifically referred to the consultation by direct e-mail.

### **3.0 Progress**

3.1 The draft policy for 2022-2025 which has very few changes from the current policy. Many of the changes are to the references to the paragraphs of the Gambling Commission Guidance for Licensing Authorities document which was updated in May 2021.

3.2 There were no changes as a result of the consultation as it yielded no comments for consideration. The statutory licensing committee report relating to consultation can be found at Appendix 1 of the Gambling Policy Review from Statutory Licensing Committee held on 10 November 2021:

<https://wolverhampton.moderngov.co.uk/documents/s191268/Appendix%201%20for%20Gambling%20Policy%20review.pdf>

3.3 The sole significant change that the draft policy has over the existing one is that addition of tables which provide a breakdown of gambling establishments on a ward-by-ward basis to give a more in-depth Local Area Profile. This enables a more rounded assessment of the provision of gambling establishments and makes for ease of comparison with other information such as indices of deprivation, and crime so that both applicants and the authority can consider if additional control measures are appropriate before a licence or permission is granted.

### **4.0 Financial implications**

4.1 There are no additional financial implications of conducting this review of the policy and to the Council approving the policy in 2022. Any additional work is considered to be day to day activity and so the cost in officer time will be met through existing budgetary provision.

[SB/24022022/Y]

### **5.0 Legal implications**

5.1 There are no direct legal implications in this report. Section 349 of the Gambling Act 2005 requires a licensing authority to prepare, review and where necessary revise from time to time a statement of the principles that they propose to apply in exercising their functions under the Act. as the legislative regime which requires this policy to be reviewed has remained unchanged since the Act came into force in 2005.

[JB/23032022/B]

### **6.0 Equalities implications**

6.1 There are no equalities implications arising from this report as it merely seeks to prompt consultation and not to decide on an outcome. The draft policy that was circulated is merely a document around which consultative debate can occur.

## **7.0 All other Implications**

7.1 This report poses no direct implications for climate change and environmental, Human Resources, Corporate Landlord, Health and Wellbeing nor any implications that have arisen from the Covid-19 Pandemic.

## **8.0 Appendices**

8.1 Appendix 1: Proposed Statement of Gambling Policy (2022-2025)

CITY OF  
WOLVERHAMPTON  
C O U N C I L

**Statement  
of Gambling Policy**

DRAFT

**This Gambling Licensing Policy shall take effect from the 7th April 2022**

## STATEMENT OF GAMBLING POLICY

### Gambling Act 2005

#### Contents

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## PART A

### 1. The Licensing Objectives

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

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

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

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

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

### 2. Introduction

City of Wolverhampton is situated in the West Midlands, which consists seven Councils in total. The Council area has a population of over 260,000 and covers an area of 26 square miles-(ONS 2020). The Council area is urban in nature and is densely populated with approximately 3,500 residents per square kilometre. The City is ethnically diverse with 36% of its residents being of BME (Black and Minority Ethnic Heritage). Furthermore ,1604% of the population in 2011 were not born in the UK. The city is religiously diverse with the second highest proportion of Sikh residents in the Country 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 table below shows the breakdown by ward and type of gambling establishments in the City

<b>Type of licence</b>	<b>Number issued</b>
Bingo	5
Track Betting	3
Betting	29
Adult Gaming Centre	4
Converted Casino	3
Small Casino	1
Unlicensed family entertainment centre	1

<b>Location</b>	<b>Amount and Type of Licence</b>
St Peters	2 Bingo, 2 Track, 8 Betting, 2 Adult Gaming Centre, 1 Converted Casino, 1 Small Casino
Wednesfield South	1 Bingo, 3 Betting, 1 Adult Gaming Centre, 1 Unlicensed Family Entertainment Centre
Ettingshall	1 Bingo, 2 Converted Casino
Bilston East	1 Bingo, 6 Betting, 1 Adult Gaming Centre
East Park	1 Track
Fallings Park	2 Betting
Heath Town	1 Betting
Blakenhall	3 Betting
Bushbury South and Low Hill	2 Betting
Bushbury North	2 Betting
Merry Hill	2 Betting

The Council Plan (2019-2024) has six strategic outcomes namely:

- Children and young people get the best possible start in life
- Well skilled people working in an inclusive economy
- More good jobs and investment in our city
- Better homes for all
- Strong, resilient and healthy communities
- A vibrant, green city we can all be proud of

Effective regulation of the gambling sector is a contributor to building and sustaining strong, resilient and healthy communities.

**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 is also responsible for regulating online gambling.

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 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 2018 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 utilised 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 subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its latest guidance 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.

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 7.58-7.65 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 (Security Industry Authority) 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 specifically 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 of part 17, bearing in mind the mandatory conditions listed in paragraph 17 of the same part 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 - S.172(7), as amended, 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 on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed 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. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: [Categories of Gaming Machine Regulations 2007 \(opens in new tab\)](#)) (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

## 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

S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- a horse racecourse (referred to in this guidance as 'racecourses')
- a greyhound track
- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

**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.

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.

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 premises 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 ~~under section 2.5.~~ The Gambling Commission's Guidance to licensing authorities also states: In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted. 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  
City of Wolverhampton 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.

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- 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.

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