

Public Document Pack



Coventry City Council

Agenda

Cabinet Member (Policing and Equalities)

Time and Date

2.00 pm on Thursday, 26th March, 2015

Place

Diamond Room 2 - Council House

Public Business

1. Apologies

2. Declarations of Interest

3. Exclusion of Press and Public

To consider whether to exclude the press and public for the item of private business for the reasons shown in the report.

4. Minutes (Pages 5 - 14)

(a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 26 February 2015.

(b) Matters arising

(c) To note the minutes of the Joint Cabinet Members' for Business, Enterprise and Employment and Policing and Equalities meeting held on 18 February 2015.

(d) To note the minutes of the Joint Cabinet Members' for Community Development, Co-ops and Social Enterprise and for Policing and Equalities meeting held on 10 March 2015.

5. Report in response to a petition concerning a property in Earlsdon Ward (Pages 15 - 20)

Report of the Executive Director of Place

Note: Councillor Andrews and the petition organisers have been invited to attend the meeting for the consideration of this item.

6. Proposed Amendments to Code of Conduct for Elected and Co-opted Members (Pages 21 - 30)

Report of the Executive Director of Resources

7. **Revised Statement of Licensing Policy** (Pages 31 - 60)
Report of the Executive Director of Place
8. **Outstanding Issues Report** (Pages 61 - 66)
Report of the Executive Director of Resources
9. **Magistrates' Court Building** (Pages 67 - 72)
Report of the Executive Director of Resources
10. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Private Business

11. **Magistrates' Court Building** (Pages 73 - 80)
Report of the Executive Director of Resources
(Listing Officer: D Williams, Tel: 024 7683 3173)
12. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 18 March 2015

Note: The person to contact about the agenda and documents for this meeting is Usha Patel, Tel: 024 7683 3198

Membership: Councillors C Fletcher (Deputy Cabinet Member) and P Townshend (Cabinet Member)

By invitation: Councillor A Andrews (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR it you would like this information in another format or language please contact us.

Usha Patel
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Agenda Item 4

Coventry City Council

Minutes of the Meeting of Cabinet Member (Policing and Equalities) held at 1.00 pm on Thursday, 26 February 2015

Present:

Members: Councillor P Townshend (Chair)

Councillor C Fletcher (Deputy Cabinet Member)

By invitation: Councillor A Andrews (Shadow Cabinet Member)

Employees (by Directorate):

People: M McGinty and M Metcalf

Place: M Lynn and H Simmonds

Resources: C Goodwin and U Patel

In attendance: A Stanciu and A Dimka (Coventry University Students – Observing)

Public Business

83. Declarations of Interest

There were no declarations of interest.

84. Minutes

(a) The minutes of the Cabinet Member for Policing and Equalities meeting held on 22 January 2015 were signed as a true record.

(b) There were no matters arising.

(c) The minutes of the meeting of the Joint Cabinet Members for Business, Enterprise and Employment and for Policing and Equalities held on 18 December 2014 were noted.

85. Community Grant Funds - Round Two Award Decisions

The Cabinet Member considered a report of the Executive Director of People which provided information on Round Two of Grant Fund awards following on from Round One which closed on 30 June 2014.

In Round One, a total of £54,754 was awarded to 31 community and voluntary sector groups.

Round Two of the Grant Fund awards followed the same process as Round One. Groups were invited to apply for a maximum grant of £5000, with a restriction of one award per round. Round Two closed on 31 December 2014.

This report provided information and recommendations on applications received during Round Two of the process.

The Community Grant is a valuable resource for local community and voluntary sector groups and supports the Council's Asset Based Working Strategy "Active Citizens, Strong Communities". The Strategy makes a series of commitments to support the growth of community led activities and support and the Community Grant Fund is a valuable means of providing important one-off funding to a number of community organisations to enable their work to continue.

The Cabinet Member noted that the dates for applications for the next round of funding would be amended to 1 April 2015 to 31 May 2015 and round two would be from 1 October 2015 to 30 January 2016. In addition, all applications would be encouraged to demonstrate how they would meet at least one of the objectives outlined in the report through the delivery of their project. This would ensure alignment of outcomes with corporate objectives.

Furthermore, the Cabinet Member noted that organisations who submitted grant applications which were not recommended for approval were provided feedback on their applications and were also sign posted to other types of funding available to them.

RESOLVED that the Cabinet Member for Policing and Equalities:

- 1. Approves the award of grants as identified in section 2.3 Table One.**
- 2. Requests that there be proactive communications strategy on this.**
- 3. Requests that the report and award of grants be referred to the Assistant Director for Policy with a request that officers work together to engage and encourage potential applications for the Queens Award for Voluntary Service.**
- 4. Thanks all officers involved and appreciates the sheer volume of work undertaken and requests that a copy of this be sent to the Chief Executive for information.**

86. Continued Authorisation of the England Illegal Money Lending Team

The Cabinet Member considered a report of the Executive Director of Place which sought to renew the authorisation for officers employed by Birmingham City Council, who operate a National Trading Standards Team known as the England Illegal Money Lending Team, to investigate illegal money matters that may arise in Coventry.

Such investigations fall within the relevant sections of the Financial Services and Markets Act 2000, as delegated through the Financial Services Act 2012 and Part III of the Consumer Credit Act 1974.

Previous authorisations were given by the Cabinet Member (City Services) in 2009 and 2011. The current authorisation was due to expire on 31 March 2015.

RESOLVED that the Cabinet Member for Policing and Equalities:

1. Approves the delegation of authority to Birmingham City Council to enforce the legislation specified in the Appendix of the report by virtue of Regulation 5 of the Local Authorities [Arrangements for the Discharge of Functions] [England] Regulations 2012 and/or Sections 9D to 9EB of the Local Government Act 2000.
2. Authorises officers in consultation with the Cabinet Member for Policing and Equalities, to negotiate and sign the terms of any protocol and ancillary legal agreements with Birmingham City Council to facilitate the arrangements in accordance with the Council's Constitution.
3. Requests that a short report be submitted to the Cabinet Member meeting scheduled for 23 April 2015 identifying the number of Coventry cases investigated by Birmingham City Council in connection with this legislation; the number of criminal prosecutions brought by them and the number of convictions achieved in the 12 months preceding this report.

87. Outstanding Issues Report

The Cabinet Member noted a report of the Executive Director of Resources that identifies those issues on which further reports had been requested and were outstanding, so that progress could be monitored.

RESOLVED that the Cabinet Member for Policing and Equalities:

1. Requests that with reference to item 1 in the report – “Report back on progress of ongoing development of the Youth Space in Cope Street, Coventry” progress of this be followed up as a matter of urgency.
2. Requests that with reference to item 4 in the report – “Equalities in Employment”, the Executive Director of Resources be requested to submit a report to the first meeting of the Cabinet Member in the New Municipal Year.

88. Any Other Business

There were no other items of public business.

(Meeting closed at 1.40 pm)

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Coventry City Council
Minutes of the Meeting of Joint Cabinet Member (Business, Enterprise and Employment) and (Policing and Equalities) held at 3.30 pm on Wednesday, 18 February 2015

Present:

Members: Councillor P Townshend (Chair)
Councillors K Maton

Other Members: Councillors J Clifford
Councillor A Lucas

In attendance: Alderman Gazey

Employees (by Directorate):

People: S Chantler

Resources: A Burton and U Patel

Apologies: Councillor A Andrews, J Birdi, C Fletcher and R Lancaster

Public Business

19. Appointment of Chair

RESOLVED that Councillor Townshend be appointed as Chair for this meeting.

20. Declarations of Interest

There were no declarations of interest.

21. Minutes

The minutes of the Joint Cabinet Members' meeting held on 18 December 2014 were signed as a true record. There were no matters arising.

22. Update report in response to a petition regarding the condition of an empty home in Holbrooks

Further to Minute 12, the Cabinet Members for Policing and Equalities and for Business, Enterprise and Employment considered a further report of the Executive Director of Place which provided an update on actions taken since the Joint Cabinet Member meeting held on 18 December 2014. The report and actions taken were in response to a petition received on the 21 June 2013 requesting the Council to take action against the owner of an empty property that had become overgrown and damaged by fire.

The report detailed the measures taken to address this problem, by using Council powers to force the sale of the property in order to recover monies owed, and measures take since that date with the new owner of the property.

RESOLVED that the Cabinet Members for Policing and Equalities and for Business, Enterprise and Employment jointly:

- 1. Record that a section 215 Town and Country Planning Act 1990 Notice was served on the owner of the property on 4 February 2015 and acknowledge that the owner has until 8 March 2015 to lodge an appeal to the Coventry Magistrates Court to set aside that Notice.**
 - 2. If no appeal is lodged by 8 March 2015, then the owner of the property has until 8 July 2015 to demolish the property or refurbish it in compliance with the requirements of the Section 215 Notice. If the property has not been demolished or refurbished, the officers are instructed to effect either demolition of the property or the refurbishment of the property after having consulted with the Cabinet Members for Policing and Equalities and for Business, Enterprise and Employment and the three Holbrook Ward Councillors.**
 - 3. That there be a further progress report on the first available date after 8 March 2015.**
- 23. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of business.

(Meeting closed at 4.00 pm)

Coventry City Council

Minutes of the Meeting of Joint Cabinet Members (Community Development, Co-operatives and Social Enterprise) and (Policing and Equalities) held at 2.00 pm on Tuesday, 10 March 2015

Present:

Members: Councillor P Townshend (Chair)
Councillor F Abbott

Employees (by Directorate):

People: P Fahy, A Maqsood and A Quinlan

Resources: J Newman, U Patel and D Williams

Apologies: Councillor A Andrews and R Bailey

Public Business

1. Appointment of Chair

RESOLVED that Councillor Townshend be elected as Chair for this meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

RESOLVED that the press and public be excluded under Section 100(A)(4) of the Local Government Act 1972 in relation to the private report referred to in Minute 6 below headed “Management of Council Land” on the grounds that the item refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and information on respect of which a claim to legal professional privilege could be maintained in legal proceedings.

4. Management of Council Land

The Cabinet Members for Community Development, Co-operatives and Social Enterprise and for Policing and Equalities jointly considered a report of the Executive Director of Place which provided an update on the progress made in respect of the Siskin Drive Gypsy and Traveller site and proposed next steps in order to achieve effective management of the site.

Local Authorities are required to undertake a Gypsy and Traveller Accommodation Needs Assessment when carrying out a periodical review of housing needs under Section 8 of the Housing Act 1985, this being a statutory requirement under section 225 of the Housing Act 2004. A Gypsy and Traveller Accommodation

Assessment (GTAA) was undertaken in 2014 which indicates that there is sufficient capacity in Coventry at the present time through the Siskin Drive site.

This site has been used as Gypsy and Traveller accommodation for a considerable period of time. However, the site was in poor condition and in need of redevelopment in order to provide a suitable standard of accommodation for the Gypsy and Traveller community.

The City Council obtained planning permission for the redevelopment of the site in April 2014. A bid would be submitted to the Homes and Communities Agency (HCA) under the 'Continuous Market Engagement' process for funds to redevelop the site.

There had been a number of issues in relation to the management of the site which have prevented the redevelopment work from being progressed sooner. Progress was made on bringing the site under effective management control and on 16 April 2014 the Council clarified ownership of the northern part of the land by obtaining an 'Order for Possession' which was subsequently enforced. In addition, on 3 February 2015, the Court granted the Council's application to terminate two pitch licences held by people who no longer live on site.

However there remained issues of non-compliance with licence agreements for the residents on site. The recommendations in the report establish the steps that would be taken to achieve effective management of the site in this regard.

RESOLVED that the Cabinet Members for Community Development, Co-operatives and Social Enterprise and for Policing and Equalities:

- 1. In order to achieve effective management and control of the Siskin Drive Caravan Site, authorise the Assistant Director of Legal and Democratic Services in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities, to commence appropriate legal/enforcement action in respect of any licensees who do not comply with the terms of their licence agreements by 17 March 2015 and against any trespassers on the site.**
- 2. Where costs are awarded in favour of the City Council as a result of any legal processes, approve the pursuing of recovery of these costs at the discretion of the Assistant Director of Legal and Democratic Services in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities.**
- 3. Approve the submission of a renewed bid for funding to redevelop the site to the Homes and Communities Agency.**
- 4. Give delegated authority to the Executive Director of Place in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities to award the contract for the redevelopment of the site once the site is under**

effective management and control and subject to sufficient funds having been awarded by the Homes and Communities Agency.

- 5. Take full account of the Equality Impact Assessment and Welfare Assessment in considering the above recommendations.**
- 6. Request that a further report on progress made in relation to the recommendations above be submitted to a Joint Cabinet Members meeting on or before 31 August 2015; with permission for an urgent meeting to be convened if so required.**
- 7. Request that the report and recommendations be referred to the Scrutiny Co-ordination Committee for their consideration should they so desire.**

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

There were no other items of public business.

6. Management of Council Land

Further to Minute 8 above, the Cabinet Members considered a corresponding private report of the Executive Director of People which provided further details in respect of the management and redevelopment of the Siskin Drive Gypsy and Traveller site.

RESOLVED that the Cabinet Members for Community Development, Co-operatives and Social Enterprise and for Policing and Equalities:

- 1. In order to achieve effective management and control of the Siskin Drive Caravan Site, authorise the Assistant Director of Legal and Democratic Services in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities; to commence appropriate legal/enforcement action in respect of any licensees who do not comply with the terms of their licence agreements by 17 March 2015 and against any trespassers on the site.**
- 2. Where costs are awarded in favour of the City Council as a result of any legal processes, approve the pursuing of recovery of these costs at the discretion of the Assistant Director of Legal and Democratic Services in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities.**
- 3. Approve the submission of a renewed bid for funding to redevelop the site to the Homes and Communities Agency.**
- 4. Give delegated authority to the Executive Director of Place in consultation with Cabinet Members for Community Development, Co-operatives and Social Enterprise and Policing and Equalities to award**

the contract for the redevelopment of the site once the site is under effective management and control and subject to sufficient funds having been awarded by the Homes and Communities Agency.

- 5. Take full account of the Equality Impact Assessment and Human Rights/Welfare assessment included at Appendix 1 to the report.**
- 6. Request that a further report be submitted as to the progress in relation to the recommendations above to a joint Cabinet Members' meeting on or before 31 August 2015; with permission for an urgent meeting to be convened if so required.**
- 7. Request that the report and recommendations be referred to the Scrutiny Co-ordination Committee for their consideration should they so desire.**

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

There were no other items private business.

(Meeting closed at 2.25 pm)



26 March 2015

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor Townshend

Director Approving Submission of the report:

Executive Director of People

Ward(s) affected:

Earlsdon

Title:

Update report in response to a petition concerning a property in Earlsdon Ward

Is this a key decision?

No

Executive Summary:

This report provides an update on actions taken since the Cabinet Member meeting on 18 December 2014 in response to a petition received on 3 July 2014. The petition, submitted by Councillor Andrews, an Earlsdon Ward Councillor, was signed by 71 individuals in the Earlsdon Ward and asked the City Council to take action regarding the poor condition of a property in the Earlsdon Ward and the impact it is having on the surrounding neighbourhood.

Recommendations:

The Cabinet Member is recommended to:

- (1) Endorse the action already taken and planned to address the conditions at this property;
- (2) Request a further report be submitted to the Cabinet Member before the 30th April 2015 detailing progress made on resolving the issues.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Page 3 onwards

Report title:

Report in response to a petition concerning a property in Earlsdon Ward

1. Context (or background)

- 1.1 A resident-led petition consisting of 71 signatures was received on 3 July 2014 requesting the City Council to take action in relation to concerns regarding the poor condition of a property in the Earlsdon Ward
- 1.2 Cabinet Member has previously endorsed action taken thus far i.e. service of a statutory notice under Section 215 of The Town & Country Planning Act requiring the owner to carry out improvements to his property. This Notice was served on 3 September 2014. No appeal was lodged therefore the Notice came into effect on 5 November 2014 and required compliance within four months of this date. In addition officers were requested to:
 - (a) Issue a 14 day warning letter as to Notice of Intended Prosecution on 6 March 2015 in the event of non-compliance of Section 215 Notice served on 3 September 2014.

- (b) In the event of continuation of non-compliance with the Section 215 Notice served on 3 September 2014, and after the Notice of Intended Prosecution has expired on 21 March 2015, and subject to (b) above, use their best endeavours to commence prosecutions no later than 28 March 2015.

2. Options considered and recommended proposal

- 2.1 The Council has already served a notice on the property-owner under s.215 Town & Country Planning Act. The owner will have needed to comply with this notice by 5 March 2015.
- 2.2 Officers have been regularly monitoring the site since the Section 215 Notice was served and to date no substantive works have been undertaken to comply with the Notice. Consequently the matter was referred to Planning Committee on 5th February 2015 when a formal prosecution for non-compliance with the Notice was authorised, if full compliance is not achieved by 5th March 2015. In the event of non-compliance officers will issue a 14 day warning letter as to Notice of Intended Prosecution on 6 March 2015.

- 2.3 **Recommendations.** Cabinet Member is recommended to request to:

- (1) Endorse the action already taken and planned to address the conditions at this property.
- (2) Request a further report to be submitted to the Cabinet Member before the 30 April 2015 detailing progress made on resolving the issues.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

In the event of non-compliance with the notice served under Section 215 of the Town & Country Planning Act, which expires on 5 March 2015, a Notice of Intended Prosecution will be immediately served. This notice, in turn, will expire on 21 March 2015. If there is still no compliance with the Notice after this date officers will then seek to bring the matter before the Magistrates' Court as soon as possible.

5. Comments from Executive Director of Resources

In the event of non-compliance of any Notices served, there will be a financial implication with regard to the authorisation of legal proceedings and any works in default carried out by the Council. The potential extent of this is difficult to predict, depending on the outcome, any appeal etc. However, full regard will be made to the Code for Crown Prosecutors, issued by the Director of Public Prosecutions. The cost of any potential prosecution and 'works in default' will be paid from within existing budgets and will be subject to usual practice in order to recover the same from the appropriate person.

6. Other implications

None

- 6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?
- 6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular service contributes to two of the Council's key objectives.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

See 6.1.1

6.6 Implications for partner organisations?

None

Report author(s): Steve Chantler

Name and job title: Senior Environment and Housing Enforcement Officer
Directorate: People Directorate

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Andrew Walster	Assistant Director – Street Scene & Green Space	Place	24.02.15	17.03.2015
Craig Hickin	Head of Environmental Services	Place	23.02.15	24.02.15
Phil Hibberd	Pest Control and Animal Welfare Officer	Place	24.02.15	25.02.15
Liam Nagle	Offender Management Strategic Officer	People	24.02.15	24.02.15
Marcus Fothergill	Principal Planning Officer	Place	24.02.15	25.02.15
Usha Patel	Governance Services Officer	Resources	24.02.15	24.02.15
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Business Partner	Resources	24.02.15	
Legal: Andrew Burton	Solicitor	Resources	24.02.15	25.02.15
Executive Director: Martin Yardley	Executive Director	Place	24.02.15	
Members: Councillor Phillip Townshend	Deputy Leader	Policing and Equalities	04.03.2015	04.03.2015

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Public report

Ethics Committee
Cabinet Member for Policing and Equalities
Council

Ethics Committee
Cabinet Member for Policing and Equalities
Council

10 March 2015
26 March 2015
Date to be confirmed

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor P Townshend

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

Not applicable

Title: Proposed Amendment to Code of Conduct for Elected and Co-opted Members

Is this a key decision?

No

Executive Summary:

At its meeting on 29 August 2014, the Ethics Committee considered a report on the Code of Conduct during the course of which it decided that it should recommend to Council that the Code of Conduct should be amended to draw members' attention to the requirement not to disclose confidential information. This report provides the Committee with suggested wording for an amendment and asks the Committee to consider the wording and make recommendation to full Council.

Recommendations:

1. The Ethics Committee is recommended to:
 - (1) consider the proposed additional wording for the Code of Conduct for Elected and Co-opted Members; and
 - (2) recommend to the Cabinet Member for Policing and Equalities that he recommends to full Council that it approves the additional wording to the Code and that Part 4A of the Council's Constitution is amended accordingly.

2. Cabinet Member (Policing and Equalities) is recommended to:
 - (1) Recommend to Council that it approves the additional wording to the Code of Conduct and that Part 4A of the Council's constitution is amended accordingly.
3. Council is recommended to approve the additional wording to the Code and that Part 4A of the Council's Constitution is amended accordingly.

List of Appendices included:

Code of Conduct for Elected and Co-opted Members with proposed amendment

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Proposed Amendment to Code of Conduct for Elected and Co-opted Members

1. Context (or background)

- 1.1 At its last meeting on 29th August 2014 the Committee considered a report on the Code of Conduct. The Committee resolved, among other things, to consider amending the Code to make it clearer to members their responsibilities with regard to not disclosing confidential matters. Officers were asked to draft an amendment to the Code and bring it back to this meeting for the Committee to consider.

2. Options considered and recommended proposal

- 2.1 The Code of Conduct has been re-drafted to include some additional wording in paragraph 3(g) emphasising that members may not disclose information provided to them in confidence to third parties unless they have prior approval. This last proviso has been added in because there may, exceptionally, be occasions when it is appropriate to disclose confidential information. These might include, for example, where a member is required by law to disclose information or where he or she needs to disclose it in order to obtain professional advice.
- 2.2 A copy of the Code of Conduct is attached as an appendix to this report with the additional text underlined.
- 2.3 If the Committee is minded to approve the additional text, with or without amendment, it will need to recommend the change to the Cabinet Member, Policing and Equalities who in turn will make his recommendations to full Council.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 The change would take effect immediately after the council meeting at which it is approved.

5. Comments from Executive Director, Resources

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report. However, amending the Code of Conduct will help to demonstrate that the Council keeps the code under review.

6. Other implications

None

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

Not applicable.

6.2 How is risk being managed?

Clarifying members' obligations with regard to confidential information will help to reduce the risk of information being wrongly disclosed.

6.3 What is the impact on the organisation?

If implemented, the amendment to the Code of Conduct will help to promote high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Solicitor, Place and Regulatory Team, Legal and Democratic Services
Directorate: Resources

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Gurdip Paddan	Governance Services Officer	Resources	10.12.14	10.12.14
Helen Lynch	Place and Regulatory Team Manager	Resources	08.10.14	14.11.14
Names of approvers for submission: (officers and members)				
Finance: Carolyn Prince	Finance	Resources	28.11.14	08.12.14
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	25.11.14	25.11.14
Director: Chris West	Executive Director Resources	Resources	10.12.14	
Councillor Townshend	Cabinet Member for Policing and Equalities		28.11.14	

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**PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS
COVENTRY CITY COUNCIL**

I being a duly elected Councillor/Co-opted Member for Coventry City Council hereby declare that I will undertake my duties as follows:

1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:
 - a. **Selflessness:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **Integrity:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
 - c. **Objectivity:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
 - d. **Accountability:** I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **Openness:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **Honesty:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **Leadership:** I will promote and support these principles by leadership and example.
3. As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will
 - (a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.
- (d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- (f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- (g) Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- (h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- (i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- (l) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

4. **Gifts and Hospitality**

- 4.1 I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.

- 4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.
- 4.3 I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

5. Register of Interests

- 5.1 I will:
 - (a) register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and
 - (b) register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
 - (c) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

- 5.2 I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at Coventry City Council. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

- 6.1 I understand that if I am present at a meeting of the Council and
 - (a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
 - (b) the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave the room where the meeting is held while any discussion or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

- 7.1 I understand that if I am present at a meeting of the Council and
- (a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**
 - (b) the interest is not entered in the Council's register,
- I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.
- 7.2 I also understand that if an interest referred to in 7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.
- 7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:
- (a) I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**
 - (b) If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

8. Other Relevant Interests

- 8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:
- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 5.1(b) or 5.1(c) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area; **and**

(b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

8.2 I acknowledge that if I have an Other Relevant Interest as described in 8.1. above,—

(a) I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**

(b) I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

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Licensing and Regulatory Committee
Cabinet Member for Policing and Equalities

24th March 2015
26th March 2015

Name of Cabinet Member:
Cabinet Member for Policing and Equalities- Councillor Townshend

Director Approving Submission of the report:
Executive Director of Place

Ward(s) affected:
All

Title:
Licensing Act 2003 - Revised Statement of Licensing Policy

Is this a key decision?
No

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Statement of Licensing Policy under the Licensing Act 2003.

Recommendations:

The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Licensing Policy and forward any comments to the Cabinet Member for Policing and Equalities.

The Cabinet Member for Policing and Equalities is requested to consider all comments made by the Licensing and Regulatory Committee in conjunction with the draft revised Statement of Licensing Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.

List of Appendices included:

Revised Statement of Licensing Policy

Other useful background papers:

Licensing Act 2003
Licensing Act 2003 Guidance (section 182)
Current Licensing Policy
Government Policies and Guidance

Has it been or will it be considered by Scrutiny?

No

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

Yes – Licensing and Regulatory Committee – 24 March 2015.

Will this report go to Council?

No

Report title: Licensing Act 2003 - Revised Statement of Licensing Policy

1. Context (or background)

- 1.1 Under the terms of the Licensing Act 2003 the Council's Statement of Licensing Policy has to be renewed every five years. The current Statement of Licensing Policy came into effect on 6th January 2011 and a review must therefore be completed and a revised statement published by 5th January 2016.
- 1.2 This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The Policy will be relevant for all licensing decisions taken by the Council as the Licensing Authority over the next five years, commencing on 5th January 2016.
- 1.3 The general principles of the Licensing Policy remain the same and the document is still centred around the Licensing Act's four licensing objectives, namely
 - the prevention of crime and disorder;
 - ensuring public safety;
 - the prevention of public nuisance;
 - the protection of children from harm;
- 1.4 The revised policy complies with updated Home Office guidance and regulations. It has been developed with all 7 Warwickshire Licensing Authorities (Coventry and Warwickshire Regulators Partnership, which includes Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile. A copy of the draft revised policy is attached as an Appendix to the report.

Key Changes to the Revised Licensing Act Policy

New Responsible Authorities	Licensing Authorities and Directors of Public Health are now listed as Responsible Authorities (paragraph 1.19 and 1.10)
Late Night Levy and Early Morning Restriction Order	Although the Council has not been presented with sufficient evidence to introduce either measure, the matter will be kept under review (paragraph 6.1)
Regulated Entertainment	Revised exemption following the introduction of the Live Music Act and 2014 Deregulation Order (paragraph 10.11)
Integrated Strategies	Integrated Strategies have been updated to reflect range of strategic influence and statutory controls (Section 13)
Removal of terms	Removal of term "vicinity test" Removal of term "interested party" to be replaced by "other person"

2. Options considered and recommended proposal

- 2.1 The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Licensing Policy and forward any comments to the Cabinet Member for Policing and Equalities.
- 2.2 The Cabinet Member for Policing and Equalities is requested to consider any comments raised by the Licensing and Regulatory Committee in conjunction with the draft revised Statement of Licensing Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.

3. Results of consultation undertaken

- 3.1 Before amending the policy for a further five-year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.

The draft revised Statement of Licensing Policy, which has been produced in compliance with government guidance, is attached to this report as Appendix A.

- 3.2 The Responsible Authorities – (West Midlands Police, West Midlands Fire and Rescue Service, Public Safety (Health & Safety, Noise, Trading Standards and Public Health) Planning, Coventry's Safeguarding Children Board, Coventry's Public Health Board), and the Community Safety Team, have already been consulted in the drafting of the revised policy.
- 3.3 The public consultation exercise will finish on 28th June 2015, and will include the following elements:-

Mail shots to representatives of the licensed trade, clubs and key partners
Formally writing to the Chief Officers of the responsible authorities
Mail shots to residents groups and business organisations
Wider public consultation through the City Council Web Site

- 3.4 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities before a finalised policy document is presented to Full Council for approval.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Licensing Policy must be published by 5 January 2016, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Licensing Act 2003, on or after 6 January 2016.

5. Comments from Executive Director of Resources

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5.2 Legal implications

The Council will not be able to undertake its role as a licensing authority after the 6 January 2016 unless it has approved and published its revised Statement of Licensing Policy. The policy must be reviewed every five years. However, it can be reviewed more often if appropriate.

The licensing function is carried out by the Council's Licensing and Regulatory Committee with the exception of the approval of the policy statement, which must be approved by Full Council.

The Council is required to have regard to any current Government Guidance when carrying out any licensing functions under the 2003 Act including preparing its Statement of Licensing Policy.

Other implications

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

The prevention of crime and disorder is at the centre of the Licensing regime and there are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing policy acknowledges the Community Safety Plan and also gives information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'the Protection of Children from Harm'. Applicants are required to show how they will address this objective in their operational schedule when making applications. The Coventry Safeguarding Children Board is a responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.

Although there is not a specific licensing objective related directly to health within the current legislation, Public Health is a Responsible Authority. Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

6.2 How is risk being managed?

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

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

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

6.3 What is the impact on the organisation?

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

6.4 Equalities / EIA

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

6.5 Implications for partner organisations?

The Licensing Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police and Fire services. Both services have been consulted in the development of the draft policy.

The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night time economy and on the co-existence of licensed premises with local residents and communities.

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Directorate: Place

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Enquiries should be directed to the above person.

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Mandie Watson	Community Safety Manager	CCC	14.11.14	24.11.14
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This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

Licensing Act 2003

**Statement of
Licensing
Policy
2016-2021**

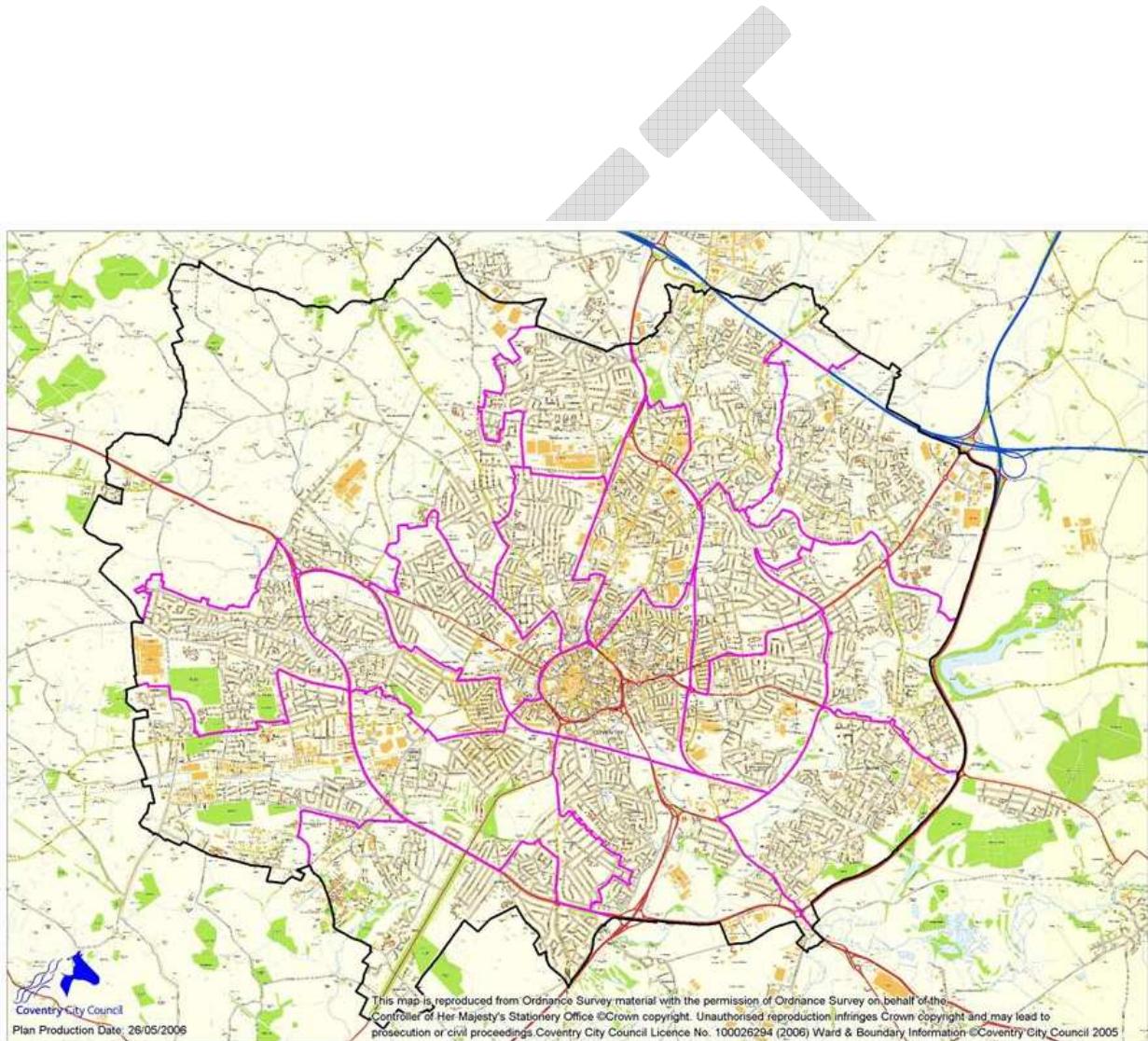


Coventry City Council

Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware that the Government may from time to time amend the Licensing Act 2003, subordinate legislation and statutory guidance.

The Council does not intend to revise this policy document because of any such amendments and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.



map of the area covered by Coventry City Council

CONTENTS

		Page
1	Introduction	4
2	Consultation	5
3	Fundamental Rights	5
4	Licensing Conditions	6
5	Operating Hours	6
6	Late Night Levy and Early Morning Restriction Order(s)	7
7	Cumulative Impact	7
8	Promotion of the Licensing Objectives	7
9	Mandatory Licensing Conditions	11
10	Other Considerations	11
11	Best Practice Schemes	12
12	Guidance for On and Off Licensed Premises	12
13	Integrating Strategies and Avoidance of Duplication	13
14	Enforcement	14
15	Administration, Exercise and Delegation of Functions	15
16	Comments on this policy	17

Appendix

1	Ladder of Intervention	18
2	Responsible Authorities List	19

Supporting documentation

The City Council, in consultation with the Responsible Authorities and the Community Safety Partnership has produced two guidance documents which give premises licence holders and other responsible staff practical guidance on the effective management of licensed premises.

These guides are issued during the licensing process and are also available from licensing pages of the City Council web site

- Guidance for On Licensed Premises
- Guidance for Off Licensed Premises

STATEMENT OF LICENSING POLICY

1 INTRODUCTION

- 1.1 Coventry City Council ('the Council') has a duty under the terms of the Licensing Act, 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.
- 1.3 Coventry is a growing city situated in the West Midlands with a population of 323,000 inhabitants. It is mainly urban but includes significant areas that are semi-rural. A map of the city is shown on page 2.
- 1.4 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -
- **The sale by retail of alcohol**
 - **The supply of alcohol by clubs**
 - **The provision of regulated entertainment**
 - **The provision of late night refreshment**
- For the purposes of this document any reference to an "authorisation" means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context, a Personal Licence.
- 1.5 The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the Coventry Partnership, neighbouring authorities, West Midlands Police ('the Police'), the Coventry Community Safety Partnership, local businesses, arts organisations, performers, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder etc.
- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 6th January 2016. This policy statement will be subject to review and further consultation prior to any substantial changes.
- Responsible Authorities**
- 1.7 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy statement as Appendix 2.

- 1.8 The Council has recognised the Coventry Safeguarding Children Board as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purpose of Section 13 of the Act.

The Licensing Authority as a Responsible Authority

- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

- 2.1 Before publishing this policy statement the Council has consulted with and given proper consideration to the views of the following in line with the statutory guidance:
- Chief Constable of West Midlands Police
 - West Midlands Fire & Rescue Authority;
 - Director of Public Health – Coventry City Council;
 - Other responsible authorities;
 - Representatives of current authorisation holders
 - Representatives of Local businesses
 - Representatives of Local residents

- 2.2 Further details on the consultation and political approval process undertaken prior to publishing this document are available via coventry.gov.uk/councilmeetings.

3 FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to Coventry Magistrates' Court against the decisions of the Council.

4 LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Premises include open spaces. Conditions attached to various authorisations will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activities in the area concerned.
- 4.2 The Council cannot impose conditions unless it has received a relevant representation.
- 4.3 When considering any conditions, the Council acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy of the City. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Council does not propose to implement standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the city.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER(S)

- 6.1 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order(s) are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government Guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.
- 7.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the city to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any Responsible Authority or any other party from making representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects existing authorisation holders and new applicants to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses, or, to contact the Police Licensing Officer if they believe that particular licensed premises are failing to promote this objective.
- 8.3 The City Council as a statutory member of the Local Community Safety Partnership will develop and deliver against multi-agency strategies and action plans to tackle the misuse of alcohol, which has also been identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing authorisation holders and new applicants to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and the sale/supply of alcohol to individuals who are

already intoxicated and thus potentially vulnerable themselves or pose a risk to others. In general, conditions will reflect local crime issues and subsequent prevention strategies.

- 8.4 The risk assessment approach remains fundamental in the operation and good practice of all licensed premises. Authorisation holders and applicants are strongly recommended to work closely with the Local Policing Unit Partnerships Team in particular, in bringing into effect appropriate control measures to either overcome established or prevent potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder. The Police have a list of recommended SIA registered Operators and we would advise that this list be used when considering the employment of SIA registered door staff.
- 8.5 The Licensing Authority will expect new applicants and existing authorisation holders to adopt recognised good practice in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The City Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate decisions and/or imposing appropriate conditions, upon a representation being received containing evidence that a licensed premises has a music policy which might incite violence, crime or disorder or the threat of such against minority groups.
- 8.9 The Licensing Authority is of the view that generally, in order to promote the licensing objectives; all licensed premises within the city are encouraged to be members of the relevant local Pubwatch Scheme, where one exists.
- 8.10 The Licensing Authority and Police have a zero tolerance of illegal substance/drug misuse in licensed premises and recognise that drug use is not something that is associated with all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed on the premises and to achieving a safer environment for those who may have taken them.
- 8.11 Once away from licensed premises a minority of consumers may behave inappropriately and unlawfully. There are additional mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Service and the Local Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the City.
- 8.12 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Licensing Authority expects that (a) any designated premises supervisor will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promote the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement becomes necessary.

Promotion of Public Safety

- 8.13 Public safety is not defined within the Act, but the Government Guidance advises that it is concerned with the physical safety of people using the premises and not with public health. To ensure the safety of customers, applicants should be prepared to demonstrate, where necessary, that the premises comply with all health and safety regulations and that risk assessments, where needed are current.
- 8.14 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.15 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.16 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.17 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

- 8.18 Businesses must ensure that in carrying out their activities they protect and support even the most vulnerable people and keep them safe from harm.

Prevention of Public Nuisance

- 8.19 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.20 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.21 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.

- 8.22 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.
- 8.23 Where the provisions of existing legislation proves inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

Protection of Children from Harm

- 8.24 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is duty bound to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.25 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 8.26 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, then additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.27 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised "Proof of Age" scheme. The City Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The City Council recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.28 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings. By ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.
- 8.29 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.30 The Licensing Authority regards the Coventry Safeguarding Children Board as being the primary source of advice and information on children's welfare and would normally expect

any advice/recommendations from the Board to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear appropriate to protect children from moral, psychological or physical harm.

- 8.31 In order to prevent children from seeing films incompatible with their age, authorisation holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Council may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions apply to all alcohol retailers.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing and Regulatory Committee and Sub-committees are not bound by decisions made by the City Council's Planning Committee, and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval, where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives (see Paragraph 1.1 above).

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing and in order to promote the licensing objectives and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not propose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 0800 and 2300 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing Sub-Committee determines that it is appropriate for such controls to be re-introduced..

11 Best Practice Schemes

- 11.1 The Council supports best practice schemes for licensed premises. If your premise is in an area covered by a scheme, you are encouraged to become a member of the scheme. Schemes, set up by local businesses, have adopted an agreed approach to reduce crime

and disorder in the area by excluding those whose presence on their premises pose a risk to a safe drinking environment. The schemes are supported and attended by West Midlands Police and the Council's Licensing Team. The Coventry Pubwatch Scheme operates within the city and further details are available from BIDS@coventry.gov.uk

12 GUIDANCE FOR ON AND OFF LICENSED PREMISES

- 12.1 Guidance has been developed by the Licensing Authority and the Responsible Authorities in order to provide a reliable source of information to support authorisation holders in the responsible day to day management of their premises and advise what they must be doing to comply with the Licensing Act. This guidance will be referred to whenever the Licensing Authority or any Responsible Authority have made recommendations for improvements in the management of licensed premises or where new conditions of operation are being considered.
- 12.2 Every licensed premise has been issued with this guidance and new applicants or new Licensees will receive a copy as part of the application process. Further copies can be downloaded from the City Council web site.

13 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 13.1 By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, public health, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Council, police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 13.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
 - the needs of the local tourist economy to ensure that these are reflected in their considerations;
 - the employment situation and the need for new investment and employment where appropriate; and
 - the general impact of alcohol related crime and disorder, by providing regular reports to the planning committee. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

Crime, Nuisance and Harm Prevention strategies

- 13.3 Crime, nuisance, harm prevention and drug and alcohol misuse strategies developed through the Coventry Community Safety Partnership (CCSP) will be reflected in any licence conditions suggested by Responsible Authorities, so far as possible.
- 13.4 The CCSP, with membership including the Council, Police and the West Midlands Fire Service, is committed to making Coventry a safe place in which to live, work and visit. The CCSP will co-ordinate action to protect and support our most vulnerable children and adults. It is the role of the CCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Health and Wellbeing Strategy

- 13.5 Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Drinking too much can cause physical and mental harm. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

- 13.6 The vision of Coventry's Alcohol Strategy is to reduce the harms caused by alcohol misuse and make Coventry a safer and healthier place where less alcohol is consumed. This aim can be supported through opportunities within the licensing process.

Cultural strategies

- 13.7 The Strategic Arts Policy sits within the framework of the Local Cultural Strategy and has been developed within the context of Coventry's existing arts infrastructure, initiatives and activities. The Council will monitor the licensing of regulated entertainment and particularly live music and dancing, to ensure that potential event organisers have not been deterred from making applications because of licensing requirements.

Transport

- 13.8 As part of an agreed enforcement protocol where the police have identified a particular need to disperse people from the City centre swiftly and safely so as to avoid situations which could lead to disorder and disturbance, the Council will inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

Duplication

- 13.9 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to an authorisation in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 13.10 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government Guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Council therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equality Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

14 ENFORCEMENT

- 14.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues. This will provide a more efficient deployment of resources targeting high risk premises and activities.
- 14.2 This enforcement regime in relation to licensing follows the Government's Regulators' Code in that it follows the basic principles of Openness, Helpfulness, Proportionality and Consistency. This is clarified by the operation of a ladder of intervention for Licensed Premises. This ladder of intervention is contained at Appendix 1.

- 14.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.
- 14.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) known as the Licensing Taskforce, will visit the premises. The Taskforce officers inspect the areas of the premises relevant to their role. Again, any action taken will be in line with the ladder of intervention.
- 14.5 There are several enforcement options available depending on the outcome of the inspection or complaint which includes:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
 - Written warning – this is a step-up from verbal advice and authorisation holders are given a letter recording the warning given and containing the details of any necessary remedial action.
 - Action planning – this plan will be written down and given to the authorisation holder and Designated Premises Supervisor. It explains what actions are required and within what time period, in order to comply with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if the authorisation holder/DPS have complied, the action plan will be terminated. If there are areas of non-compliance, the authorisation holder may face prosecution or their authorisation may be called for a review.
 - Mutual consent to the addition of licensing condition which reflects a harm identified by any of the Responsible Authorities and which the premise licence holder agrees not to continue (known as a minor variation)
 - Review – when there is evidence to show that the licensing objectives are not being met then the authorisation holder will have to attend a review hearing in front of the Licensing Sub-Committee. A decision will be made by the Licensing Authority Sub-Committee based on the evidence put forward as to whether the DPS will be removed and/or the authorisation revoked, suspended, amended or have additional conditions applied.
 - Prosecution – under the Licensing Act, certain offences can be instituted by the Licensing Authority / Director of Public Prosecutions / the Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation depending on the nature of evidence found.
 - Closure – several of the Responsible Authorities have the power to close licensed premises whilst on site if they deem it necessary e.g. the Police, Health & Safety, Environmental Health, Trading Standards and the Fire Service. The Licensing Team also have powers to request closure through the Magistrates Court for continuing unauthorised alcohol sales.

15 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

- 15.1 The powers of the Council under the Act may be carried out by the Licensing and Regulatory Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority.

- 15.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost effectiveness the Council has delegated these functions to Sub-Committees, or in appropriate cases, to officers supporting the licensing function.
- 15.3 Where under the provisions of the Act there are no relevant representations on an application these matters will be dealt with by officers. Should there be relevant representations then an oral hearing will usually take place before a licensing sub-committee except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a licensing sub-committee. The following table sets out the delegation of functions:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

Application forms and process

- 15.4 The application form will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 15.5 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Team and our website, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

- 15.6 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid. Coventry is currently using the Electronic Licence Management System (GOV.UK) which is supported by the Department of Business Innovation and Skills.
- 15.7 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule. Guidance notes containing contact and website information about these policies will be available from the Licensing Team, City Services Directorate. Contact details are below.

16 COMMENTS ON THIS POLICY

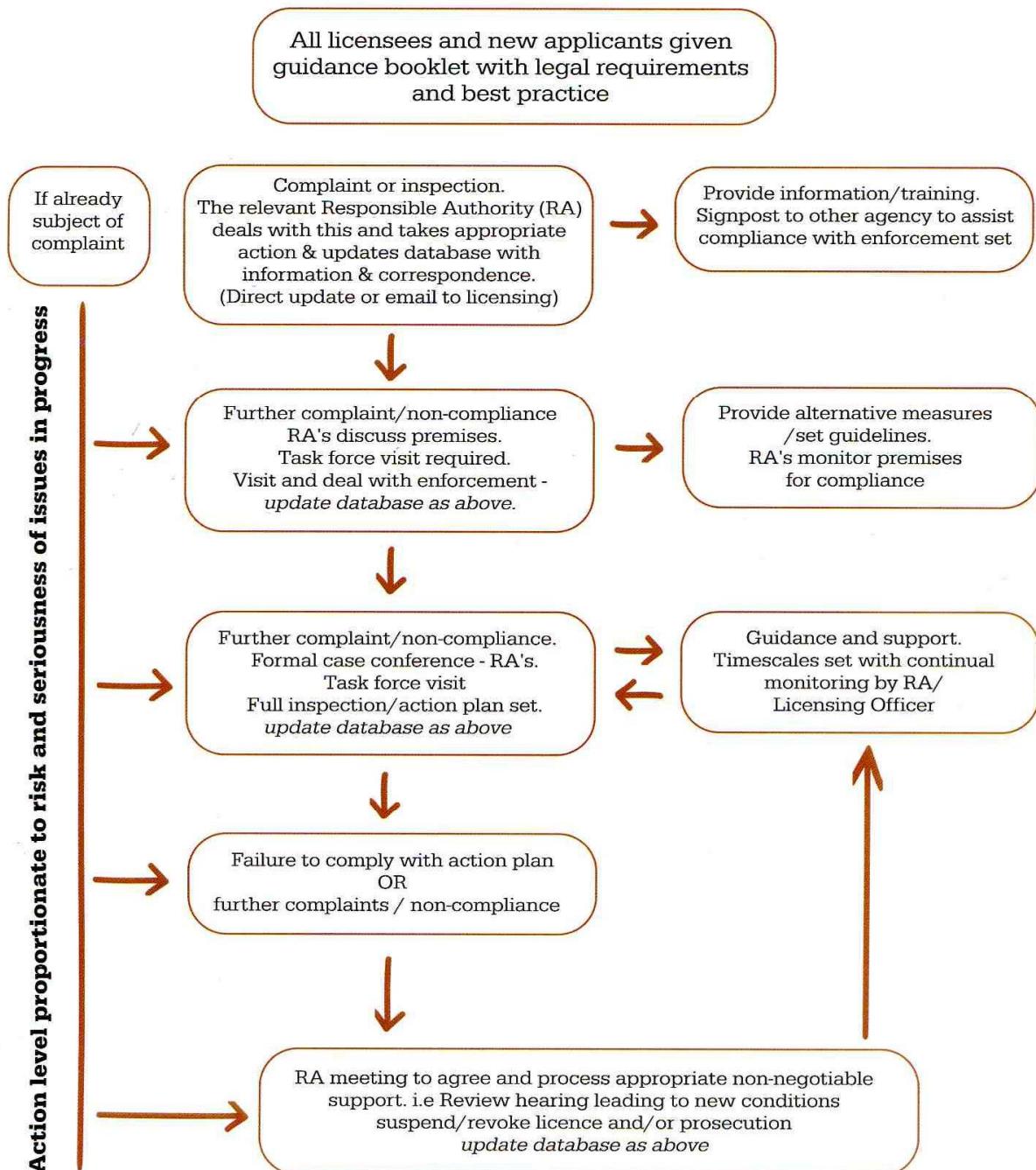
- 16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Place Directorate, Public Safety
Regulatory Services, Broadgate House,
Broadgate, Coventry, CV1 1NH

Telephone Number: 024 7683 1888
Fax Number: 024 7683 2154
e-mail: licensing@coventry.gov.uk
website www.coventry.gov.uk

APPENDIX 1

Ladder of intervention - approach to enforcement issues



APPENDIX 2

Licensing Act 2003 – Responsible Authority Contacts

Licensing Authority:

Coventry City Council
Licensing Team
Broadgate House
Coventry CV1 1NH
Telephone: 024 7683 1888
licensing@coventry.gov.uk

Contact:

Davina Blackburn
Licensing Manager
Davina.blackburn@coventry.gov.uk

Chief Officer of Police:

West Midlands Police
Little Park Street
Coventry CV1 2JX
Telephone: 084 5113 5000

Contacts:

PC Jo Bowes
Bowes_4093@west-midlands.pnn.police.uk
PC Claire Marston
c.marston@west-midlands.pnn.police.uk

Fire Authority

Applications
Fire Service Head Quarters
99 Vauxhall Road,
Vauxhall,
Birmingham,
B7 4HW

Contact:

Bob Coles/Steve Price
firesafety.admin@wmfs.net

Safeguarding Children Board

Social Services & Housing
Chairing and Reviewing Service
Broadgate House 4th floor
Broadgate
Coventry CV1 5RS
Telephone: 024 7683 3443

Contacts:

Rebekah Eaves
safeguardingchildrenlicensing@coventry.gov.uk

Health & Safety Enforcing Authority

Coventry City Council
Regulatory Services
Broadgate House
Broadgate
Coventry CV1 1NH
Telephone: 024 7683 1848

Contacts:

Nicola Castledine
Food and Safety Manager
nicola.castledine@coventry.gov.uk

Environmental Protection

Coventry City Council
Regulatory Services
Broadgate House
Broadgate
Coventry CV1 1NH
Telephone: 024 7683 1858

Contacts:

Neil Chaplin
Senior Environmental Protection Officer
Env.protection@coventry.gov.uk

Trading Standards

Coventry City Council
Regulatory Services
Broadgate House
Coventry CV1 1NH
Telephone: 084 5330 3313

Contact:

Alan Harwood
Trading Standards Business Compliance
Manager
alan.harwood@coventry.gov.uk

Coventry Health Board
Coventry City Council
Room 78a, 2nd Floor Council House
Earl Street
Coventry
CV1 5RR

Contact:
Angela Hands
Public Health Practitioner
Tel: 024 7683 1315
Email.
publichealthlicensing@coventry.gov.uk

Planning Authority
Coventry City Council
City Development Directorate
Civic Centre 4
Much Park Street
Coventry CV1 1PY
Telephone: 024 7683 1212

Marcus Fothergill
Planning Enforcement Officer
planning.control@coventry.gov.uk

OTHER USEFUL CONTACTS:

Health & Safety Executive
Licensing Applications/Consultation
No. 1 Hagley Road
Birmingham B16 8HS
Telephone: 0121 607 620

Tel: 024 7683 2351
Email: lee.house@coventry.gov.uk

Coventry City Council Events Team
Lee House
Coventry City Council
Communications Team
Chief Executives Directorate,
Room 22, Council House
Earl Street
Coventry
CV1 5RR

Home Office Alcohol Licensing
Website:
<https://www.gov.uk/alcohol-licensing>

**Police National Computer
Checks – Obtain a basic
disclosure CRB for your
Personal Licence**

www.disclosurescotland.co.uk

If you need this information in another format please contact:
Telephone: 024 7683 1888
Fax: 024 7683 2154
Minicom: 0500 431143
e-mail:
licensing@coventry.gov.uk

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26 March 2015

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor Townshend

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

None

Title:

Outstanding Issues Report

Is this a key decision?

No

Executive Summary:

In May 2004 the City Council adopted an Outstanding Minutes System, linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member for Policing and Equalities so he is aware of them and can monitor progress.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to consider the list of outstanding issues and to ask the Member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

List of Appendices included:

Table of Outstanding Issues.

Other useful background papers:

None

Has it or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report author(s): Usha Patel

Name and job title: Governance Services Officer

Directorate: Resources

Tel and email contact: 024 7683 3198

usha.patel@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Other members	Not applicable			
Names of approvers: (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

This report is published on the council's website:

www.coventry.gov.uk/meetings

	Subject	Date for Further Consideration	Responsible Officer	Proposed Amendment to Date for Consideration	Reason for Request to Delay Submission of Report
1	Report back on Progress of ongoing Development of the Youth Space in Cope Street, Coventry Report back on progress (CM(CS&E) 21 st March, 2013 (Minute 73/13)	tbc	Executive Director of People Steve Wiles		
2	Equality Strategy End of year report (CM(P&E) 22 Jan 2015 (Minute 73/14)	September 2015	Chief Executive Surindar Nagra/ Jenni Venn		
3	Use of Covert Surveillance of Employees Policy and Procedure Annual report, only if applications have been received. (CM(P&E) – 4 th Sept, 2014 (Minute 26)	Sept 2015	Executive Director of Resources Helen Lynch		
4	Equalities in Employment Progress report (CM(CS&E) 5 th Sept 2013 (Minute 32)	First meeting in the New Municipal Year	Executive Director of Resources Shokat Lal		
*5	Magistrates Court Building Progress report CM(P&E) 22 Jan 2015 (Minutes 78 & 80)	26 February 2015 26 March 2015	Executive Director of Resources Helen Lynch/ David Williams		

	Petition – security fencing to open land at rear of 2-66 Brookside Avenue Progress report (CM(P&E) 18 December 2014 (Minute 59)	23 April 2015	Executive Director of Place Mandie Watson		
7	Petition – improve environment and security of Hearsall area of Coventry Progress report on recommendations made at 22 Jan 2015 meeting (CM(P&E) 22 Jan 2015 (Minute 71)	23 April 2015	Executive Director of Place Simon Hutt		
8	Public Space Protection Order (Coventry Dog Control) A review of arrangements after a year of operation (CM(P&E) 18 December 2014 (Minute 58)	On or before 31 December 2015	Executive Director of Place Craig Hickin		
*10	Report in response to a petition concerning a property in Earlsdon Ward Progress made on resolving the issues (CM(P&E) 18 December 2015 (Minute 60 & 64)	26 March 2015	Executive Director of Place Steve Chantler		
11	Change to the Constitution: Appointments to Appeals Committee Short report reviewing the new arrangements	23 April 2015	Executive Director of Resources Christine Forde/Shokat Lal		

	(CM(P&E) 2 nd October 2014 (Minute 39)				
12	Primary Authority Partnerships – a revised model for delivering regulatory advice to businesses Report detailing the initial outcomes of implementing the scheme (CM(P&E) 2 nd October 2014 (Minute 37)	October 2015	Executive Director of Place Hamish Simmonds		
13	Local Democracy Week Interim report on progress in relation to recommendations made at 22 Jan 2015 meeting (CM (P&E) 22 Jan 2015 (Minute 75)	First meeting in New Municipal Year	Executive Director of Resources Matt Rossi		
14	Fines Policy – Redress Schemes for Letting Agents and Property Management Report back on operation of system (CM(P&E) 22 Jan 2015 (Minute 72)	On or before 30 September 2015	Executive Director of Place Allan Harwood		
15	Processing of CCTV footage for investigating Alleged Employee Misconduct Annual report (CM(P&E) 22 Jan 2015 (Minute 74)	On or before 31 March 2016	Executive Director of Resources Anjeli Bajaj		
16	Update report in relation to Planning Enforcement Action at The Old Hall, Tamworth Road Progress report	23 April 2015	Executive Director of Place Marcus Fothergill		

Page 017	(CM P&E) 22 Jan 2015 (Minute 81) Continued Authorisation of the England Illegal Money Lending Team Further report on the number of Coventry cases investigated, criminal prosecutions and convictions in the last 12 months (CM(P&E) 26 Feb 2015 (minute 86)				
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A separate report is submitted in the private part of the agenda in respect of this item as it contains information required to be kept private in accordance with Schedule 12A Local Government Act 1972. The grounds for privacy are that it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Cabinet Member for Policing and Equalities

26th March 2015

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor Townshend

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

All

Title:

Magistrates' Court Building

Is this a key decision?

No

Executive Summary:

When the Council constructed the Coventry Magistrates' Court building in the 1980s, the premises included a "Probation Suite" whose construction cost of around £1.2 million was to be met by the Council initially but repaid by the Probation Service over a period of some 40 years. Annual repayments were made until 2007. However, the Probation Service now disputes liability to make any further payments.

This matter was considered by Cabinet on 11 December 2012, where authorisation was given to commence legal proceedings to recover the outstanding loan monies. The Cabinet Member (Community Safety & Equalities) was given delegated authority to determine alternative strategies or decisions as the matter progresses and the matter was considered at Cabinet Member meetings on 24th February 2014, 1st May 2014, 14th November 2014, 18th December 2014 and 22nd January 2015. This report is an update as to the progress of the proceedings to date.

Recommendations:

Cabinet Member is recommended to:

- (1) Note the successful conclusion of this matter.

List of Appendices included:

None.

Other useful background papers:

None.

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

1. Context (or background)

1. **Dispute History**-During the 1980s, the Council constructed the Coventry Magistrates' Court, which included a Probation Suite. A proportion of the construction cost of the Suite (approximately £1.2 million) was to be met by the Council initially but repaid by the Probation Service over a period of some 40 years. However, the Probation Service disputes liability to make any payment after 2007, when ownership of the court building was transferred to Central Government.
2. The arrears of annual debt payments up to and including the financial year 2012/13 amount to a total of £491,571, and on 21st January 2013 the Council issued High Court proceedings for that sum plus interest.
3. The local Probation Service has operated through a large number of different bodies since 1990. Therefore, the Council took the precaution of naming as defendants all of the bodies identified as possibly liable, a total of 9 defendants. It then became clear that the active Defendants were the 6th to 9th defendants i.e. Staffordshire and West Midlands Probation Trust, the Secretary of State for Communities and Local Government, the Lord Chancellor and the Secretary of State for Justice, and the National Offender Management Service.
4. The active Defendants filed defences disputing liability. In essence, the active defendants say that there was an occupation agreement, rather than a loan agreement, with the Council under which the Probation Service was paying money to the Council as owner of the Magistrates' Court. Therefore, since ownership of the Magistrates' Court building was transferred to Central Government in or before 2007, the Probation Service has no liability to make further payments to the Council. Further, the active defendants do not accept that any liability to pay the Council which may have arisen historically has passed to any of them as successor organisations. Finally, the 7th to 9th Defendants have counterclaimed that they overpaid the Council in 2006/7 and are entitled to be repaid almost £100,000, plus interest.
5. The active Defendants proposed an ADR process of "Early Neutral Evaluation" whereby an independent QC would simply review the parties' cases and give an opinion on the merits. The Council considered that this was inappropriate because it would not in itself bring about settlement. The Council therefore suggested that a more effective way forward was an enhanced form of mediation, in which the mediator (probably a QC), was requested to express his or her views to each party on the merits of their case. The active Defendants agreed to this approach, in the form of an Evaluative Mediation.

The Evaluative Mediation

6. On 25th September 2014, the parties attended an Evaluative Mediation with Amanda Tipples QC acting as the Mediator.
7. The Court proceedings had been stayed to enable the parties to attempt Alternative Dispute Resolution (ADR). The parties requested that this stay be extended on the basis that if the case has not settled within 28 days of the date of the new Order, the Council would apply either to extend the stay (with the other parties' consent), or for a directions hearing to be fixed on the first available date. The new Order was sealed on 11th November 2014 and the Council was required to update the court in December. As the Defendants indicated that it may take them until January 2015 to obtain Central Government approval for an improved settlement offer, the active parties applied to court to extend the stay until the end of January 2015. It now appears that the Staffordshire and West Midlands Probation Trust has been dissolved as part of a further reorganisation of the Probation Service.
8. As regards the improved settlement offer expected, the active Defendants' solicitors Cripps LLP emailed on 6th January 2015 to indicate that they were seeking instructions and would return to the Council as soon as they could. Legal Services requested an update from Cripps LLP on 13th January 2015, their response on 15th January indicating that their client contact was doing what he could to push the process forwards and obtain the necessary approvals as soon as possible. An improved settlement offer was finally received on 2nd February 2015, and after due consideration, accepted by the Council on 23rd February 2015. Accordingly, the case has been concluded subject to a formal consent order to reflect the settlement/dispose of the court proceedings, and subject to payment of the agreed sum to the Council.

2. Options considered and recommended proposal

- (i) The case having been settled subject to a consent order and payment of the agreed sum, Cabinet Member is recommended to note the successful conclusion of this matter.

3. Results of consultation undertaken

No consultation is considered to be appropriate.

4 Timetable for implementing this decision

It is hoped that by late March/early April 2015 a formal consent order will have been made to reflect the settlement and dispose of the court proceedings, and that the agreed payment will have been made to the Council.

5. Comments from Executive Director of Resources

5.1 Financial implications

The Council has commenced legal proceedings to recover sums it considers it is lawfully entitled to, whilst recognising a duty to keep the merits of its case under review.

A settlement has now been agreed through mediation.

5.2 Legal implications

The Council has commenced legal proceedings to recover sums it considers it is lawfully entitled to, whilst recognising a duty to keep the merits of its case under review.

A settlement has now been agreed through mediation.

6. Other implications

None

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

Money recovered in excess of costs incurred will contribute to the general financial well-being of the Council.

6.2 How is risk being managed?

There is considered to be no significant ongoing risk, in that a settlement has now been agreed through mediation.

6.3 What is the impact on the organisation?

This topic is dealt with in the accompanying private report.

6.4 Equalities / EIA

The decision to be made is not considered to have any Public Sector Equality Duty implications

6.5 Implications for (or impact on) the environment

None.

6.6 Implications for partner organisations?

None.

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Enquiries should be directed to the above person.

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Appendices

None

Agenda Item 11

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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