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Coventry City Council

Agenda

Licensing and Regulatory Sub-Committee (Hearing)

Time and Date
10.00 am on Tuesday, 14th April, 2015

Place
Dame Ellen Terry Suite - Council House

Public Business

1. **Appointment of Chair**

2. **Apologies**

3. **Declarations of Interest**

4. **Licensing Act 2003 - Application to vary a Premises Licence** (Pages 3 - 74)

   To consider an application to vary the premises licence in respect of Costcutter Express, Black Prince Avenue, Coventry.

   Note: The applicant and their representative have been invited to attend the hearing.
   Persons who have made representations have also been invited to attend.

5. **Any Other Business**

   To consider any other items of business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

Private Business
Nil

Chris West, Executive Director, Resources, Council House Coventry

Thursday, 2 April 2015

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

Membership: Councillors D Chater, G Crookes and L Harvard

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/Carolyn Sinclair
Tel: 024 7683 3198/3166
Email: usha.patel@coventry.gov.uk or
Carolyn.Sinclair@coventry.gov.uk

COSTCUTTER EXPRESS, BLACK PRINCE AVENUE, COVENTRY, CV3 5JE.

Application Summary

1) A variation application has been made to extend the hours for the sale of alcohol at the premises to:

   Monday to Saturday: 06:00 – 23:00
   Sunday: 07:00 – 23:00

2) Adjust conditions and remove restrictions on Christmas Day and Good Friday:

   Christmas Day 12:00 – 15:00 hours and 19:00 – 22:20 hours.
   Good Friday 08:00 – 22:30 hours.

3) Vary opening hours:
   00:00 – 23:59 hours Monday to Sunday.

Representations

Two objections have been received by local residents.

Mediation

No conditions have been agreed with the Responsible Authorities.

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ST ALBANS OPERATING COMPANY LTD
(Insert name(s) of applicant)
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/206000400

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description COSTCUTTER EXPRESS BLACK PRINCE SERVICE STATION FS074 BLACK PRINCE AVENUE			
Post town	COVENTRY	Postcode	CV3 5JE

Telephone number at premises (if any)	01727 898890
Non-domestic rateable value of premises	£62000

Part 2 – Applicant details

Daytime contact telephone number	01727 898891		
E-mail address (optional)			
Current postal address if different from premises address	CLOCK HOUSE COURT 5-7 LONDON ROAD		
Post town	ST ALBANS	Postcode	AL1 1LA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? X Yes ☐ No

If not, from what date do you want the variation to take effect? DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

EXTEND THE HOURS FOR THE SALE OF ALCOHOL ADJUSTING CONDITIONS AS NECESSARY AND REMOVE THE RESTRICTIONS ON CHRISTMAS DAY AND GOOD FRIDAY AND ADJUST OPENING HOURS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment		**Please tick all that apply**
a)	plays (if ticking yes, fill in box A)	☐
b)	films (if ticking yes, fill in box B)	☐
c)	indoor sporting events (if ticking yes, fill in box C)	☐
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☐
e)	live music (if ticking yes, fill in box E)	☐
f)	recorded music (if ticking yes, fill in box F)	☐
g)	performances of dance (if ticking yes, fill in box G)	☐
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☐

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			**Will the performance of dance take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for the performance of dance** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	**Will this entertainment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☐
Mon				Outdoors	☐
				Both	☐
Tue			**Please give further details here** (please read guidance note 3)		
Wed					
Thur			**State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)** (please read guidance note 4)		
Fri					
Sat			**Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			**Will the provision of late night refreshment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the supply of alcohol be for consumption – please tick** (please read guidance note 7)		
				On the premises	☐
				Off the premises	X
Day	Start	Finish		Both	☐
Mon	06.00	23.00	**<u>State any seasonal variations for the supply of alcohol</u>** (please read guidance note 4)		
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00	**<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u>** (please read guidance note 5)		
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	07.00	23.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)		
Day	Start	Finish
Mon	00.00	24.00
Tue	00.00	24.00
Wed	00.00	24.00
Thur	00.00	24.00
Fri	00.00	24.00
Sat	00.00	24.00
Sun	00.00	24.00

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CHANGE ALCOHOL HOURS CONDITIONS AND RESTRICTIONS ON CHRISTMAS DAY AND GOOD FRIDAY

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence. COPY ENCLOSED – MASTER PREMISES LICENCE TO FOLLOW UNDER SEPARATE COVER DIRECT FROM APPLICANT HO

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

OTHER EXISTING AND MANDATORY CONDITIONS TO REMAIN - ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 25 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS, USEABLE WASTE BINS PROVIDED ON THE FORECOURT

e) The protection of children from harm

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING AND REFRESHER TRAINING, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Checklist:

	Please tick to indicate agreement
• I have made or enclosed payment of the fee.	X
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
• I understand that I must now advertise my application.	X
• I have enclosed the premises licence or relevant part of it or explanation.	X
• I understand that if I do not comply with the above requirements my application will be rejected.	X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16TH FEBRUARY 2015
Capacity	LICENSING SOLUTIONS - DULY AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)
LICENSING SOLUTIONS
32 CHURCH ROAD
LOCKS HEATH

Post town	**SOUTHAMPTON**	**Post code**	**SO31 6LU**
Telephone number (if any)	**07831 159450**		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) **chris@licensingsolutions.org.uk**			

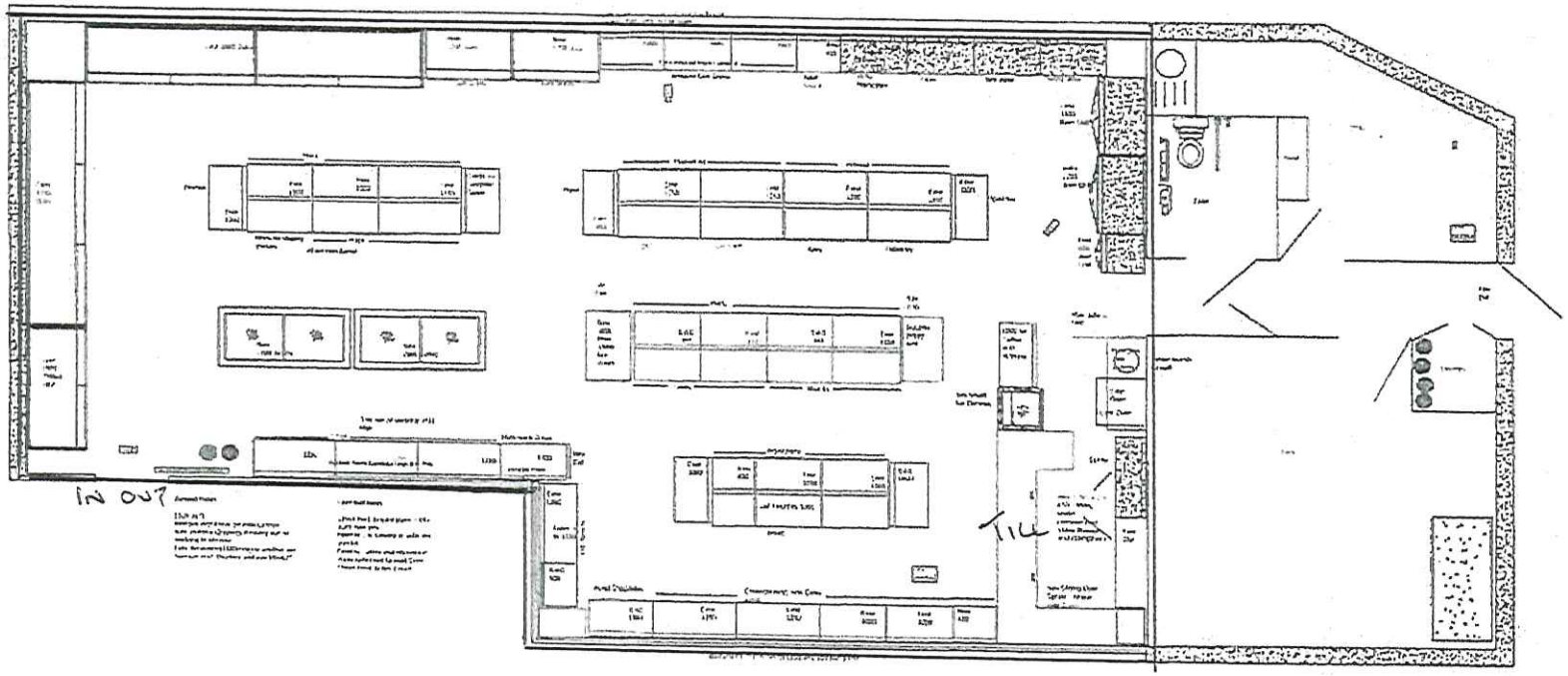
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

TE :hester. M12 6DX.	TITLE: Murco/Costcutter Blackprince Ave Coventry CV3 5JE Scale 1:100@A3	DRAWN BY: SPW	DRAWING NO: M/C/1B	CUSTOMER'S SIGNATURE:
		DATE: May 07	REVISION: B	REPRESENTATIVE'S SIGNATURE:

THIS IS THE DEPOSITED PLAN - NO CHANGE ENVISAGED
ALCOHOL DISPLAY THROUGHOUT STORE WITHIN RED BORDER.



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LICENSING ACT 2003

Full Premises Licence

Murco Service Station

Premises licence number	LN/206000400

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Murco Service Station Black Prince Avenue	
Post town Coventry	**Post code** CV3 5JE
Telephone number 01727 898890	

Where the licence is time limited the dates N/A

The times the licence authorises the carrying out of Licensable Activities		
Off Sales		
Supply of Alcohol	**From**	**To**
Sunday	10:00	22:30
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Good friday 8am- 10.30pm Christmas day 12.00 noon- 3.00pm and 7.00pm-10.30pm		

LICENSING ACT 2003

Full Premises Licence

Premises		
Open to the Public	**From**	**To**
Sunday	07:00	23:00
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES

Part Two

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

St Albans Operating Company Limited
Clock House Court
5-7 London Road
St Albans
AL1 1LA

Registered number of holder, for example company number, charity number (where applicable)

677691

Name, (registered) address, and telephone number(s) of designated premises supervisor where the premises licence authorises the supply of alcohol

Sarveswaran Nadesapillai

LICENSING ACT 2003

Full Premises Licence

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the premises authorises the supply of alcohol

Licence number - **CV207000275 - Coventry City Council**

Dated this 14th October 2014

Head of Regulatory Services

Countersigned:

Regulatory Services
Broadgate House
Broadgate
Coventry
CV1 1NH

Annex 1 **Mandatory Conditions**

Section 19 Licensing Act 2003

Where this licence authorises the supply of alcohol,

1. **No supply of alcohol may be made under the licence:**

   a. **at a time when there is no designated premises supervisor (DPS) in respect of the licence, or**

   b. **at a time when the DPS does not hold a personal licence or that licence is suspended**

2. **Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence**

Section 20 Licensing Act 2003

Where this licence authorises the exhibition of films,

(1) the admission of children to the exhibition of any film will be restricted.

(2) Where the film classification body is specified in the licence, unless otherwise stated, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where :

i. **the film classification body is not specified in the licence, or**

ii. **the licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.**

Section 21 Licensing Act 2003

Where this licence includes a condition that at specified times one or more individuals must be on the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Where a licence authorises alcohol to be consumed on the premises the following conditions apply:

The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: 1/2 pint
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) still wine in a glass: 125 ml; and
(b) customers are made aware of the availability of these measures.

Where the licence authorises alcohol to be consumed on or off the premises the following condition applies:

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to staff to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2

Conditions consistent with the Operating Schedule

Licensees Statement of Operating Schedule as attached including:

Part 1

A) General all four licensing objectives
B) The Prevention of Crime and Disorder
C) Public Safety
D) Prevention of Public Nuisance
E) Protection of Children from Harm

Part 2
Conditions reproducing the effect of all conditions currently attached to the existing licence (both standard and special conditions).

Licensing Act 1964- None

Theatres Act 1968- None

Cinemas Act 1985 - None

Local Government (Miscellaneous Provisions) Act, 1982 – None

Annex 3

Conditions Attached after a Hearing by the Licensing Authority

None

LN/206000400 - Murco Costcutter - HO.

a) General – all four licensing objectives (b,c,d,e)

NONE

b) The prevention of crime and disorder

NONE

c) Public safety

NONE

d) The prevention of public nuisance

NONE

e) The protection of children from harm

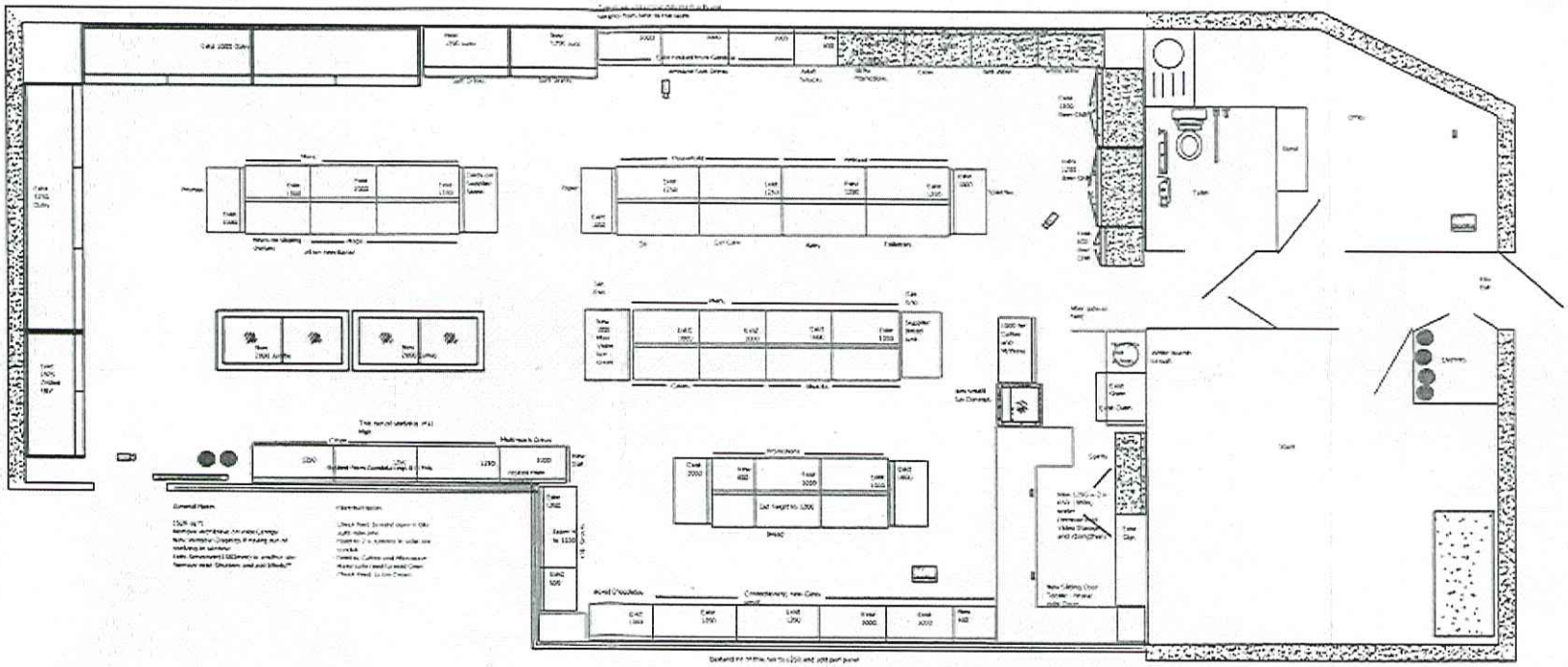
NONE

Annex 4

Plans

The Plan attached to this licence as attached.

TE	TITLE:	DRAWN BY:	DRAWING NO:	CUSTOMER'S SIGNATURE:
chester. M12 6DX.	Murco/Costcutter Blackprince Ave Coventry CV3 5JE Scale 1:100@A3	SPW	M/C/1B	
		DATE: May 07	REVISION: B	REPRESENTATIVE'S SIGNATURE:



LICENSING ACT 2003

Summary Licence

To Be Displayed

Murco Service Station

Premises licence number	LN/206000400

Postal address of premises, or if none, ordnance survey map reference or description	
Murco Service Station Black Prince Avenue	
Post town Coventry	**Post code** CV3 5JE
Telephone number 01727 898890	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of licensable activities		
Off Sales		
Supply of Alcohol	**From**	**To**
Sunday	10:00	22:30
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Good friday 8am- 10.30pm Christmas day 12.00 noon- 3.00pm and 7.00pm-10.30pm		

LICENSING ACT 2003

Summary Licence

To Be Displayed

Premises		
Open to the Public	**From**	**To**
Sunday	07:00	23:00
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

St Albans Operating Company Limited
Clock House Court
5-7 London Road
St Albans
AL1 1LA

Registered number of holder, for example company number, charity number (where applicable)

677691

Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Sarveswaran Nadesapillai

State whether access to the premises by children is restricted or prohibited

N/A

LICENSING ACT 2003

Summary Licence

To Be Displayed

Dated this 14th October 2014

Head of Regulatory Services

Countersigned:

Regulatory Services
Broadgate House
Broadgate
Coventry
CV1 1NH

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Ledbrook, Michelle

Subject: FW: Costcutter Blackprince Avenue
Attachments: DSC_0127.JPG; DSC_0125.JPG

From::
Sent: 05 March 2015 14:28
To: Ledbrook, Michelle
Subject: Costcutter Blackprince Avenue

Thankyou for your reply concerning the above

I have enclosed a photo of rubbish I collected from my front garden only yesterday 4th march. This is just one garden never mind the back of the houses into the woods where the weather has blown the rubbish and at the bottom of the road into Leaf Lane.

My point to all this is not only do they want to extended the hours of trading but what effect is already to the enviroment in the area with the rubbish from this business.

with kindess regards

Sent from my Xperia Z2 Tablet on O2


Oxo
Cubes
100


Contact us FREE
QUAL
alc. 8.4

Ledbrook, Michelle

Subject: FW: Premises Licence application - Costcutter, Black Prince Avenue.

From:
Sent: 04 March 2015 19:32
To: Ledbrook, Michelle
Subject: Re: Premises Licence application - Costcutter, Black Prince Avenue.

Thank you for explaining. Together with the explanation offered as an objection I feel that the extended hours unnecessary. It only gives the opportunity for those with alcohol problems or those already intoxicated to have access to more for longer. This can lead to

•Crime and Disorder and public nusiance

Sent from my iPhone

On 3 Mar 2015, at 11:25, "Ledbrook, Michelle" <Michelle.Ledbrook@coventry.gov.uk> wrote:

Dear Sir or Madam,

I am writing in relation to your recent objection to Costcutter, Black Prince Avenue, Coventry, CV3 5JE.

Unfortunately, I am unable to accept your objection as a valid representation. In order for an objection to be deemed valid it needs to state how the application will have a detrimental effect on one or more of the four licensing objectives.
I have attached a guidance note for your information and would request that you re-word your objection giving examples of how the application will affect the licensing objectives.

If you require further information please do not hesitate to contact me on 024 7683 1888.

Kind Regards

Michelle Ledbrook
Licensing Officer
Regulatory Services
Room 301, 3rd Floor
Broadgate House
Coventry
CV1 1NH

07931314741 (temporary contact number)
Tel: 024 7683 4181
Fax: 024 7683 2154
Email: Michelle.Ledbrook@coventry.gov.uk

-----Original Message-----
From:
Sent: 02 March 2015 12:24
To: Licensing Public Protection
Subject:

I object to extended licensing hours on Christmas day and Good a friday. This is a Christian country these days should be respected by everyone whatever your beliefs -

Sent from my iPhone

All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast.

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the addressee. If you have received this e-mail in error, you are requested to contact the sender All e-mails are monitored by Coventry City Council's ICT Security, using MailMeter and Mimecast. The views contained in this e-mail are those of the author and not necessarily those of Coventry City Council.

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Coventry City Council

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.

2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.

3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?

4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.

5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.

6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?

7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).

8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.

9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)

10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.

11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.]

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the determination.

* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.

Licensing Act 2003

Statement of Licensing Policy

with effect from 6th January 2011

Coventry City Council

map of the area covered by Coventry City Council

CONTENTS **Page**

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 Coventry is a growing city situated in the West Midlands with a population of 305,000 inhabitants. It is mainly urban but includes significant areas that are semi-rural. A map of the area is shown on the previous page.

1.3 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- **Retail sale of alcohol**
- **Supply of alcohol to club members**
- **The supply of hot food and/or drink from any premises between 11pm and 5am**
- **Provision of 'regulated entertainment' – to the public, to club members or with a view to profit:**
  - **A performance of a play**
  - **An exhibition of a film**
  - **An indoor sporting event**
  - **Boxing or wrestling entertainment**
  - **A performance of live music**
  - **Any playing of recorded music**
  - **A performance of dance**
  - **Provision of facilities for making music**
  - **Provision of facilities for dancing**

1.4 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 in partnership with the Coventry Partnership, neighbouring authorities, the 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.

1.5 This policy statement has been prepared in accordance with the provisions of the Act; the Guidance issued under Section 182 of the Act and is valid for a period of 3 years from 7th January 2011. This policy statement will be subject to review and further consultation prior to 1st January 2014.

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:

- The Chief Officer of Police
- The Fire Authority
- Representatives of current licence and certificate holders
- Representatives of Local businesses
- Representatives of Local residents
- Local licensing forum
- Departments within the Council with an interest in licensing

2.2 The Council will also consult with the British Transport Police, local Accident & Emergency Departments and local bodies representing consumers, people with disabilities, promoting tourism, local performers and neighbouring authorities.

3 FUNDAMENTAL RIGHTS

3.1 Under the terms of the Act any individual may apply for a variety of permissions and have their applications considered on their 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 includes 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 will not impose conditions on or refuse to grant or vary a premises licence or club premises certificate unless it has received a relevant representation from a responsible authority (police, fire authority, Coventry's Safeguarding Children Board, health and safety, environmental health, planning, etc.) or an interested party (residents or their representatives, local businesses or their representatives in the vicinity of the premises and elected members of the Council).

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 across the board. Therefore, the Council will attach conditions to licences and certificates, which are tailored to the individual style and characteristics of the premises and events concerned and that are necessary to promote the licensing objectives. In particular circumstances, the Council will draw upon a pool of model conditions drawn from suggested conditions issued by the Department of Culture, Media and Sport (DCMS). The Act requires that certain mandatory conditions be included in all premises licences and club premises certificates in particular circumstances.

5 OPERATING HOURS

5.1 The Government Guidance Para 10.20 states that there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. [With this in mind, the City Council as Licensing Authority under the Licensing Act 2003 aims to help safeguard the rights of local residents and others, who might be adversely affected by licensable activities. 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 all interested parties 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 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 necessary in residential areas where relevant representations are received and such measures are deemed necessary 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 for restricting those hours. For example, a limitation may be appropriate following Police representations in the case of shops known to be a focus of disorder and disturbance because youths gather there.

6 CUMULATIVE IMPACT

6.1 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 Para 13.23 states that "need" is not a matter for the licensing authority but is a matter for the planning authority and the market.

6.2 Applicants, responsible authorities and interested parties should know that at the present time the Council has not adopted a special policy identifying a particular concentration of licensed premises within the City which is considered to be causing a cumulative impact on one or more of the licensing objectives.

Should the Council adopt a special policy within this Statement of Licensing Policy in the future, it will be necessary for there to be an evidential basis for the decision in accordance with the following steps:

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that:
  - crime and disorder or nuisance are arising, and
  - are caused by the customers of licensed premises, and
  - if so, identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those listed above in paragraph 2.1 as part of the general consultation required in respect of the whole Statement of Licensing Policy;
- subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the S.182 Guidance and this Statement of Licensing Policy; and
- Publication of the special policy as part of the Statement of Licensing Policy required by the Act.

6.3 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that 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 appreciates that the police always have this under review and accordingly reserves the right, should the need arise, to introduce a special policy during the life of this Statement of Licensing Policy subject to the steps referred to at paragraph 6.2 above..

Special policies relating to cumulative impact will not include provisions for a terminal hour in a particular area or impose quotas, based on either the number of premises or the capacity of those premises.

6.4 If a special policy is adopted, it will be reviewed regularly to assess whether it is needed any longer or needs expanding. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence 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.

6.5 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. These include –

- positive measures to create a safe and clean city environment in partnership with local businesses, transport operators and other departments within the Council;
- the provision of CCTV surveillance, ample taxi ranks, public conveniences open late at night, street cleaning and litter patrols;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the Designated Public Places Order which now covers the whole of the City of Coventry. This enables the police to confiscate alcohol from adults and children

drinking in public places and failure to comply with such a request would be an offence.

- police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in questions.
- Council Initiatives such as taxi marshals

6.6 The Council will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the City.

7 PROMOTION OF THE FOUR LICENSING OBJECTIVES

Prevention of Crime and Disorder

7.1 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.

7.2 The Licensing Authority expects individual licence holders, new applicants and temporary event organisers, 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 regulatory agencies, 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 achieve this objective.

7.3 The City Council will, through its Community Safety Partnership, devise and help deliver strategies to tackle the misuse of alcohol, which has 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 licence holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage underage retail and hospitality sales/supply of alcohol and the sale/supply of alcohol to individuals who are already drunk. In general, conditions will reflect local crime prevention strategies.

7.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence holders and applicants are strongly recommended to work closely with the Police Licensing Officer in particular, in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer-term strategies may need to be deployed by the licence holder 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.

7.5 By virtue of the Private Security Industry Act 2001, all door supervisors employed at licensed premises must be personally licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

7.6 The Licensing Authority will expect new applicants, existing licence holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged. For example, the Home Office 'Safer Clubbing Guide' provides essential advice for clubs and pubs providing public entertainment.

7.7 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.

7.8 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 premise has a music policy which might incite violence, crime or disorder or the threat of such against minority groups.

7.9 In order to improve the quality and effectiveness of CCTV recorded images and thereby promote the licensing objectives, the Licensing Authority encourages all applicants for the grant of premises licences in Coventry, who include the provision of CCTV in their operating schedule, to consult with the Police with regard to the installation and maintenance of equipment which will meet a minimum specification that will provide recorded images of evidential value. The minimum specification is set out in the licensed premises guide. Failure to refer to this specification in the operating schedule could lead to the Police making a representation.

7.10 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 they exist. Therefore, all applicants for the grant of premises licences in Coventry are encouraged to state within their operating schedule that they will become a member of their local Pubwatch Scheme and will maintain their membership whilst the Licence is in existence. This is not a strict requirement but failure to include this provision in the operating schedule could lead to the Police making a representation.

7.11 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises and recognise that drug use is not something that is relevant to 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 and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" publication issued by the Home Office.

Promotion of Public Safety

7.12 Public safety is not defined within the Act, but the Government Guidance Para 2.19 advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.

7.13 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 permanently 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. Sample health & safety risk assessments and a guide on preventing violence to staff are available from the Health & Safety Team at the City Council. The British Beer and Pub Association publishes a wide range of guidance relating to aspects of pub operation. Their guide to Managing Safety in bars, clubs and pubs - setting out the salient factors, should be considered in identifying measures that can be taken where appropriate. This guide is freely available to download at www.beerandpub.com

7.14 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from immediate danger or physical harm, and a sense of personal security. For example freedom from personal abuse or threat.

7.15 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.

7.16 Fire safety and means of escape remain an essential consideration to the Licensing Authority when determining applications. The Licensing Team will work in partnership with the Fire Authority and other Council departments (e.g. Building Control and Environmental Health) to ensure that appropriate standards are applied and maintained. Applicants are encouraged and reminded to consult with all relevant parties prior to submission. Temporary event organisers must include such considerations in their planning.

7.17 In the context of providing safe access to licensed premises for members of the community with disabilities, the Licensing Authority urges all licensees to familiarise themselves with the requirements of The Disability Discrimination Act 1995.

Prevention of Public Nuisance

7.18 The Licensing Authority recognises that some activities centring on licensed/certificated premises and on some temporary events will attract adverse public comment as a result of the risk of causing public nuisance. Typical concerns may relate to noise, light pollution, odours and accumulated waste.

7.19 Public nuisance is not narrowly defined within the context of the Act however case law suggests that "a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large". Responsible Authorities will have regard to the likelihood of public nuisance for applications and variations as well as for existing licensed activities.

7.20 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 Licensing Authority will consider the impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event. 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.

7.21 The Licensing Authority will consider whether other legislation already provides sufficient protection of those located within the vicinity of the application premises. For example, the Environmental Protection Act 1990, the Noise Act 1996 and the Antisocial Behaviour Act 2003 can be utilised to address noise nuisance issues. 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. The Licensing Team, Environmental Health and other regulatory agencies such as the Police, should be viewed as being instrumental in this respect. 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.

7.22 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem, if necessary by engaging the services of a private consultant. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.

7.23 The Licensing Authority expects licence 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.

7.24 Where the provision 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

7.25 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that licence holders of fixed premises or 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. The Licensing Authority will work closely with the Police and other agencies to ensure appropriate and efficient enforcement of the law, and promotion of best practice, in these respects.

7.26 The Act prohibits children aged under 16 years old and unaccompanied by an adult, to be present in licensed premises used primarily or exclusively for consumption of alcohol

7.27 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, 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 Particular scrutiny will occur where, in relation to a particular premises or event,

- there have been convictions of members of the current staff at the premises for serving alcohol to minors,
- there is a reputation for underage drinking
- there is a known association with drug taking or dealing and/or crime and disorder
- there is a strong element of gambling (but not, for example, the simple presence of a small number of cash prize gaming machines)
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- there is evidence that alcohol has been provided to drunken persons or there is evidence of drunk and disorderly conduct from patrons of the premises
- entertainment or services of an adult or sexual nature are commonly provided.

7.28 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Common sense will be applied. However, such entertainment or services, for example, would generally include topless bar staff, striptease, lap, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

7.29 In premises where alcohol is sold or supplied, the Licensing Authority would expect that premises licence holders will include recognised "Proof of Age" schemes within the context of their Operating Schedules. 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.

7.30 Customers should be confronted by clear and visible signs on the premises that underage drinking is not condoned, 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.

7.31 The Licensing Authority endorses the work of the Portman Group on ensuring that drinks are packaged and promoted in a socially responsible manner to those who can legally purchase alcohol, and to help prevent the targeting of minors in marketing promotions. The Licensing Authority therefore commends to those selling and providing alcohol, the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic drinks.

7.32 Venue operators seeking premises licences and club premises certificates can volunteer prohibition 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.

7.33 The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. The Licensing Authority will consider any of the following options where restricted child access is deemed appropriate:

- limitations on the hours when children may be present
- the exclusion of the presence of children under certain ages when particular specified activities/entertainments are taking place
- limitations on the parts of premises to which children might be given access
- age limitations (below 18)
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult) and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

7.34 In order to prevent children from seeing films incompatible with their age, licence 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.

7.35 To 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) shall be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.

7.36 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 licence holders and 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.

7.37 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 will 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.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

7.38 The Council would like to commend the Portman Group, which operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. This Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The Code has a means to deal with complaints, taking action in circumstances relating to product packaging and point-of-sale advertising. This Code is an important aspect in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors.

8 MANDATORY LICENSING CONDITIONS

8.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions will be applied to all alcohol retailers to ensure consistent good practice and crack down on problem premises where irresponsible drinking could put individuals at risk and lead to crime and anti-social behaviour. The five current mandatory conditions are:

1. The prohibition of irresponsible promotions. For example 'all you can drink for £10' offers, 'women drink free' deals and 'speed drinking competitions' are prohibited where they undermine the licensing objectives. These promotions encourage people to drink quickly or irresponsibly and could lead to crime or antisocial behaviour.

This Authority has decided that, because what constitutes an irresponsible drinks promotion will vary with circumstances, it will generally be a decision for each premise operator whether promotions are irresponsible and whether they should hold them at their premises. Each premises are expected to accurately risk assess the promotion in view of the licensing objectives. In the event that problems or disorder ensue, operators may be held accountable and risk legal sanctions being applied by the Licensing Authority or one of the Responsible Authorities.

2. The operation of 'dentist's chairs' where drink is poured directly into the mouths of customers making it impossible for them to control the amount they are drinking is prohibited.

3. Free tap water must be available for all customers - allowing people to space out their drinks and reduce the risks of becoming dangerously drunk.

Organisers of events which are primarily on the open air will need to plan carefully to ensure that free tap water is available to all customers.

4. All those who sell alcohol (including off-licences) must have an age verification policy in place requiring them to check the ID of anyone who looks under-18. This is to prevent underage drinking which can lead to anti-social behaviour and put young people at risk of harm.

5. All on licensed premises must make available small measures of beers, wine and spirits , so that customers have the choice between a single or double measure of spirits and a large or small glass of wine.

8.2 The Licensing Authority will additionally encourage the adoption of local voluntary industry codes of practice which cover irresponsible drinks promotions such as that produced by the British Beer and Pub Association (the BBPA's Guidelines on On-Trade Promotions).

9 OTHER CONSIDERATIONS

Relationship with Planning

9.1 In accordance with the Government Guidance Para 13.64, the Authority expects, although not a legal requirement, that applicants for premises licences and variations thereof should have already obtained any necessary planning consent before making their application under the Licensing Act 2003.

9.2 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committees or following appeals against decisions taken by that committee. The Licensing and Regulatory Committee and Sub-committees are not bound by decisions made by the City Council's Planning Committee, and vice versa.

9.3 The granting by a Licensing Sub-committee of any 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.

9.4 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.

9.5 The Licensing Team or a Responsible Authority may refer to the planning authority any licensed premises which appears to be operating outside its planning permission.

9.6 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to the licensing objectives.

Applications

9.7 An applicant may apply under the terms of the Act for a variety of permissions and any such application will be considered on its individual merits. Any relevant 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.

9.8 In receiving an application, the Licensing Authority and the Responsible Authorities expect each and every applicant for a premises licence, variation or certificate to address in detail how they intend to meet the four licensing objectives. Where no information is given by the applicant, the Licensing Authority may reject the application as incomplete and/or responsible authorities may object to the licence application.

9.9 The Licensing Authority may delay determination of an application in relation to the sale of alcohol from a petrol station, until such time as the applicant has provided evidence, one way or another, as to whether the premises is excluded. This evidence should be in the form of turnover daya for a period of at least three months.

9.10 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, applicants are encouraged to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison and effective consultation before representations prove necessary.

9.11 In addressing 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.

9.12 Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy given that irresponsible alcohol consumption can lead to anti-social behaviour. As such, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control. In this regard, all authorisation holders, designated premises supervisors and employees authorised to sell alcohol under the 2003 Act, are reminded of their legal responsibility under Section 141 not to sell, attempt to sell or allow alcohol to be sold to a person who is drunk. The occurrence of anti-social behaviour by customers in the immediate vicinity of a particular premises could result in an investigation as to whether offences under Section 141 have been committed.

9.13 In determining a licence application the Licensing Authority will first and foremost take each application on its merits. Licence conditions will only be imposed in order to meet the four licensing objectives and will only relate to matters within the control and ability of the licensee. 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.

The Licensing Authority will seek, as far as possible, to impose only such conditions as are proportionate and which are not unnecessarily burdensome. The Licensing Authority does not intend to implement standard conditions of licence across the board, but instead attach conditions as appropriate given the individual size, style and characteristics of the premises and events concerned.

9.14 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

9.15 Failure to comply with any conditions attached to a licence or certificate could lead to unauthorised licensable activities taking place which is a criminal offence, punishable, on conviction, by a fine of up to £20,000, or up to six months imprisonment, or both.

10 LIVE MUSIC, DANCING AND THEATRE

10.1 The Council recognises that, when implementing cultural strategies referred to previously in this policy, proper account will be taken of the need to encourage and promote all forms of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. When determining applications, the Council will have regard to guidance issued by the DCMS with regard to attaching conditions and imposing indirect costs of a disproportionate nature. Applicants are reminded that applications will be open to scrutiny by all the responsible authorities when the application is made. For example, if relevant representations are made concerning the potential for noise nuisance, the Council will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits to the community.

10.2 Applicants and members of the public can obtain advice about whether or not activities are required to be licensed from the Licensing Team. Contact details are given at 16.1.

11 PUBWATCH

11.1 The Council supports Pubwatch schemes. If your premise is in an area covered by a scheme, you are encouraged to become a member of the scheme. Pubwatch 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.

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 premises licence 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 recommendations for improvements in the management of licensed premises or where new conditions of operation are being considered.

12.2 Every licensed premises has been issued with this guidance and new applicants or new Licensees will receive a copy as part of the application process. Copies of this guidance are obtainable from the licensing office or 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 will take full account of local policies covering crime prevention, 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 four 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 Prevention strategies

13.3 Crime prevention and drug and alcohol misuse strategies and the input of the Coventry Community Safety Partnership (CCSP) will be reflected in licence conditions, 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. 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.

Cultural strategies

13.5 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

13.6 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

13.7 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 a licence unless they are considered necessary for the promotion of the licensing objectives in the context of licensing law.

Promotion of Equality

13.8 The Council recognises it responsibilities under the Race Relations Act, 1976 and the Race Relations (Amendment) Act, 2000 when discharging its functions under the Licensing Act 2003. The impact of this policy on race relations will be monitored through the Council's race equality scheme.

The Guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Council therefore takes this opportunity to remind operators of premises of their duties to ensure the safety of disabled persons (including performers on their premises under the Building Regulations and the Equalities 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 Council has established protocols with the Police and other enforcing authorities on enforcement issues. These protocols will include agreements relating to joint inspections and joint strategies. This will provide a more efficient deployment of the Council's officers and police officers that are commonly engaged in enforcing licensing law and inspection of licensed premises. For example, these protocols should also provide for the targeting of resources towards high-risk premises and activities that require greater attention. A lighter touch will apply in respect of low risk premises, which are well run.

14.3 This enforcement regime in relation to licensing follows the governments Regulators Compliance Code in that it follows the basic principals 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.

14.4 Licensed premises are visited by the Responsible Authorities and Licensing Authority to carry out routine 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. The relevant Responsible Authority or the Licensing Team will visit premises and depending on what they find during an inspection or when dealing with a complaint, they will respond in a proportionate way.

14.5 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.

14.6 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 premises licences 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 Premises Licence 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 PLH/DPS have complied, the action plan will be terminated. If there are areas of non-compliance, the PLH may face prosecution or their licence may be called for a review.
- Review – when there is evidence to show that the licensing objectives are not being met then the PLH 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 Licence 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 Licensing and Regulatory Committee may delegate 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 for the grant of a premises licence or club premises certificate or no police objection to an application for a personal licence or to an activity taking place under a temporary event notice, these matters will be dealt with by officers. Should there be relevant representations, a Sub-Committee of the Licensing and Regulatory Committee will deal with applications. An oral hearing will take place, except where all parties agree to proceed in writing. The same procedure will apply to any application for review of a licence. 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 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 DCMS 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 four 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 City Services Directorate, 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 (ELMS - formerly called the PSC) 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.

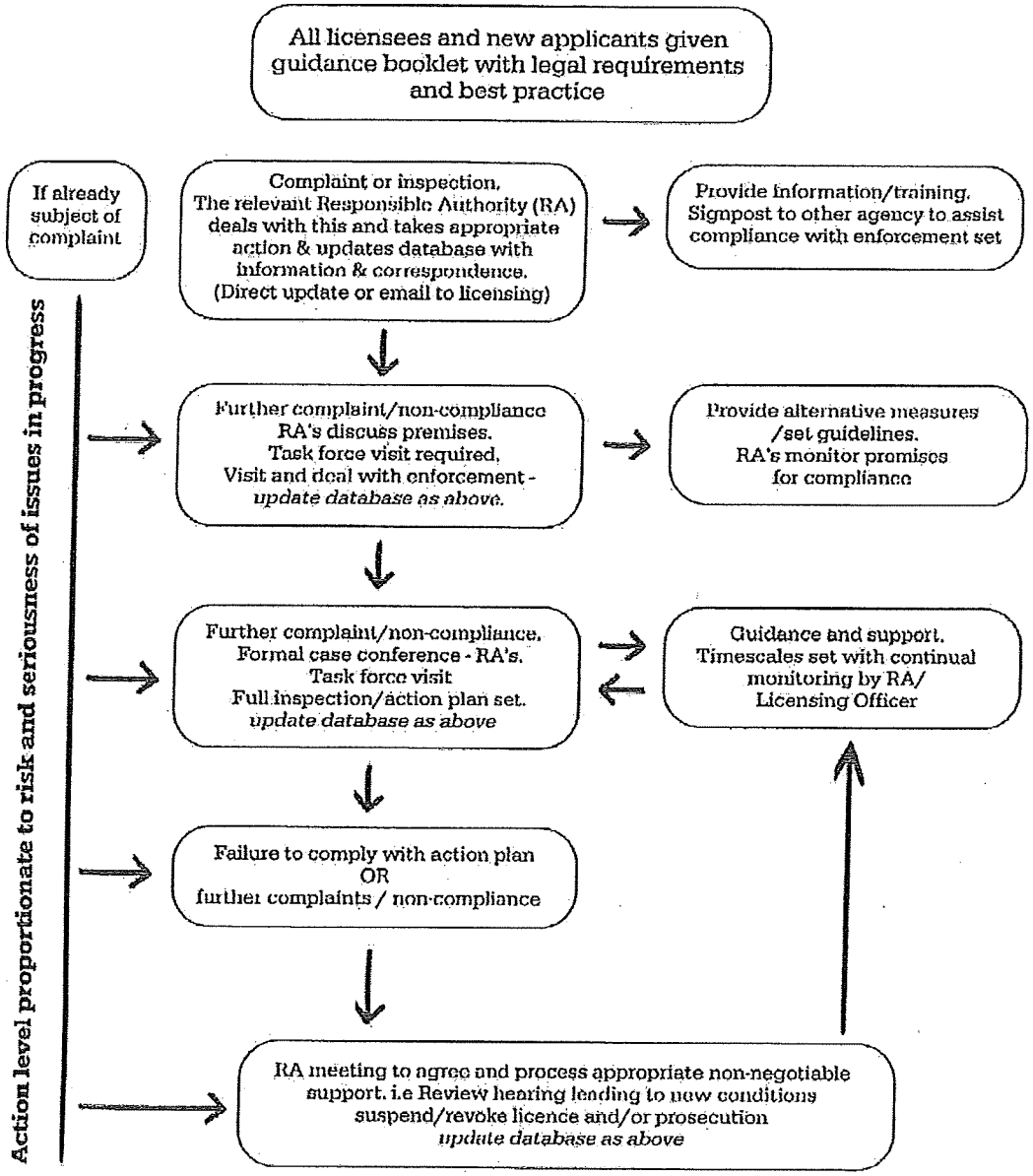
16 COMMENTS ON THIS POLICY

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:

Community Services Directorate, Public Safety
Environmental Health Licensing Team, 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



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

Coventry City Council

Coventry City Council

Licensing Act 2003
Briefing Note 3 – Hearing to Consider a Premises Licence Variation Application

Background

The holder of a premises licence can apply to vary the terms of that licence. A variation application cannot be used to extend the life of a time-limited premises licence or to substantially alter the premises covered by the licence. A new premises licence application would be required to achieve this involving a fresh "Operating Schedule" and plan.

A hearing is required because "relevant representations" (i.e. relevant to the licensing objectives) have been made by a "responsible authority" (i.e. police, fire or local government agencies) or any other person or both.

Section 182 Guidance (Jun 2014)

Particular reference should be made to Parts 8.66f, 9 and 10.

Local Statement of Licensing Policy (Jan 2011)

Particular reference should be made to Parts 4, 5, 6, 7

Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to vary a licence will only be regarded as infringing the Article 8 rights of local residents/businesses if any noise/disturbance likely to be caused is of an extreme nature. Given the police powers to close premises in these circumstances this is unlikely to be an issue at application stage.

The Sub-committee's powers

Having heard from the applicant and the other parties the sub-committee may:
(a) grant the application; or
(b) grant the application in part or with additional or modified conditions; or
(c) reject the application outright

Different conditions can be made to apply to different areas of the premises or to different licensable activities taking place on the premises.

Rights of Appeal

An aggrieved applicant can appeal to Coventry Magistrates' Court against any decision made by the sub-committee that falls within (b) and (c) above. An aggrieved objector can also appeal against the grant of an application (i.e. (a) and (b) above).

Monitoring/Enforcement

If an application is approved, monitoring and enforcement of Premises Licence conditions will be carried out in accordance with the Licensing Enforcement Policy.