



Licensing and Regulatory Sub-Committee (Hearing)

Time and Date

10.00 am on Friday, 30th September, 2016

Place

Committee Rooms 2 and 3 - 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 - 80)

To consider an application to vary a premises licence in respect of Hillfields Service Station, Harnall Lane East, 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

22 September 2016

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

Membership: Councillors R Auluck, G Crookes and C Thomas

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

If you require a British Sign Language interpreter for this meeting
OR if 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**

Application Summary

The application is for a variation of the premises licence for Hillfields Service Station, Harnall Lane East, Coventry, CV1 5AY.

The application has been made by Mr Thambiah Gnanalingam. Mr Gnanalingam would like to seek to extend his hours for the supply of alcohol off the premises to 6:00 – 02:00 Monday to Saturday and 07:00 – 23:00 hours on Sundays.

A copy of the licence which details the permissions the premises currently operate to are contained within the paperwork bundle

Representations

4 Objections have been received.
One from a local resident
One from the Ward Councillor
Two from Responsible Authorities.

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Recd 20/7
last obj 17/8.

£190.
75041#274



Coventry City Council

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 Thambiah Gnanalingam

(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 / 205001052

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Hillfields Service Station
Harnall Lane East

Post town	Coventry	Postcode	CV1 5AY
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Telephone number at premises (if any)	024 76631 624
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Non-domestic rateable value of premises	£ Band B .
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Part 2 – Applicant details

Daytime contact telephone number	024 76631 624
E-mail address (optional)	lingam.thambiah@gmail.com

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon	-----	-----						
Tue	-----	-----						
Wed	-----	-----				<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	-----	-----						
Fri	-----	-----				<u>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</u> (please read guidance note 5)		
Sat	-----	-----						
Sun	-----	-----						

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)

In all cases complete boxes K, L and M

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur	-----	-----			
Fri	-----	-----	<u>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)</u>		
Sat	-----	-----			
Sun	-----	-----			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	-----	-----	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue	-----	-----	
Wed	-----	-----	
Thur	-----	-----	<u>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</u> (please read guidance note 5)
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	-----	-----			
Fri	-----	-----	<u>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</u> (please read guidance note 5)		
Sat	-----	-----			
Sun	-----	-----			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both -- please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	-----	-----			
Tue	-----	-----	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed	-----	-----			
Thur	-----	-----	<u>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</u> (please read guidance note 5)		
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> <u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> <u>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)</u>		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----			
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	-----	-----			
Fri	-----	-----	<u>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</u> (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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	-----	-----		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	-----	-----	<u>Please give further details here</u> (please read guidance note 3)		
Wed	-----	-----			
Thur	-----	-----	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	-----	-----			
Sat	-----	-----	<u>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</u> (please read guidance note 5)		
Sun	-----	-----			

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	-----	-----			
Fri	-----	-----	<u>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</u> (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	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) N/A <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) N/A		
Mon	06:00	02:00			
Tue	06:00	02:00			
Wed	06:00	02:00			
Thur	06:00	02:00			
Fri	06:00	02:00			
Sat	06:00	02:00			
Sun	07:00	23:00			

K

<p>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).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	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) N/A

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.

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.

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)

'It is a criminal offence to sell alcohol to anyone under the age of 18. This applies everywhere and there are no exceptions. As a personal license holder, or someone who works in licensed premises it is your positive duty not to sell alcohol to under 18s'

With the above in mind, we already ensure that identification is checked and we will maintain our due diligence with regards to this.

b) The prevention of crime and disorder

I intend to liaise with the local licensing officer as required. The sale of alcohol on this premises will adhere to police recommendations of refusing to make sales to:

1. Customers who appear drunk
2. Customers who would like to buy alcohol for drunk companions.
3. Customers who are violent, abusive or disorderly
4. Customers under the age of 18 years old.

As long as I remain within the law and do not discriminate against anyone based on race, gender or disability, I have the right to refuse service to customers.

I will also implement the following changes to our security protocol:

1. Night window will be installed prior to the implementation of the varied alcohol license.
2. Alcohol products will be covered during the hours of 2am to 6am.

c) Public safety

I will not knowingly allow the sale of alcohol to anyone under the age of 18 from this premises.

I will not knowingly allow anyone over 18 years of age to purchase alcohol for someone under the age of 18.

Customers will not be allowed to consume alcohol on or near the premises.

d) The prevention of public nuisance

It is recommended policy that identification is requested to confirm proof of age, this will be followed.

Signs stating that it is an offense to purchase or attempt to purchase alcohol by or for persons under 18 will be clearly displayed.

Customers appearing to be inebriated will be refused service.

e) The protection of children from harm

I will ensure that all possible measures will be taken to prevent the sale of alcohol from these premises to under 18s by ensuring that identification is checked for proof of age.

I will also ensure that service is refused to customers that are suspected to be purchasing alcohol for under 18s.

Checklist:

Please tick to indicate agreement

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

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	
Capacity	

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)

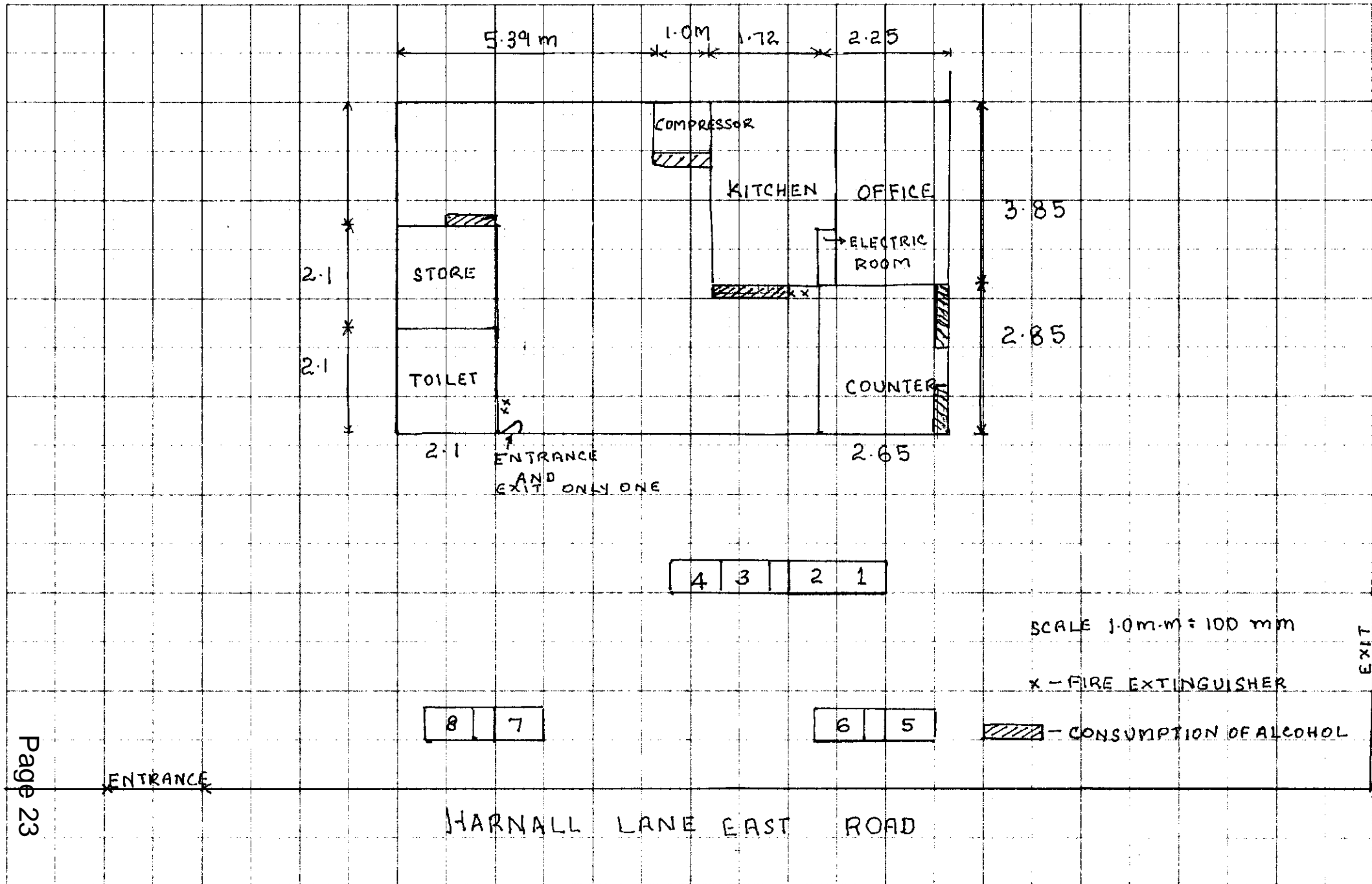
Hillfields Service Station
Harnall Lane East

Post town	Coventry	Post code	CV1 5AY
Telephone number (if any)	024 76631 624		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

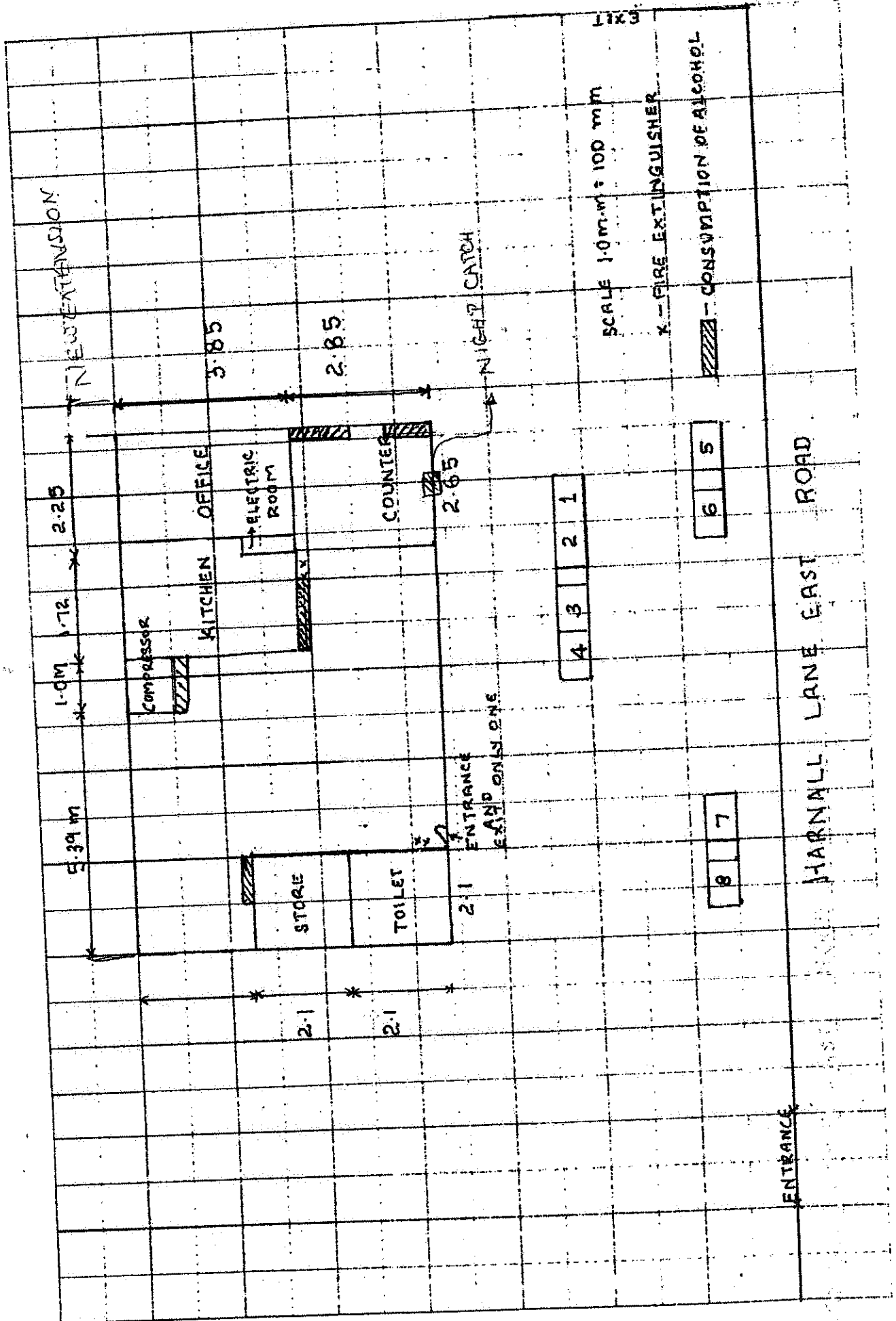
Notes for Guidance

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.



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ENTRANCE

HARNALL LANE EAST ROAD

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LICENSING ACT 2003

Full Premises Licence

Hillfields Service Station

Premises licence number	LN/205001052
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Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Hillfields Service Station Harnall Lane East	
Post town	Post code
Coventry	CV1 5AY
Telephone number	

Where the licence is time limited the dates
NOT APPLICABLE

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 08:00 to 22:30		
Christmas Day 12:00 - 15:00 and 19:00 - 22:30		

LICENSING ACT 2003

Full Premises Licence

Hours	From	To
Open to the Public		
Sunday	08:00	22:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	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

Mr Thambiah Gnanalingam
Hillfields Service Station
Harnall Lane East
Coventry
CV1 5AY

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

NOT APPLICABLE

LICENSING ACT 2003

Full Premises Licence

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

Mr Thambiah Gnanalingam
181 Green Lane
Finham
Coventry
CV3 6EF

024 7622 4968

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

Licence number - CV205000404 Coventry

Dated this 20th September 2005



Environmental Health Manager

Countersigned:

Environmental Health
Broadgate House
Broadgate
Coventry
CV1 1NH

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.

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) 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: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

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

L1/205001032 (6)

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

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 3

Conditions Attached after a Hearing by the Licensing Authority

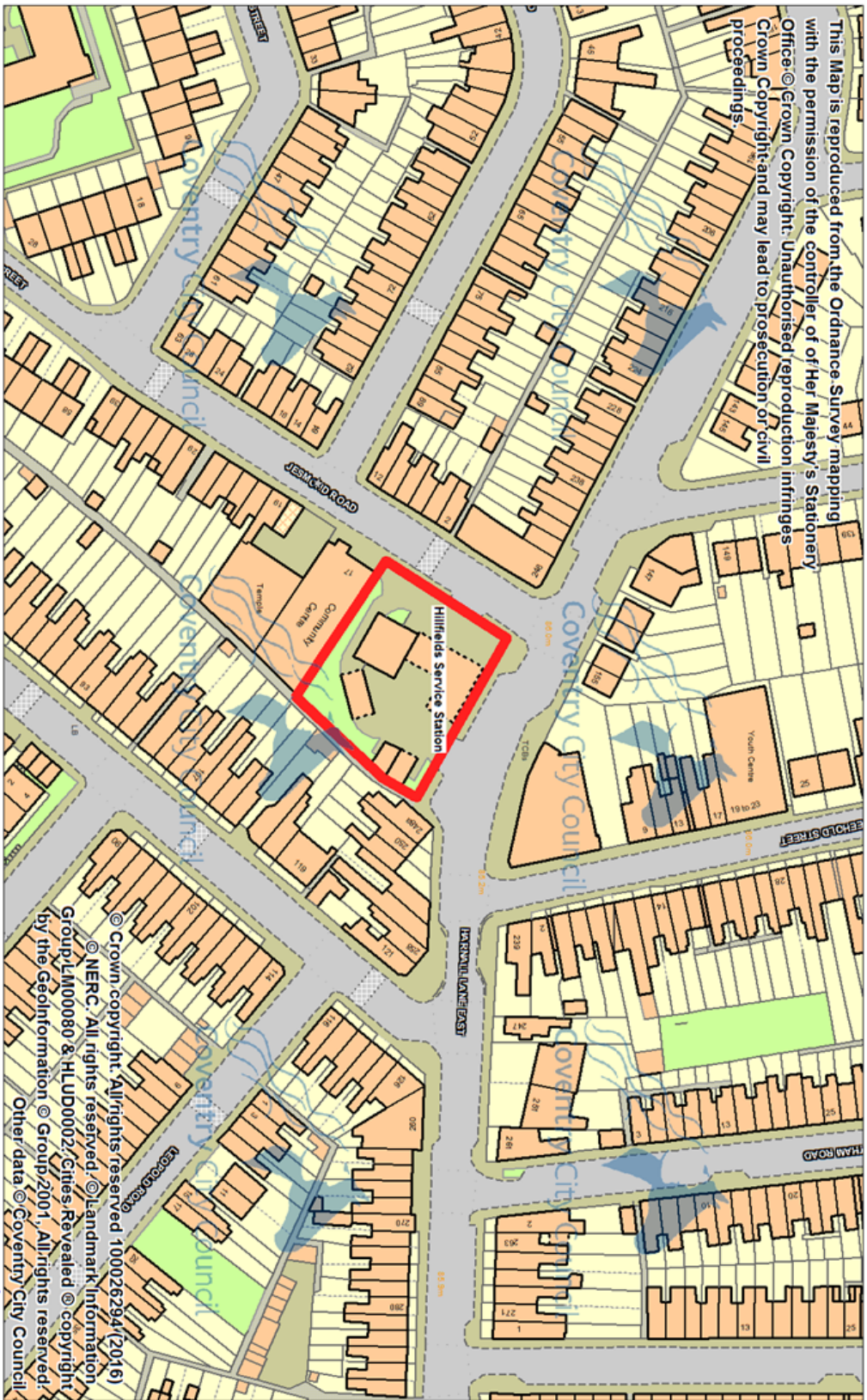
None

Annex 4

Plans

The Plan attached to this licence as attached.

This Map is reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



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 © NERC. All rights reserved. © Landmark Information Group, LM00080 & HLUD0002. Cities Revealed © Copyright by the GeoInformation © Group/2001. All rights reserved.
 Other data © Coventry City Council

Place Directorate, Environmental Protection,
 Coventry City Council Civic Centre 4,
 Much Park Street, Coventry, CV1 2PY



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Redacted version

19 August 2016

11:19

Objection from local Resident .

Hi Martin,

I refer to our telephone conversation regarding the above issue. In a residential area where people have young children and working class families who have to get up early for work. These premises which were just a petrol filling station then an off licence and now are planning to be an extended hours off licence will create a lot of disturbance to us the local residents.

Noise at all hours specially when even now sometimes we have witnessed people sitting on the boundary walls of these premises with beer or lager cans in their hands and talking loudly with no respect for residents of this area. Some times group of foreigners standing on the pavement near these premises and consuming spirits and not to mention the litter around these premises and around our properties in this area.

On several occasions there have been disturbances in this area due to unruly drunkard people. We the residents of this area don't want off-licences every 200 or so yards in this residential area NOT to mention extended hours ones.

We have had lots of problems getting rid of working women in this residential area and now we don't want these extended hours off licenses. If these premises are given this licence then what will stop the others applying for the same.

I would like you to please investigate if you think what I have mentioned in my email is not true. There already are drink related problems in our society and we will simply add fuel to it by having extended hours off licences.

If you require any further information or would like to contact me, please don't hesitate.

Objection from CLLR BOYLE

Dear Martin,

I refer to the application below. As ward Councillor, I wish to object on the following grounds.

1. The time they currently operate is late enough in what is a predominately residential street
2. This premise and its grounds have been the subject of gang fights in the past and other well documented ASB problems
3. Lots of people already hang out in the grounds of the petrol station now til late into the evening. This will see them staying later adding to the potential for disorder, disturbance and ASB
4. Young people already hang around the site and I am concerned that staying open later will keep the young people there later making them very vulnerable to potential Child Sexual Exploitation and other crime

For these reasons, I ask that the application be rejected.

Regards, Jim.

Objection from Environmental Protection

Hi Martin

I have considered this application and wish to object under the licensing objective 'prevention of

public nuisance’.

The applicant is seeking sale of alcohol from 6am - 2am and 7am - 11pm on Sundays and 24 hour opening.

The grounds of my objection are as follows. The petrol station is situated in close proximity to a large number of residential properties at the junction of Harnall Lane East and Jesmond Road and King Edward Road. There is therefore significant potential for noise and general disturbance to be caused to these properties should the licence be granted from customers arriving and leaving, car doors, taxi horns and from anti-social behaviour.

There are no other premises in the immediate area (which is predominantly residential) with a late alcohol licence and the concern is that the petrol station would therefore become a magnet for late night alcohol sales generating the type of noise and disturbance described above.

The applicant has not included any effective measures by which public nuisance can be prevented and indeed it is very difficult to prevent the types of disturbance described above other than to restrict trading hours.

In addition I have checked the planning permission for this site, and there is a planning condition that states the premises shall not open for customer business outside the hours of 07.00 – 23.00hrs.

It is the contention of Environmental Protection that these existing hours are more than sufficient given the residential nature of the locality and we are therefore requesting that the application is refused.

Regards

Neil

**Objection from West
Midlands Police PC
7136 Healy**

Dear Sir,

RE : LICENSING OBJECTIVE – PREVENTION OF CRIME AND DISORDER

West Midlands Police would like to lodge an objection with regards to the variation of a premises license with regards to Hillfields Service Station, Harnall Lane East. These premises at present hold an off sales license allowing sales of alcohol from 07:00hrs until 23:00hrs. The applicant is seeking to open the premises 24hrs a day with the sale of alcohol between 0600hrs – 0200hrs Mon-Sat and 07:00-23:00on Sundays.

The premises are situated in the middle of a residential area, which is made up of a cross section of society, many of these being transient residents. The area as a whole is mainly terraced housing with limited roadside parking; the service station is surrounded on all sides by residential properties. The Hillfields area is acknowledged as a priority area within the City due to its crime rate, ASB levels and social deprivation. The area also incorporates the red light area and the Gateway facility which are in close proximity to the Service Station.

Over the last year the premises has been subject to 14 calls for service, 5 relate to non-payment of fuel, 2 relate to shoplifters, 3 relate to disorder/ASB with the rest being miscellaneous incidents.

Harnall Lane East was subject to 321 calls for service over the past year, a large proportion of these relate to violence, alcohol related disorder and ASB. A few examples of these are listed below:

Log 806 17/7/16 Harnall Lane East – One Drug guy has come in to shop and fighting with caller.

Log 2817 5/7/16 Harnall Lane East – Repeat ASB –There are 3 males ages U/K riding on a quad bike no helmets. They ride all day and are riding around now. They are riding on the callers road and keeping his children awake.

Log 370 20/06/16 Harnall Lane East – Male passed out lying in the gutter, he is not conscious but is breathing.

Log 1458 20/05/16 Harnall Lane East – 2 drunk males are lying down in the road, one male keeps falling down as he is so intoxicated.

From a police perspective the area suffers from violence and disorder which is often alcohol or drug related, there is also a high proportion of ASB with large groups gathering causing noise complaints and intimidating local residents. I believe the extension of this licence will increase these issues for residents as the Garage will attract people 24/7; there will also be extensive noise issues with people frequenting the property 24/7.

I have spoken to the applicant prior to submission around my concerns with regards to public nuisance and potential crime and disorder; particularly around the external perimeter of the Garage which includes a low wall where people often congregate in large groups. There are no proactive measures included within the document to address the external wall and potential nuisance. I also have concerns around staffing as currently the Garage is operated solely by the applicant and his wife; there is no indication in the documents or in our conversations that this will change. I feel this application if successful will leave the staff vulnerable to crime and disorder.

I have spoken to the Neighbourhood staff for the area who have concurred with my opinion; they believe the variation of the licence would be a greater attraction for undesirable characters which would lead to increased ASB, crime and disorder. PC Farrelly has submitted a statement on behalf of the Neighbourhood Team expressing their concerns.

It is my opinion that this variation would be detrimental to the community and impact greatly on the residents alongside causing increased calls for service for the Police service.

Due to this the Police are objecting to the application to vary a premises licence for Hillfields Service Station, Harnall Lane East, Coventry.

I would be grateful if the committee would consider these points when dealing with this application. I respectfully submit this report for your attention and consideration.

Yours Faithfully

PC 7136 Healy
Licensing
Coventry Central Police Station
Little Park Street
Coventry

Objection West Midlands Police Constable 7253 Gerald Farrelly

I am the above named Police Officer, stationed at Coventry Central Police Station and currently attached to the Hillfields Neighbourhood Team.

I have collated the amount of Police logs relating to Harnall Lane East, and in particular an area where we are continuously receiving complaints regarding ASB gathering of groups of Eastern

European males and anti social drinking and disorder, between The Chantrees and Paynes Lane, Coventry.

I have trawled through 320 logs recorded in the past 12 months alone and attached a few select logs, particularly relating to ASB and drinking alcohol in the street.

-
Log 555 – 11/09/2015

MALE REQUESTED - ON TAPE REPLAY - LOTS OF TRAFFIC SOUNDS ON CALL BACK CALLER TALKING ABOUT DRUNKEN PEOPLE...

Log 2364 – 21/09/2015 Call from Texaco/Murco Garage

CALLER STATING THAT THERE ARE VARIOUS UNDERAGE YOUTHS BEING FORCED TO DRINK AND TAKE DRUGS THERE NOW.....

Log 2281 – 26/09/2015

CALLER REPORTING A MALE - POSSIBLY DRUNK HAS FALLEN OVER AND IS LAID IN THE PAVEMENT - UNSURE OF ANY INJURIES...

Log 1582 – 21/10/2015

MALE REQUESTED POLICE - CLEARED - NO DISTURBANCE YM CALLED BACK - COSTOMER WAS DRUNK - SHOTING AND THREW CHOCOLATE - I CALLED POLICE AND HE LEFT - CANCEL POLICE - ADVISED CALL BACK IF HE RETURNS...

Log 33 – 18/11/2015

DIFFICULT TO UNDERSTAND MALE DUE TO LANGUAGE BARRIER AND EXCESSIVE WIND IN THE BACKGROUND MALE WAS SAYING HE WAS BY THE SHOP JUST KEPT SAYING TOO MUCH FIGHTING FEMALE SHOUTING IN THE BACKGROUND THEY ARE GOING TO KILL HIM WAS UNABLE TO GET CALLERS NAME AS I COULD NOT UNDERSTAND HIM DUE TO EXCESSIVE WIND BLOWING DOWN THE PHONE....

Log 1522 – 03/12/2015

FEW DRUNK MEN NR HUSSEINS CHEMIST STUMBLINH ABOUT AND FALLING INT OTHE ROAD ALREADY BEEN INTO AA TRYING TO GET STUFF FROM THEM.....

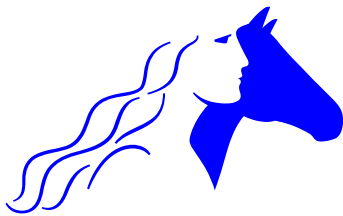
Log 691 – 01/01/2016

30 PLUS FIGHTING.....

Log 483 – 10/02/2015

caller reporting 2 x drunken males- stumbling in the road- both ic1 male- both wearing large jackets- both wearing hats caller drove past just a minute ago. they are nearly stumbling into cars.....

I understand that the Texaco/Murco garage on Harnall Lane East is applying for a licence to sell alcohol and 24 hour opening. Being a Neighbourhood Officer on that area, I consider this would have a detrimental effect on the local community and natuarally increase ASB incidents in the area. There are already several shops and stores in the close proximity that sell alcohol which is already causing anti social drinking and gatherings of groups, who regularly sit on the wall outside the garage.



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

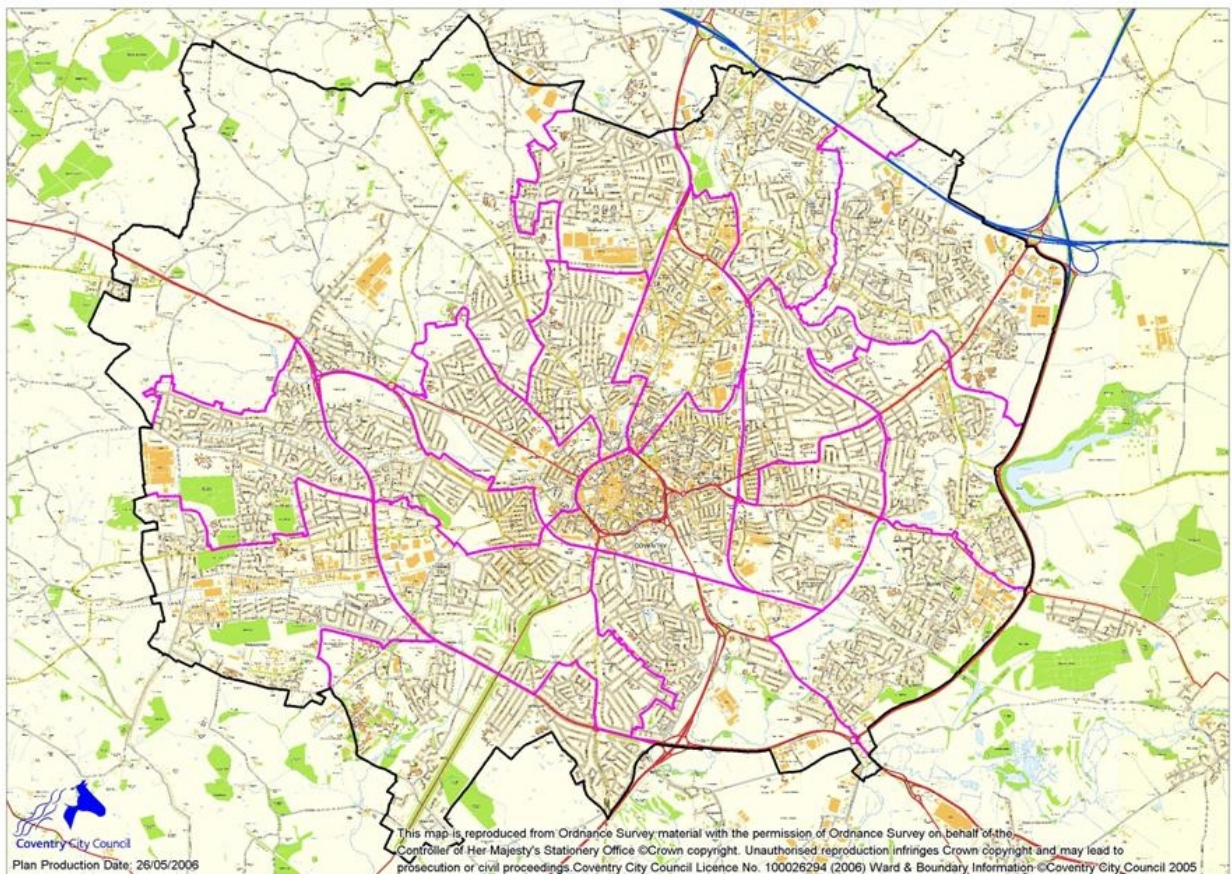
Statement of Licensing Policy 2016-2021



Important Note

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

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



map of the area covered by Coventry City Council

CONTENTS		Page
1	Introduction	4
2	Consultation	5
3	Fundamental Rights	5
4	Licensing Conditions	6
5	Operating Hours	6
6	Late Night Levy and Early Morning Restriction Order(s)	7
7	Cumulative Impact	7
8	Promotion of the Licensing Objectives	7
9	Mandatory Licensing Conditions	12
10	Other Considerations	12
11	Best Practice Schemes	13
12	Guidance for On and Off Licensed Premises	13
13	Integrating Strategies and Avoidance of Duplication	13
14	Enforcement	15
15	Administration, Exercise and Delegation of Functions	16
16	Comments on this policy	18

Appendix

1	Ladder of Intervention	19
2	Responsible Authorities List	20

Supporting documentation

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

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

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

STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Coventry City Council ('the Council') has a duty under the terms of the Licensing Act, 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 Coventry is a growing city situated in the West Midlands with a population of 323,000 inhabitants. It is mainly urban but includes significant areas that are semi-rural. A map of the city is shown on page 2.

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

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an "authorisation" means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context, a Personal Licence.

1.5 The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the Coventry Partnership, neighbouring authorities, West Midlands Police ('the Police'), the Coventry Community Safety Partnership, local businesses, arts organisations, performers, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder etc.

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 6th January 2016. This policy statement will be subject to review and further consultation prior to any substantial changes.

Responsible Authorities

1.7 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy statement as Appendix 2.

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

The Licensing Authority as a Responsible Authority

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

Public Health as a Responsible Authority

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

2 CONSULTATION

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

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

3 FUNDAMENTAL RIGHTS

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

4 LICENSING CONDITIONS

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

5 OPERATING HOURS

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

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

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

7 CUMULATIVE IMPACT

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

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

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

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

- 8.4 The risk assessment approach remains fundamental in the operation and good practice of all licensed premises. Authorisation holders and applicants are strongly recommended to work closely with the Local Policing Unit Partnerships Team in particular, in bringing into effect appropriate control measures to either overcome established or prevent potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder. The Police have a list of recommended SIA registered Operators and we would advise that this list be used when considering the employment of SIA registered door staff.
- 8.5 The Licensing Authority will expect new applicants and existing authorisation holders to adopt recognised good practice in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so. A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. The Licensing authority does not have the power to judge the criminality or otherwise of any issue, this is a matter for the courts.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The City Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate decisions and/or imposing appropriate conditions, upon a representation being received containing evidence that a licensed premises has a music policy which might incite violence, crime or disorder or the threat of such against minority groups.
- 8.9 Coventry's Director of Public Health will support the police by facilitating access to health information such as anonymised A&E data due to alcohol related admissions. e.g. as part of a license review application. They will also provide Trading Standards with evidence of the health impact of illicit/counterfeit alcohol.
- 8.10 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 one exists.
- 8.11 The Licensing Authority and Police have a zero tolerance of illegal substance/drug misuse in licensed premises and recognise that drug use is not something that is associated with all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed on the premises and to achieving a safer environment for those who may have taken them.
- 8.12 Once away from licensed premises a minority of consumers may behave inappropriately and unlawfully. There are additional mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Service and the Local Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the City.

- 8.13 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Licensing Authority expects that (a) any designated premises supervisor will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promote the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement becomes necessary.

Promotion of Public Safety

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

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

- 8.19 Businesses must ensure that in carrying out their activities they protect and support even the most vulnerable people and keep them safe from harm.
- 8.20 Coventry's Director of Public Health will support the sharing of health information such as anonymised A&E data with other responsible authorities where it links to public safety. They will also explore the impact of alcohol related incidents on emergency services such as West Midlands Ambulance Service.

Prevention of Public Nuisance

- 8.21 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

- 8.22 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.23 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 8.24 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.
- 8.25 Where the provisions of existing legislation prove 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.
- 8.26 Coventry's Director of Public Health will provide evidence on the impact of the health and wellbeing of vulnerable groups such as street drinkers, and the effect this has on anti-social behaviour.

Protection of Children from Harm

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

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

- 8.30 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised "Proof of Age" scheme. The City Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The City Council recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).

- 8.31 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings. By ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.
- 8.32 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.33 The Licensing Authority regards the Coventry Safeguarding Children Board as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the Board to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear appropriate to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children.
- 8.34 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.35 Coventry's Director of Public Health will engage with Coventry Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services. They will also consider the proximity of licensed premises to schools, youth centres, play groups and family centres and share anonymised A&E data with other responsible authorities relating to young people and alcohol related incidents
- 8.36 In order to prevent children from seeing films incompatible with their age, authorisation holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Council may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.37 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.38 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.39 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

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

10 OTHER CONSIDERATIONS

Relationship with Planning

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

Applications

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

recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

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

Deregulated Public Entertainment

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

11 Best Practice Schemes

- 11.1 The Council supports best practice schemes for licensed premises. If your premise is in an area covered by a scheme, you are encouraged to become a member of the scheme. Schemes, set up by local businesses, have adopted an agreed approach to reduce crime and disorder in the area by excluding those whose presence on their premises pose a risk to a safe drinking environment. The schemes are supported and attended by West Midlands Police and the Council's Licensing Team. The Coventry Pubwatch Scheme operates within the city and further details are available from BIDS@coventry.gov.uk

12 GUIDANCE FOR ON AND OFF LICENSED PREMISES

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

13 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 13.1 By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, public health, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Council, police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.

13.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-

- the needs of the local tourist economy to ensure that these are reflected in their considerations;
- the employment situation and the need for new investment and employment where appropriate; and
- the general impact of alcohol related crime and disorder, by providing regular reports to the planning committee. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

Crime, Nuisance and Harm Prevention strategies

13.3 Crime, nuisance, harm prevention and drug and alcohol misuse strategies developed through the Coventry Community Safety Partnership (CCSP) will be reflected in any licence conditions suggested by Responsible Authorities, so far as possible.

13.4 The CCSP, with membership including the Council, Police and the West Midlands Fire Service, is committed to making Coventry a safe place in which to live, work and visit. The CCSP will co-ordinate action to protect and support our most vulnerable children and adults. It is the role of the CCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Health and Wellbeing Strategy

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

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

Cultural strategies

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

Coventry a Marmot City

13.8 In line with the principles of the Marmot Review 'Fair Society, Healthy lives' Coventry City Council has agreed to develop common policies to reduce the scale and impact of health inequalities across the city. This includes focussing interventions such as alcohol reduction on reducing the social gradient in health.

There is a social gradient in the harms from alcohol consumption, but not in alcohol consumption itself. Quantities and patterns of drinking differ across socio- economic groups, as do harmful outcomes.

According to the Marmot Review, those people from more deprived areas who consume alcohol are more likely to have problematic drinking patterns and dependence than those from more affluent areas.

Binge drinking in under 18s is associated with deprivation and unemployment is associated with alcohol consumption

Transport

- 13.9 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

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

Promotion of Equality

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

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

14 ENFORCEMENT

- 14.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues. This will provide a more efficient deployment of resources targeting high risk premises and activities.
- 14.2 This enforcement regime in relation to licensing follows the Government's Regulators' Code in that it follows the basic principles of Openness, Helpfulness, Proportionality and Consistency. This is clarified by the operation of a ladder of intervention for Licensed Premises. This ladder of intervention is contained at Appendix 1. [Link to enforcement policy.](#)
- 14.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.

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

15 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

- 15.1 The powers of the Council under the Act may be carried out by the Licensing and Regulatory Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority.
- 15.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost effectiveness the Council has delegated these functions to Sub-Committees, or in appropriate cases, to officers supporting the licensing function.
- 15.3 Where under the provisions of the Act there are no relevant representations on an application these matters will be dealt with by officers. Should there be relevant representations then an oral hearing will usually take place before a licensing sub-

committee except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a licensing sub-committee. The following table sets out the delegation of functions:

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

Application forms and process

- 15.4 The application form will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 15.5 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Team and our website, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 15.6 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid. Coventry is currently using the Electronic Licence Management System (GOV.UK) which is supported by the Department of Business Innovation and Skills.

15.7 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule. Guidance notes containing contact and website information about these policies will be available from the Licensing Team, City Services Directorate. Contact details are below.

16 COMMENTS ON THIS POLICY

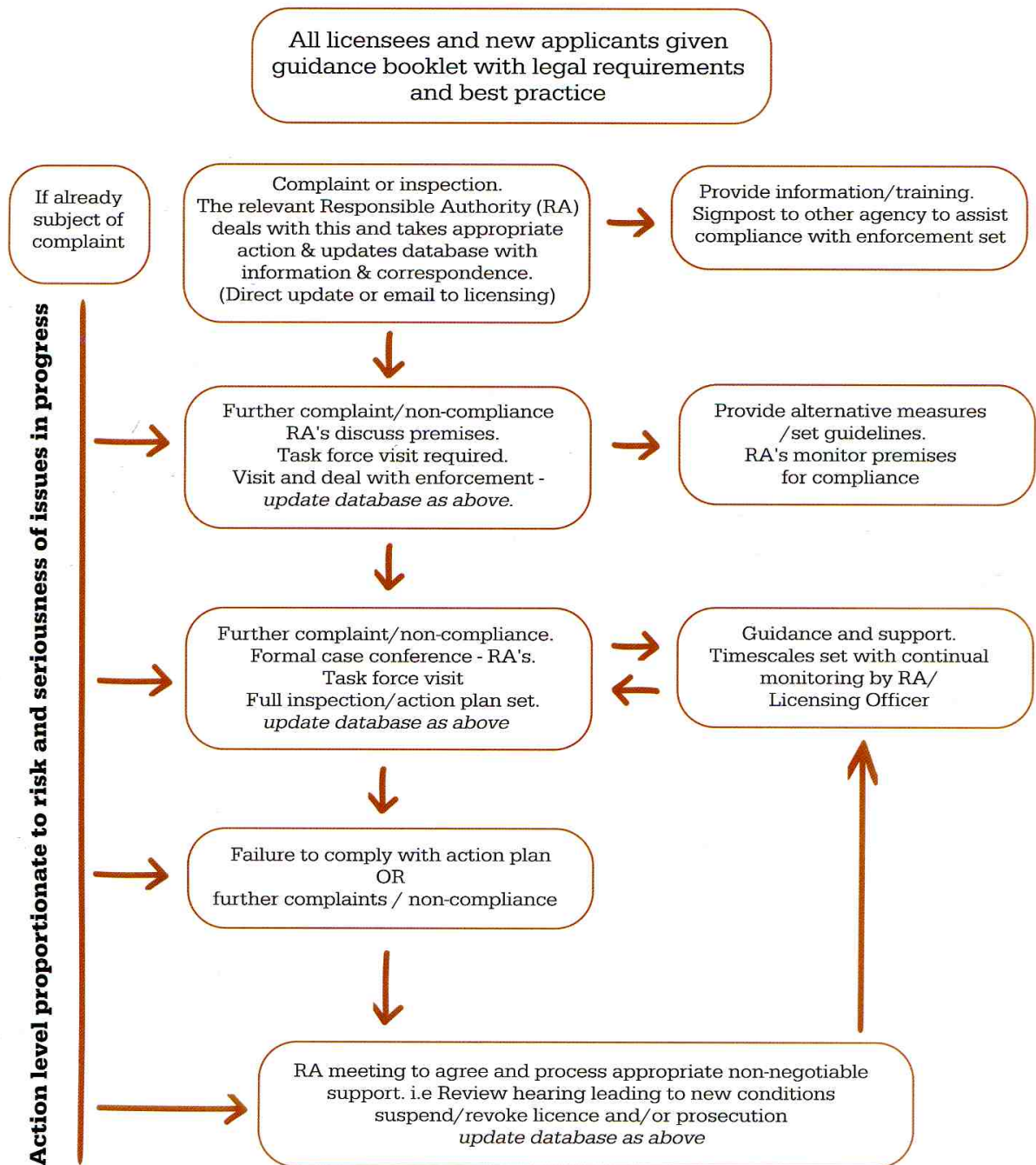
16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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

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

APPENDIX 1

Ladder of intervention - approach to enforcement issues



APPENDIX 2

Licensing Act 2003 – Responsible Authority Contacts

Licensing Authority:

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

Contact:

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

Chief Officer of Police:

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

Contacts:

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

Fire Authority

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

Contact:

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

Safeguarding Children Board

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

Contacts:

Rebekah Eaves
safeguardingchildrenlicensing@coventry.gov.uk

Health & Safety Enforcing Authority

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

Contacts:

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

Environmental Protection

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

Contacts:

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

Trading Standards

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

Contact:

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

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

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

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

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

OTHER USEFUL CONTACTS:

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

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

Tel: 024 7683 2351

Email: lee.house@coventry.gov.uk

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

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

www.disclosurescotland.co.uk

If you need this information in another format please contact:

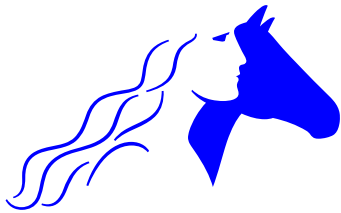
Telephone: 024 7683 1888

Fax: 024 7683 2154

Minicom: 0500 431143

e-mail:

licensing@coventry.gov.uk



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 (Mar 2015)

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.

Mr Martin McCrystal
Licensing Team
Regulatory Services
Civic Centre 4 Floor 6
Much Park Street
Coventry CV1 2PY

13th September 2016

Dear Martin

Re: Hillfields Service Station

Please find attached my notification of attendance and additional paperwork for this hearing.

As previously confirmed my objection is on the grounds of the licensing objective 'prevention of public nuisance' and the potential for noise and disturbance to be caused to local residents should this application be granted.

The applicant is seeking sale of alcohol from 6am - 2am and 7am - 11pm on Sundays and 24 hour opening.

The petrol station is situated in close proximity to a large number of residential properties at the junction of Harnall Lane East and Jesmond Road and King Edward Road. There is therefore significant potential for noise and general disturbance to be caused to these properties should the licence be granted from customers arriving and leaving, car doors slamming, taxi horns, raised voices and from general anti-social behaviour.

There are no other premises in the immediate area (which is predominantly residential) with a late alcohol licence and the concern is that the petrol station would therefore become a magnet for late night alcohol sales generating the type of noise and disturbance described above.

A map showing other premises in the area, and 2 photos demonstrating that the area is mainly residential are attached for consideration.

The applicant has clearly failed to appreciate that such disturbance may arise and has not included any effective measures within the application form by which public nuisance can be prevented. This is in itself concerning.

Place Directorate
Streetscene and Regulatory Services

Environmental Protection
Floor 3 Civic Centre 4
Much Park Street
Coventry
CV1 2PY

Telephone 0500 834333

Please contact Neil Chaplin
Direct line 024 7683 3377
neil.chaplin@coventry.gov.uk

Error! Reference source not found.

It is however very difficult to prevent the types of disturbance described above other than to restrict trading hours.

In addition I have checked the planning permission for this site, and there is a planning condition that states the premises shall not open for customer business outside the hours of 07.00 – 23.00hrs. A copy of the relevant planning decision notice is attached for the Committee's attention.

It is the contention of Environmental Protection that these existing hours are more than sufficient and that any extension of hours is wholly inappropriate given the residential nature of the locality and we are therefore requesting that the application is refused.

Yours sincerely

Neil Chaplin
Environmental Protection Manager



Notice of Attendance

(Reg.8 Licensing Act 2003 (Hearings) Regulations 2005)

Date/Time of Hearing: Friday 30th September 2016 at 10:00am.
Applicant: Mr Thambiah Gnanalingam.
Premises: Hillfields Service Station, Harnall Lane East, Coventry, CV1 5AY.

Please complete this form, * delete as appropriate and return along with any papers referred to in 6 below to the Licensing Team, Regulatory Services, Planning Transport & Highways Division, Floor 6, Civic Centre 4, Much Park Street, Coventry, CV1 2PY.

Or E-mail: licensing@coventry.gov.uk,

1. Please print your nameNeil Chaplin
2. I would like this matter to be decided with a hearing
3. I will be present at the hearing
4. I will not be represented at the hearing. Give the name and address of your representative:

.....
.....
.....

5. I do want permission for a witness to address the hearing in support of my case. If so, please provide the following information:

a) the name and address of each witness

.....
.....
.....

b) the points to be raised by each witness

.....
.....
.....

6. I do want the hearing to consider further documents in addition to my application/representation. If so, list the documents and the points to which they relate in the space below:

Any documents not listed here may only be allowed with all the other parties' consent

SignedNeil Chaplin Date 13th September 2016

Note: Representations can only be made in relation to the four licensing objectives as detailed in Coventry City Council's Statement of Licensing Policy attached.

Failure to return this form by the date indicated may result in you losing your right to take part in the hearing.





COVENTRY CITY COUNCIL

Application No:

G/C/23017D

Town and Country Planning Acts 1971 - 72

2/1/A

Town and Country Planning General Development Order 1973

Name and address of applicant

Heron Beta Investments Ltd
19 Marylebone Road
London
NW1 5JL

Name and address of agent

Candlish, Kind and Ward
Architects
51 Derngate
Northampton NN1 1UH

Site

Vacant plot at junction of Harnall Lane
East and Jesmond Road

Particulars of Development

Self Service Petrol Filling Station
and Car Wash.

27 November 1974

Decision date

16 April 1975

Deposited on

The Coventry City Council as Local Planning Authority hereby grant permission for the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, a copy of which is attached to this notice : subject to the following conditions.

Conditions

Reasons

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by any of the following condition(s), or approved amendments. 2. The development must be begun not later than the expiration of 5 () years from the date of this permission. | <ol style="list-style-type: none"> 1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require. 2. To comply with section 41 of the Town and Country Planning Act, 1971. |
|---|---|
3. That the forecourt of the premises the erection of which is hereby permitted shall not at any time be obstructed, and in particular shall not be used for the storage, display or sale of goods or for the parking of motor vehicles.
 4. That the use of the whole of the development hereby permitted shall cease 6 months after any of the buildings to be erected are first used for any purpose unless by that date a planting scheme has been approved by the Council, as local planning authority, or on appeal by the Secretary of State for the Environment, and has been completed in all respects in full accordance with the approved scheme, and the planted area shall thereafter be kept in a clean and tidy condition and shall at all times be maintained in full accordance with the details shown on the approved scheme.

DESPATCHED
16 APR 1975

continued

Date

Signature
City Architect & Planning Officer

Please note that this permission is given under the Town and Country Planning Act, 1971 -72 and above Order only, and is subject to due compliance with the Building Regulations, 1972, Local Acts and Regulations and with all other relevant statutory provisions in force in the City and nothing herein contained is to be regarded as dispensing with such compliance beyond the extent herein specified. This permission does not modify or affect any personal or restrictive covenant applying to the land or any right of any person entitled to the benefit thereof.

P.S.5236 2/21

Page 76

COPY:
PART II -
REGISTER OF
APPLICATIONS

Site

Vacant plot at junction of Harnall Lane East and Jesmond Road

Proposed Development

Self Services Petrol Filling Station and Car Wash.

CONTINUATION SHEET (2)

CONDITIONS (Cont'd)

- 5. That no vehicle repairs shall be carried out in the open on the site which is the subject of this permission.
- 6. That no motor vehicles shall be displayed for sale in the open on the site which is the subject of this permission.
- 7. That the premises the erection and use of which is hereby permitted shall not be open for customer business except between 0700 hours and 2300 hours daily.

REASONS (Cont'd)

- 3. (as to conditions 3, 5 and 7)
To ensure that the premises and site are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of the nearby premises.
- 4. (as to conditions 4 and 6)
To ensure a satisfactory standard of visual appearance of the proposed development.



Garry Noble

Signature
City Architect and Planning Officer



 **murco**

MAX. HT. 4.5M

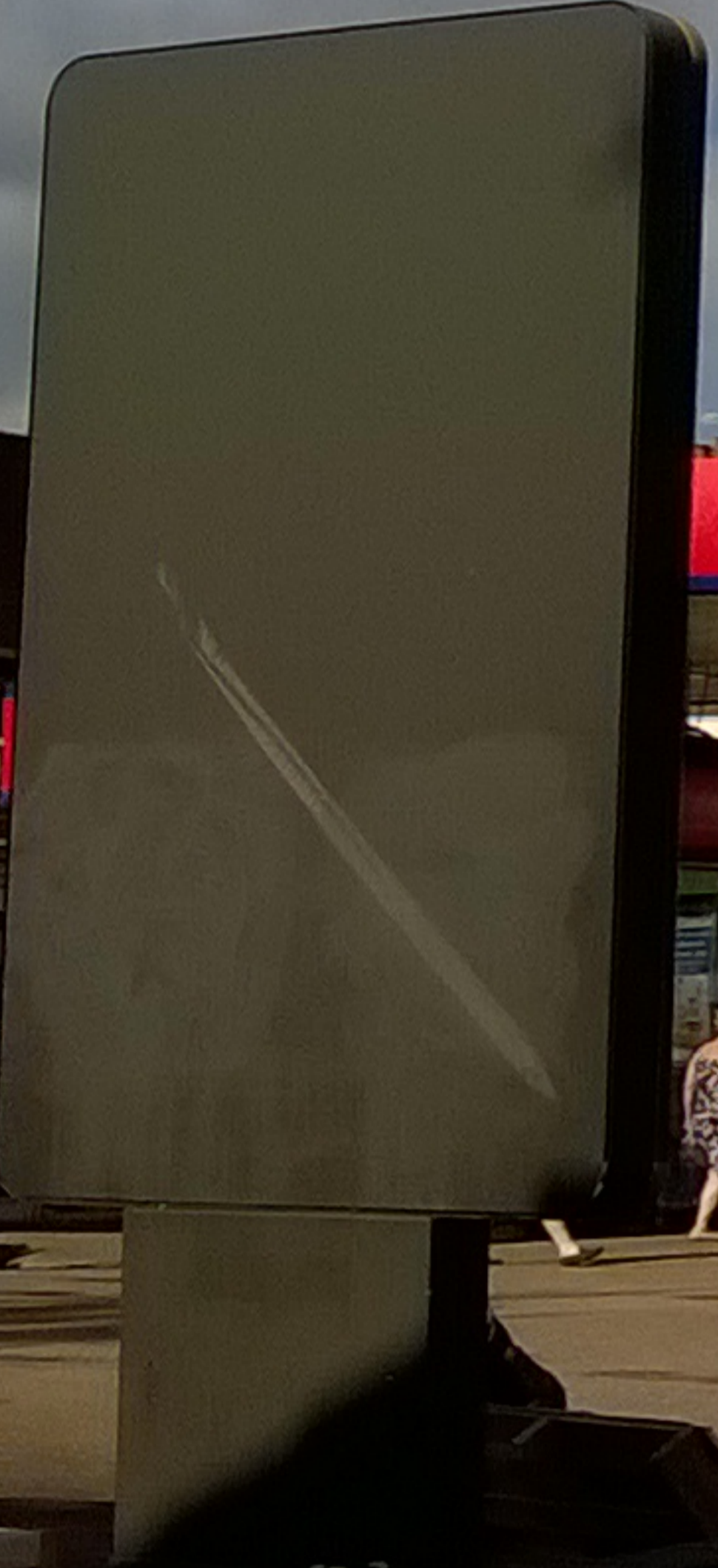
HAND CAR WASH

MURCO
HAND CAR WASH

**BEST HAND
CAR WASH**
DRIVE THROUGH **OPEN**
8.30AM 7.30PM

AG02 LFR

Shelburne
Rushmore Temple



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