



### Licensing and Regulatory Sub-Committee (Hearing)

**Time and Date**

10.00 am on Monday, 16th January, 2017

**Place**

Dame Ellen Terry Suite - Council House

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**Public Business**

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Licensing Act 2003 - Application to Review a Premises Licence** (Pages 3 - 82)

To consider an application for a review of Premises Licence for Easy Shop, 74b Walsgrave Road, Coventry, CV2 4EB.

Note: The applicant and their representative have been invited to attend the hearing.

Persons who have made representations have 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

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Chris West, Executive Director, Resources, Council House Coventry

Friday, 6 January 2017

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair Tel: 024 7683 3166

Membership: Councillors J Clifford, 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](mailto:usha.patel@coventry.gov.uk) or  
[Carolyn.Sinclair@coventry.gov.uk](mailto:Carolyn.Sinclair@coventry.gov.uk)**

**Easy Shop, 74b Walsgrave Road , Coventry, CV2 4EB**

Review Application Summary

The application is for a Review of the premises licence for  
Easy Shop  
74b Walsgrave Road  
Coventry  
CV2 4EB

The application has been made Trading Standards

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

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Coventry City Council

**Application for the review of a premises licence or club premises certificate 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 Peter Thompson, Trading Standards Officer

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Easy Shop 74b Walsgrave Road Coventry	
<b>Post town</b> Coventry	<b>Post code (if known)</b> CV2 4EB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr. Rebuar Sharif
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<b>Number of premises licence or club premises certificate (if known)</b> LN/216000395
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Trading Standards Coventry City Council Floor 6 – Civic Centre 4 Much Park Street COVENTRY CV1 2PY
Telephone number (if any) 02476787254
E-mail address (optional) <a href="mailto:trading_standards@coventry.gov.uk">trading_standards@coventry.gov.uk</a>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

Easy Shop situated at 74b Walsgrave Road Coventry applied for a Licence in August 2016 to sell alcohol. The licence was granted on 1<sup>st</sup> September 2016. The licence has a condition attached to it that states:

‘All alcohol and tobacco products must be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods sold should not evade any duty or taxes and should be authentic goods, which comply with UK legislation. All receipts and records will be made available to officers at Coventry City Council for inspection when requested by that officer’.

Trading Standards made this condition a requirement of the licence; due to the previous history of the shop owner and the nominated Designated Premises Supervisor (DPS). The histories of both persons are explained later in this application.

Easy shop has been subjected to an inspection visit from the Trading Standards. During the inspection illegal cigarettes were found in the store room and seized. The grounds for this review are therefore based upon the illegal supply of tobacco products from this shop.

The supporting details of which this review relate to are as follows:

On 5<sup>th</sup> October 2016 a visit was made to Easy Shop. The reason for the visit was to follow up on a complaint that had been received which reported that this shop was supplying illegal cigarettes. The person who provided the information wishes to remain anonymous.

On walking up to the shop one male was standing outside. He was recognised because he worked at another shop some years ago called the European Mini Market situated on Clay Lane, Coventry. This shop is known to Trading Standards for supplying illegal tobacco. He also recognised your officers, and said hello as we entered the shop. He followed us into the shop and stood inside the door by the counter. Another male was inside the shop standing by the side of the counter.

Officers explained to both of them the reason for the visit and began to complete the appropriate paperwork.

Whilst the Trading Standards paperwork was being written out, it was noticed that the person we had seen before from the European Mini Market had walked outside. An officer walked outside to ask him for his details but he was nowhere to be seen.

Offices had commenced the inspection of the shop at this time, and one officer said that he had found a box in the rear store room that contained packets of illegal cigarettes. This box was seized, and in total 94 packets of various branded foreign labelled cigarettes and 9 packets of Counterfeit cigarettes were seized. The seized cigarettes are kept inside a secure room inside the Council House, and were given exhibit number PT/01. They are available for inspection upon request.

Paperwork found behind the counter provided a name for the owner as Mr Sharif. The shop worker gave his name as 'Ali'. Ali was asked where Sharif was, and he said he was outside and he went off to fetch him. Officers also walked outside with Ali, but no-one was outside. Ali was asked if Sharif was the person who was here when we first entered the shop and he replied 'yes'. The paperwork receipting this seizure was written out for Sharif, and a copy of it was left on the counter for his return. Please refer to Appendix 1 for a copy of the Officers Paperwork.

Business rates information for the premises was checked, and the person who was found to be liable for this shop was Mr Rebuar Sharif. He has been liable for this shop since February 2015.

On 19<sup>th</sup> October 2016 Sharif was invited to attend a Police and Criminal Evidence Act interview under caution. He failed to attend the interview. At no time has Sharif been in contact with Trading Standards in relation to this matter.

In relation to the illegal cigarettes:

They were found on a trade premises inside a store room that also contained other shop goods. This would suggest they are being sold from this shop. They were hidden inside a box away from the counter, whereas the legal UK branded cigarettes were behind the counter on open display, this suggests they knew they were illegal. Given the quantity found (103 packets) and given that there were 7 different brands, this would suggest they were not being used for personal consumption.

In relation to the Premises Licence Holder – Rebuar Sharif:

The application for a premises licence was made by Mr Rebuar Sharif who is the licence holder. Sharif was initially present at the time of this visit, but he decided not to stay during the course of it. Sharif also failed to attend a formal interview. His actions, given that he is the owner of the shop and premises licence holder, are irresponsible.

In February 2015 a Police Officer witnessed a van unloading boxes into a Vauxhall Insignia car. The Police suspecting this was suspicious checked what was inside the boxes. They contained 1000's of illegal cigarettes. The van's details were checked by the Police Officer and the keeper of the van was Rebuar Sharif.

In relation to the Designated Premises Supervisor – Hardi Hussain Amin:

The nominated DPS is Mr Hardi Hussain Amin of 273 Harnall Lane East, Coventry. This is the address for a shop called 'Shop and Save'. Amin was also the Premises Licence Holder, and the DPS, for Shop and Save when the licence to sell alcohol from that shop was suspended for 3 months in November 2012. The reasons why Amin had his licence suspended was due to the multiple seizures of illegal tobacco products taken from his shop during 2011 & 2012. Please refer to the licence review application in Appendix 2 and hearing decision in Appendix 3.

Amin also received a warning letter on 17<sup>th</sup> November 2011 for having in his possession for sale 203 illegal tobacco products. The associated premises was 'Shop and Save' 273 Harnall Lane East, Coventry. This warning letter can be seen in Appendix 4.



**Please provide as much information as possible to support the application (please read guidance note 3)**

In 2014 Trading Standards were contacted by an Officer from the Counter Terrorism Team (CTU) based in Birmingham. They advised that Customs Officers from Birmingham Airport had stopped a Mr Hardi Hussain Amin who was leaving the country with a significant quantity of cash (£34,550.00) This was seized from him, and he was questioned. Trading Standards was asked to provide a statement to CTU, of which we did; on Amin's previous history with regard to his involvement with illegal cigarettes.

Based on the information Trading Standards had provided, we were informed by CTU Financial Investigations Team that they were now applying to the Crown Court to confiscate this money under the Proceeds of Crime Act. On 8<sup>th</sup> December 2015 Trading Standards received the following email from the CTU Officer dealing with this case:

'The Judge found in our favour that, upon the balance of probabilities, the full sum of £34,550 was forfeited on the basis that it was associated to Amin's sales of illegal and counterfeit tobacco, and the potential subsequent laundering of the money back through the business – shop and save'.

Conclusion:

Although Easy Shop has only been visited on one occasion by Trading Standards, and on that 1<sup>st</sup> occasion illegal goods have been found, there is, as outlined within this application, bad character evidence to consider.

Therefore it is the opinion of your officer that Sharif and Amin may continue to sell illegal cigarettes from this shop, unless they are given a deterrent which may discourage them, or dissuade them altogether.

The officer requests the following action to be considered in this instance:

- 1 Revoke the Premise Licence, or
- 2 Suspend the Premise Licence for a period of three months, and/or
- 3 Terminate Hardi Hussain Amin's post as the DPS at this premises, and / or any other premises.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the premises please state what they were and when you made them**

**Please tick ✓ yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

Peter Thompson  
Trading Standards  
Regulatory Services  
Floor 6 – Civic Centre 4  
Much Park Street  
COVENTRY  
CV1 2PY

**Post town**  
Coventry

**Post Code**  
CV1 2PY

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) peter.thompson@coventry.gov.uk**

#### Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.





REGULATORY SERVICES

Coventry City Council NOTICE OF POWERS AND RIGHTS (officer's copy)

**INFORMATION FOR THE OCCUPIER**

This notice explains the reasons why officers are seeking to enter your premises. Officers must tell you that they are either;

A – providing you with details of the legal rights they have to enter your premises where they do not have to give advance notice.

B – seeking to obtain your permission to enter your premises as the law does not automatically give them the right to do so, or

C – providing you with details of the legal rights they have to enter your premises and they have already given at least 48 hours advance notice of their intention to visit, or

If at any time during the visit, the officer has reason to suspect that an offence may have been committed, then certain additional powers will apply. The officer will advise you of this change should it occur.

Authority to enter premises – option used by officer (tick one option below):

A  B  C  MR. SHARIF.

Premises name and address: Easy Shop and Butcher, 74 Walsgrave Road.

Name / position of person receiving the notice: P. HAMPSON

Lead Officer: P. HAMPSON Other Officers present: DR. AD. P.B.

Date of visit / Intended visit: 5/10/16 Time arrived: 2:00pm Time left: 2:30pm

Reason for visit: Search for illegal goods.

Reason Advance Notice was not given: Goods would be removed

**A - Entry with consent** - You do not have to consent to this visit and you may withdraw your consent at any time before it is concluded.

With your permission, I wish to enter the premises identified for the purpose of carrying out an inspection, may make use of any equipment, and / or examine certain goods or documents. You are not obliged to give consent and you must understand that any information produced that indicates an offence has taken place may be used in any legal proceedings.

I HAVE READ AND UNDERSTOOD THE ABOVE INFORMATION AND HEREBY \*GIVE CONSENT / \*DO NOT GIVE CONSENT (\*delete as appropriate).

Name.....Signature.....

Position.....

**B – Right to enter premises with advance notice, or**

**C – Right to enter premises without advance notice**

Under an Entry Warrant (Copy attached)  Without an Entry Warrant

Legislation: Consumer Rights Act 2015. Trade Marks Act 1994

Signed: [Signature] Print Name: MR. PERE

(Authorised officer)

Job Title: TSO Telephone No: 02476 831376

\* Box of illegal cigarettes seized from near store room.





Coventry City Council

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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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 Peter Thompson, Trading Standards Officer

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Shop and Save. 273 Harnall Lane East, Coventry, CV1 5AX.	
<b>Post town</b> Coventry	<b>Post code (if known)</b> CV1 5AX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr. Hardi Hussain Amin
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<b>Number of premises licence or club premises certificate (if known)</b> LN/210000477
---

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Trading Standards Section Coventry City Council Room 311 Broadgate House Coventry CV1 1NH
Telephone number (if any) X
E-mail address (optional) X

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

Shop and Save situated at 273 Harnall Lane Coventry has been subject to a number of inspection visits from the Trading Standards Fraud and Financial Investigations team. During these visits illegal cigarettes and tobacco products have been found and seized. The grounds for this review are therefore based upon the illegal supply of tobacco products from this premise.

The supporting details of which this review relate to are as follows:

On 6<sup>th</sup> September 2011 Trading Standards Officers where in the vicinity of Harnall Lane when they noticed that a new business called Shop and Save had opened. Officers therefore decided to carryout an initial inspection of this shop, and obtain the new business ownership details. This inspection resulted in 200 illegal cigarettes and 9 bottles of illegal alcohol being seized from behind the counter. An Officer provided verbal advice on this matter as this was a first time offence. The Officer then wrote out the relevant paperwork whereby Ms Andrea Rafaeloua signed it as a 'part-time worker'

The Licence holder at this time was: Rekan Zrar Gafoor  
The Designated Premise Supervisor at this time was: Rekan Zrar Gafoor  
Please refer to appendices 1 for copies of the Officers Paperwork.

On 28<sup>th</sup> October 2011 Officer's re-visited Shop and Save to see if they had heeded the advice given to them on the previous visit not to sell illegal cigarettes. During the inspection a secret compartment which had been purposely built into the shops counter was found. Screws had to be undone to reveal a drop down compartment which contained 3920 illegal cigarettes and 7 packets of illegal tobacco pouches. Mr. Hardi Hussain Amin was behind the counter when this seizure took place. He signed the Officer's paperwork as the 'owner' of the business.

The Licence holder at this time was: Rekan Zrar Gafoor  
The Designated Premise Supervisor at this time was: Rekan Zrar Gafoor

Please refer to appendices 2 for copies of the Officers Paperwork.

On the 17<sup>th</sup> November 2011 both Hardi Hussain Amin, and Rekan Zrar Gafoor, received written warnings from Trading Standards regarding the seizure made on the 28<sup>th</sup> October. The warnings informed both individuals that they could face formal action if illegal goods were found on their premises again.

Please refer to appendices 3 & 4 for copies of the warning letters.

On 26<sup>th</sup> July 2012 two Officers from Trading Standards accompanied West Midlands Police to execute a Police search warrant at Shop and Save. The search warrant also included the flat above the shop.

Whilst Police Officer's search the upstairs flat, Trading Standards Officer's inspected the shop. On the counter was a till, Officer's looked inside this till and found 300 illegal cigarettes hidden under bank notes. These were seized. A Police Officer then informed Trading Standards that more illegal cigarettes have been found in the flat upstairs. The Police Officer seized these and then handed possession of them over for Trading Standards to deal with. In total 2980 illegal cigarettes were seized from the flat.

There were three males in the flat, one being Hardi Hussain Amin. He signed the Officers paperwork as the 'owner' of the business.

The Licence holder at this time was: Hardi Hussain Amin

The Designated Premise Supervisor at this time was: Hardi Hussain Amin

Please refer to appendices 5 for copies of the Officers Paperwork.

On the 11<sup>th</sup> September 2012 Hardi Hussain Amin was formally interviewed by Trading Standards.

In relation to the illegal cigarettes found on the 28<sup>th</sup> October he said he did not know that they were hidden in the counter. He said he had only been working in the shop 2 days and that it must have been another employee who put them there.

In relation to the illegal cigarettes being found on the 26<sup>th</sup> July in the shop, and in the flat upstairs where he was living, he again blamed an employee. He said the cigarettes in the flat were not his, and that his employee must have also put them in the till to be sold without his knowledge. He said he was rarely in the shop and did not know what was going on when he was not there.

Officers believe he is not telling the truth, and he is only blaming others who work in his shop because he cannot provide any other plausible reason as to why illegal cigarettes keep being found in the shop.

The fact that he was present during two of only three visits, suggests to your Officers, that he is in fact working in the shop more frequently than he would like us to believe. The fact that illegal cigarettes were found in the till, a till he must regularly operate as a shopkeeper, also leads officers to believe that he must of known they were there. This is because if we are to believe what he says; that an employee was doing this behind his back, then surely that employee would never have placed them in the till for fear of being caught.

Additionally, the illegal cigarettes found in the flat upstairs were not hidden from view. They were in the main living room where Hardi was sitting. He would have seen them, and the fact these illegal cigarettes match the ones found in the till downstairs, leads Officers to also believe they were being stored in the flat for the purpose of eventually being sold in the shop.

Conclusion:

In conclusion, and considering the facts here, Officers believe Hardi Hussain Amin was not only complicit in the sale of illegal cigarettes from his premise, but had continued to sell them even though he had been given a warning from Trading Standards not to do so. The fact that he was

present on two separate occasions when illegal cigarettes were seized, shows that he has not taken any measure to prevent the re-occurrence of illegal goods being sold from his shop. Additionally this lack of remedial action proves that his business is being operated and managed with total disregard for the law, and without regard to any consequences.

It is therefore the opinion of your Officer that Hardi Hussain Amin will continue to sell illegal cigarettes from his shop, unless he is given a deterrent which may discourage him, or dissuade him altogether, from continuing with this illegal trade.

The officer therefore requests the following action to be considered in this instance:

- 1) Revoke the Premise Licence, or
- 2) Suspend the Premise Licence for a period of three months, and when the licence is reinstated attach the following condition to the licence:

'All alcoholic and tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods sold should not evade any duty or taxes and should be authentic goods which comply with UK legislation. All receipts and records will be made available to officers of Coventry City Council for inspection when requested by that officer.'

**Please provide as much information as possible to support the application (please read guidance note 3)**

The premise is a small mini-market situated in a highly populated residential area. It has a large selection of Alcoholic drinks on sale. The store room contains predominately alcohol products, which suggest alcohol sales are a significant part of this businesses sales / profit.

The premise has been visited 3 times, and on every occasion illegal goods have been found.

In total:

7,400 x illegal cigarettes (370 packets) have been seized.

The street value of this haul would be approximately £1280.00 (£4 per pack). If the cigarettes were legitimate then the value would be approximately £2479.00 (£6.70 per pack).

The cigarettes seized are illegal because they have evaded tax duty, are counterfeit, or do not comply with UK legislation in relation to the health warning requirements.

7 x illegal tobacco pouches (50g) have been seized.

The street value of this haul would be approximately £49 (£7 per pack). If the tobacco were legitimate then the value would be approximately £88.90 (£12.70 per pack).

They are illegal because they have evaded tax duty and do not comply with UK legislation in relation to the health warning requirements.

9 x illegal Vodka bottles have been seized.

The value of this haul would be approximately £90.00 (£10 per bottle). Because they were purchased illegally there are no receipts to consult, therefore Officers are not sure how much Hardi Hussain Amin would have paid for them.

The 9 bottles of Vodka seized were from behind the counter. They did not have a UK Duty stamp applied to them. Therefore these were handed over to HMRC for their interest because duty had been evaded on these bottles.

It is the opinion of your Officer that the owner & licensee of the business has taken no measures to prevent the continued supply of illegal goods. And considering the profits that can be made from this illegal business, he should receive a penalty that would not only have an impact upon his business, but also on his future activities.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year			
1	1	1	1	1	1	1	1

If you have made representations before relating to the premises please state what they were and when you made them

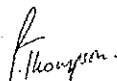
Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date      **24<sup>th</sup> September 2012**

Capacity    **Trading Standards Officer**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Peter Thompson  
Trading Standards Section  
Coventry City Council  
Room 311  
Broadgate House  
Coventry  
CV1 1NH

**Post town**

Coventry

**Post Code**

CV1 1NH

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** peter.thompson@coventry.gov.uk

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
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4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Finance and Legal  
Services Directorate**

Christine Forde  
Council Solicitor  
and Assistant Director  
4th Floor, Christchurch House  
Greyfriars Lane  
Coventry CV1 2QL

Telephone 024 7683 3002  
DX 18868 COVENTRY 2

Please contact: Mark Smith  
Direct line 024 7683 3037  
Fax 024 7683 3004  
mark.smith@coventry.gov.uk

Mr P. Thompson  
(Via email)

Your reference:  
Our reference: L/MS/0000-00042

20<sup>th</sup> November 2012

Dear Sir,

**Licensing Act 2003 – Notice of Determination****Application**

Application to review the Premises Licence relating to Shop N Save, 273 Harnall Lane East, Coventry (S.51 Licensing Act 2003).

**Date of Hearing**

16<sup>th</sup> November 2012.

**Decision**

The Premises Licence is suspended for 3 months.

The following condition is added to the Premises Licence: -

"All alcoholic and tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods sold should not evade any duty or taxes and should be authentic goods, which comply with UK legislation. All receipts and records will be made available to officers at Coventry City Council for inspection when requested by that officer."

**Reasons**

The Sub-committee considered the written review application and the oral submissions from Trading Standards and the Licensee's representative. In accordance with Section 4 of the Act, it also had regard to Part 11 of the Secretary of State's Guidance to licensing authorities concerning reviews.

The Sub-committee accepted the evidence presented by Trading Standards as being true on the balance of probabilities. It heard evidence that counterfeit products are easily identifiable and that advice had previously been given to the licensee on this issue. It found the

explanations given on behalf of the licensee to be implausible and evasive and noted a partial admission that illegal products had been sold from the premises. It had serious concerns about the possible health implications for the community through selling counterfeit products whose origin and content are unknown.

In view of previous warnings having been apparently ignored it saw no point in issuing a further warning. Having regard to Part 11.20 of the Secretary of State's Guidance, it felt that the appropriate and proportionate sanction in this case was to impose the above condition and to suspend alcohol sales for 3 months with the aim of deterring the supply of any further illegal goods from the premises.

#### Date Decision Takes Effect

The decision takes effect at the end of the period allowed for lodging an appeal to Coventry Magistrates' Court (i.e. on **12<sup>th</sup> December 2012** being 21 clear days from the deemed date of receipt of this notice) or if such an appeal is lodged, from the date that the appeal is disposed of.

#### Right of Appeal

The Act provides for the Licensee and Trading Standards to appeal this decision. Any such appeal must be lodged in writing at Coventry Magistrates' Court within 21 days from the date of receipt of this notice.

Yours faithfully

Mark Smith  
**Senior Solicitor**  
**Commercial Team**

Cc Licensee, Police.



INVESTMENT IN PEOPLE







**Coventry City Council**

Private and Confidential  
Mr Hardi Hussain Amin  
1 Green Lane  
Handsworth  
Birmingham  
B21 0DE

Our reference WK/211026903  
17 November 2011

Community Services  
Public Safety & Housing

Trading Standards  
Coventry City Council  
Broadgate House  
Broadgate  
Coventry  
CV1 1NH

Telephone 024 7683 1871  
Fax 024 7683 1831

Please contact Hamish Simmonds  
Direct line 024 7683 1871

Dear Mr Amin

**Consumer Protection Act 1987  
Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002**

I write with reference to the visit made by officers from this service to your store, 'Shop n Save', Coventry on the 28.10.2011. During the visit, officers found you to be in possession of 196 packets of illegal cigarettes and 7 packets of tobacco hidden on the premises.

I have considered the circumstances of the investigation reported to me and I am satisfied that you have committed offences under the Consumer Protection Act 1987 by possessing tobacco items that do not satisfy the labelling and warning requirements of the above regulations, for which you may be prosecuted.

I have, however, decided it is not in the public interest to commence legal proceedings against you on this occasion but to issue you with a written warning by way of this letter instead.

No further action will be taken in relation to this investigation but details of this matter will be kept on file and will be referred to in the event of any further offences being reported to me. You are strongly advised not to buy such products again as further checks will be made in the future and legal action will be considered if you are found to continue selling.

Yours sincerely

Hamish Simmonds  
Trading Standards Manager

Director of Community Services  
Brian Walsh  
Head of Service  
Sara Roach  
Assistant Director - Public Safety & Housing





Coventry City Council

Mr P Byatt  
Licenced-Inn-Tuition  
56 Brow of the Hill  
Leziate  
King's Lynn  
Norfolk. PE321EN

**Licensing Team  
Regulatory Services**

Planning Transport & Highways Division  
Floor 6  
Civic Centre 4  
Much Park Street  
Coventry  
CV1 2PY

[licensing@coventry.gov.uk](mailto:licensing@coventry.gov.uk)  
[www.coventry.gov.uk/licensing](http://www.coventry.gov.uk/licensing)

Our Ref: CS/LIC/CSI/WK/216018251

Thursday, 01 September 2016

Dear Mr Byatt.

**Licensing Act 2003 – Premises Licence  
Easy Shop, 74B-74C Walsgrave Road, Coventry, CV2 4EB.**

Please find enclosed the Premises Licence number LN/216000395 issued under the Licensing Act 2003 for Easy Shop, 74B-74C Walsgrave Road, Coventry, CV2 4EB.

Your licence may be subject to conditions which will appear on your licence; you should ensure these conditions are met along with embedded conditions or conditions carried across from existing licences. If you are unsure about the conditions please contact a Licensing Officer.

Mandatory Conditions are also attached to your licence as provided by the Act and subsequent 2010 and 2014 Orders, these can be found at Annex 1.

In addition you must have regard to the following:

**Duty to keep the licence**

The premises licence or a certified copy of it must be kept at the premises. The summary of the licence must be clearly displayed at the premises.

**Duty to produce the licence**

Any Police Officer or authorised officer of the licensing authority may require the holder of a premises licence to produce it for examination.

**Surrender of the licence**

If you wish to surrender the licence you must notify this department and return the premises licence in full.

**Change of name or address**

You must tell this department if you change your name or address and return the premises licence.

**Change of Designated Premises Supervisor**

If you wish to change the premises supervisor named on the licence you must apply to this department and give notice to the police.

**Changes to licence**

If you want to change your operation, add new activities, change the hours or remove conditions then you may need to apply for a variation of your licence or a temporary event notice. Please contact us for further advice.

Failure to comply with any of these requirements is an offence.

Your new licence is subject to an annual fee - we will send you an invoice in advance of the renewal date.

Please contact the Licensing Team on 024 7683 1888 if you require further assistance.

**Additional Information - Live Music Act 2012**

From Monday 1<sup>st</sup> October 2012 the licensing requirements for public entertainment in licensed premises changed:

- the provision of facilities for making music/dancing is no longer needed to be licensed;
- the provision of live music between 0800 and 2300 hrs in on-licensed premises whilst alcohol is available no longer needs to be licensed if the music is unamplified, or
- if the music is amplified, takes place in the presence of an audience of no more than 200 persons
- any conditions on a premises licence that govern the performance of live music are suspended whilst the above exemption applies, unless licensing controls have been re-applied by a licence review hearing.

Further information can be obtained from [www.culture.gov.uk](http://www.culture.gov.uk)

Yours sincerely



**Carline Simms**  
**Licensing Officer**

Licensees are reminded not to use fly posting to advertise events at their premises. The Council have a zero tolerance toward fly posting which is a criminal offence under the Town & County Planning Act 1990 and the Highways Act 1980. Legal action can be taken against any person deemed to have benefited from the advert.

# LICENSING ACT 2003

## Full Premises Licence

### Easy Shop

Premises licence number	LN/216000395
-------------------------	--------------

#### Part One – Premises Details

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

Easy Shop  
74b Walsgrave Road

Post town  
Coventry

Post code  
CV2 4EB

Telephone number

Where the licence is time limited the dates

N/A

The times the licence authorises the carrying out of Licensable Activities

Off the Premises		
Supply of Alcohol	From	To
Sunday	08:00	23:00
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





# LICENSING ACT 2003

## Full Premises Licence

Premises	From	To
Open to the Public		
Sunday	08:00	23:00
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

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

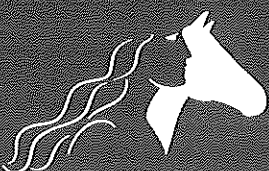
Easy Shop  
74b Walsgrave Road  
Coventry  
CV2 4EB

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

N/A

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

Hardi Hussain Amin  
273 Harnall Lane East  
Coventry  
CV1 5AX







# LICENSING ACT 2003

## Full Premises Licence

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

Licence number - **CV211000604** Coventry City Council

Dated this 1st September 2016



Regulatory Services Manager

Regulatory Services  
Licensing Team

Planning Transport & Highways Division  
Floor 6  
Civic Centre 4  
Much Park Street  
Coventry  
CV1 2PY





**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—

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

## Annex 2

### Conditions consistent with the Operating Schedule

#### Licensees Statement of Operating Schedule as attached including:

##### Part 1

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

Voluntary conditions agreed with responsible authorities

##### 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

## APPENDIX 1

Easy Shop, 74b Walsgrave Road, Coventry, CV24EB

### Shop PROPOSED Conditions:

#### Part M

#### Describe the steps you intend to take to promote the four licensing objectives

##### **a) General – All Four Licensing objectives, (b,c,d and e)**

- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol.
- CCTV to be in operation
- The licence holder will ensure regular training of staff.
- 'Challenge 25' age verification scheme to be adopted.
- Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-license sales only.

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

CCTV must be installed and operating correctly to manufacturers instructions internally and externally and must cover all public areas where licensable activity takes place whilst the premises is open to the public. The time and date must be set to the correct time relating to BST/GMT

A competent trained person in the use of and operation of the CCTV must be in attendance at the premise at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information requested by the Police or Responsible Authority

All CCTV images must be retained for a period of not less than 31 days and produced upon requests at the time of the visit to any responsible authority.

Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.

All persons involved in the sale of alcohol who are not the holder of a Personal Licence to sell alcohol must receive initial and regular 12 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by a responsible authority. There must be twelve months records retained.

A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.

The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.

Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.

A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be produced and made available for inspection at the time of the visit by any Responsible Authority.





DPS authorisation documents must be in place naming staff allowed to sell alcohol in their absence

All alcoholic and tobacco products must be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods sold should not evade any duty or taxes and should be authentic goods, which comply with UK legislation. All receipts and records will be made available to officers at Coventry City Council for inspection when requested by that officer.

**c) Public Safety**

- The premises will conform to all statutory health and safety Requirements

**d) The prevention of public nuisance**

- Persons shall be discouraged from congregating outside of the premises
- No alcohol purchases to be consumed in the near vicinity of the premises.
- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
- Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-license sales only.
- Clear legible notices will be displayed at the entrances/exits requesting customers to respect the needs of residents and to leave the area quietly.

**e) The protection of Children from harm**

- The challenged 25 scheme will be implemented
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.
- The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
- A notice will be displayed advising customers that identification will be required to prove their age before they can buy alcohol.

Sunday	08:00	-	23:00
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
Non Standard Timings / Seasonal Variations			



**Annex 3**

**Conditions Attached after a Hearing by the Licensing Authority**

**None**



## APPENDIX 1

Easy Shop, 74b Walsgrave Road, Coventry, CV24EB

### Shop PROPOSED Conditions:

#### Part M

#### Describe the steps you intend to take to promote the four licensing objectives

##### **a) General – All Four Licensing objectives, (b,c,d and e)**

- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol.
- CCTV to be in operation
- The licence holder will ensure regular training of staff.
- 'Challenge 25' age verification scheme to be adopted.
- Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-license sales only.

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

CCTV must be installed and operating correctly to manufacturers instructions internally and externally and must cover all public areas where licensable activity takes place whilst the premises is open to the public. The time and date must be set to the correct time relating to BST/GMT

A competent trained person in the use of and operation of the CCTV must be in attendance at the premise at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information requested by the Police or Responsible Authority

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All persons involved in the sale of alcohol who are not the holder of a Personal Licence to sell alcohol must receive initial and regular 12 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by a responsible authority. There must be twelve months records retained.

A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.

The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.

Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.

A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be produced and made available for inspection at the time of the visit by any Responsible Authority.



# LICENSING ACT 2003

## Summary Licence To Be Displayed

### Easy Shop

<b>Premises licence number</b>	LN/216000395
--------------------------------	--------------

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

Easy Shop  
74b Walsgrave Road

**Post town**

Coventry

**Post code**

CV2 4EB

**Telephone number**

**Where the licence is time limited the dates**

N/A

**The times the licence authorises the carrying out of licensable activities**

Off the Premises		
Supply of Alcohol	From	To
Sunday	08:00	23:00
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







## LICENSING ACT 2003

# Summary Licence

To Be Displayed

Premises	From	To
<b>Open to the Public</b>		
<b>Sunday</b>	08:00	23:00
<b>Monday</b>	08:00	23:00
<b>Tuesday</b>	08:00	23:00
<b>Wednesday</b>	08:00	23:00
<b>Thursday</b>	08:00	23:00
<b>Friday</b>	08:00	23:00
<b>Saturday</b>	08:00	23:00

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

OFF SALES

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

Easy Shop  
74b Walsgrave Road  
Coventry  
CV2 4EB

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

N/A

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

Hardi Hussain Amin

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

N/A





# LICENSING ACT 2003

## Summary Licence To Be Displayed

Dated this 1st September 2016



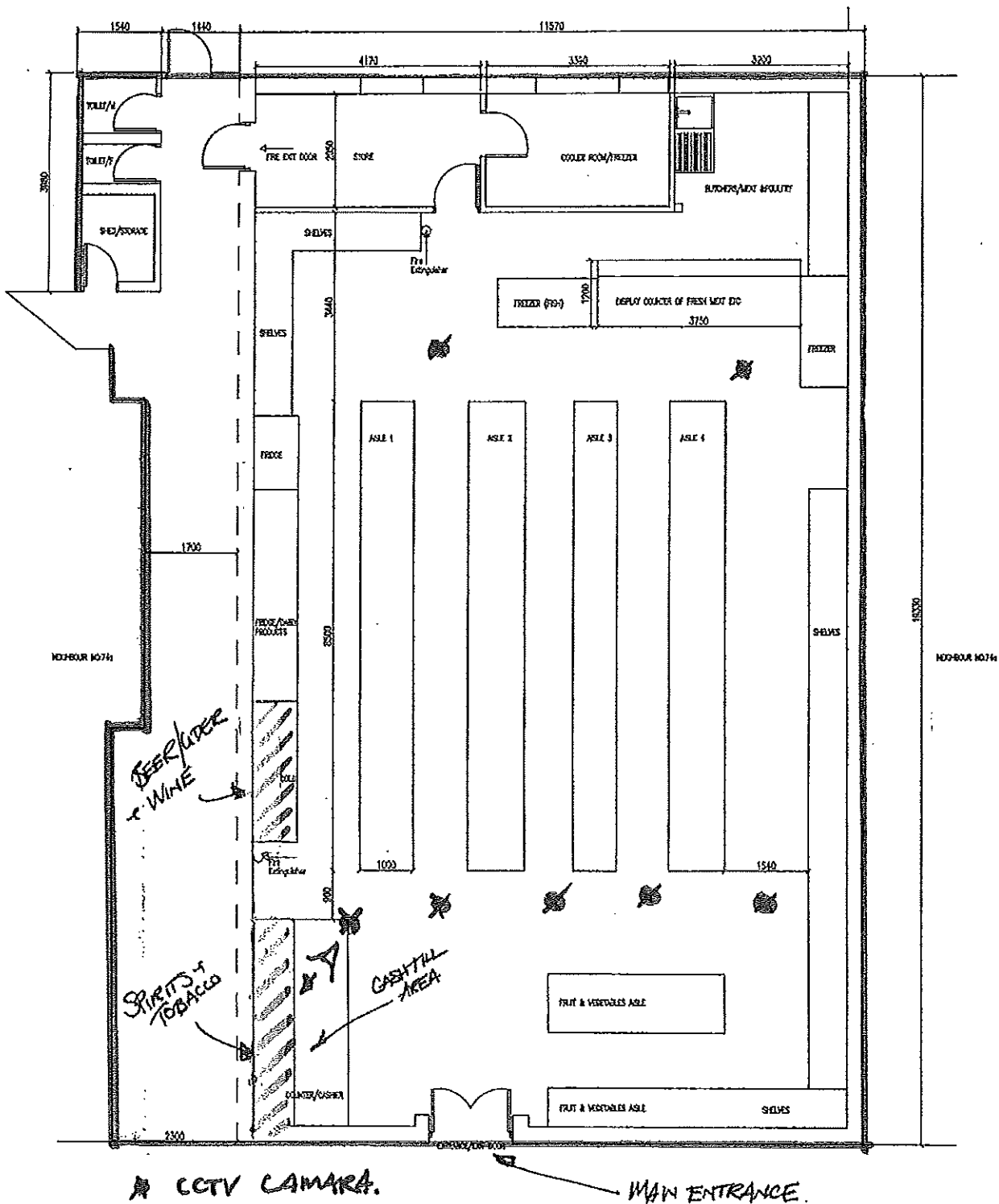
Regulatory Services Manager

Regulatory Services  
Licensing Team

Planning Transport & Highways Division  
Floor 6  
Civic Centre 4  
Much Park Street  
Coventry  
CV1 2PY



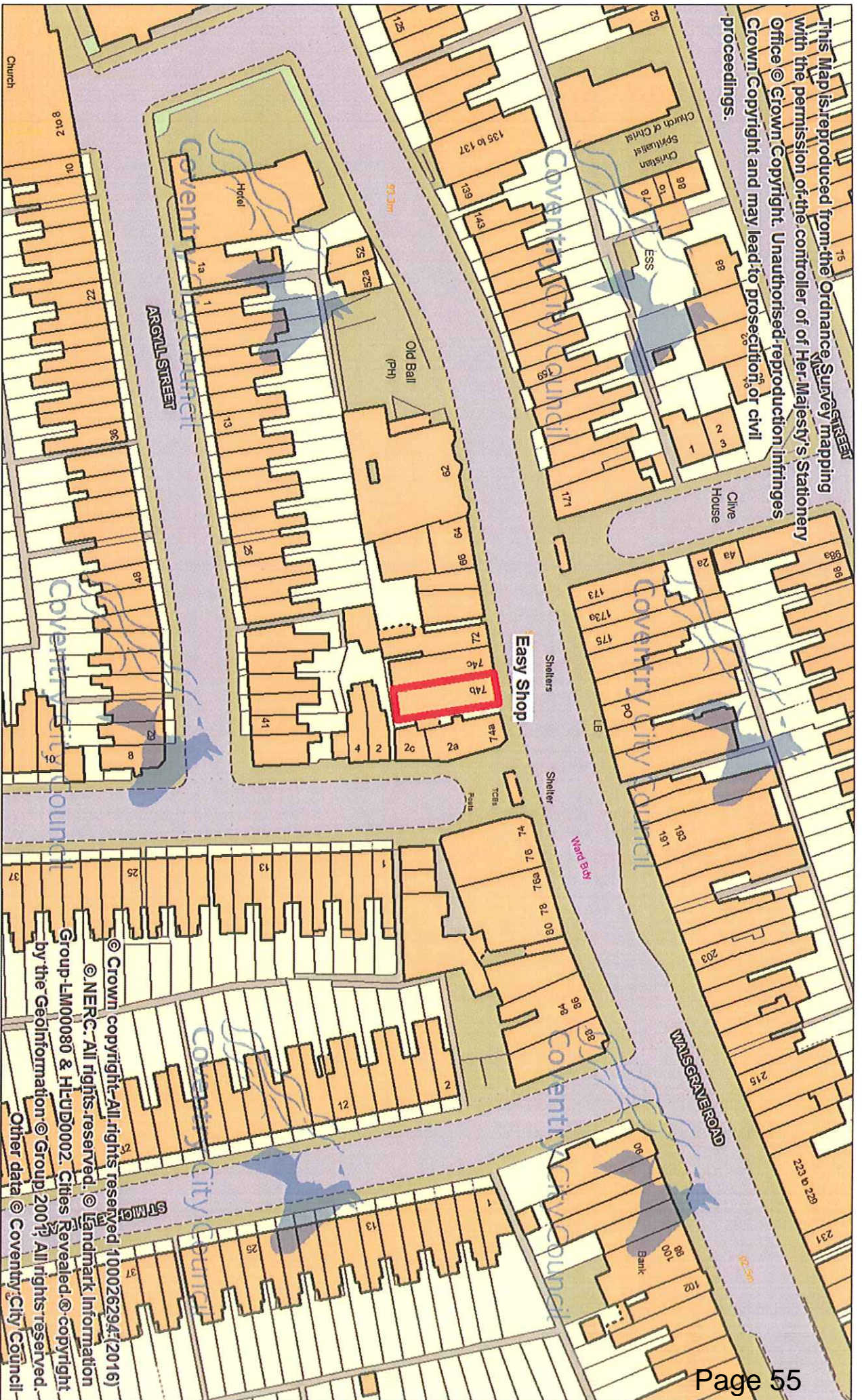




EXISTING FLOOR PLAN OF EASY SHOP, 74B WALSGRAVE ROAD, COVENTRY, CV2 4EB, FOR MR. REBUAR SHARIF. SCALE 1:100, DRAWING NO: FP01

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Place Directorate, Environmental Protection

Coventry City Council, Civic Centre 4

Much Park Street, Coventry, CV1 2PY

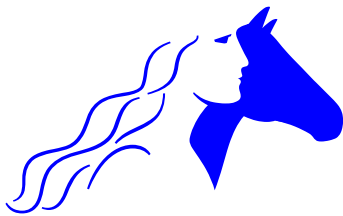
Tel: 0500 834 3333

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## Coventry City Council

### LICENSING ACT 2003

### LICENSING SUB-COMMITTEE

### HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

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

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

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

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

## **Licensing Act 2003**

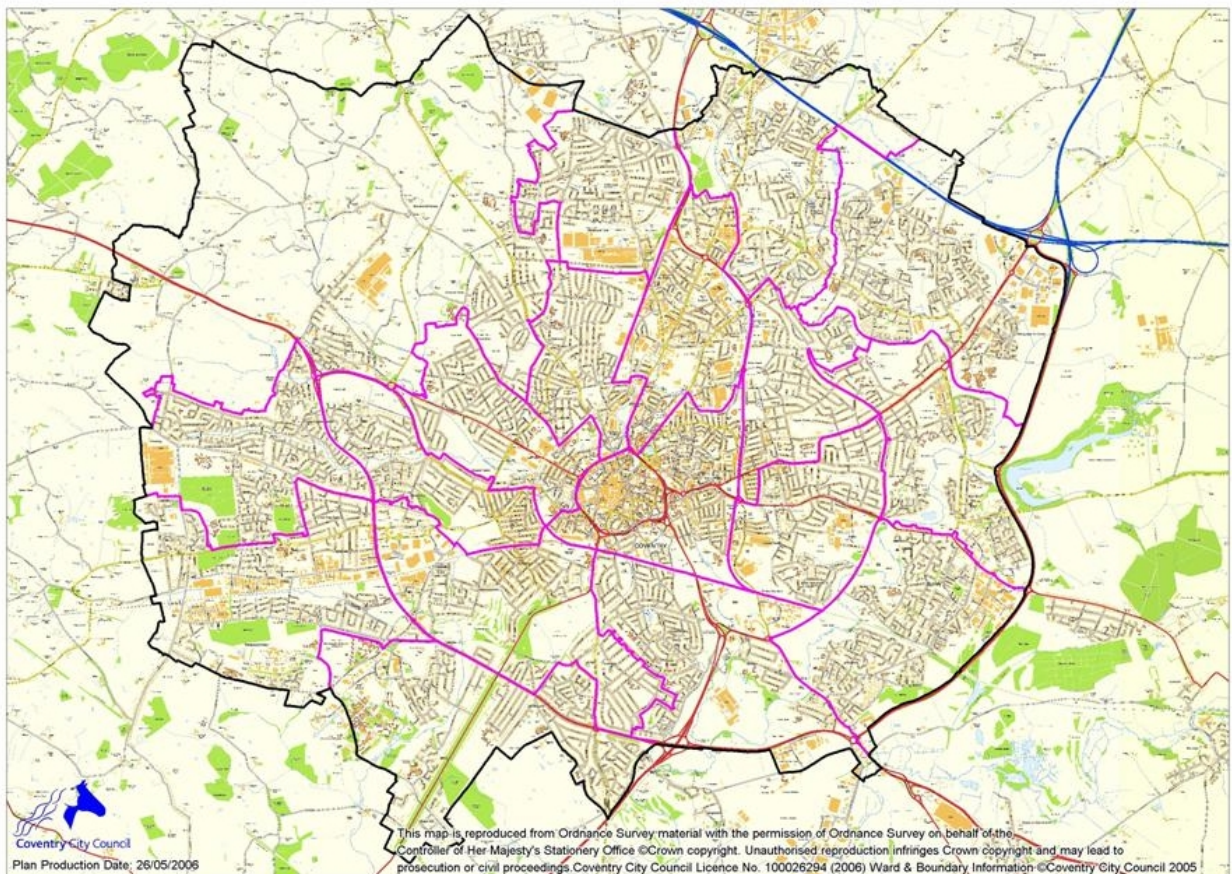
# **Statement of Licensing Policy 2016-2021**



## 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*

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## **Appendix**

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## **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 6<sup>th</sup> 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](http://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](mailto: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**

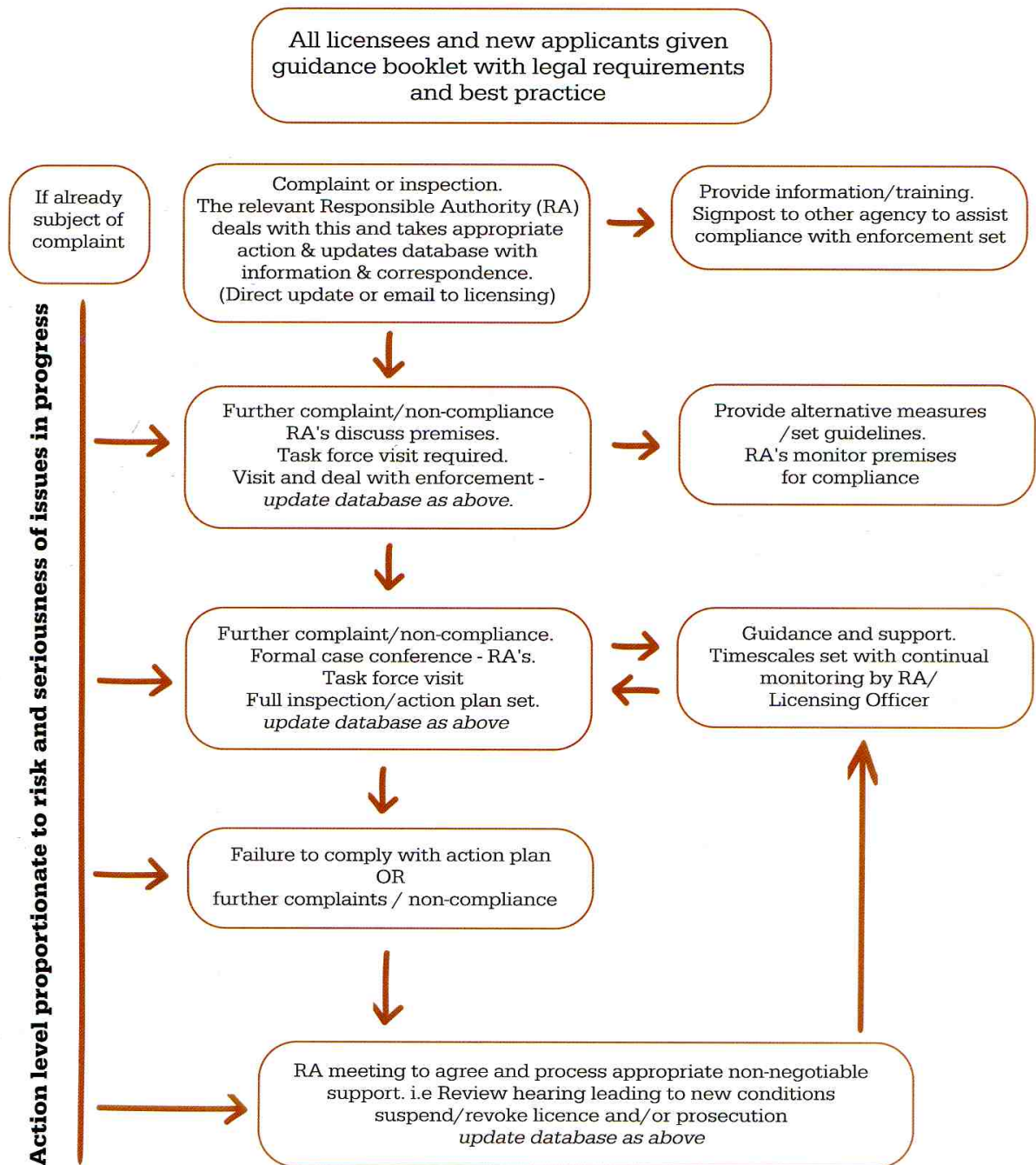
16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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](mailto:licensing@coventry.gov.uk)  
website [www.coventry.gov.uk](http://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](mailto:licensing@coventry.gov.uk)

#### **Contact:**

Davina Blackburn  
Licensing Manager  
[Davina.blackburn@coventry.gov.uk](mailto: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](mailto:Bowes_4093@west-midlands.pnn.police.uk)  
PC Claire Marston  
[c.marston@west-midlands.pnn.police.uk](mailto: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](mailto:firesafety.admin@wmfs.net)

#### **Safeguarding Children Board**

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

#### **Contacts:**

Rebekah Eaves  
[safeguardingchildrenlicensing@coventry.gov.uk](mailto: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](mailto: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](mailto: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](mailto:alan.harwood@coventry.gov.uk)

**Coventry Health Board**  
Coventry City Council  
Room 78a, 2<sup>nd</sup> Floor Council House  
Earl Street  
Coventry  
CV1 5RR

**Contact:**  
Angela Hands  
Public Health Practitioner  
Tel: 024 7683 1315  
Email:  
[publichealthlicensing@coventry.gov.uk](mailto: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](mailto: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](mailto: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](http://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](mailto:licensing@coventry.gov.uk)**





## Coventry City Council

### **Licensing Act 2003**

### **Briefing Note 7 – Hearing to Consider an Application to Review a Premises Licence**

#### Background

A premises licence remains in force in perpetuity (unless a time-limited licence has been granted). Where the way in which the premises are being run gives rise to concerns relevant to the licensing objectives it is possible for the licence to be re-examined by the Licensing Authority. The Licensing Authority cannot review a licence of its own volition but must do so in one of two circumstances:

- (a) where a review application has been accepted from a "responsible authority" or any other person; or
- (b) where the Magistrates' Court has triggered a review following a closure order.

Where a review application is made it is served on the licensee, Responsible Authorities and is advertised by the licensing authority. Responsible Authorities or anyone else can 'join in' on the review by making their own representations.

A hearing is required to determine whether the licence should be allowed to continue or to continue with modifications.

#### Section 182 Guidance (Mar 2015)

Particular reference should be made to Part 11 and Parts 15.55 – 15.56.

#### Local Statement of Licensing Policy (Jan 2011)

Particular reference should be made to Parts 4, 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 licensee's and objectors' civil rights. A decision to modify, suspend or revoke a premises licence will interfere with the licensee's property rights and Article 1 Protocol 1 will be engaged requiring such action to be in the public interest and to be a proportional response to meeting the four licensing objectives.

#### The Sub-committee's powers

Having heard from the review applicant and anyone else making "relevant representations" and the licensee, the sub-committee may:

- (a) take no action; or
- (b) issue an informal warning letter; or
- (c) modify the conditions of licence\*; or
- (d) exclude a licensable activity from taking place on the premises; or
- (e) remove the designated premises supervisor; or
- (f) suspend a licence for up to 3 months; or
- (g) revoke the licence.

[\* controls on live or recorded music that are suspended by the Live Music Act 2012 and SI 2014/3253 can also be reintroduced at a review.]

### Rights of Appeal

An aggrieved licensee can appeal to Coventry Magistrates' Court against actions (c) – (g) above and anyone else can appeal against actions (a) – (f). Any decision taken by a sub-committee does not take effect until after the period for lodging an appeal has elapsed or, where an appeal has been lodged, until the appeal is disposed of by the magistrates' court.