



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

**Time and Date**

10.00 am on Monday, 8th May, 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 - 64)

To consider an application to review the premises licence in respect of Sam Mini Market, 681 Foleshill Road, Coventry

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

The Licensee and their representative have also been invited to attend.

5. **Any Other Business**

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

**Private Business**

Nil

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Martin Yardley, Deputy Chief Executive (Place), Council House Coventry

Thursday, 27 April 2017

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

Membership: Councillors J Clifford, A Lucas and T Mayer

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)**

## Review Application Summary

The application is for a Review of the premises licence for:

Sam Mini Market  
681 Foleshill Road  
Coventry  
CV6 5JQ

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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**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 Andrew Tandy, Trading Standards Officer  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 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> Sam Mini Market 681, Foleshill Road Coventry CV6 5JQ	
<b>Post town</b> Coventry	<b>Post code (if known)</b> CV6 5JQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Corina Florina Ondrea
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<b>Number of premises licence or club premises certificate (if known)</b> LN/216000438
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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)



Coventry City Council

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

Name and address  Trading Standards Streetscene and Regulatory Services Coventry City Council PO Box 15 Council House COVENTRY CV1 5RR
Telephone number (if any)
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)

Corina Florina Ondrea applied for a premise licence for Sam Mini Market, 681, Foleshill Road, Coventry, CV6 5JQ in August 2016 to sell alcohol. The licence was granted on 23rd September 2016. Trading Standards made the following condition a requirement of the licence due to the previous history of the shop, and the shop owner who is also the Designated Premises Supervisor (DPS).

‘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’.

The applicant, on behalf of the Trading Standards Section believes that this condition has not been adhered to. The history of interactions with Trading Standards Officers and third parties will illustrate this allegation and is detailed below.

**Please provide as much information as possible to support the application**

(please read guidance note 3)

Chronological events are as follows:-

14<sup>th</sup> July 2015 – initial inspection of premises when 4 packets of cigarettes were found that failed to comply with the requirements of the UK market as they were labelled in a foreign language. A written advice note was given to Ms Ondrea advising that it was illegal to sell such cigarettes from her premises.

11<sup>th</sup> August 2015 – inspection of premises that revealed a box with foreign language labelled cigarettes in a communal garden/parking area.



13<sup>th</sup> November 2015 – inspection, 3 packs of foreign language labelled cigarettes on the premises, male assistant stated they were for personal use.

28<sup>th</sup> January 2016 – warrant of entry executed on the flat above the shop premises, 141 foreign labelled cigarettes and tobacco found in flat and 127 packs in the home address of Ms Ondrea. A warning letter issued to Ms Ondrea

30<sup>th</sup> March 2016 – tobacco manufacturer's representative purchased a packet of 20 cigarettes from the shop for £3. The manufacturer declared the packet of cigarettes sold as counterfeit and breaching the company's trade mark rights.

23<sup>rd</sup> August 2016 - Ms Ondrea applied for a premise licence and declared she would be the DPS through a third party agency. Trading Standards as a responsible authority sought the inclusion of the condition on the licence as detailed above based upon the history of the premise prior to the application. Ms Ondrea accepted that condition.

9<sup>th</sup> December 2016 – a search dog was taken to the premises and 6 packs of foreign labelled cigarettes were found hidden in sweet containers at the till area, 10 packs were found in a locked cupboard under the counter where the till is placed and 20 packs were in a concealment area of a sewage drain. Images are provided in annexe 1

17<sup>th</sup> January 2017 - Ms Ondrea was formally interviewed under caution in accordance with the Police and Criminal Evidence Act 1984 codes of practice.

5<sup>th</sup> February 2017 – anonymous complaint through Coventry City Council's website stated the premise was still selling foreign labelled or counterfeit cigarettes.

Conclusion:

The sale of tobacco products at a price of £3 shows that duty and value added tax has been evaded and in May 2017 a minimum price for cigarettes is being implemented by the UK government to strengthen the price threshold for cigarettes. The aim of maintaining a high price for tobacco products, clear labelling in English with warnings and pictures that are unpleasant facts about tobacco use is aimed at dissuading high use or young people from starting to use tobacco products and follows a stance across Europe which has been adopted in the United Kingdom on the tight regulation of tobacco products. In fact the UK Government has now adopted plain packaging to further restrict the marketing of cigarette and tobacco products to young consumers who may be tempted to start using tobacco products.

Therefore it is the opinion of the applicant that Corina Florina Ondrea may continue to sell illegal cigarettes from this shop, unless she is given a deterrent which may discourage her, or dissuade her altogether. The sale of foreign labelled or counterfeit tobacco products in disregard of the condition placed on the premise licence shows no concern about the implications of such sales.

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 Corina Florina Ondrea's position as the DPS at this premises, and / or any other premises.

Please tick ✓ yes



Coventry City Council

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

If yes please state the date of that application

Day Month Year

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**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 **15/03/2017**

Capacity **Trading Standards Officer / Responsible Authority Representative**

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

Mr A Tandy  
Trading Standards  
Streetscene and Regulatory Services  
Coventry City Council  
PO Box 15  
Council House  
COVENTRY  
CV1 5RR

**Post town**  
Coventry

**Post Code**  
CV1 5RR

**Telephone number (if any)**





Coventry City Council

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [trading.standards@coventry.gov.uk](mailto:trading.standards@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.

#### Annex 1





Coventry City Council



# LICENSING ACT 2003

## Full Premises Licence

### Sam Mini Market

<b>Premises licence number</b>	LN/216000438
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**Part One – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Sam Mini Market 681 Foleshill Road	
<b>Post town</b> Coventry	<b>Post code</b> CV6 5JQ
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
N/A

The times the licence authorises the carrying out of Licensable Activities		
Off Sales	From	To
<b>Supply of Alcohol</b>		
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00

## LICENSING ACT 2003

# Full Premises Licence

Open to the Public	From	To
<b>Open to the Public</b>		
<b>Sunday</b>	07:00	23:00
<b>Monday</b>	07:00	23:00
<b>Tuesday</b>	07:00	23:00
<b>Wednesday</b>	07:00	23:00
<b>Thursday</b>	07:00	23:00
<b>Friday</b>	07:00	23:00
<b>Saturday</b>	07:00	23:00

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

OFF SALES

### Part Two

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

Corina Florina Ondrea



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

N/A

# LICENSING ACT 2003

## Full Premises Licence

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

Corina Florina Ondrea  


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

Licence number - **CV216000432 Coventry**

Dated this 23rd 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**

###### Conditions Agreed by Trading Standards

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 that are sold for consumption in the UK market. Where required by legislation, all alcoholic products must contain a duty stamp on its label. All receipts and records will be made available to officers of Coventry City Council for inspection when requested by that officer.

##### 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**

**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) (please read guidance note 9)**

**NOTHING BEYOND EXISTING HEALTH & SAFETY / FIRE SAFETY ETC REQUIREMENTS.**

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

**SEE ABOVE, THESE LOCK - UP PREMISES, WILL HAVE THEIR OWN INTERNAL AND EXTERNAL CCTV.THE CCTV INSTALLED WILL BE TO THE SPECIFICATIONS AND RECOMMENDATIONS OF WEST MIDLANDS POLICE. THE IMAGES, WILL BE RETAINED FOR THIRTY ONE DAYS AND DOWNLOADABLE ON REQUEST. CCTV WILL ALSO BE RECORDING AT ALL TIMES THE PREMISES IS OPEN FOR LICENSABLE ACTIVITY AND TIMES AND DATES, ARE TO BE VISIBLE AND ACCURATE.THE PREMISES WILL BE FULLY ALARMED AND HAS BOTH FRONTAGE AND REAR SECURITY SHUTTERS.THE DESIGNATED PREMISES SUPERVISOR WILL ENSURE THAT ANY STAFF INVOLVED IN THE SALE OF ALCOHOL WILL HAVE FULLY RECORDED AND DOCUMENTED TRAINING, WHICH IS RETAINED FOR A MINIMUM OF THREE MONTHS. THERE WILL ALSO BE SIX MONTHLY REFRESHER COURSES, IN RESPECT OF THEIR RESPONSIBILITIES UNDER THE LICENSING ACT 2003.THIS WILL INCLUDE ANY CHANGES OF LEGISLATION. THERE WILL ALSO BE SIMILAR TRAINING IN THE USAGE AND CHRONICLED STORAGE OF CCTV. ALL TRAINING RECORDS WILL BE RETAINED AND AVAILABLE ON SITE FOR INSPECTION AT ANY TIME.**

c) **Public safety**

**SEE ABOVE,  
ALSO, INTERNAL AND EXTERNAL CCTV ETC.  
PREMISES WILL HAVE A FIRE ALARM AND THE FIRE FIGHTING EQUIPMENT, WILL BE COVERED BY A MAINTENANCE CONTRACT. BOTH EMERGENCY LIGHTING AND SMOKE DETECTORS ARE ALSO TO BE INSTALLED.**

d) **The prevention of public nuisance**

**SEE ABOVE, INTERNAL AND EXTERNAL CCTV IN PARTICULAR, IS A PROVEN DETERRENT IN TERMS OF ANY ANTI - SOCIAL ACTIVITIES AND ALSO POTENTIAL PROXY SALES. THE APPLICANT, WHO IS ALSO THE DESIGNATED PREMISES SUPERVISOR AND HER STAFF, WILL AT ALL TIMES BE VIGILANT IN RELATION TO ANY LITTER ISSUES WITHIN THE IMMEDIATE VICINITY OF THE PREMISES.**

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

**(SEE ABOVE), INTERNAL AND EXTERNAL CCTV ETC.**

**LAYOUT OF SHOP GIVES CONSIDERATION TO THE PREVENTION OF CHILDREN'S ACCESS TO ALCOHOL AND ANY ALCOHOL DISPLAYED WILL NOT BE OBSTRUCTED FROM THE VIEW OF THE SALES ASSISTANTS. PREMISES WILL OPERATE A PROOF OF AGE SCHEME VIA ACCEPTABLE FORMS OF IDENTIFICATION AND INCORPORATING 'THE CHALLENGE 21' POLICY. A SALES REFUSAL AND INCIDENT BOOK WILL BE FULLY MAINTAINED AND AVAILABLE FOR INSPECTION AT ANY TIME. IT WILL ALSO BE SIGNED OFF WEEKLY BY THE DESIGNATED PREMISES SUPERVISOR.**

**NON – ALCOHOLIC / SOFT DRINKS, CRISPS AND CONFECTIONERY WILL BE SITUATED AWAY FROM THE ALCOHOL DISPLAY AREA.**

**Annex 3**

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

**None**

**Annex 4**

**Plans**

**The Plan attached to this licence as attached.**



# LICENSING ACT 2003

## Summary Licence To Be Displayed

### Sam Mini Market

<b>Premises licence number</b>	<b>LN/216000438</b>
--------------------------------	---------------------

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

Sam Mini Market  
681 Foleshill Road

**Post town**  
Coventry

**Post code**  
CV6 5JQ

**Telephone number**

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

N/A

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

Off Sales		
Supply of Alcohol	From	To
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00



## LICENSING ACT 2003

# Summary Licence

To Be Displayed

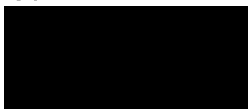
Open to the Public	From	To
Open to the Public		
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00

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

OFF SALES

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

Corina Florina Ondrea



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

Corina Florina Ondrea





# LICENSING ACT 2003

## Summary Licence To Be Displayed

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

N/A

Dated this 23rd September 2016



Regulatory Services Manager

Regulatory Services  
Licensing Team

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



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### Potential Health Impacts of Illicit Tobacco/cigarettes

Smoking is one of the most significant contributing factors to life expectancy, ill health and health inequalities and therefore smoking is a key public health outcome in the Public Health Outcomes Framework.

Combining the many health risks associated with smoking with the higher rates of smoking in the most deprived areas compared to the most affluent, means that a reduction in smoking would contribute towards a reduction in health inequalities, which is the overarching plan of the Health and Wellbeing Strategy.

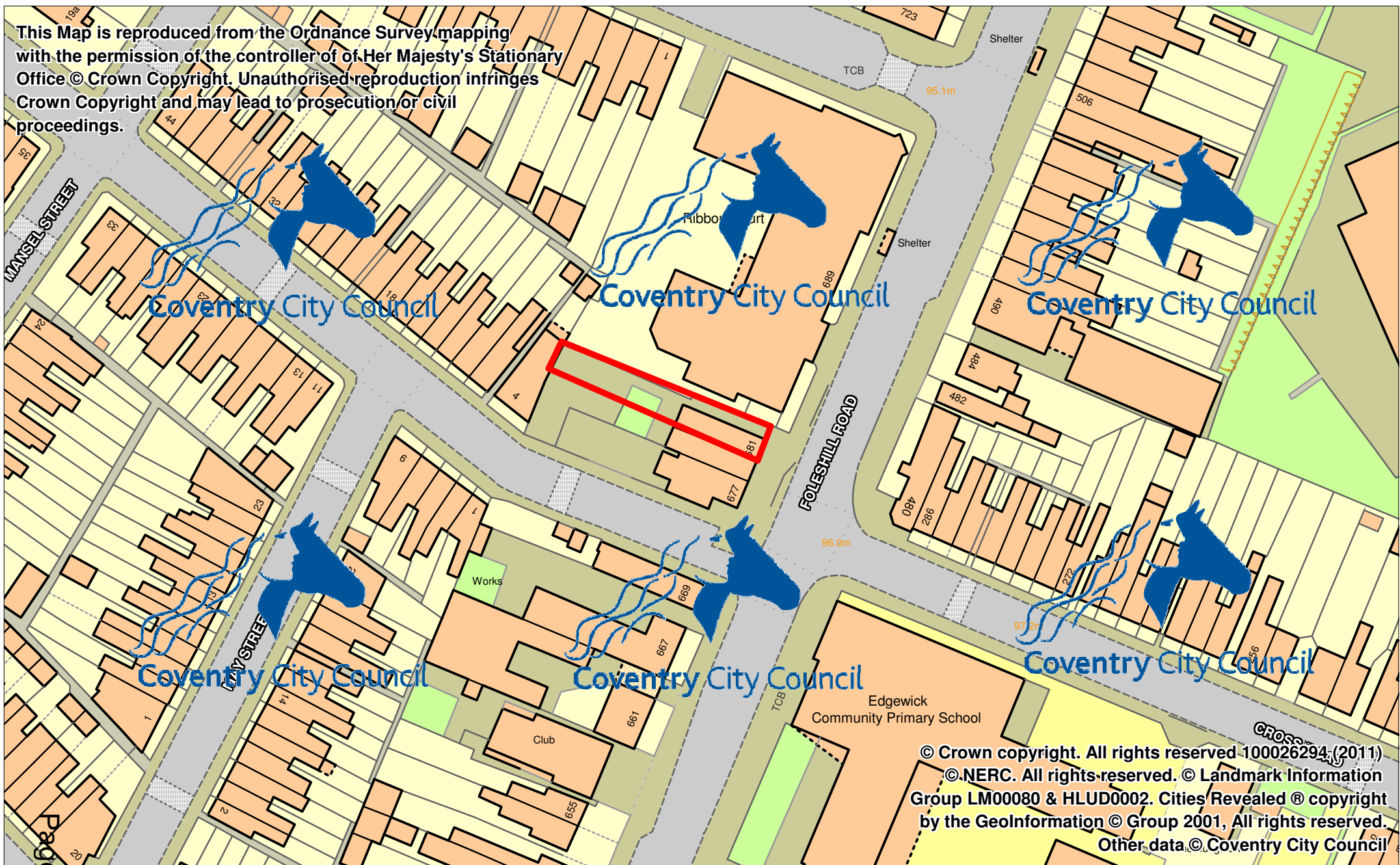
There are further health inequalities that can be caused by illicit tobacco/cigarettes due to its disproportionate use - the low cost of illicit tobacco/cigarettes means that its sale is likely to target the most vulnerable smokers (including the young and those on low incomes). The location of this particular premise (in one of the more deprived area of Coventry) also means that the illicit cigarettes are more likely to be purchased by those on low income.

Whilst the government and local authorities are working to support smokers to quit, the availability of cheap tobacco and cigarettes discourages people from stopping.

Support also needs to be given to prevent people from starting to smoke. Again, the low cost of illicit tobacco and cigarettes can entice young people at an early age to start smoking as illicit tobacco might be affordable to them in comparison to duty paid tobacco/cigarettes

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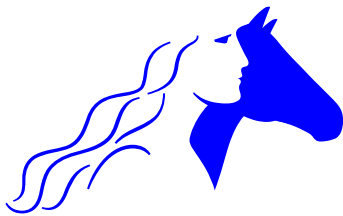


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Other data © Coventry City Council

Community Services Directorate, Environmental Health,  
Coventry City Council Room 314,  
Broadgate House, Coventry, CV1 1NH  
Tel: 0500 834 3333  
Fax: 024 7683 1840



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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 normally allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents that the licensing authority has received after the agenda was distributed and before the hearing that it 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/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/review applicant (or representative) questions.
9. The Chair will invite each of the other parties (or their representative(s)) to present their case (maximum 20 minutes each).
10. The Chair will invite Members of the Sub-committee to ask any of the other parties (or their representative(s)) questions.
11. The Chair will invite each of the other parties (or their representative(s)) 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/review applicant (or representative) 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 legal adviser to inform the meeting of the decision made, any finding of fact 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 hearing.

\* 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.

\*\* Where a party is absent and the Sub-committee proceeds with the hearing in that party's absence, it will have regard to the written application or representation and any supporting documents sent to the authority before the hearing commenced.



## Licensing Act 2003

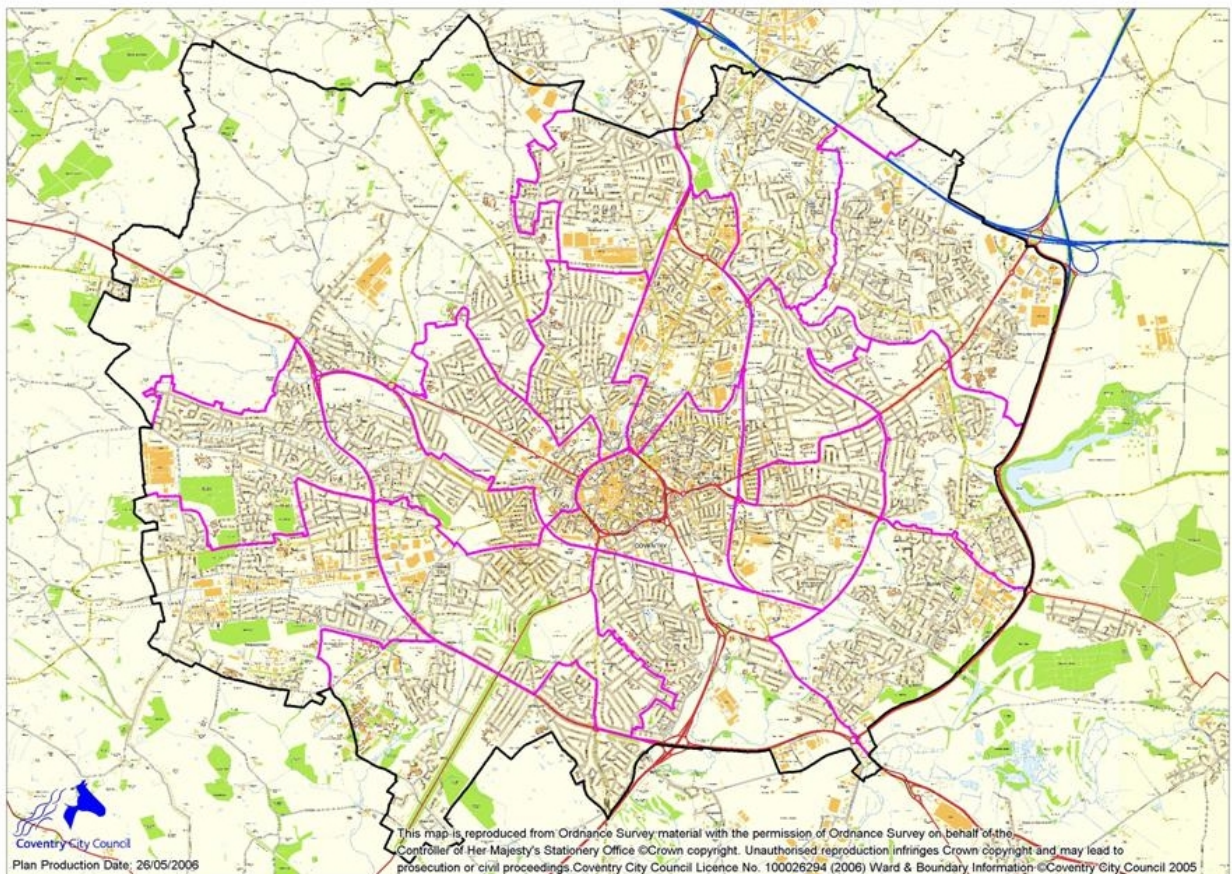
# Statement of Licensing Policy 2016-2021



## 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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## **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**

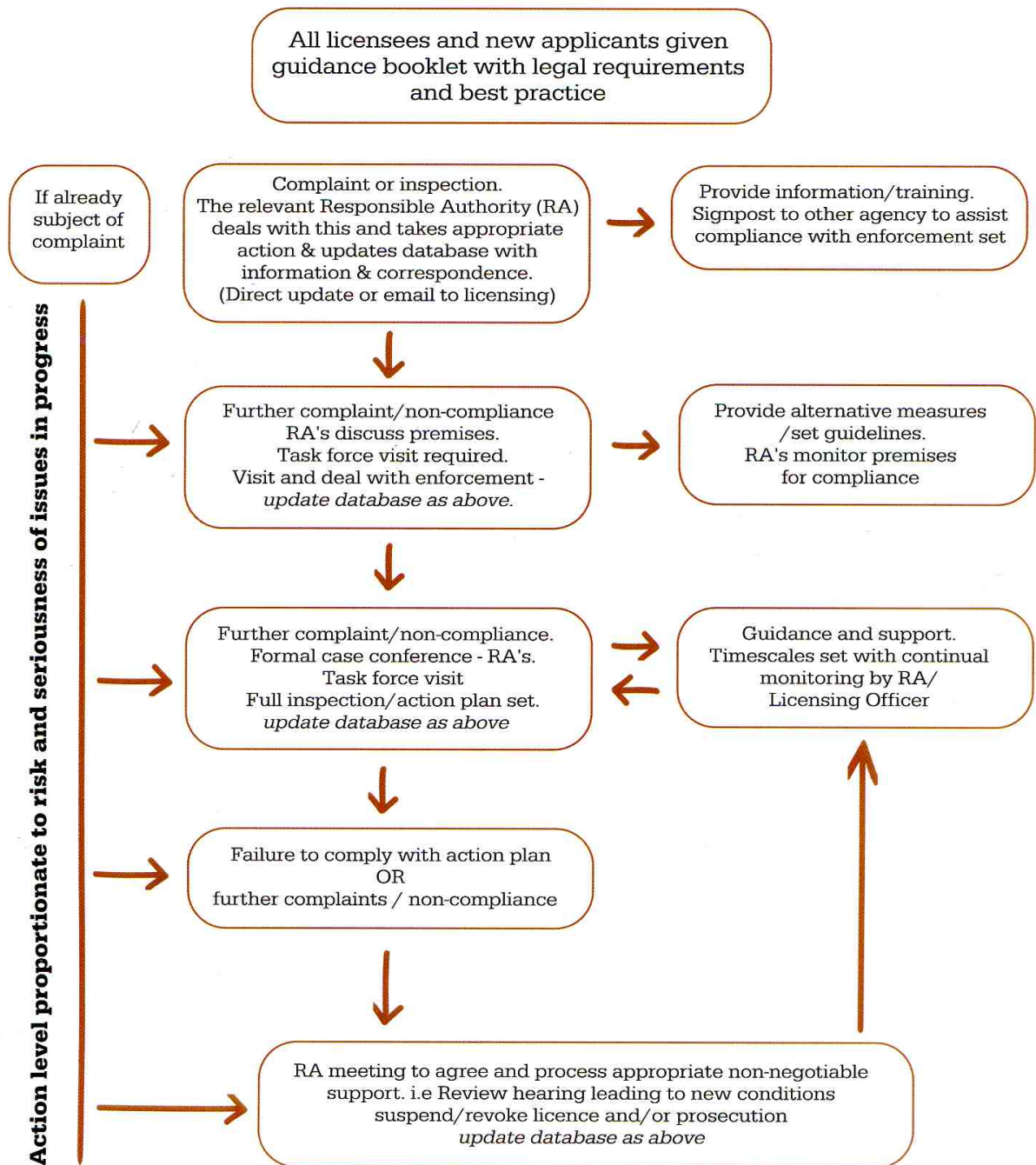
16.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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.