



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 6th October, 2020

Place

This meeting is being held remotely. The meeting can be viewed live by pasting this link into your browser:

https://www.youtube.com/watch?v=1_64XJLJ5-w&feature=youtu.be

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 6)

To agree the minutes of the Committee meeting held on 1 September 2020 and the Sub-Committee (Hearing) held on 26 August 2020.

4. Licensing Act 2003 - Revised Statement of Licensing Policy (Pages 7 - 38)

Report of the Director of Street Scene and Regulatory Services

5. Outstanding Issues Report

There are no outstanding issues to report.

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

Nil

Julie Newman, Director of Law and Governance, Council House Coventry

Monday, 28 September 2020

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair carolyn.sinclair@coventry.gov.uk

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 1 September 2020

Present:

Members: Councillor B Kaur (Deputy Chair)
Councillor L Bigham
Councillor J Birdi
Councillor J Clifford
Councillor J Innes
Councillor R Lakha
Councillor G Lloyd
Councillor T Mayer

Employees Present:

S Beechey, Street Scene and Regulatory Service
S Bennett, Law and Governance
M Coggins, Street Scene and Regulatory Services
U Patel, Law and Governance
A Wright, Law and Governance

Apologies: Councillor F Abbott, B Gittins, G Ridley, R Thay, C Thomas
and S Walsh

Public Business

34. Chair

In the absence of the Chair, Councillor C Thomas, the Deputy Chair, Councillor B Kaur chaired the meeting.

35. Declarations of Interest

There were no declarations of interest.

36. Minutes

The minutes of the Committee meeting held on 4 August 2020 and the Sub-Committee (Hearing) held on 15 July 2020 were agreed as true records.

37. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business indicated below on the grounds that the item involves the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute	Subject	Relevant paragraphs
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No.		of Part 1 of Schedule 12A
39	Application for Grant of a Hackney Carriage Drivers' Licence	1 & 3

38. Outstanding Issues Report

There were no outstanding issues.

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

There were no other items of public business.

40. Application for Grant of a Hackney Carriage Drivers' Licence

RESOLVED that, having considered the circumstances set out in the report of the Director of Street Scene and Regulatory Services now submitted, the application to hold a Hackney Carriage Driver's Licence be refused.

(Notes: 1. The applicant and his solicitor were present at the meeting.
2. Councillor J Birdi was unable to vote on the application due to technical difficulties.)

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

There were no other items of private business.

(Meeting closed at 10.20 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 26 August 2020

Present:

Members: Councillor C Thomas (Chair)
 Councillor J Birdi
 Councillor J Innes

Employees:

J Glover, Street Scene and Regulatory Services
R Masih, Street Scene and Regulatory Services
U Patel, Law and Governance
C Simms, Street Scene and Regulatory Services
C Sinclair, Law and Governance
A Wright, Law and Governance

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas be appointed Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee considered an application for a new Premises Licence in respect of Srimark, 646 Sewall Highway, Coventry. The application requested the sale/supply of alcohol (off sales); Monday to Sunday 0700hrs to 2300hrs.

One objection had been received to the application, including a petition with 78 signatures from local residents.

None of the Responsible Authorities had objected although during the application process, the Applicant had liaised with the Police and agreed to a number of stringent conditions.

The Sub-Committee's statutory duty was to consider the application and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

The Licensing Officer began by outlining the report, confirming that the application was for a new premises licence.

The Sub Committee confirmed that they had received and read statements from both the Applicant and the Objector prior to the hearing.

The Applicant presented her case through her daughter, acting as her representative. The Applicant drew the Sub Committee's attention to the statement submitted prior to the hearing and explained that the representation provided by the Objector has been fully considered and addressed within this statement.

Summarising the measures to be taken to alleviate the concerns of the Objector and petition signatories, the Applicant explained that the safety of children and welfare of local residents was her utmost priority. She has agreed to stringent conditions in consultation with the Police and would be putting in place Challenge 25, a refusals register, Police approved CCTV and annual training for staff.

The Applicant stated that Srimark is not the only shop within the area or surrounding areas that sells alcohol, so it would be unfair for them to be solely responsible for an individual's behaviour and disruption. However, the Applicant will endeavour to aid in reducing any potential disruption through the refusal of alcohol sales in certain situations. Staff will be trained to look for signs of intoxication and alcohol would not be sold in these circumstances, with the refusal being recorded accordingly.

In terms of any potential nuisance associated with litter, the Applicant confirmed that staff currently make litter checks twice a day outside and also provide bins within the premises for customers to use.

Further, the Applicant explained that the objection indicated that if the premises is open until 11pm, this would be highly disruptive and would create more traffic and noise in the residential area. The Applicant stated that unlike some other licensed premises, they offer free off-road parking to help reduce traffic and congestion. The area is also covered by CCTV and there are currently, and will always be, two members of staff working until closing hours to help prevent crime and disorder, along with public nuisance and aiding in public safety.

In conclusion, the Applicant reminded the Sub Committee that she is an experienced licence holder and shop owner, currently running successful premise known as Broad Street Local, 71-73 Broad Street, Coventry, CV6 5AX.

The Applicant wishes Srimark to be an asset to the local community.

The Sub Committee was then given the opportunity to ask questions.

The Sub Committee asked the Licensing Officer whether there had been any issues recorded with the Applicant's other licensed premises on Broad Street. The Licensing Officer confirmed that the Police would have flagged any issues during their consideration of the application so the assumption can be that there had been no problems associated with the premises.

The Sub Committee also asked how many other licensed premises there are in the surrounding area. The Licensing Officer confirmed that Sewell Highway is a long road but there were three off licences and two pubs.

Addressing the Applicant, the Sub Committee asked how the Challenge 25 policy would work. The Applicant stated that staff would be trained to make a judgement on whether a customer looked 25 years of age or older and that if they did not, or if they were unsure, they would be asked to provide ID in the form of a passport, or driving licence, or other home office approved form of photo identification, before they were allowed to sell alcohol. In the absence of any identification, the sale would be refused, and the refusal recorded.

The Sub Committee also wanted to know what would happen if the CCTV at the premises were to break down. The Applicant explained that they have several cameras set up so it is unlikely that they would all break but if the entire system crashed, they would endeavour to have it fixed within 24 hours and would record any significant entries in a handwritten log in the interim.

The Sub Committee were concerned that two members of staff would be working at the premises all day until closing and asked whether consideration should be given to taking on more staff to mitigate this. The Applicant clarified that there would be two staff at the premises throughout the day but not necessarily the same two members of staff, and that they would likely work an 8-hour shift on an agreed rotation. The Applicant confirmed that all current staff are DBS checked and any future staff would be too.

Finally, the Sub Committee asked the Licensing Officer to confirm whether the Applicant could be a Designated Premises Supervisor for two separate premises. The Licensing Officer confirmed that she could, as although she holds overall responsibility, she can delegate some responsibility to others.

The additional statement provided by the Objector, including a short paragraph he had included on the morning of the hearing, was then read out and noted by the Sub Committee.

The Applicant was given an opportunity to sum up and said she appreciated that residents may be anxious about the potential for disruption but that she and her staff do not shy away from this and would have no issues in telling customers if they felt they were being disruptive and reminding them that they are in a residential area.

The Applicant is knowledgeable and would always work to uphold the four Licensing Objectives.

The Sub-Committee resolved to grant the premises licence from 0700hrs to 2300hrs subject to the conditions already agreed with the Police.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application. In particular, the Sub Committee considered

paragraph 2.1 of the Licensing Act 2003 Statutory Guidance which states that licensing authorities should look to the Police as the main source of advice on crime and disorder. It was noted that the Police were satisfied that with the addition of appropriate conditions, which had been agreed by the Applicant, the Licensing Objectives would not be undermined.

The Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or from the premises that may undermine the Licensing Objectives.

The Sub Committee was satisfied with the levels that the Applicant had gone to in order to alleviate the concerns of the Responsible Authorities. The Sub Committee was particularly pleased to see that the Applicant had liaised closely with the Responsible Authorities during the application process and wished to build a positive relationship going forward with the local community. This, they believed, was the sign of a responsible Applicant who is dedicated to prioritising the promotion of the Licensing Objectives.

The Sub Committee fully considered each of the submissions provided by the Objector and noted the number of petition signatories. However, the Sub Committee believed the Applicant to be professional and knowledgeable, with a genuine desire to provide a service for the community whilst upholding the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was satisfied that the Applicant took her responsibilities in respect of the Licensing Objectives seriously, and that the concerns of local residents had been taken into account and this would continue to be the case.

The Applicant is aware that if the premises prove to operate in any way that does not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.45 am)



Public report Cabinet Member Report

Cabinet Member for Policing and Equalities
Licensing & Regulatory Committee

5th October 2020
6th October 2020

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title:

Licensing Act 2003 – Revised Statement of Licensing Policy

Is this a key decision?

No

Executive Summary:

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

Recommendations:

1. The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Licensing Policy and authorise the Director of Streetscene and Regulatory Services to carry out the consultation as detailed in the report;
2. The Cabinet Member for Policing and Equalities is requested to consider and approve that the existing Statement of Licensing Policy 2016 – 2021 be extended beyond the 6th January 2021, until the consultation and Revised Statement of Licensing Policy 2021 - 2026 has been consulted on and implemented.
3. The Licensing and Regulatory Committee is requested to consider the draft Statement of Licensing Policy and forward any comments it wishes to make as part of the consultation process.

List of Appendices included:

Revised Statement of Licensing Policy (shaded paragraphs illustrate the amendments to the document)

Other useful background papers:

1. Licensing Act 2003
2. Licensing Act 2003 Guidance (section 182)
3. Current Licensing Policy
4. Government Policies and Guidance
5. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (now repealed and replaced with (Coronavirus, Restrictions) (England)(No.2) Regulations 2020).
6. Local Government Association Publication (updated 17 April 2020) - Approaches to managing licensing and related issues during the COVID-19 pandemic
7. Letter to Licensing Authorities (dated 8 April 2020) from Kit Malthouse MP, Minister of State for Crime and Policing

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

No

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

Licensing & Regulatory Committee – 6th October 2020

Will this report go to Council?

Not applicable

1. Context (or background)

- 1.1 Under the Licensing Act 2003, the Council's Statement of Licensing Policy must be reviewed every five years. The current Statement of Licensing Policy came into effect on 5th January 2016 and a review must, therefore, be completed and a revised Statement of Licensing Policy published by 5th January 2021.
- 1.2 On 26th March 2020 the Government enacted The Health Protection (Coronavirus, Restrictions)(England) Regulations 2020 (which have been since be repealed and replaced with The Health Protection (Coronavirus Restrictions)(England)(No.2) Regulations 2020), in response to the COVID-19 pandemic, which forced many licensed premises, such as bars, pubs, cafés, restaurants, nightclubs, hotels, cinemas and theatres, to either close and cease trading, and/or placed restrictions on their business operations, which would adversely affect their trade.
- 1.3 On 9 April 2020 the Local Government Association (LGA) published advice to Licensing Authorities in a document titled "Approaches to managing licensing and related issues during the COVID-19 pandemic" (updated on 17 April). This advice considers issues relating to a wide spectrum of Local Authority licensing, including alcohol, entertainment and late-night refreshment under the Licensing Act 2003.
- 1.4 Within this guidance it was advised that Councils may want to consider with Elected Members delaying the consultation on the Revised Statement of Licensing Policy, and that this may be pragmatic due to the challenges in effectively communicating with the local licensed trade and residents. Many of the local trade were either closed or experienced challenges financially during these unprecedented times and were not in a position to give the consultation to the revised Statement of Licensing Policy 2021 – 2026 appropriate consideration.
- 1.5 In a letter to Licensing Authorities (dated 8th April 2020), Kit Malthouse MP, Minister of State for Crime and Policing, acknowledged that 'these are challenging times and that Licensing Authorities should exercise the right collaboration, communication and pragmatism in order to get through them with minimum damage to businesses and to the licensing objectives'.
- 1.6 Following consultation with Cabinet Member for Policing and Equalities, and Elected Members it was considered that it would be pragmatic to delay this consultation to when some level of normality returned within the licensed trade. The majority of the hospitality trade began re-opening from the 4th July 2020 and continue to do so, albeit with COVID-19 secure operating risk assessments in place,
- 1.7 This is the fifth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The Policy will be relevant for all licensing decisions taken by the Council as the Licensing Authority over the next five years. Due to the decision to delay the consultation due to the pandemic, Cabinet Member is requested to authorise that the existing policy will remain in place until the revised Statement of Licensing Policy is consulted on, adopted and implemented by Full Council.
- 1.8 The general principles of the Licensing Policy remain the same, and the document is still centred around the Licensing Act's four licensing objectives, namely

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.9 It must be noted that the key changes reflect the Licensing Authority’s policy on large scale events and Temporary Event Notices (TEN). This change is to deal with the anticipated increase in events due to the forthcoming year of Coventry City of Culture 2021. No other major changes have been proposed to the Statement of Licensing Policy due to the pandemic as it is unclear what the Licensing landscape will look like in the immediate future. A subsequent full review will be made when it is appropriate to do so, within the five-year cycle, once the pandemic has subsided. All changes have been shaded in the draft policy for ease of reference).

2. Key changes to the Revised Statement of Licensing Policy

Applications – Temporary Event Notices	Requirement that event organisers submit TEN’s for events for up to 499 persons, 28 days prior to the event, accompanied with an event overview and risk assessment detailing how they will manage the event and uphold the licensing objectives. The reason for the extended lead in time, is to allow sufficient time for Responsible Authorities to consider the event and review the risk assessment, as the Licensing Authority anticipates an increase in the number of TEN applications and events being held due to City of Culture 2021 (paragraph 10.6 and 10.11).
Large Scale -Events	Included so that event organisers of large-scale events can provide sufficient notice and attend Safety Advisory Group meetings as part of the application process to ensure safe events and that the Licensing Objectives are upheld.
Responding to a pandemic	Included so that applicants and licence holders consider relevant guidance when operating their premises when responding to a pandemic, and working with partner agencies such as Environmental Health Officers (paragraph 8.4 and 13.2)
Coventry a Marmot City	Update from Public Health regarding underage drinking following a recent review (paragraph 13.8)

3. Options considered and recommended proposal

3.1 The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Licensing Policy and authorise the Director of Streetscene and Regulatory Services to carry out the consultation as detailed in the report.

3.2 The Cabinet Member for Policing and Equalities is requested to consider and approve that the existing Statement of Licensing Policy 2016 – 2021 be extended beyond the 6th January 2021, until the consultation and Revised Statement of Licensing Policy 2021 - 2026 has been prepared, consulted on and implemented by full Council.

3.3 The Licensing and Regulatory Committee is requested to consider the draft Statement of Licensing Policy and forward any comments it wishes to make as part of the consultation process

4. Results of consultation undertaken

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

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

4.2 The Responsible Authorities have been consulted on in the drafting of the revised Statement of Licensing Policy via the Responsible Authority Working Group.

4.3 The public consultation exercise will begin on the 9th October 2020 for an 8-week period and finish on the 4th December 2020, and will include the following elements: -

- Mail shots to representatives of the licensed trade, clubs and key partners
- Formally writing to Chief Officers of the Responsible Authorities
- Mail shots to residents' groups and business and events' organisers
- Wider public consultation through the City Council Website

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

5. Timetable for implementing this decision

5.1 As the decision was taken to delay the consultation the revised Statement of Licensing Policy must be published as soon as it has been consulted on, adopted and implemented by full Council. The Cabinet Member for Policing and Equalities is requested to authorise the use of the existing Statement of Licensing Policy 2016 – 2021 between the period of 6th January 2021 until the revised Statement of Licensing Policy has been approved by full Council on the 23rd February 2021, allowing the Council to carry out any function in respect of individual applications under the Licensing Act 2003.

6. Comments from Director of Finance and Director of Law and Governance

6.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the Statement of Licensing Policy. These costs will be managed within existing budgets.

6.2 Legal implications

The Council will not be able to undertake its role as a Licensing Authority after the 6th January 2021 unless it has approved and published its revised Statement of Licensing Policy. The Policy must be reviewed every 5 years. However, the COVID-19 pandemic has placed the UK into unprecedented times, therefore the decision to delay consultation is taken on advice from the LGA, who considers that this would be a pragmatic approach in the circumstances and has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned. Therefore, a formal decision has been requested to continue with the existing policy following the delayed consultation and when it is presented to full Council on the 23rd February 2021.

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

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

7. Other implications

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

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

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

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

7.2 How is risk being managed?

If the Licensing Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act, which is why a formal decision has been sought to continue with the existing Statement of Licensing Policy while the revised Statement can be consulted on and adopted.

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

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

7.3 What is the impact on the organisation

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

7.4 Equalities / EIA

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

7.5 Implications for (or impact on) climate change and the environment

None

7.6 Implications for partner organisations?

The Licensing Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police and Fire services.

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

7.7 Human Rights Act Implications

None.

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Andrew Walster	Director, Streetscene and Regulatory Services		21.09.2020	24.09.2020
Cllr AS Khan	Cabinet Member for Policing and Equalities		21.09.2020	24.09.2020

Appendices

Appendix A - Draft Statement of Licensing Policy

Licensing Act 2003

Statement of Licensing Policy 2021 - 2026

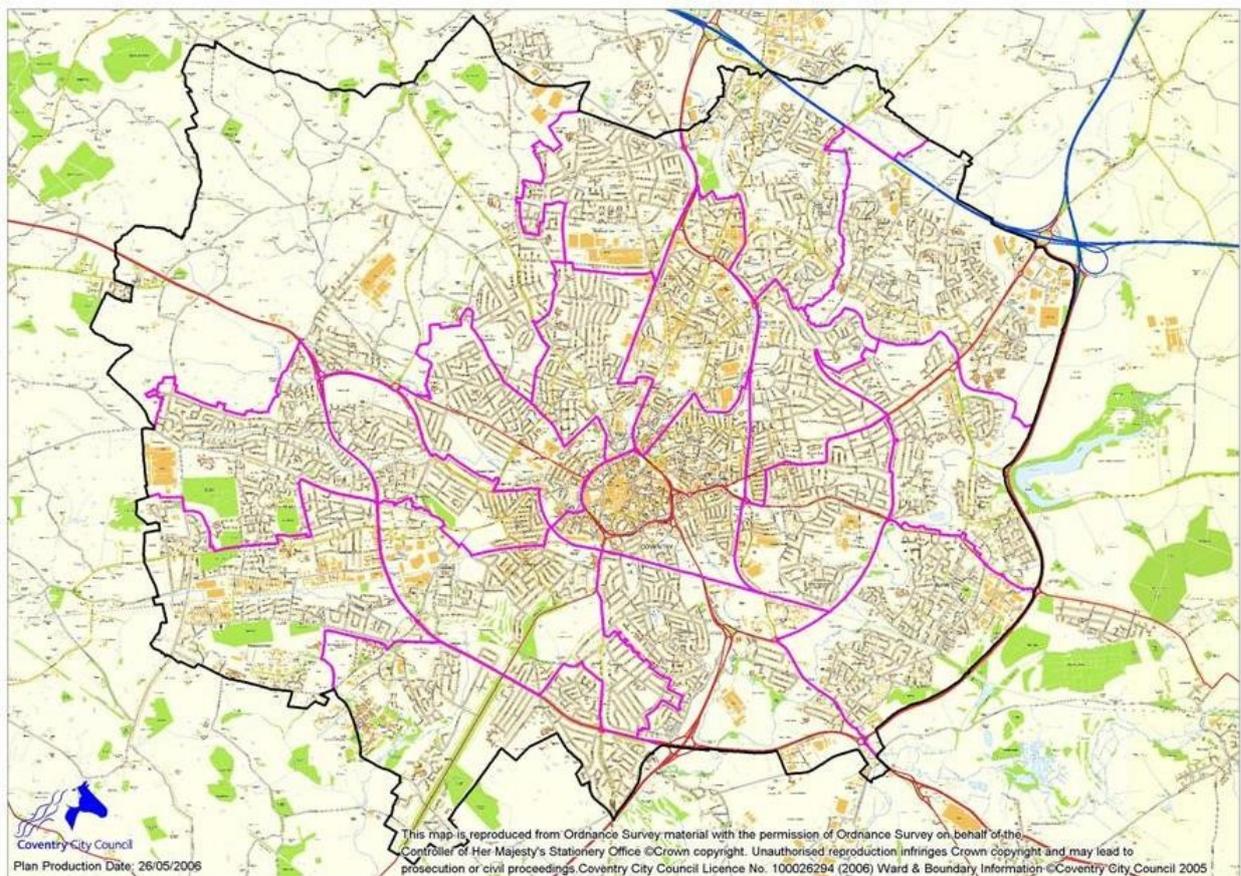


Important Note

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 435,566 inhabitants. It is mainly urban but includes significant areas that are semi-rural. A map of the city is shown on page 2.

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

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

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

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

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 6th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.

Responsible Authorities

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

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

The Licensing Authority as a Responsible Authority

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

Public Health as a Responsible Authority

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

2 CONSULTATION

- 2.1 Before publishing this policy statement the Council has consulted with and given proper consideration to the views of the following in line with the statutory guidance:
- Chief Constable of West Midlands Police
 - West Midlands Fire & Rescue Authority;
 - Director of Public Health – Coventry City Council;
 - Other responsible authorities;
 - Representatives of current authorisation holders
 - Representatives of Local businesses
 - Representatives of Local residents
- 2.2 Further details on the consultation and political approval process undertaken prior to publishing this document are available via coventry.gov.uk/councilmeetings.

3 FUNDAMENTAL RIGHTS

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

4 LICENSING CONDITIONS

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

5 OPERATING HOURS

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

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

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

7 CUMULATIVE IMPACT

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

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

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

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

- 8.4 The risk assessment approach remains fundamental in the operation and good practice of all licensed premises. Authorisation holders and applicants are strongly recommended to work closely with the Local Policing Unit Partnerships Team in particular, in bringing into effect appropriate control measures to either overcome established or prevent potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder. The Police have a list of recommended SIA registered Operators and we would advise that this list be used when considering the employment of SIA registered door staff.
- 8.5 During unprecedent times, such as a pandemic, authorisation holders will also have to work closely with other agencies, such as Environmental Health Officers in order to produce appropriate and adequate risk assessments to demonstrate compliance with relevant government guidance.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.

- 8.13 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.

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, and in line with relevant government guidance.
- 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 and **temporary event notice (TEN)** 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.
- 10.11 It is recommended that an applicant for a Temporary Event Notice should give at least 28 days prior notice of their intended event, together with a full description of the event, risk assessment and details of how the applicant will promote the licensing objectives. Further, that at the same time of submitting their application to the Licensing Authority they serve notice to the Police and Environmental Health (unless an electronic application). Section 100 of the Licensing Act 2003 stipulates a period of at least 10 working days, exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

Deregulated Public Entertainment

- 10.12 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.

Large Scale Events and Safety Advisory Groups

- 10.13 Organisers of major events are encouraged to approach the Council at the earliest opportunity to discuss arrangements for the licensing of their events. Larger events will require a time-limited premises licence. This will involve the preparation of a substantial operating schedule, full public consultation, and a longer lead in period.
- 10.14 The Council requires a minimum notice period of not less than 3 months for events with a maximum number of attendees between 500 – 19,999, and not less than 6 months for events with a maximum number of attendees greater than 20,000. These events have significant potential to undermine the promotion of the Licensing Objectives due to the number of attendees, the temporary nature of facilities and the variety and complexity of matters that may be relevant. The Council believes these concerns can only be properly mitigated by an applicant engaging with the licensing process at an appropriate time before the event. As part of the process the applicant will be required to participate in -the Council's Safety Advisory Group (SAG) meeting(s) prior to the event being held.
- 10.15 The Council's Regulatory Services Department co-ordinates a Safety Advisory Group (SAG) with membership comprising of all the emergency response and responsible authorities who can support event organisers on event planning if good time is allowed. All major events will be scrutinised by the SAG.
- 10.16 The Authority acknowledges the benefits of working closely with the Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. Safety Advisory Groups or multi-agency meetings are one way of promoting such partnership working.

11 Best Practice Schemes

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

12 GUIDANCE FOR ON AND OFF LICENSED PREMISES

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

13 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

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

promotion of the licensing objectives, but indirectly impact upon them.

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

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

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 focusing 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.

With regards to under 18s, the evidence suggests that fewer young people are drinking alcohol than they did in the past and fewer are suffering serious health implications needing attendance at hospital. However, despite recent declines, the proportion of children in the UK drinking alcohol remains well above the European average and the majority of 17 year olds do drink alcohol. The UK continues to rank among the countries with the highest levels of consumption among those who do drink, and British children are more likely to binge drink or get drunk compared to children in most other European countries. Furthermore, other consequences of alcohol consumption such as regretted sexual activity, arguments, involvement in crime and violence are more prevalent than hospital attendance ([PHE - Data intelligence summary: Alcohol consumption and harm among under 18 year olds](#))

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 – The Council and 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.

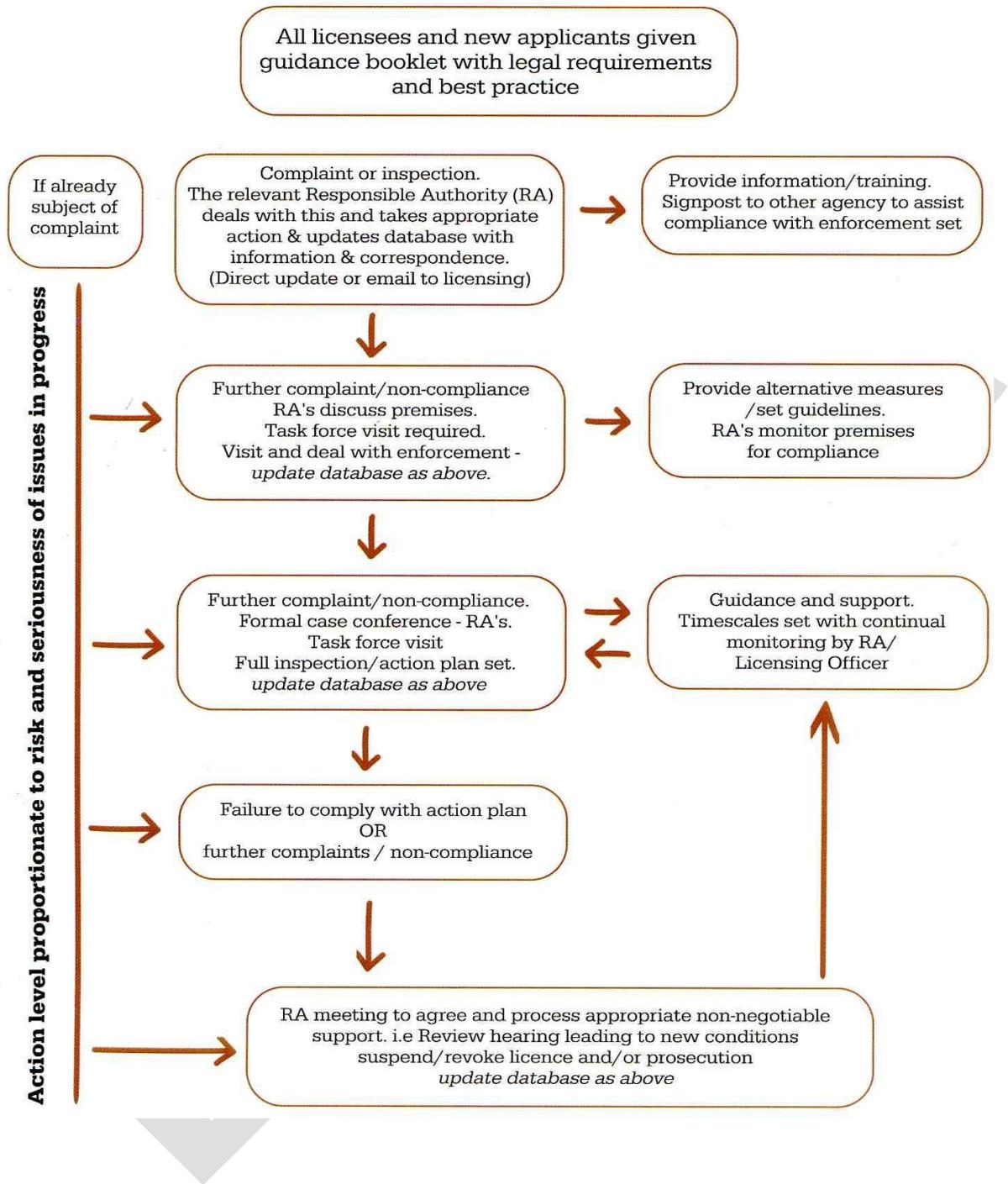
16 COMMENTS ON THIS POLICY

- 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:

Streetscene and Regulatory Services,
PO Box 15
Earl Street
Coventry CV15RR
Telephone Number: 024 7683 1888
Fax Number: 024 7683 2154
e-mail: licensing@coventry.gov.uk
website www.coventry.gov.uk

APPENDIX 1

Ladder of intervention - approach to enforcement issues



APPENDIX 2

Licensing Act 2003 – Responsible Authority Contacts

Licensing Authority:

Coventry City Council
Licensing Team,
PO Box 15
Earl Street
Coventry CV15RR
Telephone: 024 7697 5496
licensing@coventry.gov.uk

Contact:

Debbie Cahalin-
Heath
Licensing &
Business
Compliance
Manager
debbie.cahalin-heath@coventry.gov.uk

Chief Officer of Police:

West Midlands Police
Little Park Street
Coventry CV1 2JX
Telephone: 024 7653 9097

Contacts:

cv_licensing@west-midlands.pnn.police.uk

Fire Authority

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

Contact:

firesafety.admin@wmfs.net

Safeguarding Children Board

Social Services & Housing
Chairing and Reviewing Service
PO Box 15,
Earl Street
Coventry
CV1 5RR

Contacts:

safeguardingchildrenlicensing@coventry.gov.uk

Health & Safety Enforcing Authority

Coventry City Council
Regulatory Services
PO Box 15
Earl Street
Coventry CV1 5RR

Contacts:

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

Environmental Protection

Coventry City Council
Regulatory Services
PO Box 15
Earl Street
Coventry CV1 5RR

Contacts:

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

Trading Standards

Coventry City Council
Regulatory Services
PO Box 15
Earl Street
Coventry, CV1 5RR

Contact:

Debbie Morgan
Business Compliance Enforcement
Officer
debbie.morgan@coventry.gov.uk

Public Health Board
Coventry City Council
PO Box 15
Earl Street
Coventry
CV1 5RR

Contact:
Elley Aiyedofe
Programme Officer
Email: elley.aiyedofe@coventry.gov.uk

Planning Authority
Coventry City Council
PO Box 15
Earl Street
Coventry CV1 5RR

Contact:
Marcus Fothergill
Planning Team Leader
planning@coventry.gov.uk

OTHER USEFUL CONTACTS:

Health & Safety Executive
Licensing Applications/Consultation
No. 1 Hagley Road
Birmingham B16 8HS
Telephone: 0300 790 6787

Coventry City Council Events Team
Jon Hogan
Coventry City Council
PO Box 15
Earl Street
Coventry CV1 5RR

Email: events@coventry.gov.uk

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

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

www.gov.uk/request-copy-criminal-record

If you need this information in another format please contact:

Telephone: 024 7697 9456

Fax: 024 7683 2154

Minicom: 0500 431143

e-mail:

licensing@coventry.gov.uk

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