



# Coventry Safeguarding Children Board Statement of Licensing Policy

## 1. Introduction

Coventry City Council has a duty under the Licensing Act 2003 to carry out its functions as the Licensing Authority with a view to promoting four Licensing Objectives:

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

Activities that need to be licensed within the provision of the Act are as follows:

- Retail sale of alcohol
- Supply of alcohol to Club members
- The supply of hot food/drinks from any premises between 11pm and 5am
- Provision of 'regulated entertainment' to the public or to club members or with a view to profit:
  - Performance of a play
  - Exhibition of a film
  - Indoor sporting events
  - Boxing or wrestling entertainment
  - Performance of live music
  - Playing of recorded music
  - Performance of dance
  - Provision of facilities for making music
  - Provision of facilities for dancing

## 2. Responsible Authorities

There are seven Responsible Authorities who are required under the Act to be notified of any new Premises Licence application or variations to existing Premises Licences. These Responsible Authorities are:

- West Midlands Police
- West Midlands Fire Service
- Coventry Safeguarding Children Board
- Health & Safety
- Environmental Health
- Planning
- Trading Standards

Any Responsible Authority is entitled to make a representation about a new or variation licence application based upon one or more of the four Licensing Objectives. The Licensing Authority themselves however have no power to make any representations to licence applications; therefore it is very important that each Responsible Authority carry out their duties effectively and efficiently.

### **3. The Protection of Children from Harm**

Coventry City Council's Licensing Team have provided the guidance below in their Statement of Licensing Policy in relation to the Protection of Children from Harm:

*" When deciding to limit access to children or not, the Council will consider the individual merits of each application and only limit access because it is necessary for the prevention of physical, moral or psychological harm to them. Areas that will give rise to particular concern in respect of children would include premises:-*

- *Where entertainment or services of an adult or sexual nature are provided. This would generally include topless bar staff, striptease, lap, table or pole-dancing, performance involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism or entertainment involving strong and offensive language;*
- *Where there have been convictions of members of the current employees at the premises for serving alcohol to minors or with a reputation for underage drinking;*
- *With a known association with drug taking or dealing;*
- *Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and*
- *Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises."*

### **4. Coventry Safeguarding Children Board Licensing Procedure**

The Safeguarding Children Licensing Officer will maintain a computer based register and manual filing system of all applications received and the date they were responded to. Once a licence application is received, the administration section of the Coventry Safeguarding Children Board will complete a checklist to ascertain if any information is held about the Licence Holder or if a Licence application has been submitted before. Once passed to the Safeguarding Children Licensing Officer, the information will be added to the computerised spreadsheet with the date the application was received.

### **5. Role of Coventry Safeguarding Children Board**

As a Responsible Authority Coventry Safeguarding Children Board will be consulted on all Premises Licence applications to ensure consideration is being given to the Protection of Children from Harm. In assessing the risk to children on licensed premises, we will evaluate each licence application carefully, in particular steps proposed to promote this licensing objectives in operating schedules. In particular we will be mindful of premises where:

- There is a belief alcohol could be sold to customers under the age of 18 years
- Entertainment is provided which is of an adult/sexual nature
- Any member of staff is on the Sex Offenders Register or has previously been convicted for serving alcohol to a minor
- There is a strong element of gambling taking place
- There are specific activities for children taking place

The Safeguarding Children Licensing Officer will be responsible for overseeing licence applications and scrutinising each one thoroughly. It will also be the responsibility of the Officer to provide advice and guidance to Licensees on matters relating to the protection of children from harm. Where licence applications do not meet the needs of protecting children, the Safeguarding Children Licensing Officer will aim to work with the Licensee to

help do so within the 28 day objection period. If this fails however, a representation will be put forward to the Licensing Authority explaining reasons for doing so.

If a representation is made to the Licensing Authority, a Hearing will be arranged and take place within 20 working days after the last objection date. The Safeguarding Children Licensing Officer will attend the Hearing to present the representation to the Licensing Sub-Committee, and the Licence Holder will also be invited to attend to put their case forward for their licence application. The Safeguarding Children Licensing Officer may ask for one of the following to be considered when making its representation:

- Conditions to be added to the Licence
- Hours to be reduced or for certain activities to be removed
- For the licence to be rejected

## **6. Review of a Licence**

Coventry City Council Licensing Authority may review a Premises Licence on the request of any Responsible Authority or interested party. The Safeguarding Children Licensing Officer may apply for a Review of a Premises Licence at any time if they believe the licensing objective of Protection of Children from Harm is being undermined. If this is the case, the Officer will submit a Review application to the Licensing Authority and serve a copy on the Premises Licence Holder and each of the Responsible Authorities. Each Authority then has 28 days to add any comments or representations of their own to the application.

A Hearing to consider the Review application will then take place before a Sub-Committee within 20 working days of the last objection date. The Safeguarding Children Licensing Officer may ask for one of the following to be considered when making its application for Review:

- Conditions to be added to the Licence
- Hours to be reduced or for certain activities to be removed
- Suspend the Licence for a certain period of time
- Revoke the Premises Licence

## **7. Appeals**

Appeals against any decision made by the Licensing Sub-Committee can be appealed at the Magistrates' Court. The appeal must be lodged within 21 days of being notified of the Committee's decision.

The Safeguarding Children Licensing Officer will attend the Court Hearing and put the original evidence forward for consideration.

The Magistrates' Court may decide to:

- Dismiss the Appeal
- Substitute the Sub-Committee's decision for its own decision
- Remit the case back the Sub-Committee for consideration again

## **8. Review of Policy**

The Safeguarding Children Licensing Officer will aim to review this Policy on a regular basis, and any alterations or amendments will be made as necessary.