

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 27 June 2018

Present:

Councillor J Clifford
Councillor P Hetherton
Councillor T Mayer

Employees (by Directorate):

Place: D Cahalin-Heath, Place Directorate
R Masih, Place Directorate
U Patel, Resources Directorate F Samuda

In Attendance:

L. Charambilides (Applicant's Barrister)
C. Kullar (Applicant's Son and General Manager)
V. Kullar (Applicant)
P. Rafferty (Objector)
M. Voisey (Objector)

Public Business

1. Appointment of Chair

RESOLVED that Councillor Hetherton 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 to Vary a Premises Licence

The Licensing and Regulatory Sub-Committee considered an application to vary the Premises License in respect of Tiki Hut, 52b Earlsdon Street, Coventry. The Application sought to extend the licensable activities for the sale of alcohol, recorded music and late night refreshment by one hour on a Thursday-Saturday only. This being a change from 00:00hrs to 01:00hrs on the said days. Objections had been received from Other Persons who were residents.

Mr Charambilides presented the case for the Applicant. It was confirmed that the Applicant had been operating since 1994 had various establishments and further that there had been no issues no reviews and no complaints about him. He had personally put his own name to this application/premises and it was confirmed that the establishment would be run by him with his son as General Manager who was also present.

In terms of the Licensing Objectives and addressing the objections made; it was indicated that these had been addressed and met. Conditions had been negotiated with the Police and Environmental Protection and further the representations made by the residents were either general or insufficient to show that the issues emanated from the Tiki Hut. It was further indicated that the area was not a residential area and that other licensed premises in the area were open for longer extended hours. It was also noted that this was not an area subject to a cumulative impact assessment. This was in particular given as one of the reason for the Thursday night request for the additional hour.

Questions were asked in respect of Challenge 25 and the negotiated conditions with the Police and Environmental Protection with a focus on Challenge 25 and the draft Policies for Dispersal and Drugs. The Applicant provided the draft policies in this regard.

In respect of Dispersal a procedure was in place to slow down the music 30 minutes before the end of service. It was noted the front doors would be attended to by 2 SIA trained staff and that the 2 SIA trained staff members at 00:00 hrs would start to go through the building and politely ask clients to finish their drinks and encouraged them to leave the premises. SIA staff would be on site from 8pm. The outside area was further unavailable after 9pm except for smoking.

When queried that the front doors would be left unattended, the Applicant confirmed that one SIA staff member would remain on the front doors and thereafter the 2nd SIA staff member would do the walk through with the Applicant's son present.

In particular to the direct incident on 30th January 2018 (Page 62 of the Agenda pack), the Applicant could not give an account as was unaware of the incident and assumed this was general and not related to the premises. It was indicated that they had tried a student night on a Monday night which finished in February 2018 as they were in effect not working.

The Sub Committee was reminded that if there was an issue the licence being varied; any issues could essentially be picked up upon a Review.

Mr Voisey complained about problems in Earlsdon Street generally over the years with noise from taxis and that the area was a residential area. This had affected his and other residents sleep. One resident who was a lorry driver whose house was just in front stated in his representation that he had personally experienced difficulties from all the noise. He indicated that the residents had to close their windows. There has been lots of disturbances and issues in particular with the Cottage premises. The incident on Tuesday 30 January 2018 where young lads fighting had spilled over into their garden was directly from the Tiki Hut. This had been reported to the noise team however the matter had not progressed. There was a problem with the area having many bars and as such the Tiki Hut did not need their hours extended.

The Sub Committee was satisfied that there was no evidence to conclude that the issues experienced by the residents emanated from the Tiki Hut aside from the one incident on 30 January 2018. The Sub Committee noted that the representations were general and not evidence based however accepted that the January 2018 incident did occur and that the residents had real concerns. The

January 2018 incident further seem to relate to the student nights which the Sub Committee accepted had been discontinued by the Applicant in February 2018.

The Sub Committee was of the view that the Licensing Objectives would be met from the representations made by the Applicant and in particular by the negotiated conditions with the Police and Environmental Protection hence its decision.

The Licensing and Regulatory Sub Committee, having considered the Licensing Act 2003, the Home Office Section 182 Guidance, the Council's Statement of Licensing Policy and further the representations made from the parties, and having reviewed all of the papers provided; resolved to agree the variation to the Premises Licence to include the negotiated conditions with West Midlands Police and the Environmental Protection Team.

RESOLVED that the Licensing Sub-Committee, having heard all of the evidence from the parties, and having reviewed all of the papers provided in advance of the hearing, including those from objectors, decided to grant the licence subject to the conditions agreed with West Midlands Police and the Environmental Protection Team.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.20 am)