



Coventry City Council

Agenda

Licensing and Regulatory Sub-Committee (Hearing) – Reconvened from 15th June, 2018

Time and Date

10.00 am on Thursday, 5th July, 2018

Place

Dame Ellen Terry Suite - Council House

Public Business

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Licensing Act 2003 - Application for a New Premises Licence** (Pages 3 - 10)

The hearing has been reconvened from 15th June 2018 for clarification purposes only.

Note: All parties have been invited to attend the hearing.

5. **Any Other Business**

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

Private Business

Nil

Martin Yardley, Executive Director, Place, Council House Coventry

29 June, 2018

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

Membership: Councillors J Clifford, P Hetherington and C Thomas

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Usha Patel/Carolyn Sinclair

Tel: 024 7683 3198/3166

**Email: usha.patel@coventry.gov.uk or
Carolyn.Sinclair@coventry.gov.uk**

**Cocoa Caffe Limited, Kiosk 8 Terrace Food Court, West Orchards Shopping Centre,
Smithford Way, Coventry, CV1 1QX.**

Hearing Reconvened from 15th June, 2018

The application is for a New Premises Application for:

Cocoa Caffe Limited
Kiosk 8 Terrace Food Court
West Orchards Shopping Centre
Smithford Way
Coventry
CV1 1QX

The application is requesting the sale of alcohol (On Sales):

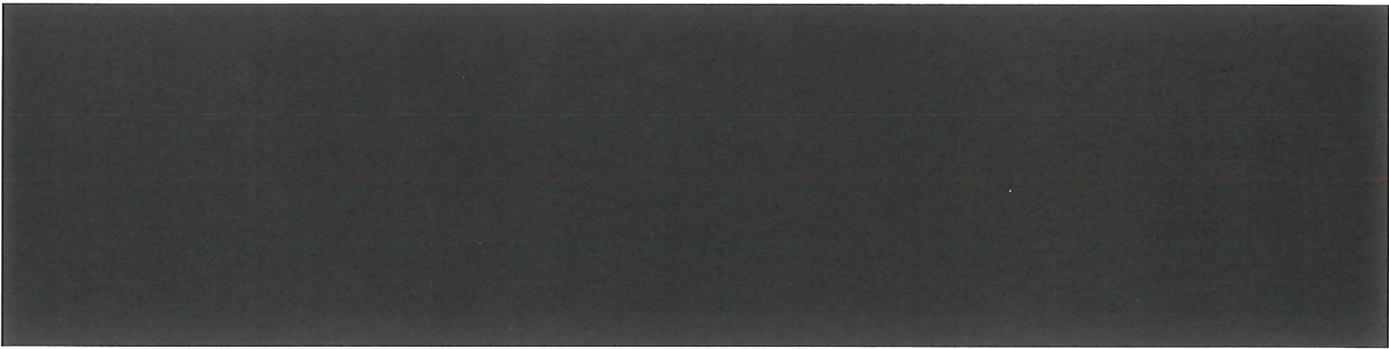
Sunday to Saturday 8:00hrs – 23:00hrs

The Police had originally objected, however, following mediation talks with the Applicant, the Police withdrew their objection on 12th June, 2018. Where both parties agree, the hearing can be dispensed with under Regulation 9(2) of the Licensing Act 2003 Hearing Regulations 2005 which states that:

“(2) Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph (1), **the authority, if it agrees that a hearing is unnecessary**, must forthwith give notice to the parties that the hearing has been dispensed with”.

On 15th June, 2018, the Sub-Committee having considered all of the information before them, was not satisfied with the information provided and deemed it necessary to have a hearing. Therefore the hearing has been reconvened for clarification purposes only. The Applicant and the police have been invited to attend.

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Billy,

With regards to the application for a new premises licence for the Cocoa Café, West Orchards Food Hall and follows discussions with the applicant the agent Mr Munro, Mr Pylyp the manager who provides security staff for West Orchards shopping centre and the councils licensing team.

The Cocoa Café is situated in a food hall which presently offers a range of fast food style restaurants each with their own designated seating areas marked by low level moveable screens. Each restaurant is solely responsible for their own premises. These restaurants attract a cross section of ages, which includes many young families and school age children, particularly in holiday periods. As a result the sale of alcohol from a premises within the food hall will attract a different clientele. Because of its open style and the ability of shoppers to move from one restaurant to another it has the potential to impact on the other unlicensed restaurants who may find persons drinking alcohol within their premises. The need for measures to prevent this movement is therefore important but cannot be delivered by the applicant alone and the West Orchards security staff would have an important part to play. The applicant has to satisfy that they can uphold any conditions placed on the licence and that they will uphold the licensing objectives.

As a result I must object to the granting of the new premises licence for the following reasons;

- Without the appropriate number and suitably trained staff on the premises, the sale of alcohol in such an open plan area will allow drinks to be passed on, allow persons to move to other unlicensed premises to consume alcohol and therefore increase the risk of proxy sales and under-age consumption. **Protection of Children from Harm.**
- The sale of alcohol without being ancillary to food has the potential to change this café into a bar. It will have an increased impact throughout this floor of the shopping centre including the other food outlets and their management. **Prevention of Crime and Disorder, Prevention of Nuisance.**
- The food floor is located on the third floor of the West Orchards shopping centre with balcony's, stairs, lifts and escalators. The consumption of alcohol will introduce a greater risk to the free and safe passage of persons throughout. **Public Risk.**
- The applicant has attempted to mitigate these risks by identifying the use of the West Orchards security staff. However, as I understand it a little less than half of their security staff are SIA qualified to deal with alcohol related incidents. They will therefore not always be able to offer suitably trained staff to enforce the conditions placed on the applicants premises, to deal with alcohol related issues within the Café itself, prevent alcohol leaving the Café, deal with alcohol consumption in other unlicensed premises or outside those premises which is covered by a Public Place Protection Order. **All four licensing objectives.**

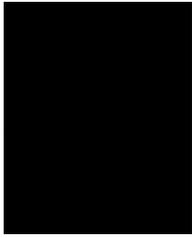
Thanks,



Licensing Officer
Coventry Central Police Station,



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NOT PROTECTIVELY MARKED

WG401 (11/97)

MEMORANDUM

To:
Amanda Jones
Licensing Officer, Coventry

Ref:

From:
Ian Tipton
Police Licensing Officer

Ext:
8313061

Date:
4th June 2018

SUBJECT:

Formal Objection to the granting of a Premises Licence to Cocoa

1. The Cocoa Caffé is situated in a food hall which presently offers a range of fast food style restaurants each with their own designated seating areas marked by low level moveable screens. Each restaurant is solely responsible for their own premises. These restaurants attract a cross section of ages, which includes many young families and school age children, particularly in holiday periods. As a result the sale of alcohol from any premises within the food hall will attract a different clientele. Because of its open style and the ability of shoppers to move from one restaurant to another it has the potential to impact on the other unlicensed restaurants who may find persons drinking alcohol within their premises. The need for measures to prevent this movement is therefore important but cannot be delivered by the applicant alone and the West Orchards security staff would have an important part to play. The applicant has to satisfy that they can uphold any conditions placed on the licence and that they will uphold all of the licensing objectives.
2. As a result I object to the granting of the new premises licence for the following reasons;
 - The present design of the applicant's premises is open plan, with low, single horizontal wooden poles segregating the seating area from the public area. Without a high number of suitably trained staff on the premises, the sale and consumption of alcohol in such an open plan area will allow drinks to be passed on, allow persons to move to other unlicensed premises or to the adjacent public toilets and consume alcohol and therefore increase the risk of proxy sales, under-age consumption and Child Sexual Exploitation.
Protection of Children from Harm.
 - The sale and consumption of alcohol has the potential to change this café into a bar. The introduction of alcohol will change the atmosphere of what is presently a fast food child friendly family area. Without robust policing and early interventions by West Orchards Security there will be an increased impact throughout the shopping centre including the untrained staff in other unlicensed food outlets who may well be confronted with persons consuming alcohol.
Prevention of Crime and Disorder, Prevention of Nuisance.
 - The food floor is located on the third floor of the West Orchards shopping centre with balcony's, stairs, lifts and escalators. The consumption of alcohol will introduce

a greater risk to the free and safe passage of persons throughout.

Public Risk.

- In the application the West Orchards security staff has been identified as providing foot patrols within the shopping centre food court. However, having had discussion with the West Orchards security management they will at present only intervene when there are incidents of disorder or antisocial behaviour. They would not get involved in any alcohol related issues including under-age drinking unless it was accompanied by disorder or ASB. It should also be noted that a little less than half of their security staff are SIA qualified to deal with alcohol related incidents. Even if they eventually agree to support the applicant in the upholding of the four licensing objectives they will not always be able to offer suitably trained staff to enforce the conditions placed on the applicants premises, to deal with alcohol related issues within the Café itself, prevent alcohol leaving the Café, deal with alcohol consumption in other unlicensed premises or outside those premises which is covered by a Public Place Protection Order.

All four licensing objectives.

3. It should be noted that I have had continuing discussions with the applicant and his agent throughout. This to resolve what I judged to be weaknesses in the conditions outlined in the application. These discussions eventually led to the following agreed conditions, which I believe are essential for the application;
 - Signage to clearly indicate that no alcoholic drinks may be taken outside the premises.
 - At the point of sale the customer will be informed by a member of staff that no alcoholic drinks can be taken outside the premises.
 - The sale of alcohol is ancillary to the purchase of food and will be decanted and served at table.
 - 'Proxy Sales' notices to warn against the purchase of alcohol on behalf of a child.
 - All staff to receive training on Child Sexual Exploitation, this will be documented and refreshed on a 12 monthly basis.
 - All staff to be trained in basic licensing laws.
 - Refusals are to be monitored and documented.
4. As part of these discussions with the applicant I have asked to be provided with a written assurance that the West Orchards Security will respond as required to any alcohol related issues within the food hall. I do not believe that the applicant can uphold the four licensing objectives without the full and tacit support of West Orchards Security. If that assurance was to be forthcoming I would not object to this application for a premises licence. To date the applicant has been unable to provide that reassurance.
5. In summary, the present design of the Cocoa Caffé does little to prevent alcohol, possibly quite innocently, leaving the premises and being taken to other unlicensed premises or consumed in an area designated with a Public Space Protection Order. I do not believe that staff working within the premises can effectively monitor the external barriers and once alcohol has left the premises they cannot intervene.
6. For these reasons I object to the application.

Ian Tipton
Police Licensing Officer
Coventry Police NPU.

Jones, Amanda

From: Ian Tipton [REDACTED]
Sent: 12 June 2018 09:22
To: Jones, Amanda
Cc: [REDACTED]
Subject: FW: Cocoa Caffè

Billy,

With reference to the below email in which the applicants agent Tim Munro has agreed to the stated conditions. As a result I withdraw my objection to the granting of the Premises Licence to Cocoa Caffè.

Thanks,
Ian Tipton
Licensing Officer
Coventry Central Police Station,
West Midlands Police

[REDACTED]

From: Tim Munro [REDACTED]
Sent: 12 June 2018 09:10
To: Ian Tipton
Subject: Re: Cocoa Caffè

Ian,
I can confirm that I agree to the condition listed in your email (below)
Kind regards
Tim

Sent from my iPhone

On Jun 12, 2018, at 8:59 AM, Ian Tipton [REDACTED] wrote:

Tim,

Rather than get tied up in measurements, it is the outcomes that I wish to achieve. Therefore, if you will agree to the below condition with respect to the barriers and also to the other conditions that were agreed previously I will withdraw my objection to the granting of the Premises Licence.

Conditions;

- Provision of barriers that clearly identify the extremity of the premises and prevent drinks or persons passing through them. This leaving the only entrance and exit from the premises adjacent to the shop counter.

- Signage to clearly indicate that no alcoholic drinks may be taken outside the premises.
- At the point of sale the customer will be informed by a member of staff that no alcoholic drinks can be taken outside the premises.
- The sale of alcohol is ancillary to the purchase of food and will be decanted and served at table.
- 'Proxy Sales' notices to warn against the purchase of alcohol on behalf of a child.
- All staff to receive training on Child Sexual Exploitation, this will be documented and refreshed on a 12 monthly basis.
- All staff to be trained in basic licensing laws.
- Refusals are to be monitored and documented.

Thanks,

Ian Tipton

Licensing Officer
Coventry Central Police Station,
West Midlands Police

From: Tim Munro [REDACTED]
Sent: 12 June 2018 08:30
To: Ian Tipton
Subject: Re: Cocoa Caffè

Ian
They are a little over 3 ft.
Which, when seated is over shoulder height.
and will prevent people walking through
Tim

Sent from my iPhone

On Jun 12, 2018, at 8:20 AM, Ian Tipton <[REDACTED]> wrote:

Tim,

My recollection is that the current dividers are 3ft high if not less and some could step over them. The minimum height must be a minimum of 4ft or 1.2mtres as this will create a clear divide from the outside space, deter drinks being handed over and can't be walked over or through. All of this will support staff when they attempt to ensure drinks don't leave the premises.

Ian Tipton

Licensing Officer
Coventry Central Police Station,
West Midlands Police

From: Tim Munro [REDACTED]
Sent: 12 June 2018 08:12