

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 15 October 2018

Present:

Members: Councillor J Clifford
 Councillor P Hetherton
 Councillor A Lucas

Employees (by Directorate) :

Place: O Aremu, D Cahalin-Heath, R Masih, U Patel

In Attendance: PC C Burnham (West Midlands Police)
 S Gibson (Applicant's Representative)
 A S Gill (Applicant)
 K Kaur (Applicant's Wife)
 PC K Healy (West Midlands Police)
 K Lees (Public Health)
 PS Wilts (West Midlands Police)

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 for New Premises Licence**

The Sub-Committee considered an application for a new Premises Licence in respect of Raj's Store, 57 Harnall Lane West, Coventry. The application was for the supply of alcohol for consumption off the premises on Monday to Saturday from 07:00hrs to 21:30hrs and on Sunday from 07:00hrs to 20:30hrs.

Representations had been received from West Midlands Police and Public Health. The grounds for the representations were that the granting of a Premises Licence would undermine the licensing objectives of the prevention of crime and disorder; protection of public safety and the prevention of public nuisance. The representations made reference to the Salvation Army Harnall Life House which is located opposite the application premises and houses vulnerable people with high dependency issues, including alcohol/drug misuse. The area also currently attracts a high volume of calls to West Midlands Police for anti-social behaviour and crime and disorder.

The Applicant's Representative made the following representations to the Sub-Committee:

- That this was a modest application for a convenience store. Everyone goes for a reason but once there, the retailer would want you to spend on other things. The applicant has invested a lot of money into making the premises a respectable place.
- The opening hours requested is also modest
- The property has been in the family for over 30 years
- That the objections centred around Harnall Life House and the effect that granting the licence will have on the vulnerable people if they got hold of alcohol
- That the Harnall Life House was opened when there was a licenced premises which was trading.
- Accepted that potentially 80 people can live in the Harnall Life House at any one time with a percentage of those people having alcohol problem but that this small number of people could not be a justification to refuse the application.
- Anyone booked into the Harnall Life House would probably have a number of sanctions etc. and if so, why those sanctions could not include a prohibition to go into the premises across the road. The applicant would also be willing to work with the Harnall Life House.
- That the licence review was available to the authority in the event that the applicant breached any condition in the licence.
- That the applicant would be prepared to have a condition which prohibits the sale of alcohol over a percentage as the alcohol bought by people with alcohol issues tend to be the stronger alcoholic contents.
- That the evidence provided by the police was not tied to the applicant as he was not operating within that period. Also questioned the evidence provided by the police on the basis that of 15 crimes listed, only two were attributed to incidents that were alcohol related.
- That the applicant deserves the opportunity to trade and provide for his family and if there were problems, then the review process was available to the Authority.

In response to a question from the Sub-Committee, the Applicant confirmed that the whole business is owned by the family and if he was not present, then his wife and mum who is the licence holder would be present at the premises. It was also anticipated that in the long term they would be employing a staff member. The Applicant however expected that he would be there 7 days a week for 11/12 hours a day.

The Sub Committee then heard representations from Public Health who had concerns about the effect that the premises would have on the well-being of the recovery of the occupants in the Harnall Life House mainly on the close proximity and the ease of being able to obtain alcohol which would have a detrimental effect on residents. That the Harnall Life House has a zero tolerance on alcohol and it would be difficult to use a barring system with the applicant's premises as rough sleepers change on a day to day basis.

The Sub Committee then heard representations from the West Midlands Police who confirmed that this area is an area of high demand for anti-social behaviour and disorder which are in most cases associated with people under the influence of alcohol which the grant of the premises licence would add to that demand. It was clarified that the police numbers in that those elements which were recorded as ASB simply meant that they were closed on their logs as such. Stated that the banning suggestion by the applicant was reasonable but would be hard to enforce. The Police stated that street drinking was a daily issue in the area and that there was not a day when you would not come across someone in the area who was drunk.

The Sub-Committee invited the applicant to sum up their representation and it was stated as follows:

- That a lot had been heard today and the applicant acknowledged what was being undertaken across the road at the Hranall Life House was important. However, a lot of the objections heard centred around prevention and there had been no objection from residents or Harnall Life House itself.
- That the applicant was not aware of nor involved in anything to do with wrapping alcohol in paper at the chip shop.
- Not everyone who sells alcohol is going to create a problem. Police had stated that no problem with other licenced premises (which are only 4 mins walks away) and it appeared that it was the location which was the Police's prime concern with the application which is not relevant under the Licencing Act.

It was clear from the police that there is an existing problem with anti-social behaviour in the general area which the grant of this licence would likely have an effect in adding or exacerbating to this concern. The Sub-Committee were also concerned that the premises is situated within a close proximity to Harnall Life House which houses vulnerable people with drug and alcohol dependency issue and the effect that the grant of this application would have on the ability of this vulnerable group to have alcohol readily available which increases disorder and nuisance for the local community.

The evidence provided by the West Midland Police suggested that the area suffers from violence and disorder which is often alcohol or drug related and large groups gathering causing noise complaints and nuisance for local residents. Clarification was sought on the crime reports statistics provided by the West Midland Police to the Sub-Committee to ensure that objections which were based on crime and disorder and public nuisance were in relation to the general neighbourhood and not linked to Harnall Life House. The response confirmed that the objection was community wide (as the area was one with high police demand) with consideration also given to the vulnerable people who occupied Harnall Life House.

The Sub-Committee considered at length whether any condition could be imposed (such as reducing the opening hours or limiting the toxicity of the alcohol being sold) which may serve to uphold the licensing objectives and allow for a grant of the application subject to those conditions. Unfortunately, there was no conditions which in the view of the Sub-Committee could be attached to address the concerns necessary to uphold the licensing objectives

In reaching this decision, the Sub-Committee has had regards to both national guidance and the Council's own Policy. In relation to Crime and Disorder and the prevention of public nuisance, the Sub-Committee have noted the position of the West Midlands Police as stated above. The Sub-Committee also considered the evidence provided by Public Health as an important source of advice on the licencing objective.

The Sub-Committee also had regard to the submissions made by the applicant and the arguments made in support of the application and have attached appropriate weight to these representations when reaching their decision.

In this circumstance, having taken all matters into account, the Sub-Committee could not be satisfied that the licencing objectives would be upheld should they either grant the application as requested or grant the application subject to conditions. As such, the decision was taken to refuse the application.

RESOLVED that the application for a Premises Licence be refused.

5. **Any Other Business**

There were no other items of public business.

(Meeting closed at 1.25 pm)