

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 12 March 2019

Present:

Members: Councillor J Birdi
 Councillor K Sandhu
 Councillor C Thomas (Chair)
 Councillor J Birdi
 Councillor K Sandhu

Employees (by Directorate):

Place: R Masih, B Rawlings, C Sinclair, A Wright

Public Business

1. Appointment of Chair

Councillor C Thomas was appointed as Chair for the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Act 2003 - Application for a Premises Licence

The Sub-Committee considered an application for a new premises licence under the Licensing Act 2003 for Family Mart, 47 Hertford Street, Coventry, CV1 1FL.

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 application was for a premises licence permitting the sale of alcohol for consumption off the premises between the hours of 8am and 11pm.

One objection had been made against the grant of the application.

The Sub-Committee heard submissions from the Applicant in support of the application.

The Applicant advised the Sub-Committee that he has put steps in place to promote the licensing objectives, including the imposition of 24 hour CCTV, signage and a Challenge 25 Policy. The Applicant confirmed that the premises will not solely be an off licence, but will serve other items ordinarily found within a supermarket.

The Applicant has plans to train all staff in the Challenge 25 policy and basic licensing law. He is the holder of a personal licence for which he received training and passed an exam. He intends to train staff once a month.

There are currently two staff members, including the Applicant, working in the shop. Alcohol will be stocked behind the counter.

In response to a question from the Sub Committee, the applicant confirmed that the shop currently only trades between 11am and 9pm, but they have asked for wider licensing hours should they choose to extend their opening hours in the future.

The Applicant further confirmed in response to a question from the Sub Committee that they have means for securing the CCTV footage so that it may be viewed by the Police upon request.

The Objector did not attend. Licensing Officers confirmed that they had emailed the Objector on 31st January 2019 and 4th February 2019 to explain the process and offer mediation but no response has ever been received.

Licensing Officers also confirmed that conditions had been agreed with two of the Responsible Authorities during the application process and therefore, no objections had been forthcoming from any of the Responsible Authorities.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in Daniel Thwaite plc v Wirral Magistrates Court, the Sub Committee attached the appropriate weight to the fact that none of the responsible authorities had objected.

In particular, in terms of the potential nuisance caused by students bingeing on alcohol and causing nuisance to surrounding properties, the Sub-Committee noted that Environmental Health had made no representations expressing a cause for concern.

Whilst the Sub-Committee noted the objector's view that there were too many establishments in the area with premises licences already, it was established that the statutory guidance expressly states that this is not a relevant consideration and therefore, this was not taken into account.

The Sub-Committee were satisfied that the Applicant has demonstrated a willingness to take steps to prevent, so far as is possible, problems arising at or from the premises that may undermine the Licensing Objectives. The measures that the Sub-Committee expect to be taken to address any concerns in respect of the Licensing Objectives, are contained within the Operating Schedule prepared by the Applicant.

RESOLVED that the premises licence be granted.

4. Any Other Business

There were no other items of business.

(Meeting closed at 10.42 am)