

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 23 September 2019

Present:

Members: Councillor C Thomas (Chair)
 Councillor J Birdi
 Councillor B Kaur

Employees (by Directorate):

Place: R Masih, U Patel, B Rawlings, B Welch, A Wright

In Attendance: R Edge (Applicant's Representative)
 R Fan (Applicant)
 C Shi (in support of Applicant)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas be appointed as Chair for this meeting.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Licensing Act 2003 - Application for a Premises Licence**

The Sub-Committee considered an application for a new Premises Licence in respect of Jimbo's at Whitefriars, 114-115 Gosford Street, Coventry.

The application requested the following:

- (i) The sale/supply of alcohol (on and off sales) Sunday to Wednesday 1200 hrs-0300hrs and Thursday to Saturday 1200hrs-0400hrs.
- (ii) Regulated Entertainment (indoors and outdoors) Sunday to Wednesday 1200hrs-0300hrs and Thursday to Saturday 1200hrs-0400hrs; and
- (iii) Late Night Refreshment (indoors & outdoors) Sunday to Wednesday 2300hrs – 0245hrs and Thursday to Saturday 2300hrs – 0345hrs.

One representation had been received from a member of the public who resides at a neighbouring property. None of the Responsible Authorities had objected although during the application process, the Applicant had liaised with the Responsible Authorities and agreed to a number of stringent conditions.

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.

Prior to the hearing, the Sub Committee was notified that the Objector was unable to attend due to a pre-booked holiday. They considered his request for an adjournment but decided that as his representation was so comprehensive, they would be able to continue with the hearing and determine the application in his absence. The Sub Committee made clear that this would be kept under review throughout the hearing, and if at any stage they felt they would be assisted by oral representations from the Objector, the decision would be taken to adjourn to a specified date in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Officer outlined the application and explained that the proposed Designated Premises Supervisor (DPS) for the premises, Rongguo Fan, had been granted a personal licence by the Council in November 2007.

Following a meeting with Environmental Health and the Police during the application process, the Applicant agreed to remove Regulated Entertainment from the application and to adhere to the following conditions:-

1. The beer garden is to cease all activities at 2300hrs each day of the week;
2. SIA staff will be in attendance at the premises from 2300hrs until close of business. The Premises Licence Holder shall ensure that door supervisors at the premises will wear hi-visibility jackets/coats/vests, and will have their SIA badge held in a clear arm sleeve. The Premises Licence Holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a register kept for that purpose:
 - (i) Full name,
 - (ii) SIA certificate number and/or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
 - (iii) The time they began their duty;
 - (iv) The time they completed their duty

The register is to be kept at the premises at all times and shall be maintained as to enable an authorised officer to establish the particulars of all door staff engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

The Premises Licence Holder shall ensure that the following details for each door supervisor are entered into a register kept for that purpose to include the following details:-

- (v) Name;
- (vi) Date of Birth;
- (vii) Address;
- (viii) Contact telephone numbers;
- (ix) SIA certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority;
- (x) Commencement date of performing duties at the premises

3. The smoking area, situated in the beer garden, is to be cordoned off at 2300hrs and signage is to be in place stating that drinks are not to be taken into the smoking area after 2300hrs, the smoking area is to be controlled at all times and if necessary, numbers present are to be restricted by the DPS/SIA on duty;
4. Karaoke is not to take place at any time the premises is open to the public;
5. CCTV is to be operative in all places where licensable activities take place, at all times the premises is open to the public;
6. A Personal Licence Holder is to be present at all times that licensable activities take place;
7. Amend the *section with staff training* to include 'staff training is to take place twice per year and is to include an element of CSE awareness';
8. When children are in attendance, they are to be accompanied/supervised by a responsible adult.

The Licensing Officer explained that she had facilitated further mediation between the Applicant and the Objector. The Objector had proposed two further annex conditions that unfortunately could not be agreed, as follows:-

1. No use of the upstairs after 2300hrs; and
2. The licensable/opening hours to be reduced to 0000hrs Sunday to Thursday, and 0100hrs Friday and Saturday.

The Objector asked that the Sub Committee had consideration for this proposal in his absence, to which the Sub Committee agreed.

The Applicant was then given the opportunity to present his case. The Applicant's Representative explained that he would be speaking on his behalf.

The Applicant's Representative explained that the premises had recently been taken over and was still in the process of a major refurbishment. The Applicant intended to bring the premises back to its former glory, it having been neglected for some time. The Applicant believed that he had taken into consideration the local community and area, and had taken steps to ensure a strong operating schedule was in place.

The Applicant had liaised extensively with the Licensing Authority, the Responsible Authorities and the Objector, and had done everything to avoid the matter resulting in a hearing before a Sub Committee.

On Tuesday 6th August 2019, the Applicant met with Police and Environmental Health, together with the Licensing Officer, to discuss the operation and the measures that could be put in place to uphold the Licensing Objectives. The agreed conditions have already been set out above.

The Applicant's Representative explained that a lengthy conversation took place regarding the beer garden. At present, there are apartments being built to the rear of the premises so discussions took place to establish how the premises could best operate without bothering the neighbours. The Applicant reached the conclusion with the other parties present that the beer garden should close at 2300hrs. A further discussion took place surrounding those who went outside past

2300hrs in order to smoke. It was decided that barriers will be set up to prevent people loitering and there will be signs and a condition that no drinks can be taken outside.

During mediation, the Applicant used a site operation training manual to discuss training of staff. There was also the implementation of a Challenge 25 policy, incident log, refusals register, and staff being given mock exams to ensure they are sufficient to meet the requirements.

The Applicant's Representative strongly believed that the premises would be an asset with a strong management team, and robust policies in place. He stated that the Applicant would always promote and uphold the Licensing Objectives.

The Applicant is aware that next year is City of Culture in Coventry, and he has been working hard with listing and conservation officers to ensure the building stays true to its character. The business is to be run professionally, and the Applicant has invested time, money and passion into making it a success without compromising the Licensing Objectives.

The Applicant's Representative advised that the Applicant has employed the services of a licensing consultant to provide training prior to opening. He also reiterated that none of the Responsible Authorities have objected as their concerns have been alleviated by virtue of the stringent conditions agreed to by the Applicant, in addition to the operating schedule provided with the application.

The Applicant's Representative stated that he had personally had a lengthy conversation with the Objector to explain that the Applicant was currently liaising with listing and conservation officers to see if it was possible, without causing damage to the walls, to install some noise insulation. The Applicant is aware that the wooden floors may create some noise with certain shoes but could not agree to a condition to carpet the floors without confirmation from listing and conservation officers that this was permitted.

The Applicant's Representative concluded by stating that the Applicant took his responsibilities seriously and especially did not want to start off on the wrong foot with neighbours. The Applicant is hopeful that the Objector will see the premises as a positive addition to the area and wants to work with him by, for example, checking noise levels from his neighbouring premises to mitigate any problems. This, the Applicant's Representative submitted, could be done without the need for a condition.

The Sub Committee was then invited to ask any questions. In response to a question, the Licensing Officer confirmed that the Objector's premises is next door to Jimbo's at Whitefriars and they share a party wall.

The Sub Committee wanted to know what controls would be put in place surrounding a gate that leads into the car park from the beer garden. The Applicant's Representative explained that either there would be SIA presence at the gate from 2300hrs or it would be kept locked. There had already been discussions about covering the gate with willow or hessian to stop the possibility of anything being passed through the gate. The Applicant's Representative confirmed that the Applicant would be inviting the Police licensing team in due

course to conduct an assessment and confirm they are happy with the measures put in place.

The Applicant's Representative, in response to a question from the Sub Committee, confirmed the premises would be a pub/restaurant and would play ambient background music. He further confirmed that the Fire Service had no major concerns surrounding the gate in the beer garden and that it would likely be permanently locked other than for the purposes of being an access point for items to be brought onto the premises (such as stock).

The Sub Committee, whilst acknowledging that this application would be considered on its own merits, enquired as to the closing times for surrounding premises. The Licensing Officers confirmed that The Oak Inn is open until 0600hrs at the weekend and 0400hrs in the week, and The Phoenix is open until 0500hrs daily.

The Sub Committee confirmed that they had read the initial letter of objection from the Objector, as well as the subsequent letter, and formed the opinion that they could still determine the application in his absence.

The Applicant's Representative confirmed he had no further representations to make.

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 to the application.

The Sub-Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or from the premises that may undermine the Licensing Objectives.

The Sub Committee was impressed with the levels that the Applicant had gone to to date to alleviate the concerns of the Responsible Authorities, as well as the local community. The Sub Committee was particularly pleased to see that the Applicant had liaised closely with the Responsible Authorities during the application process, and entered into mediation with the Objector with a view to building a positive relationship going forward. This, they believed, was the sign of a responsible Applicant who is dedicated to prioritising the promotion of the Licensing Objectives.

The Sub Committee fully considered the comprehensive submissions from the Objector and the suggested annex conditions. However, having heard the representations from the Applicant, the Sub Committee were satisfied that the Applicant took their responsibilities in respect of the Licensing Objectives seriously, and that the concerns of local residents had been taken into account and this would continue to be the case.

The Applicant is aware that if the premises prove to operate in any way that does not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that the Premises Licence be granted subject to the conditions agreed with Environmental Health and the Police.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.50 am)