

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 15 July 2020

Present:

Members: Councillor B Kaur (Chair)

Councillor J Birdi

Councillor R Lakha

Employees Present:

R Masih, Street Scene and Regulatory Service

U Patel, Law and Governance

C Simms, Street Scene and Regulatory Service

C Sinclair, Law and Governance

A Wright, Law and Governance

Public Business

1. Appointment of Chair

RESOLVED that Councillor B Kaur 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 a New Premises Licence

The Sub-Committee considered an application for a new Premises Licence in respect of Country Shop Ltd, 72 Bramble Street, Coventry. The application requested the sale/supply of alcohol (off sales); Monday to Thursday 0800hrs to 2200hrs, Friday and Saturday 0800hrs to 2300hrs and Sunday 1000hrs to 2000hrs.

Eight representations had been received from local residents objecting to the application. None of the Responsible Authorities had objected although during the application process, the Applicant had liaised with the Police 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.

The Licensing Officer confirmed that she made an offer of mediation with the Applicant to explore whether a compromise could be reached but all Objectors had not responded to this offer. She confirmed that no Responsible Authorities had objected to the application, but the Police had proposed conditions which were accepted by the Applicant, including a reduction in hours.

The Applicant was present at the meeting and explained that she had met with the Police and agreed to conditions to be attached to the Premises Licence which the Police considered to be necessary to promote the licensing objectives. She confirmed that she had experience of running a shop that sells alcohol having worked in a One Stop (which held a Premises Licence) for three years. She had also successfully completed her Personal Licence course. The Applicant demonstrated knowledge of the four licensing objectives and highlighted that there is a review procedure should she be found to be running the business in a way that undermines the licensing objectives.

The Applicant responded to the objections raised including the fact that she had recently received a Food Standards Agency hygiene rating of 5 from the Council's Environmental Health Department, which is the highest possible rating. She confirmed that her business was completely independent. She explained that she currently sold African food from the shop and would like to sell traditional African alcoholic drinks, which formed the basis of her decision to apply for a premises licence. The Applicant understood the residents' concerns, however an offer of a mediation meeting to see if any resolution could be reached was declined.

Three objectors were present at the meeting and spoke in respect of their objections to the application. The main thrust of their objections were as follows:

- The area is already known for high crime and drugs
- Alcohol has been an issue for last 5 or 6 years and has had a negative effect on the area
- The premises landlord has residential tenants who are not considered to be good for the children and elderly in the area as they are often intoxicated.
- There is no need for another off licence in the area as there are plenty of other places to purchase alcohol
- Another off licence will be of no benefit to the residents
- Another off licence will bring in more people to the area, leading to more crime, more drinking disorders, smashed bottles and vomiting on the streets
- The conditions agreed with the Police would not mitigate the problems in the area
- As there is no loading bay in front of the shop, any obstruction or deliveries will create parking issues, traffic jams and highway issues
- The area is a poverty area where children start drinking as young as 13 years old and ask adults to buy alcohol for them
- The application should not be granted given the levels of crime in the area and the information provided regarding the safety and protection of children
- People barred from purchasing alcohol in other local shops could try and purchase alcohol from the Applicant's shop
- In light of the current global pandemic, another shop selling alcohol could lead to overcrowding in the area
- Elderly local residents find it difficult to go to the local store due to drug addicts asking for money

In addition, one of the objectors made reference to the *R (Hope and Glory Public House Ltd) vs City of Westminster Magistrates Court [2011]* (also known as 'the Hope and Glory case'); the Licensing Solicitor explained to the Sub Committee that this was a well-known licensing case which illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation.

Furthermore, with regard to the licensing decisions made by other Councils, referred to by the objector, the Licensing Solicitor told the Sub Committee to be mindful when considering this as the Sub Committee had not been provided with the full details of the application or the decisions, and whether those Councils had, for example, Cumulative

Impact Policies to take into consideration which Coventry City Council does not have.

Finally, the Licensing Solicitor confirmed that the absence of a loading bay, and the possibility that this would cause an obstruction or parking issues was not a consideration for the Sub Committee but in any event, asked whether the Sub Committee may like confirmation from the Licensing Officer as to how long she had been running her business and taking food deliveries. The Licensing Officer confirmed that the Applicant had been running the business for 18 months, and there is another shop opposite.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application. In particular, the Sub Committee considered paragraph 2.1 of the Licensing Act 2003 Statutory Guidance which states that licensing authorities should look to the Police as the main source of advice on crime and disorder. It was noted that the Police were satisfied that with the addition of appropriate conditions, which had been agreed by the Applicant, the licensing objectives would not be undermined.

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 satisfied with the levels that the Applicant had gone to in order to alleviate the concerns of the Responsible Authorities. The Sub Committee was particularly pleased to see that the Applicant had liaised closely with the Responsible Authorities during the application process and offered to enter into mediation with the Objectors 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 were grateful to the Objectors who were present at the hearing to put forward their concerns, as well as those who provided written submissions. The Sub Committee fully considered each of the comprehensive submissions from the Objectors and were extremely sympathetic as to the points they raised concerning alcohol related crime in the area. Whilst also being sympathetic as to potential issues to local residents surrounding parking and traffic congestion, and the suggestion that there are already enough licensed premises within the area, the Sub Committee noted that these were not considerations in respect of the four licensing objectives and therefore these points had to be disregarded when making their decision. This was also the case in respect of concerns about the Landlord's residential tenants, which was out of the Applicant's control and should be directed to the Landlord.

Having heard the representations from the Applicant, the Sub Committee were satisfied that the Applicant took her 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 was 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 application for a new Premises Licence in respect of Country Shop Ltd, 72 Brambles Street, Coventry be granted subject to mandatory conditions and the following conditions already agreed with the Police:

The DPS & Premises licence holder must fully understand their roles and responsibilities concerning the four licensing objectives obtained within the 2003 Licensing Act.

The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 Licensing Act, The Psychoactive Substance Act 2016 and the Challenge 25 rule. Training will be refreshed annually. A record of staff training shall be kept and be made available to the Responsible Authorities/Licensing Authority upon request. Appropriate signage, posters will be displayed around the store.

Prevention of Crime and Disorder – The DPS & Premises licence holder shall ensure that the premises will have installed a CCTV digital recording system with a minimum of 28 days recording capability to ensure the prevention of crime and disorder. The CCTV will be fit for purpose and be in accordance with Police recommendations. The DPS will ensure a staff member is able to operate the CCTV whenever the Premises are open. All CCTV recordings shall be made available to the police within 48 hours, upon request. Age related till prompts will be built into till system where possible, which will be set so the cashiers have to input each time a product is registered, before the product is allowed to be sold.

All members of staff shall be trained to deal with suspicious customers efficiently. Any alcoholic drinks purchased in the shop shall be for consumption off and away from the premises and strict enforcements shall be in place to ensure this is always adhered to.

The prevention of Public Nuisance - The DPS/Premises licence holder will fully understand that it is their duty to prevent their business causing any nuisance to any local residents or businesses. With this in mind licensable activities will start at 0800 and cease at 2200hrs. They will monitor the external premises area in relation to any anti-social behaviour or public nuisance. The premises will only accept trade deliveries or rubbish collections between 0700 and 1900 hrs. The DPS will also monitor the exterior of the premises to ensure litter is not an issue.

The Protection of Children from Harm - The DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the Challenge 25 rule & the See Me / Hear Me initiative. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved ID cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their identity when purchasing alcohol. The premises will also have a refusals register, which will be kept at the premises at all times and all refusals by any member of staff shall be recorded. The register will be made available to Responsible Authorities on request. Raise awareness with staff of adults purchasing alcohol on behalf of young people, to remain vigilant of this taking place and where possible prevent the sale taking place. Comply with all conditions agreed with Coventry Safeguarding Children Board.

5. Any Other Business

There were no other items of business.

(Meeting closed at 12.20 pm)