

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 26 August 2020

Present:

Members: Councillor C Thomas (Chair)
Councillor J Birdi
Councillor J Innes
Councillor C Thomas

Employees (by Directorate):

J Glover, Street Scene and Regulatory Services
R Masih, Street Scene and Regulatory Services
U Patel, Law and Governance
C Simms, Street Scene and Regulatory Services
C Sinclair, Law and Governance
A Wright, Law and Governance

Public Business

1. Appointment of Chair

RESOLVED that Councillor C Thomas 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 Srimark, 646 Sewall Highway, Coventry. The application requested the sale/supply of alcohol (off sales); Monday to Sunday 0700hrs to 2300hrs.

One objection had been received to the application, including a petition with 78 signatures from local residents.

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 began by outlining the report, confirming that the application was for a new premises licence.

The Sub Committee confirmed that they had received and read statements from both the Applicant and the Objector prior to the hearing.

The Applicant presented her case through her daughter, acting as her representative. The Applicant drew the Sub Committee's attention to the statement submitted prior to the hearing and explained that the representation provided by the Objector has been fully considered and addressed within this statement.

Summarising the measures to be taken to alleviate the concerns of the Objector and petition signatories, the Applicant explained that the safety of children and welfare of local residents was her utmost priority. She has agreed to stringent conditions in consultation with the Police and would be putting in place Challenge 25, a refusals register, Police approved CCTV and annual training for staff.

The Applicant stated that Srimark is not the only shop within the area or surrounding areas that sells alcohol, so it would be unfair for them to be solely responsible for an individual's behaviour and disruption. However, the Applicant will endeavour to aid in reducing any potential disruption through the refusal of alcohol sales in certain situations. Staff will be trained to look for signs of intoxication and alcohol would not be sold in these circumstances, with the refusal being recorded accordingly.

In terms of any potential nuisance associated with litter, the Applicant confirmed that staff currently make litter checks twice a day outside and also provide bins within the premises for customers to use.

Further, the Applicant explained that the objection indicated that if the premises is open until 11pm, this would be highly disruptive and would create more traffic and noise in the residential area. The Applicant stated that unlike some other licensed premises, they offer free off-road parking to help reduce traffic and congestion. The area is also covered by CCTV and there are currently, and will always be, two members of staff working until closing hours to help prevent crime and disorder, along with public nuisance and aiding in public safety.

In conclusion, the Applicant reminded the Sub Committee that she is an experienced licence holder and shop owner, currently running successful premise known as Broad Street Local, 71-73 Broad Street, Coventry, CV6 5AX.

The Applicant wishes Srimark to be an asset to the local community.

The Sub Committee was then given the opportunity to ask questions.

The Sub Committee asked the Licensing Officer whether there had been any issues recorded with the Applicant's other licensed premises on Broad Street. The Licensing Officer confirmed that the Police would have flagged any issues during their consideration of the application so the assumption can be that there had been no problems associated with the premises.

The Sub Committee also asked how many other licensed premises there are in the surrounding area. The Licensing Officer confirmed that Sewell Highway is a long road but there were three off licences and two pubs.

Addressing the Applicant, the Sub Committee asked how the Challenge 25 policy would work. The Applicant stated that staff would be trained to make a judgement on whether a customer looked 25 years of age or older and that if they did not, or if they were unsure, they would be asked to provide ID in the form of a passport, or driving licence, or other home office approved form of photo identification, before they were allowed to sell alcohol. In the absence of any identification, the sale would be refused, and the refusal recorded.

The Sub Committee also wanted to know what would happen if the CCTV at the premises were to break down. The Applicant explained that they have several cameras set up so it is unlikely that they would all break but if the entire system crashed, they would endeavour to have it fixed within 24 hours and would record any significant entries in a handwritten log in the interim.

The Sub Committee were concerned that two members of staff would be working at the premises all day until closing and asked whether consideration should be given to taking on more staff to mitigate this. The Applicant clarified that there would be two staff at the premises throughout the day but not necessarily the same two members of staff, and that they would likely work an 8-hour shift on an agreed rotation. The Applicant confirmed that all current staff are DBS checked and any future staff would be too.

Finally, the Sub Committee asked the Licensing Officer to confirm whether the Applicant could be a Designated Premises Supervisor for two separate premises. The Licensing Officer confirmed that she could, as although she holds overall responsibility, she can delegate some responsibility to others.

The additional statement provided by the Objector, including a short paragraph he had included on the morning of the hearing, was then read out and noted by the Sub Committee.

The Applicant was given an opportunity to sum up and said she appreciated that residents may be anxious about the potential for disruption but that she and her staff do not shy away from this and would have no issues in telling customers if they felt they were being disruptive and reminding them that they are in a residential area.

The Applicant is knowledgeable and would always work to uphold the four Licensing Objectives.

The Sub-Committee resolved to grant the premises licence from 0700hrs to 2300hrs subject to the conditions already agreed with the Police.

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 wished to build a positive relationship going forward with the local community. 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 each of the submissions provided by the Objector and noted the number of petition signatories. However, the Sub Committee believed the Applicant to be professional and knowledgeable, with a genuine desire to provide a service for the community whilst upholding the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was 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 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.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.45 am)