

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 27 May 2022

Present:

Members: Councillor CE Thomas (Chair)
 Councillor L Bigham
 Councillor J Birdi

Employees Present:

S Ahmed, Law and Governance
R Masih, Streetscene and Regulatory Services
U Patel, Law and Governance

In Attendance: Applicant
 Representatives of the Friends of War Memorial Park

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas be appointed 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 New Premises Licence (Bistro, War Memorial Park)**

At the commencement of the Hearing, the legal advisor made the following statement:

“For the purposes of transparency and openness, please note that Coombe Abbey Park Limited, the applicants in both applications for premises licences, is a company that is wholly owned by the Council and that the Council are also owners and trustees of the War Memorial Park”.

The Sub-Committee considered an application for a new Premises Licence in respect of Bistro, War Memorial Park, Coventry. The application requested the sale/supply of alcohol (on sales); Monday to Sunday 11.00am to 8.00pm during the summer and Monday to Sunday 11.00am to 5.00pm during the winter.

One representation from a member of the public representing Friends of War Memorial Park was received objecting to the application. None of the Responsible

Authorities had objected to the application.

During the application process, the Applicant had liaised with the Police and Environmental Protection.

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 presented the report and summarised the application, confirming that the application was for a new premises licence and that all application formalities had been complied with. She confirmed that one representation was made by Friends of the War Memorial Park and that none of the Responsible Authorities had objected to the application. During the 28-day consultation period, the applicant had agreed to amend the application to reduce the hours in respect of the sale/supply of alcohol and to fully remove the provision of live and recorded music. The Licensing Officer stated that two letters of support had been received for the application.

The Applicant presented their case and referred to the statement attached to their notice of attendance and confirmed its contents including that the sale/supply of alcohol was supplementary to the sale of food. They confirmed that the alcoholic drinks that they were looking to sell/supply were prosecco, red wine, white wine, rose and bottled beer but only if the drink was purchased with food. The Applicant explained that they would adhere to the Challenge 25 policy. In addition, they confirmed that their intention was not to operate a premises where people would gather simply to buy alcoholic beverages, but that it would be a premises where people could consume a meal accompanied by a drink. The Applicant further stated that the sale/supply of alcohol would only take place if the customer had also ordered a meal.

The Applicant when questioned by the Sub-Committee about the sale of alcohol only and the use of glasses, confirmed that alcohol will only be sold if purchased with a meal and that no glasses would be used. The Applicant further confirmed that the existing curtilage would be used for outdoor seating with a maximum of 40 seats. Barriers would be erected to create a boundary around the premises to ensure alcohol is not taken off the premises and to deter alcohol from being brought onto the premises. The Applicant stated that staff would always be vigilant and that there are both internal and external CCTV for monitoring purposes.

When questioned about the type of food to be served, the Applicant confirmed that there would be breakfast batches, pastries and light lunches such as pasta and salads and fish and chips and main meals for the evening.

The Sub-Committee then heard representations from Friends of Memorial Park who had objected to the application on the grounds that they believed that three of the four licensing objectives, namely, the prevention of crime and disorder; the protection of children from harm and the prevention of public nuisance would be undermined if the licence was granted. They stated that the park was a memorial to the war and the supply/sale of alcohol would undermine the true purpose of the park and would result in increased alcohol related antisocial behaviour.

In addition, the Objectors stated that the barriers around the premises would prevent young families with pushchairs from accessing the children's play area, given that there would be an increase in the number of tables being proposed.

The Objectors stated that there had been a spate of antisocial behaviour with youths congregating late at night and vandalising and smashing bottles by the visitor centre. In summing up, they added that officers would be unable monitor

the consumption of alcohol after hours given that their operational hours were between 8.00am and 5.00pm.

The Applicant, during their summing up, stated that they were a responsible business and the premises would be managed to the highest standards. They confirmed that the total number of outdoor seats would be 54 and despite the increase in tables, there would still be sufficient footpath for children and young families to access the children's play area.

The Applicant agreed to submit a revised plan, incorporating 54 outdoor seats, as requested by the Licensing Officer.

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

The Sub-Committee considered the application on its own merits and gave due consideration to the officer report and the oral representations made at the meeting.

The Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as possible, problems arising at or from the premises that may undermine the licensing objectives. For example, they had voluntarily reduced the hours relating to the sale/supply of alcohol. This, they believed, was a sign of a responsible Applicant who was dedicated to prioritising the promotion of the licensing objectives.

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.

The Sub-Committee, whilst also being sympathetic as to potential issues in respect of the Public Space Protection Order, were clear that this could not be considered and as such would not have any bearing on the determination of this application.

RESOLVED that the premises licence application in respect of Bistro, War Memorial Park, Coventry be granted subject to the following conditions:

- 1. The sale of alcohol will be limited to prosecco, white wine, red wine, rose and bottled beer, as indicated by the Applicant. The premises will be prohibited from selling hard liquor or spirits (for example gin, vodka, whiskey etc.**
- 2. The premises licence will operate from 11.00am to 8.00pm in summer daylight hours and from 11.00am to 5.00pm in winter daylight hours, as volunteered by the Applicant.**

5. Licensing Act 2003 - Application for a New Premises Licence (The Sundae Club, War Memorial Park)

All parties present were reminded of the following statement made by the legal advisor at the start of the previous hearing:

“For the purposes of transparency and openness, please note that Coombe Abbey Park Limited, the applicants in both applications for premises licences, is a company that is wholly owned by the Council and that the Council are also owners and trustees of the War Memorial Park”.

The Sub-Committee considered an application for a new Premises Licence in respect of the Sundae Club, War Memorial Park, Coventry. The application requested the sale/supply of alcohol (on sales); Monday to Sunday 11.00am to 8.00pm during the summer and Monday to Sunday 11.00am to 5.00pm during the winter.

One representation from a member of the public representing Friends of War Memorial Park was received objecting to the application. None of the Responsible Authorities had objected to application.

During the application process, the Applicant had liaised with the Police and Environmental Protection.

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 presented the report and summarised the application, confirming that the application was for a new premises licence and that all application formalities had been complied with. During the 28-day consultation period, the applicant had agreed to amend the application to reduce the hours in respect of the sale/supply of alcohol and to fully remove the provision of live and recorded music. The Licensing Officer stated that two letters of support had been received for the application.

The Applicant then presented their case. They referred to the statement attached to their notice of attendance and confirmed its contents including that the sale/supply of alcohol was supplementary to the sale of desserts.

The Sub-Committee requested clarification with regard to the location of the Sundae Club in relation to the Bistro. The Applicant explained that the Bistro is located near the tennis courts and The Sundae Club is attached to the visitor centre. The Applicant stated that the purpose of The Sundae Club was to serve ice-cream and desserts. When questioned about the rationale of serving alcohol with ice cream, waffles and desserts, the Applicant stated that some customers may wish to enjoy a drink with their dessert.

The Applicant confirmed that the total number of outdoor seating would be 64 as shown in the plan.

The Sub-Committee then heard from the Friends of War Memorial Park who referred to the written representations/objections included in the report. Their main concern remained the closing times of the public facilities and the facilities not being available after 5.00pm. The Chair clarified that the Applicant had reached an agreement with the Council to allow for the public facilities to remain open to coincide with the opening hours of The Sundae Club and Bistro, as stated in the Applicant's statement submitted with their notice of attendance.

In summing up, neither the Applicant nor the Objector had any further comments to make.

The Chair once again reiterated that the Public Space Protection Order (PSPO) does not apply to licenced premises and therefore it is not pertinent to the determination of this application. The provisions which govern the PSPO is not something that is within the remit of the Licensing Committee for their consideration. It is a separate issue which has no bearing on how this application is to be determined.

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

The Sub-Committee considered the application on its own merits and gave due consideration to the officer report and the oral representations made by both parties at the meeting.

The Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as possible, problems arising at, or, from the premises that may undermine the licensing objectives. For example, they had voluntarily reduced the hours relating to the sale/supply of alcohol. This, they believed, was a sign of a responsible Applicant who was dedicated to prioritising the promotion of the licensing objectives.

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.

The Sub-Committee, whilst being sympathetic as to any potential issues in respect of the Public Space Protection Order, were clear that this could not be considered and as such would not have any bearing on the determination of this application.

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 in respect of The Sundae Club, War Memorial Park, Coventry be granted subject to the following conditions:

- 1. The sale of alcohol will be limited to prosecco, white wine, red wine, rose and bottled beer, as indicated by the Applicant. The premises will be prohibited from selling hard liquor or spirits (for example gin, vodka, whiskey etc.)**
- 2. The premises licence will operate from 11.00am to 8.00pm in summer daylight hours and from 11.00am to 5.00pm in winter daylight hours, as volunteered by the Applicant.**

6. Any Other Business

There were no other items of business.

(Meeting closed at 1.10 pm)