

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Wednesday, 29 March 2023**

Present:

Members:                           Councillor L Bigham (Chair)  
  Councillor R Lakha  
  Councillor A Masih

Employees Present:

Law and Governance           U Patel, T Robinson, A Wright

Streetscene and                 R Masih  
Regulatory Services

In Attendance:                 Applicant, Applicant's Representative, Designated Premises  
  Supervisor

**Public Business**

1.       **Appointment of Chair**

**RESOLVED that Councillor L Bigham be appointed as Chair for the hearing.**

2.       **Apologies**

There were no apologies.

3.       **Declarations of Interest**

There were no declarations of interest.

4.       **Application to vary a Premises Licence under the Licensing Act 2003**

The Sub-Committee considered an application to vary the Premises Licence in respect of Quids Inn (First Floor), 117-118 Gosford Street, Coventry. The application requested an extension of the hours for all current licensable activities (sale/supply of alcohol, regulated entertainment and late-night refreshment) by two hours from 2.00am to 4.00am. The application also requested the addition of live music until 4.00am.

One representation had been received from an Other Person objecting to the application in the grounds that the extension of hours would undermine the licensing objective of the Prevention of Public Nuisance.

None of the Responsible Authorities had objected to the application.

The Licensing Officer presented a brief summary of the application and confirmed that all application formalities had been complied with.

The Applicant was invited to present his case. His Representative explained that both the upper and lower floor of the premises are run by the same business, however they have separate Premises Licences. The ground floor Premises Licence has a terminal hour of 4.00am, whereas the first floor Premises Licence has a terminal hour of 2.00am. The application proposed to bring the two Premises Licences in line with each other and was therefore not a substantial change. The applicant's representative explained that it can be confusing for the customer when the first floor needs to close early but the ground floor can remain trading.

In response to the representation submitted by the resident, the representative explained that Planning Permission had been granted in 1994 for the premises to be a nightclub. The resident moved in some 11 years later, in 2005, and subsequently made the decision to convert a storage area into a flat, in the knowledge that the premises next door was operating as a late night venue. He further purported that mediation had been offered to the resident during the application process, but that he had refused. In addition, the Applicant wished to commission a sound report to establish the noise levels through the party wall, but the resident had refused access to the engineer to allow this to take place.

In his representation, it was noted that the residents had made complaints about the noise on a number of occasions, however the Representative explained that this has never been through the right channels and despite being told that he should complain to Environmental Health, this has never been done. The Sub Committee noted that Environmental Health had not made any representations regarding the application.

Finally, the representative stated that the Applicant was keen to work with the resident and had offered to contribute to the cost of insulation and/or double glazing to make his living arrangements as comfortable as possible.

In response to questions asked by the Sub Committee with regard to the numerous text messages sent by the resident to the premises complaining about the noise, the Designated Premises Supervisor (DPS) stated that she has tried to maintain a good relationship with the resident, and made her number available so he could contact her at any time with any issues. She explained that he has sent texts on a number of occasions, and she has always responded immediately, sometimes by turning the juke box volume down or by explaining that the noise was coming from a different premises. She further explained that the premises had been visited by Licensing Officers who were satisfied with the measures being taken and again, reiterated to the resident that if he had an issue with noise he should call the Environmental Health team so that they could assess the noise levels when it is actually occurring.

The Sub Committee asked the Licensing Officer if she could corroborate the DPS' account. The Licensing Officer confirmed that the Licensing team had completed several visits to the premises and asked for the involvement of Environmental Health, who again stated that they remain unable to do anything without a complaint from the resident at the time the noise is allegedly occurring.

The Sub Committee questioned whether the premises would be holding darts or pool competitions as this was noted in the application, but the Applicant explained that this had been brought over from the existing Licence and to date, no competition has been held there. Finally, the Sub Committee asked for clarification on how alcohol is served outside. The Applicant explained that the alcohol is purchased at a bar inside but can be taken outside for consumption in a smoking area.

The resident did not attend the Hearing, and therefore he was unable to present a case or answer any questions.

In summing up, the Applicant's Representative reiterated that the Applicant was willing to work with the resident in order to make his living arrangements as comfortable as possible. He argued that the Applicant and the DPS were responsible people who understand they have a resident living next door, however there has been no willingness on his part to mediate or compromise. He asked that the application be granted.

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.

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 that the Applicant had taken the concerns of the resident into account and would continue to do so.

**RESOLVED that the application to vary the Premises Licence in respect of Quids Inn (First Floor) be granted.**

## 5. Any Other Business

There were no other items of business.

(Meeting closed at 10.40 am)