



### **Licensing and Regulatory Sub-Committee (Hearing)**

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**Time and Date**

10.00 am on Monday, 3rd July, 2023

**Place**

Diamond Rooms 1 and 2 - Council House

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**Public Business**

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Application for a Premises Licence under the Licensing Act 2003** (Pages 3 - 34)

To consider an application for a Premises Licence in respect of Kitchen 126, 126 Southbank Road, Coventry, CV6 1FH

Note: The applicant and their representative have been invited to attend the hearing.

Persons who have made representations have been invited to attend.

The City Council's Statement of Licensing Policy is available on the Council's website. Alternatively, please contact us if you require a hard copy.

5. **Any Other Business**

To consider any other items of business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

Nil

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Julie Newman, Chief Legal Officer, Council House, Coventry

Friday 23 June 2023

Note: The person to contact about the agenda and documents for this meeting is

Usha Patel/Thomas Robinson Email:

[usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)/[thomas.robinson@coventry.gov.uk](mailto:thomas.robinson@coventry.gov.uk)

Membership: Councillors F Abbott, S Keough and R Lakha

**Public Access**

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

**Usha Patel/Thomas Robinson**

**Email:**

**[usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)/[thomas.robinson@coventry.gov.uk](mailto:thomas.robinson@coventry.gov.uk)**



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Licensing & Regulatory Sub-Committee

3 July 2023

**Name of Cabinet Member:**

Not applicable

**Director Approving Submission of the report:**

Director of Law & Governance

**Ward(s) affected:**

Sherbourne

**Title: Application for a Premises Licence under the Licensing Act 2003**

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**Is this a key decision?**

No

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**Executive Summary:**

The purpose of this report is to consider an application for a Premises Licence under the Licensing Act 2003 for Kitchen 126, 126 Southbank Road, Coventry, CV6 1FH.

**Recommendations:**

The Sub-Committee is recommended to consider whether to:

1. Grant the application as requested.
2. Grant the application subject to such conditions that are necessary to promote the Licensing Objectives.
3. Refuse the application wholly or in part where it is necessary in order to promote the Licensing Objectives

**List of Appendices included:**

1. Premises Licence application
2. DPS Consent Form
3. Plan
4. Representation
5. Location Plan
6. Hearing Procedure Note
7. Relevant Hearing Briefing Note

**Other useful background papers:**

Section 182 Licensing Act 2003 Guidance

It is a statutory obligation of the Sub-Committee to take into account the Government's Guidance to the Licensing Act 2003 before reaching a decision.

**Statement of Licensing Policy**

The Council will have regard to the policy when making a decision on applications made under the Act.

**Other Useful documents**

None

**Has it been or will it be considered by Scrutiny?**

Not applicable

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Not applicable

## **1. Context (or background)**

- 1.1 The Licensing Act 2003 requires Coventry City Council, as the Licensing Authority, to carry out its various licensing functions so as to promote the following four Licensing Objectives:
- The Prevention of crime & disorder
  - The Protection of public safety
  - The Prevention of public nuisance
  - The Protection of children from harm
- 1.2 A Premises Licence application for Kitchen 126, 126 Southbank Road, Coventry was received on 9 May 2023. The application is requesting Sale of Alcohol (On & Off Sales) from Monday – Sunday 11:00 – 22:00.
- 1.3 One representation has been received from Other Persons. (Appendix 4). The representation states that granting the application could undermine the Prevention of Public Nuisance licensing objective.
- 1.4 The Licensing Act 2003 requires the Council to publish a ‘Statement of Licensing Policy’ which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Policy will be available at the hearing for reference purposes.
- 1.5 It is essential that the Sub-Committee takes into account the government’s guidance to the Licensing Act before reaching a decision. The applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee’s attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing

## **2. Options considered and recommended proposal**

- 2.1 There are three courses of action available to the Sub-Committee in relation to this application:
- (i) Grant the application as requested. If the Sub-Committee consider that granting the application would not undermine any of the Licensing Objectives, it should be granted in full as submitted. This would be granted subject to mandatory conditions and conditions consistent with the applicant’s operating schedule, and any other conditions agreed by the applicant as part of the consultation / mediation process. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
  - (ii) Grant the application as above, but the Sub-Committee could impose extra conditions as it thinks fit, or make amendments to the operating schedule conditions, and/or proposed hours. This option may include adding any conditions suggested by other parties at the hearing, including the applicant. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
  - (iii) If the Sub-Committee concludes that no additional conditions would ensure that the Licensing Objectives would be upheld, then the whole application should be rejected.

- 2.2 Your officer recommends option (ii).  
The reason for this recommendation is that the applicant has voluntarily added the following conditions in the operating schedule:

“Event evenings are ticket in advance and catering for smaller audiences. Customers are reminded to leave quietly. Recorded music will be background only. Any rare instances live music I provide at the premises will be covered by deregulation. I would notify neighbours in advance and provide a telephone number in case any issues were to arise”.

The Responsible Authorities who responded to the Consultation have not offered up further conditions because they consider the application to be suitably conditioned by the applicant for the type of business model and operation intended at the premise and if problems do occur then the Review procedure is available to both Responsible Authorities and any other person.

- 2.3 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. This application should be considered on its own merits and all the circumstances taken into account before a decision is made.
- 2.4 The Sub-Committee must also be aware that licences can be reviewed at any time by any Responsible Authority or any ‘other person’, if it is considered that any of the Licensing Objectives have been undermined following the grant of the Premises Licence.

### 3. Results of consultation undertaken

- 3.1 As prescribed by the Licensing Act 2003, the application has been out for consultation to statutory consultees for 28 days. The notice was displayed at the premises from 10 May 2023 – 6 June 2023, the notice was checked by the Licensing Officer on two occasions during the 28 day period. Licensing applications are also published weekly in the Members Bulletin which is available to Ward Councillors.
- 3.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response Received	Objections	Conditions Agreed
Licensing	Yes	No	No
Police	Yes	No	No
Environmental Protection	Yes	No	No
Fire Safety	Yes	No	No
Health & Safety	No	-	-
Trading Standards	No	-	-
Planning	No	-	-
Safeguarding Children	Yes	No	No
Public Health	No	-	-
Secretary of State	No	-	-

- 3.3 One representation from an Other Person has been received (Appendix 4). The grounds for the representation is that the granting of the Premises Licence would undermine the licensing objective of the Prevention of Public Nuisance.

- 3.4 A mediation meeting has been offered and this is being arranged, the outcome of this meeting will be reported at the hearing.
- 3.5 The Planning Officer will arrange for an officer to investigate the planning issues, however, please note that following recent changes to the Town and Country Planning Use Classes Order 1987 (as amended) the change of use from retail shop to premises for the sale of food and drink where consumption is mostly on the premises does not require planning permission.

#### **4. Timetable for implementing this decision**

- 4.1 The Appeal period is 21 days beginning on the date that the Appellant(s) receive notification of the decision of the Licensing Authority.

#### **5. Comments from Interim Chief Executive (Section 151 Officer) and Chief Legal Officer**

##### **5.1 Financial implications**

There are no financial implications arising directly from this report. However, there are possible cost implications if an appeal against the decision is made to the Magistrates Court and the decision of the Sub-Committee is not upheld.

##### **5.2 Legal implications**

The Licensing Act 2003 sets out how applications for Premises Licences should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the four Licensing Objectives.

In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence, the applicant may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy**

It is the Regulatory Services team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. The business' failure to uphold the Licensing Objectives may have an adverse effect on Public Safety and citizen's quality of life.

##### **6.2 How is risk being managed?**

If the application is not handled in line with the Licensing Act 2003, there is a risk of judicial appeals, reviews and associated costs.

##### **6.3 What is the impact on the organisation?**

None

##### **6.4 Equalities / EIA**

This decision will not affect the service provision and therefore details of the Equalities

Impact Assessment are not relevant in this case.

**6.5 Implications for (or impact on) climate change and the environment**

None

**6.6 Implications for partner organisations?**

The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the West Midlands Police, Community Safety Partnership, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined.

**6.7 Human Rights Act Implications**

None

**Report author(s):**

**Name and job title:**

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**Service:** Street Scene and Regulatory Service

**Telephone:** 024 7697 2247

**Email:** [rekha.masih@coventry.gov.uk](mailto:rekha.masih@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Service</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Carolyn Sinclair	Governance Services Officer	Law and Governance	16/06/2023	16/06/2023
Debbie Cahalin-Heath	Strategic Manager of Regulation	Regulatory Services	08/06/2023	16/06/2023
Davina Blackburn	Strategic Lead of Regulation	Regulatory Services	16/06/2023	16/06/2023
<b>Names of approvers for submission: (officers and members)</b>				
Syeda Ahmed	Regulatory Lawyer	Law and Governance	16/06/2023	16/06/2023
Cath Crosby	Lead Accountant	Finance	16/06/2023	20/06/2023
Julie Newman	Chief Legal Officer	Legal & Governance Services	19/06/2023	19/06/2023

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)





Coventry City Council

**Application for a premises licence to be granted under the Licensing Act 2003**

**Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Caravnatthecottage Ltd

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
Kitchen 126 126 Southbank Road			
<b>Post town</b>	Coventry	<b>Postcode</b>	CV6 1FH

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£7900.00

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as: **Please tick as appropriate**

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input checked="" type="checkbox"/>	
	i as a limited company/limited liability partnership	<input checked="" type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)	a recognised club	<input type="checkbox"/>	please complete section (B)



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d)	a charity	<input type="checkbox"/>	please complete section (B)
e)	the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)	a health service body	<input type="checkbox"/>	please complete section (B)
g) a	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
g) b	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) individual applicants** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
<b>Surname</b>		<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>				
Current residential address if different from premises address				
Post town		Postcode		
<b>Daytime contact telephone number</b>				
<b>E-mail address</b>				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)				
<b>Share Code:</b>				



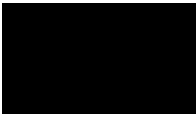
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**Second individual applicant (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
<b>Surname</b>			<b>First names</b>	
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes
<b>Nationality</b>				
Current residential address if different from premises address				
Post town		Postcode		
<b>Daytime contact telephone number</b>				
<b>E-mail address</b>				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)				
<b>Share Code:</b>				

**(B) Other applicants**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name: Cravanathecottage ltd
Address: 
Registered number (where applicable) 13406558



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Description of applicant (for example, partnership, company, unincorporated association etc.)	
Limited Company	
Telephone number (if any)	██████████
E-mail address (optional)	████████████████████

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
07	06	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Small local café, with secured garden (gated) at the back, Family Friendly.          Small offering of alcohol to accompany meals, and for events evenings.          No draughts. Wine by the glass, occasional cocktails.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

x
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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B)	<input type="checkbox"/>
c)	indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>



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e)	live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f)	recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g)	performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>
<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)		<input type="checkbox"/>
<b>Supply of alcohol</b> (if ticking yes, fill in box J)		<input checked="" type="checkbox"/>

**In all cases complete boxes K, L and M**



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**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11:00	22:00			
Tue	11:00	22:00			
Wed	11:00	22:00			
Thur	11:00	22:00			
Fri	11:00	22:00			
Sat	11:00	22:00			
Sun	11:00	22:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name:</b> Jade Laila Wilkes	
<b>Date of birth:</b> [REDACTED]	
<b>Address:</b> [REDACTED]	
<b>Postcode:</b> [REDACTED]	
<b>Personal licence number (if known):</b> CV223000214	
<b>Issuing licensing authority (if known):</b> Coventry City Council	





**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

None

**L**

**Hours premises are open to the public**  
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	Start	Finish
	09:00	22:00
Tue		
	09:00	22:00
Wed		
	09:00	22:00
Thur		
	09:00	22:00
Fri		
	09:00	22:00
Sat		
	09:00	22:00
Sun		
	09:00	22:00

**State any seasonal variations** (please read guidance note 5)

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 6)



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**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Written training will be provided to all staff regards basic Licensing Act requirements. This will be updated every 6 months. The premise will use refusals register and all staff will be aware of where to find it. This would cover incidents of violence, theft, suspected under-age, refused entries or refusing to sell to a drunken person. Alcohol Authorisations will be in place for any time I am not at the premises.

During outside garden events there will never be a time that there is not a staff member outside, this allows monitoring of the event at all times.

**b) The prevention of crime and disorder**

Even though I open at 9am, alcohol sales would never commence until at least 11am. If a sale is requested before 11am it will be noted in the refusals register.

CCTV recording are available at the premises inside and outside (front of prems, back garden, and back room). It records for a minimum of 28 days, and I am happy to make it available to responsible Authorities and Licensing officers upon request.

SIA will not be required as I close at 10pm, and all events are low key and prebooked/ticket events so I know the customer demographic.

**c) Public safety**

Off sales are allowed, but I only to cater for those that have bought a full bottle of wine (for instance) and wish to take the remaining amount home with them. Any off sales will be required to accompany a food order.

It is our intention to use 'outdoor glassware' for drinks in the garden area. This is a plastic range, that looks like glassware, but is not glass and does not shatter.

We have a play area in the garden, children must always be accompanied by a responsible adult whilst they are in the play area.

For any garden evening events, the play equipment will be secured to one side to allow more room for guests.

**d) The prevention of public nuisance**

Event evenings are ticket in advance and catering for smaller audiences. I am selling nice wines, craft beers and a selection of alcohol that caters to the more expensive end of the market. I close my premises by 10pm as I am aware that I have upstairs neighbours that I have no desire to antagonise. Customers are reminded to leave quietly.

Recorded music will be background only. Any rare instances live music I provide at the premises will be covered by deregulation. I would notify neighbours in advance and provide a telephone number in case any issues were to arise.

**e) The protection of children from harm**

Challenge 25 will operate at the venue. All staff are trained in Challenge 25, and posters will be displayed. A refusals register will be used to note all incidents and refusals of sale of alcohol. Children are allowed on the premises as long as they are accompanied by a responsible adult. For all organised evening events children are not permitted after 5pm except for very occasional circumstance, for instance a private family party.

Staff will be trained on proxy sales.



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**Checklist:**

**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	<input type="checkbox"/>
•	I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input type="checkbox"/>
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input type="checkbox"/>
•	I understand that I must now advertise my application.	<input type="checkbox"/>
•	I understand that if I do not comply with the above requirements my application will be rejected.  [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]  I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input type="checkbox"/>  <input type="checkbox"/>

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	Jade Laila Wilkes
Date	09/05/23
Capacity	Owner



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**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
Email Address			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.



## Coventry City Council

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.



## Coventry City Council

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Consent of individual to being specified as premises supervisor

I

Jade Laila Wilkes

.....  
*[full name of prospective premises supervisor]*

Of



.....  
*[home address of prospective premises supervisor]*

Hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises Licence

.....  
*[type of application. Transfer/New/Vary DPS]*

by

Caravanatthecottage Ltd

.....  
*[name of applicant. ie Premises Licence Holder]*

Relating to premises licence

LN/New ..... *[number of existing licence, if any]*

for

Kitchen 126

.....  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Caravanatthecottage ltd

.....  
*[name of applicant]*

concerning the supply of alcohol at

Kitchen 126

.....  
*[name and address of premises to which application relates]*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

CV223000214

*[insert personal licence number, if any]*

Personal licence issuing authority

Coventry City Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

Jade Laila Wilkes

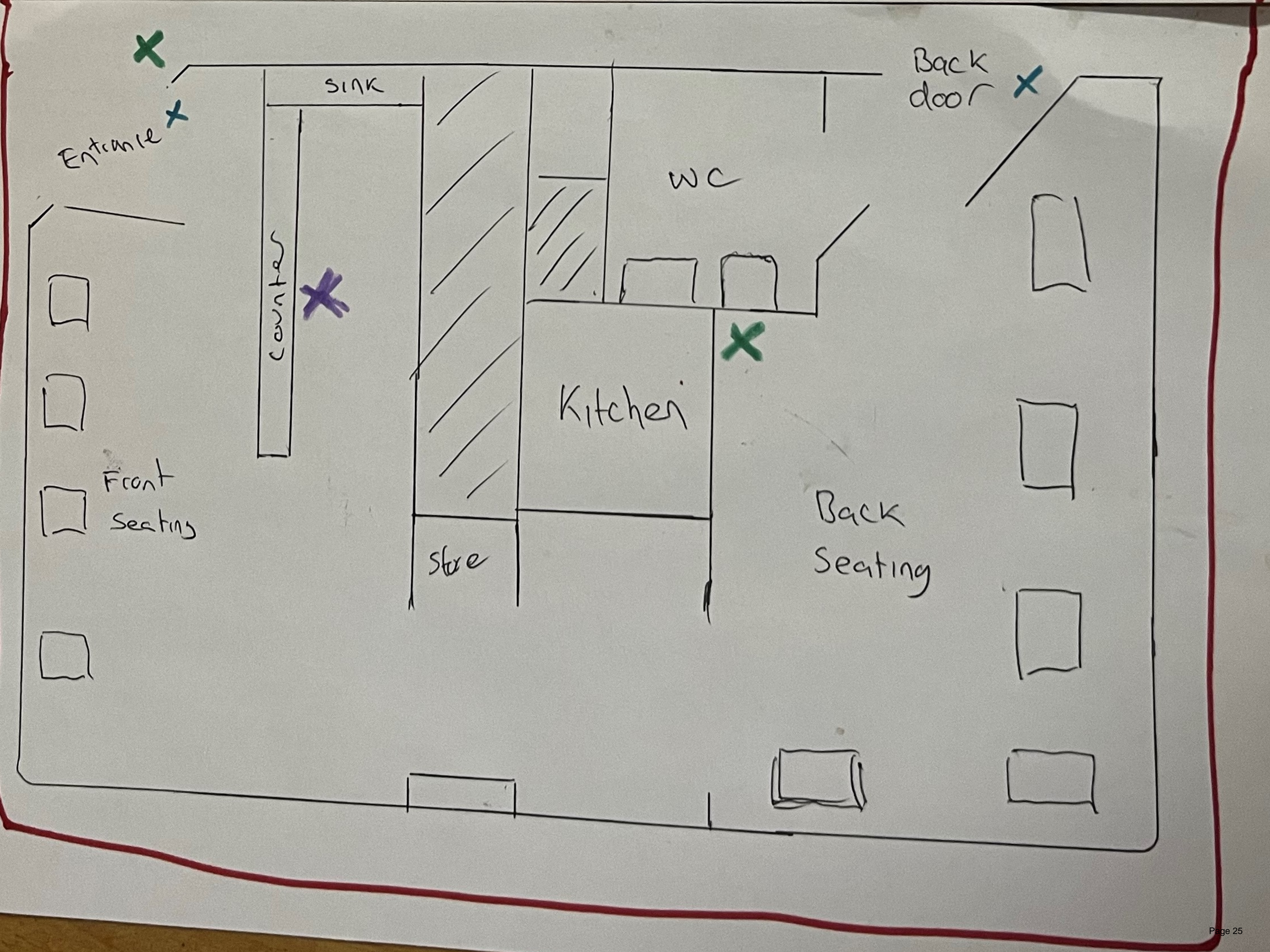
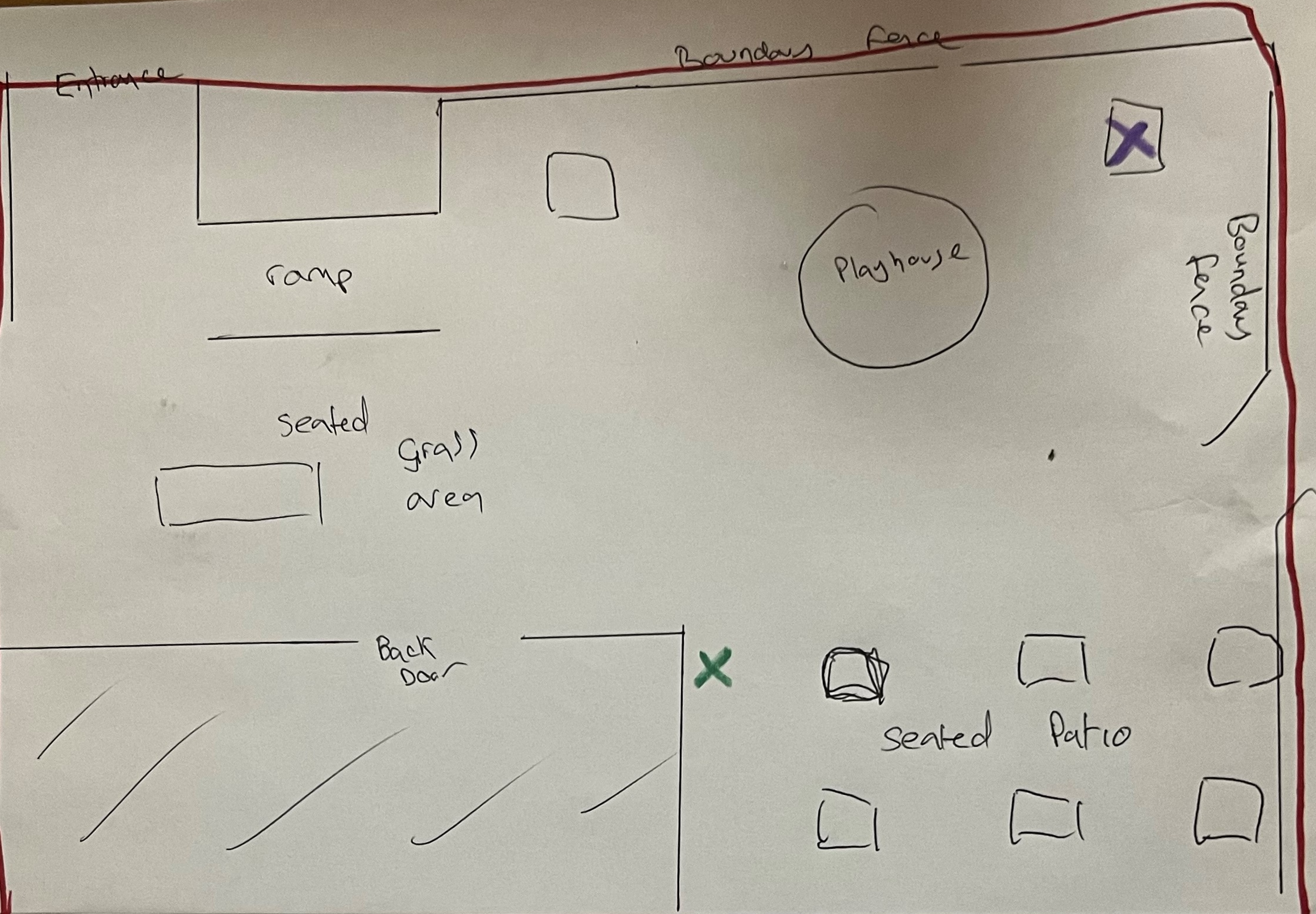
Name (please print)

Jade Laila Wilkes

Date

09/05/23







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**Subject:** FW: Noise Nuisance Kitchen 126 Southbank Road

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**Importance:** High

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**From:** Gardiner, Jackie (Cllr)

**Sent:** 02 June 2023 23:04

**To:** Bechar, Bhavna <[Bhavna.Bechar@coventry.gov.uk](mailto:Bhavna.Bechar@coventry.gov.uk)>; Masih, Rekha <[Rekha.Masih@coventry.gov.uk](mailto:Rekha.Masih@coventry.gov.uk)>

**Cc:** Blackburn, Davina <[Davina.Blackburn@coventry.gov.uk](mailto:Davina.Blackburn@coventry.gov.uk)>; Blackburn, Damon <[Damon.Blackburn@coventry.gov.uk](mailto:Damon.Blackburn@coventry.gov.uk)>; Simpson, Ryan (Cllr) <[Ryan.Simpson@coventry.gov.uk](mailto:Ryan.Simpson@coventry.gov.uk)>

**Subject:** RE: Noise Nuisance Kitchen 126 Southbank Road

Dear Rekha,

Thank you for your message.

Given the complaint of noise sent to me, please could you delay determining this licence application to allow time for the resident to make their own official complaint. I would also ask that this licence application be considered by the Licensing Committee and not through delegated powers as there are some issues here that are of potential concern to this long established residential area.

I am currently investigating the lawfulness of the current use which is questionable given the lack of planning history, as revealed by planning officers and a pause to granting a license of any description would be appropriate whilst we investigate the position.

Whether there is time for the resident themselves to lodge their objection within the times scales you state, is questionable given that I have yet to receive a reply to the email I sent to them a few days ago and the fact we received notification of their complaint via the postal service. We are having to communicate via the post too, which isn't ideal but we are dealing with a resident who has lived at number [REDACTED] Southbank Road since 1974 so they may not be as tech savvy as the current world assumes.

It is important as a service that we treat all residents with respect and make allowances for those with extra needs in accordance with the strategy contained within the One Coventry Plan.

In the meantime, please would you accept this communication as them registering an objection to the grant of an alcohol licence. The residents name is [REDACTED]

As a ward Councillor I also want to register my objection to the grant of an alcohol license to 22.00hrs. The current café shuts at 3.00pm. Being even open for business as a café at 22.00hrs is an issue all of itself given the pressure for parking spaces and residential character of the area in

this part of the ward. Granting it an licence to sell alcohol all evening poses some likely conflict with the quiet residential nature of its surroundings.

I also have concerns as to the licensee's attitude toward causing nuisance to surrounding residents, given their response to their immediate neighbour when they complained about noise. They were told they just have to get used to it. That resident has lived there for 46 years and has a good idea of what is normally reasonable.

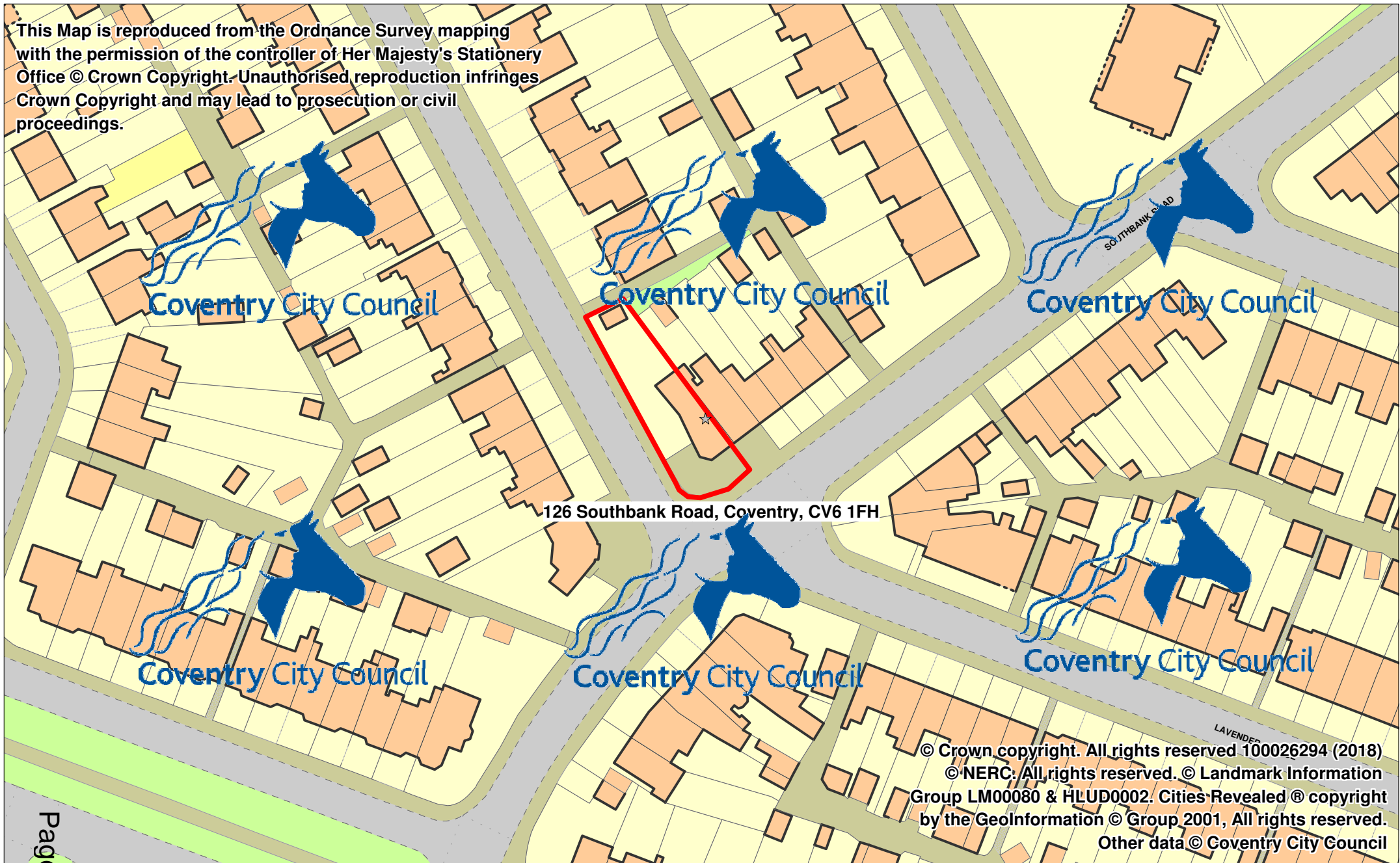
I look forward to you acknowledging my response.

Kind regards

Jackie

Cllr. Jackie Gardiner  
Sherbourne Ward  
Coventry City Council  
Council House  
Earl Street  
Coventry  
CV1 5RR  
Tel 024 76975555  
[jackie.gardiner@coventry.gov.uk](mailto:jackie.gardiner@coventry.gov.uk)

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## Coventry City Council

### LICENSING ACT 2003

### LICENSING SUB-COMMITTEE

### HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

\*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 5 working days of the determination.

\* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.





## Coventry City Council

### Licensing Act 2003

#### Briefing Note 1 – Hearing to Consider a Premises Licence Application

##### Background

A Premises Licence is required before any licensable activity can take place on any land, vehicle or vessel and where that activity will not be covered by a Club Premises Certificate or a Temporary Event Notice. The application can be made by a living individual aged 18+ or by a corporation. The application must include an "operating schedule" and a plan of the premises. If it is intended to supply alcohol from the premises, the application must specify a "Designated Premises Supervisor" who will be the person having day-to-day responsibility for the premises. The "Operating Schedule" states the kinds of licensable activities that will be taking place on the premises, the proposed times of opening and the steps proposed to promote the four licensing objectives. Premises Licences remain in force indefinitely unless a time-limited licence has been requested.

A hearing is required because "relevant representations" (i.e. relevant to the licensing objectives) have been made by a "responsible authority" (i.e. police, fire or local government agencies) or any other person or both.

##### Section 182 Guidance (Apr 2018)

Particular reference should be made to Parts 9 and 10.

##### Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 5, 6, 7

##### Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to grant a licence will only be regarded as infringing the Article 8 rights of local residents/businesses if any noise/disturbance likely to be caused is of an extreme nature. Given the police powers to close premises in these circumstances this is unlikely to be an issue at application stage.

##### The Sub-committee's powers

Having heard from the applicant and the other parties the sub-committee may:

- (a) grant the application; or
- (b) grant the application with additional or modified conditions; or
- (c) exclude one or more licensable activities from taking place on the premises; or
- (d) where the Police have objected to the proposed DPS, refuse to agree to the proposed "designated premises supervisor"; or
- (e) reject the application outright

### Rights of Appeal

An aggrieved applicant can appeal to Coventry Magistrates' Court against any decision made by the sub-committee that falls within (b) – (e) above. An aggrieved objector can also appeal against the grant of an application.

### Monitoring/Enforcement

If an application is approved, monitoring and enforcement of Premises Licence conditions will be carried out in accordance with the Licensing Enforcement Policy.