

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 11 December 2023

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Gray
 Councillor J Innes

Employees (by
Directorate):

Law and Governance U Patel, T Robinson, A Wright

Streetscene and
Regulatory Services R Masih, C Simms

In Attendance: S Manhertz (Trainee Solicitor)
(Observers)

In Attendance: Applicant
(Interested Parties) Residents (Objectors, including one spokesperson)
 Resident (Witness on behalf of Applicant)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Application for a Premises Licence Application under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of The Cue Club, Kenpas Hall, rear of 51 Kenpas Highway, Coventry, CV3 6AW. The application requested the Sale of Alcohol (on sales) Sunday - Thursday 0900hrs – 0000hrs (midnight), Friday & Saturday 0900hrs – 0100hrs; Regulated Entertainment Sunday - Thursday 0900hrs – 0000hrs (midnight), Friday & Saturday 0900hrs – 0100hrs; and Late Night Refreshment Sunday - Thursday 2300hrs – 0000hrs (midnight), Friday & Saturday 2300hrs – 0100hrs.

Nine representations objecting to the application had been received from Other Persons. The representations stated that granting the application could undermine all four licensing objectives, namely The Prevention of Crime & Disorder, The Protection of Public Safety, The Prevention of Public Nuisance, and The Protection of Children from Harm.

None of the Responsible Authorities had objected.

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 gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was invited to present her case and began by explaining that there was a need for cue sports within Coventry and that she had been searching for a suitable venue for a long time – somewhere members could enjoy cue sports and, secondary to that, have a drink if they wish. She confirmed that it was not a venue for people to have some drinks and play pool, for example.

The Applicant explained that it would be a "members only" club and that she wished for a later licence to allow senior and disabled players, who may take slightly longer to play, to take part. She explained that as soon as the last person leaves for the evening, the premises would close, regardless of time, and that no one would be allowed to enter for the final hour as no game could be completed in this time.

The Applicant stated that the equipment would be of a high standard, meaning she would not risk a member being drunk and disorderly on the premises because of the potential to damage the equipment.

A Witness in support of the Applicant explained that he lives on Kenpas Highway and that his rear garden backs on to the premises. He lives with his wife who is a GP, and two children who attend school in the area. He previously served as a Police Officer. The Witness stated that he first saw the application advertised in the locality and had concerns, as did other residents. The Witness left a message with the Applicant's accountant and within 45 minutes, the Applicant had called him.

The Witness described the Applicant as having taken the time to listen, explain and compromise. He explained that the traffic through Oak Tree Avenue is not a new problem and was currently used by gym users for access to the premises. The Witness suggested gates be erected at the end of the lane to resolve the issue, which the Applicant agreed to, at her own cost. As an ex-Police Officer, the Witness considered that the measures proposed by the Applicant would reduce anti-social behaviour, not increase it. He stated that the introduction of CCTV and lighting into the car park would stop this being used for drug taking and other illegal activity.

With regard to smoking, the Witness noted that a specific shelter away from the houses would be used as a designated smoking area, whereas at the moment gym users smoke anywhere, quite often close to nearby houses. With regard to noise, the Witness pointed out that this was a proposal for a cue club and he is yet to encounter a noisy one. He also noted that there was already alcohol in the area as there is a public house, The Burnt Post, next door to the premises.

Finally, the Witness confirmed that he is not a cue player and would not be joining the club as a member but was confident as a resident and former Police Officer

that the Applicant is a responsible owner and would bring positive change to the area.

The Sub Committee noted that initially the premises wanted a 24-hour licence once or twice a year, but this had been removed following consultation with the Police. The Applicant explained that they may in the future hold "snooker-thons" which was the thought behind the 24-hour licence but as this is not something they are sure about, they were happy to remove this from the operating schedule and in due course apply for a Temporary Event Notice if plans for a snooker-thon go ahead.

The Sub Committee asked whether the Applicant would be willing to agree to a condition that no one could enter the premises in the final hour. The Applicant said that she would, and that she wanted to avoid a situation whereby patrons of the Burnt Post would be looking for a final drink. The Applicant stated she had therefore put her closing times in line with the Burnt Post. She also reiterated that this would be a members only club, and no one would physically be able to gain access to the premises unless they are a member. There would be sign in sheets that could be inspected if needed.

The Objector, in presenting his case, identified himself as an unofficial spokesperson for the other residents who had objected but did not wish to speak themselves. The Objector stated that he had objected for a number of reasons. He believed that alcohol issues had been addressed but he still had concerns regarding the access from Oak Tree Avenue. The Objector explained that if the car park was full then Green Lane would be used for overflow which would create difficulties for residents. He also stated that children often use Oak Tree Avenue as a play area and whilst the Applicant can block it, she cannot stop people from parking there.

The Objector explained that the premises is surrounded on all sides and has narrow passageways that could lead to anti-social behaviour fuelled by alcohol. He was concerned that the enclosed nature of the premises could lead to more drug taking, and the introduction of another licensed premises could lead to an increase in underage drinking.

The Objector raised further concerns surrounding the potential for noise nuisance in the outdoor seating area, as well as patrons leaving late at night and the possibility of live music and entertainment should the licence be granted.

In response to questions asked by the Sub-Committee, the Solicitor confirmed that parking does not fall under the Licensing Objectives and the Sub Committee should therefore not take these issues into account when making their decision.

The Sub Committee asked the Objector whether he could offer any suggestions which may allay his concerns. He stated that a time restriction should be placed on the outdoor area and that he would like to work with the Applicant concerning the access on Oak Tree Avenue.

The Sub Committee asked the Licensing Officer whether she was aware of any antisocial behaviour in the area at present. She confirmed that the Police had not objected indicating they had no concerns that the measures to be put in place

would undermine the Prevention of Crime and Disorder Objective. The Objector further confirmed that he had no issues with anti-social behaviour in the area at present.

In summing up, the Objector explained that his real concerns surrounded the possibility for live entertainment as well as patrons not leaving quietly.

The Applicant summed up by stating that realistically, not many people would be spending time in the outdoor area as they would be there to play cue sports inside. She also reiterated that it is within the terms and conditions of membership that should any members cause issues to the club or surrounding residents, then their membership would be terminated.

The Applicant confirmed that should the licence be granted; she would be sending a letter to all local residents with her direct contact information so they could raise any issues with her immediately. She also confirmed that the car park would hold approximately 30 cars and that it was a members club whereby limited tables have to be booked, so she did not envisage a situation whereby members would need to use surrounding roads to park.

With regards to applying for regulated entertainment, the Applicant explained that this was so they could use microphones for presentation evenings and occasionally some competitors may want some walk on music but that the equipment in the club is hard to move once in place, so to move it for a band to come in would not be workable and was not part of their vision for the premises.

Finally, the Applicant was happy to confirm that she would not let anybody into the premises for the final hour – that being from 11pm in the week and midnight at the weekend.

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. The Sub-Committee considered the application on its own merits and due consideration was given to the evidence available before them including the objections raised.

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 9.15 of the Licensing Act 2003 Statutory Guidance which states that it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. It was noted that environmental health had not objected.

The Sub Committee fully considered the submissions provided by the Objectors as well as the oral submissions presented at the hearing. The Sub Committee noted that a large proportion of the submissions surrounded parking issues in the vicinity

of the premises, which is not a consideration for the purpose of determining a licence application and therefore, this was not taken into account.

Having listened to all the evidence, 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.

Having heard the representations from the Applicant and her witness, 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. This was particularly evident given the time taken to prepare a comprehensive supporting document addressing the residents' concerns, and the ongoing relationship that the Applicant wishes to build with the local community.

The Sub Committee note that the procedure, should any local residents witness nuisance arising from the premises, is to make an immediate report to the Council's Environmental Health department. The Applicant will no doubt be 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 Premises Licence in respect of The Cue Club, Kenpas Hall, rear of 51 Kenpas Highway, Coventry CV3 6AW be granted, subject to the following additional condition:

"No person is to be permitted entry to the premises from 2300hrs Sunday to Thursday, and 0000hrs (Midnight) Friday and Saturday."

4. **Any Other Business**

There were no other items of business.

5. **Declarations of Interest**

There were no declarations of interest.

(Meeting closed at 12.20 pm)