

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 10.30 am
on Wednesday, 22 May 2024

Present:

Members: Councillor F Abbott (Chair)
Councillor J Birdi
Councillor B Christopher
Councillor S Gray
Councillor G Hayre
Councillor A Hopkins
Councillor T Jandu
Councillor R Lakha
Councillor R Lancaster
Councillor K Maton
Councillor R Thay

Employees (by Service Area):

Law and Governance F Cartwright, U Patel, T Robinson, A Wright

Streetscene and Regulatory Services D Cahlin-Heath, M McCrystal

In Attendance:
(Interested Parties) Applicant
Applicant's Legal Representative
Applicant's Representatives
Public Health Representative (in support of Application)
Objectors

Apologies: Councillor J Innes, J Lepoidevin and CE Thomas

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

The Minutes of the Committee meeting held on 12 March 2024 and the Sub Committee Hearing held on 18 March 2024 were agreed and signed as a true record.

3. Local Government (Miscellaneous Provisions) Act 1982 – Application for the Grant of a Sexual Entertainment Venue (SEV) Licence

The Committee considered an application for a Sexual Entertainment Venue (SEV) under the Local Government (Miscellaneous Provisions) Act 1982 for Club Heat, Hertford Place, Coventry, CV1 3JZ. The application requested the following opening times: Monday – Sunday 18:00 – 06:00 hours.

The Licensing Officer presented the report and gave an outline of the application to the Committee. She explained that the Applicants had held a SEV Licence for Club Heat, 7 City Arcade, Coventry since 17th April 2012 but was looking to relocate due to a Compulsory Purchase Order issued by Coventry City Council due to the City Centre South redevelopment programme.

No objections had been received from any of the Responsible Authorities. Objections were received from other persons after the final date for objections of 29th April 2024. Prior to the commencement of the hearing, the Committee considered whether they would exercise their discretion to hear the late objections, stating as follows:-

“A local authority is under a duty to consider any objections made within 28 days of the application. However, Home Office guidance surrounding SEV’s states that it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections. The Committee considered the reasons for the late objections, which came in over two and a half weeks past the deadline of 29th April 2024. The Committee also considered the representations of the Applicant, and note that a lawful consultation was carried out. As such, the Committee have decided not to exercise their discretion to hear the late objections, and the hearing will proceed as scheduled this morning.”

Public Health had submitted a representation in support of the application following a meeting with the Applicant at the proposed venue.

The Applicant’s Legal Representative outlined the case for the Applicant. He explained that the venue had operated lawfully and without any significant issue in the city for 19 years, the last 12 of which have been under an SEV Licence. He explained that the basis for the application was the requirement for the premises to relocate, and that the Applicant had actively been looking for a suitable premises together with the Police and Licensing Authorities. The Applicant reassured the Committee that the current management team have worked cooperatively with the Council and Police for many years and would continue to do so.

The Applicant took the Committee through the area plans and the layout of the premises, explaining that the nearby nursery is closed and had been for some time, and is currently being advertised for sale with a number of different potential uses including a nightclub. The Applicant also turned the Committee’s attention to the witness statements of himself, the club manager and the area manager, explaining their roles within the business and offering the Committee to ask them any questions about the operations of the premises.

An officer from Public Health provided some representations in support, explaining that the Applicant had embraced working with Public Health to ensure the safety of performers and those going into the venue. She described the premises as being one of the best she had engaged with.

The Committee then asked questions of the Applicant, whereby he explained that he currently provides 8 door staff at the weekend to deal with approximately 250/300 customers coming through the doors, which is well above the national quota for door staff to customer ratios. He also reassured the Committee that the premises would be regulated under its Premises Licence to ensure it does not cause any nuisance to nearby residents and would not be including anything on the outside of the premises that would identify it as an SEV.

In terms of security, the Applicant explained that the new premises would be safer in that customers and performers would be able to get a taxi directly from the premises rather than the current location which requires them to walk through the city centre to access the nearest road. He also explained that Challenge 25 was rigorously operated, and they do not actively promote or encourage students to attend the premises.

There were further questions surrounding the smoking areas and whether there would be separate areas for the public and the performers. The Applicant took the Committee through the layout within the bundle to demonstrate how this would work and that whilst it would be located at the front of the premises, it is well segregated and hidden using foliage and grills to ensure nothing can be passed through and that no embarrassment would be caused should somebody walk past. The Committee asked if there were plans for the third floor, and the applicant confirmed this would likely be used as office space, but there were also plans to include facilities for the performers on this floor.

Finally, the Committee asked what the sign facing the road would say. The applicant said it would simply say "Heat" and confirmed that all external imagery would need to be approved by the Licensing Authority.

In the Applicant's concluding statement, the Committee's attention was drawn to the 25 years that he had spent managing hospitality across Coventry. It was also noted that he is heavily involved in PubWatch and is a Director of the BID. The Applicant's solicitor described him as a model citizen of the city and invited the Committee to grant the licence as requested.

In reaching its decision, the Committee had regard to both the Home Office guidance for Sexual Entertainment Venues and the Council's own policy.

Whilst the Council currently has a nil policy, the Committee noted that regard must be given to Paragraph 10.3 of the SEV Policy, which states that the Council recognises that Club Heat is an established Sexual Entertainment Venue which has traded in the city for a long period of time without significant concern. Accordingly, the nil policy does not apply to the said Sexual Entertainment Venue. Rather, any application in respect of the said Sexual Entertainment Venue is to be judged on its own merits and without reference to the nil policy.

The Committee considered the detailed representations provided by the Applicant and his Representative in conjunction with the written representations, including the witness statements submitted prior to the hearing. The Committee noted the supportive statement provided by Public Health, and the supplementary oral representations provided at the hearing today.

The Committee did not feel that there were any grounds under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, for refusing the application. It was advised that none of the mandatory grounds for refusal were relevant to this application. It noted that the objections to the application had been received late, and the Committee having considered the reasons for this decided not to exercise their discretion to hear these objections. As such, these objections were not viewed by the Committee. It was noted that the current premises had been operating as an 'adult venue' for many years without any significant concerns from the relevant enforcement bodies. The Committee was satisfied that sound management arrangements were in place.

RESOLVED that the application for a Sexual Entertainment Venue licence in respect of Club Heat, Hertford Place, Coventry, CV1 3JZ be approved subject to the Council's Standard Conditions.

4. Outstanding Issues Report

There were no outstanding issues.

5. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

(Meeting closed at 12:40pm)