

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Tuesday, 4 June 2024**

Present:

Members:                    Councillor R Lakha (Chair)  
                                  Councillor S Gray  
                                  Councillor A Hopkins

Employees (by Service Area):

Law and Governance            F Cartwright, T Robinson, C Sinclair, A Wright

Streetscene and Regulatory Services            R Masih

In Attendance:                    Councillor R Bailey (Objector)  
(Interested Parties)               Residents (Objectors, including One Spokesperson and a Petition Organiser)

### **Public Business**

1.     **Appointment of Chair**

**RESOLVED that Councillor R Lakha be appointed as Chair for the hearing.**

2.     **Apologies**

There were no apologies for absence.

3.     **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application for a Premises Licence in respect of Burger Boi, 48 Daventry Road, Coventry CV3 5DP. The application requested Late Night Refreshment Monday to Sunday from 2300hrs to 0000hrs.

Three representations had been received objecting to the grant of the application on the basis that to do so would undermine the Licensing Objectives of Public Safety and the Prevention of Public Nuisance. There were two representations from “other persons” and a petition containing 34 signatures.

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. Additionally, the Sub Committee noted that mediation had not been successful.

At the outset of the Hearing, it was noted that the Applicant was not in attendance, so the Sub Committee asked the Licensing Officer for assurance that they had been made aware of the Hearing. The Licensing Officer confirmed that formal notification of the Hearing had been emailed to the Applicant. The Licensing Officer had also tried to email and telephone the Applicant this morning but as yet had received no response. This was the second time that the Applicant had not been in attendance, the first being on 13<sup>th</sup> May 2024 when the Applicant asked for an adjournment at short notice due to an emergency. Having received no contact from the Applicant, the Sub Committee decided to proceed in their absence in accordance with Regulation 20(2)(b) of the Licensing Act 2003 (Hearings) Regulations 2005.

In the absence of the Applicant, the Sub Committee confirmed that their Operating Schedule would be considered in reaching their decision.

The Objectors were then invited to present their cases. Councillor Bailey began by outlining the significant issues caused by volume of traffic and illegal parking in the area which has been a problem for residents for some time and raises nuisance and public safety concerns. An objector had, prior to the hearing, submitted further statements from local residents expressing their concerns should the application be granted, and explained to the Sub Committee that she had lived in her property for 16 years and only since Burger Boi had arrived had the disturbances started. She reiterated that there were safety concerns regarding illegal parking and reported that noise emanating from the premises was an issue for residents, impacting their sleep and overall wellbeing.

The Sub Committee asked whether all reports of nuisance had been reported to the Council's Environmental Health department and the objector confirmed that reports had been made to both Environmental Health and the Police. The Sub Committee noted that neither Environmental Health nor the Police, as Responsible Authorities, had objected to the application.

The Sub Committee asked whether any other premises in the area had licences beyond 11pm. The Licensing Officer confirmed that Mayflower House Takeaway has a licence until 11.30pm, although Ms Treacy stated it was always closed by 10.30pm.

In summing up, the Objectors collectively reiterated the concerns surrounding parking and traffic in the area and the impact that opening an extra hour may have in relation to this. The Sub Committee noted that parking and traffic issues were not a consideration for them to take into account as they are not relevant to promotion of the Licensing Objectives, and they should therefore be disregarded in accordance with Regulation 19 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Objectors concluded by providing the Sub Committee with an insight into their personal circumstances and the issues it would cause for themselves and close family members who live with them should the premises be granted a licence.

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.

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 the Police should make representations where there are concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Neither the Police nor Environment Health had objected or raised concerns surrounding this application.

In the absence of the Applicant, who did not attend the hearing for reasons unknown, the Sub Committee fully considered the Operating Schedule and the measures that the Applicant will put in place to promote the Licensing Objectives. In particular, the Sub Committee noted that the Applicant would be making regular inspections of the outside area to remove any discarded refuse and provide waste bins inside and outside the premises. Further, the Sub Committee noted that the Applicant would display clear and prominent notices asking customers to be respectful of neighbouring properties by keeping noise to a minimum when leaving the premises. The Applicant will also have a Noise Management Plan in place.

The Sub Committee acknowledged and sympathised with the Objectors individual circumstances and concerns raised about the Premises being allowed to operate for a further hour. However, in light of the Operating Schedule, 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. A significant number of the Objectors concerns surrounded illegal parking in the local area which could not be taken into account by the Sub Committee as they do not relate to the Licensing Objectives. As such, these concerns were disregarded when the Sub Committee were reaching their decision.

The Sub Committee confirmed they would like the Applicant to continue to take the concerns of local residents into account.

The Sub Committee were satisfied that local residents are aware that the procedure should they witness nuisance arising from the premises is to make an immediate report to the Council's Environmental Health department.

The Applicant should equally 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 Burger Boi, 48 Daventry Road, Coventry CV3 5DP be granted**

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.10 am)