

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 21 July 2015

Present:

Members: Councillor J Mutton (Chair)
 Councillor R Auluck
 Councillor J Birdi

Employees (by Directorate):

People: M Ledbrook

Resources: U Patel, M Smith

In Attendance: H Grundy - Applicant

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor J Mutton be elected as Chair for this meeting.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee considered an application for a new premises licence in respect of Street, 24-26 Earlsdon Street, Coventry.

The application was for the following:

- Sale of alcohol from 9.00am to 2.00am Monday to Sunday for consumption both on and off the premises.
- Live music from 12 noon to 2.00am on Monday to Sunday indoors only.
- Recorded music Monday to Sunday from 9.00am to 2.00am indoors only.
- Late night refreshment from Monday to Sunday 11.00pm to 2.00am for consumption both on and off the premises.

For the avoidance of doubt, reference to the 'application' means the application as modified prior to the hearing by the applicant following consultation with the Police resulting in the steps referred to at page 34 of the agenda pack (and listed below for ease of reference) being added to the Operating Schedule.

The Sub-Committee considered the written application, the written representations received against the application, the 'You Tube' footage submitted by an objector

and the oral presentation made on behalf of the applicant during the hearing. It also had regard to the Secretary of State's Guidance, the Council's Statement of Licensing Policy and the High Court's decision in Daniel Thwaites Plc v Wirral Magistrates Court (relating to the standard of evidence at licensing hearings).

In view of the Thwaites case, the Sub-Committee attached significant weight in favour of this application because none of the Responsible Authorities had objected. In particular, the Police (who are the main source of advice on crime and disorder) did not object.

The Sub-Committee heard from the applicant's representative that the building was of substantial construction (being a former bank) and that there were no party walls. It also heard that the premises were intended to operate as a restaurant with a level of noise typical for a restaurant. It also noted that no nearby resident had objected to the application.

It heard that the YouTube footage dated from several years ago and heard from the applicant's representative that the crime/disorder situation in Earlsdon had improved considerably since that time – it therefore attached little weight to the footage.

It heard that other nearby venues opened (or had the right to open) until at least 2.00am and did not consider this application to be requesting a 'late licence'.

In addition, the Sub-Committee considered paragraph 9.2 of the Council's Statement of Licensing Policy on the relationship with planning and noted that a licensing hearing should not be a re-run of a planning application.

It heard that the intended mode of operation of the premises was as a restaurant and not a bar and the Sub-Committee decided to impose the condition referred to below to ensure consistency with that stated mode of operation and to reduce the risk of any adverse impact on preventing public nuisance and/or preventing crime and disorder through operating as a drink-led venue.

It was satisfied that the Operating Schedule addressed the licensing objectives at this stage and saw no relevant reasons to refuse or alter the application. However, if the premises do 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 be granted subject to:

(a) The Mandatory Conditions prescribed by the Act;

(b) Conditions consistent with the amended Operating Schedule including the following conditions agreed with the Police:

- (i) CCTV to operate at the premises to the agreed standard of the West Midlands Police. Images are to be retained for a minimum of 28 days and be made available to download at the request of the local authorities.**
- (ii) An incident and refusals book is to be maintained.**

(iii) All staff are to be trained in basic licensing laws. This is to be documented and refreshed on a 6 monthly basis.

(c) A condition imposed by the licensing authority that alcohol may only be sold to customers who have ordered or who are ordering food provided by the premises.

4. Any Other Business

There were no other items of business.

(Meeting closed at 11.05 am)