

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 3 March 2016

Present:

Members: Councillor L Bigham (Chair)
Councillor S Birdi
Councillor L Harvard

Employees:

D Cahalin-Heath, People Directorate
M Salmon, Resources Directorate
A Wright, Resources Directorate

Apologies: There were no apologies.

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Bigham be elected as Chair of this meeting.

2. **Declarations of Interest**

There were no disclosable pecuniary interests made.

3. **Licensing Act 2003 - Application to Vary a Premises Licence**

The Sub-committee considered an application to vary a premises licence for The New Spires, namely to continue to permit the current authorised hours endorsed in the standard timings on the premises licence, other than to extend the terminal hour for licensable activities on Fridays and Saturdays until 1am. The opening hours were to remain the same.

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.

Seven local residents had submitted a representation opposing the variation. A mediation meeting was offered by the Applicant, and took place on Sunday 28th February 2016. Two of the objectors attended the meeting. No Responsible Authority had objected to the application.

The Sub-Committee heard submissions from the Representative of the Applicant in support of the application.

It was suggested that the variation was modest in its application for an extension of the terminal hour of licensable activities by one hour on a Friday and Saturday, from 12am to 1am.

It was noted that a mediation meeting was held on Sunday 28th February 2016, to which two objectors attended. The meeting was described by the Representative of the Applicant as being constructive, although the objections were not withdrawn as a consequence of the meeting.

The Representative of the Applicant advised that as a result of that meeting, the Applicant was willing to offer a number of conditions to be added to the premises licence which should serve to allay any concerns the Sub-Committee may have to the grant of the variation having an adverse effect of the Licensing Objectives.

The Representative of the Applicant noted that the main concerns raised by the Objectors related to dispersal and noise. The Applicant has advised that no official complaints or reprimands have been received during his tenure, but that the concerns raised by the residents will be reviewed on an on-going basis in order to uphold the Licensing Objectives.

The Applicant advised that there is a gradual wind down after midnight with regard to the sale of alcohol and regulated entertainment. If the Applicant felt that 'drinking up' time was taking longer than thirty minutes, he would use the flexibility afforded to him by virtue of the extended hour to call last orders at the bar before the terminal hour of 1am.

The Applicant was clear in his representations that there was no intention to reposition the pub, and that he wished to continue to serve the community. The Applicant is of the view that there is a demand within the area for the type of entertainment that the premises will be offering.

Finally, it was noted that on eight occasions since December 2015, the Applicant has used his discretion in accordance with the non-standard timings of the current premises licence to extend the terminal hour to 1am. It was noted that this had not attracted any complaints from residents within the area.

The Applicant was very receptive to the idea of inviting residents to a meeting on occasions throughout the year going forward, in order to discuss their concerns as part of their on-going review process.

The Sub-Committee considered each of the written representations made by the seven Objectors in full.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy. In accordance with the High Court's decision in Daniel Thwaite pic v Wirral Magistrates Court, it attached the appropriate weight to the fact that none of the responsible authorities had objected.

The Sub-Committee considered that the extension of licensable hours on a Friday and Saturday was modest and 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. The measures that the Sub-Committee expect to be taken to address any concerns of Public Nuisance were contained within the Operating Schedule and the conditions offered by the Applicant.

The Sub-Committee was satisfied that the Applicant had taken the concerns of the local residents into account and would continue to do so with the offer of meetings throughout the year to discuss any issues.

The Applicant is 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 Sub-Committee granted the variation to the premises licence for The New Spires subject to the following conditions, as offered by the Applicant:

- 1. Every Friday and Saturday, when either live or recorded music is being played at the premises, all doors and windows are to be kept closed from 10.30pm, save for access to and from the premises, and in the case of an emergency;**
- 2. Every Friday and Saturday, checks of the premises boundary are to be made from 9pm. All findings are to be recorded in a log book, to be made available for viewing by any responsible authority upon request;**
- 3. Alcohol is not to be consumed in the beer garden after midnight;**
- 4. Clear legible notices are to be displayed at all exits asking that customers leave the premises quietly.**

4. Any Other Business

There was no other business.

(Meeting closed at 11.05 am)