

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Tuesday, 12 April 2016**

Present:

Members: Councillor L Bigham  
Councillor G Crookes  
Councillor J Mutton (Chair)

Employees (by Directorate):

Place: D. Cahalin-Heath, J. Elrick  
Resources: C. Sinclair, A. Wright

In attendance: Ms I Cazamel (applicant)  
Mr Richards (applicant's representative)

### **Public Business**

#### **6. Appointment of Chair**

**RESOLVED that Councillor Mutton be appointed as Chair for the meeting.**

#### **7. Declarations of Interest**

There were no declarations of interest.

#### **8. Licensing Act 2003 - Application for a new Premises Licence**

The hearing was held to consider an application for a premises licence for The Generator Food and Drink, 52b Earlsdon Street, Coventry.

The application sought to permit the Sale of Alcohol, Regulated Entertainment and Late Night Refreshment from 09.00hrs to 00.00hrs seven days a week.

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.

A number of local residents and two Councillors had submitted representations objecting to the application. A mediation meeting was offered by the Applicant, which took place on Thursday 7<sup>th</sup> April 2016. Subsequent to this, six objections were withdrawn.

One local resident had made a representation in support of the application.

The Director of Public Health was the only Responsible Authority to object.

West Midlands Police had agreed conditions with the Applicant during the 28 day application process.

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

The Sub-Committee noted that the premises was previously an ice-cream parlour known as 'Lickety Lick'. The Representative explained that there was not much call for ice-cream in the winter and it was not, therefore, a viable business option all year round.

The Sub-Committee heard that the existing ice cream parlour would remain in place, but there would also be a restaurant with an extended food menu, prepared in an open kitchen. There is no cellar on the premises so the range of alcohol on offer would be very limited.

In terms of entertainment, the Sub-Committee heard that this would consist of a retro-style juke box playing recorded music.

The Representative highlighted the fact that the Applicant had held an 'open house' at the premises for individuals to attend on an informal basis to discuss their concerns. The two Councillors who had objected to the premises licence had attended this meeting, as had other local residents. Subsequent to this, six objections were withdrawn, the relevant objectors having been satisfied that their concerns had been allayed.

The Sub-Committee heard that the Applicant does not want to simply attract people to come in for a drink. Rather, the Applicant wishes to attract families to come in for ice cream and hot dogs, but if the adults wished for something more substantial, they can have an alcoholic drink and the facility is there for them.

The Applicant recognised that the plans submitted with the application did not include any seating at the front of the premises and, as such, this area could not be included for the purpose of any on-licence sales. It was noted by the Sub-Committee that the application for off-licence sales had already been withdrawn by the Applicant. The Applicant understood that if she wished for the area outside the front of the premises to be licensed, she could submit a variation application in due course.

The Sub-Committee heard submissions from the Objectors. Councillor Andrews explained that he had had a lengthy conversation with the Applicant as part of the open house on 7<sup>th</sup> April 2016, and had no concerns with the Applicant as an individual responsible for a licensed premises.

The Objectors made a number of submissions surrounding the impact on the amenity, character and vitality of the area as a whole due to what was described as an 'over concentration' of food and drink outlets.

The Sub-Committee had regard for the written representations received, both for and against the application.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In relation to the prevention of crime and disorder, the Sub Committee noted the position of West Midlands Police, namely, that the imposition of conditions could meet their concerns. The Sub Committee had regard for Paragraph 9.12 of the Statutory Guidance, namely that the police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder objective.

With regard to public nuisance, the Sub Committee noted that Council policy 7.21 states that Environmental Protection should be viewed as instrumental in respect of appropriate advice. The Sub-Committee noted that the Council's Environmental Health team had not made any representations.

The Sub Committee considered the objections received and noted that a number of the objections had been withdrawn following a mediation instigated by the Applicant. The Sub-Committee noted that the bulk of the objections related to issues surrounding parking, the number of other licensed premises in the area and the behaviour of taxi drivers. The Sub-Committee considered, in accordance with Statutory Guidance, that representations relating to these issues were not relevant for the purposes of promoting the Licensing Objectives.

Further, the Sub-Committee considered that the Applicant should not be penalised for allegations of poor behaviour on the part of other licensed premises in the area. The Applicant 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 Sub-Committee considered that the grant of a premises licence would not undermine the Licensing Objectives so long as appropriate conditions were attached to the premises licence.

**RESOLVED that the Sub-Committee grant the premises licence subject to the following conditions:**

- 1. 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 responsible authorities;**
- 2. All staff are to be trained in basic licensing laws. This is to be documented and refreshed on a 6 monthly basis;**
- 3. Challenge 25 will operate on the premises;**
- 4. An incident/refusals book will be implemented;**
- 5. CSE awareness training will be given to all staff. Again, this will be documented and refreshed on a 6 monthly basis;**
- 6. The use of the outside area at the front of the building shall be limited to the hours of 9am and 9pm. After that, all consumption and sales will take place within the premises;**

**7. After 9pm, all children will be accompanied by an appropriate adult;**

**8. Only on-license sales are permitted;**

**9. All doors and windows will be closed after 9pm**

**9. Any Other Business**

There were no other items of business.

(Meeting closed at 11.20 am)