

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 22 September 2016

Present:

Members: Councillor D Gannon (Chair)
Councillor A Andrews
Councillor J Clifford

Employees (by Directorate):

Place: R Masih, C Simms

Resources: U Patel, A Wright

In Attendance: PC J Bowes (Objector, West Midlands Police)
PC K Healy (Objector, West Midlands Police)
O Rahal (Applicant)

Public Business

24. **Appointment of Chair**

RESOLVED that Councillor Gannon be appointed as chair for the meeting.

25. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application to vary the premises licence in respect of Pronto Pizza & Grill, 98 Moseley Avenue, Coventry. The application was for a premises licence permitting late night refreshment from 11.00pm to 2.00am Sunday to Thursday and 11.00pm to 3.00am Friday and Saturday.

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.

Objections had been received from two responsible authorities; West Midlands Police and Environmental Health.

The Sub-Committee heard submissions from the Applicant in support of the application. The Applicant advised the Sub-Committee that other premises in the area had licences until 2.00am and he wanted to be able to compete fairly with them.

The Licensing Officer confirmed that one nearby premises had a premises licence authorising the sale of alcohol which is open until 2.00am. However, all other

premises in the area with a premises licence for late night refreshment is authorised until midnight Sunday to Thursday, and 12.30am Friday and Saturday.

The Applicant explained that he has occupied the premises for 8 months and has not experienced problems with anti-social behaviour during his tenure. The Applicant advised the Sub-Committee that CCTV is in place at the premises and all staff were trained to identify anti-social behaviour and deal with the situation accordingly.

The Applicant reiterated to the Sub-Committee that no local residents had objected to the application, and the Sub-Committee confirmed that the appropriate weight would be attached to this.

The Sub-Committee then heard representations from the Objectors; West Midlands Police and Environmental Health.

West Midlands Police expressed concern for the premises to hold a licence authorising late night refreshment until 2.00am and 3.00am. They stated that they would have accepted the application if the request was in line with other premises in the area.

The Sub-Committee were advised by West Midlands Police that anti-social behaviour exists in the area and there have been 125 call outs within the last twelve months. The Sub-Committee clarified with the Police that none of these call-outs related directly or indirectly with the Applicant's premises. However, the Police explained that the number of call outs, in general terms, demonstrated there is an existing problem with anti-social behaviour in the area and this may be exacerbated if the Applicant's premises was open beyond the time of other premises in the area, as it may attract more people to the area.

Environmental Health endorsed the points raised by West Midlands Police, explaining that the area is predominantly residential meaning that increased opening hours would have the potential for noise nuisance, particularly in respect of extractor fans used by the premises for the purposes of producing hot food.

Environmental Health raised the point that planning permission for increased opening hours had been refused, and therefore the premises only has planning permission to open until midnight. The Sub-Committee noted the point but understood that this should have no bearing on the determination of the licensing application before them.

The Sub-Committee heard representations from the Objectors that no control could be put in place to uphold the licensing objectives, in particular the prevention of crime and disorder and the prevention of nuisance, other than a restriction of the hours.

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 and the prevention of public nuisance the Sub Committee noted the position of West Midlands Police and

Environmental Health, namely that a reduction in the hours applied for could meet their concerns.

The Sub Committee noted that none of the local residents had objected and attached the appropriate weight to that when reaching their decision.

The Sub Committee considered that no evidence or representations were presented by the Applicant to satisfy them that adequate controls could be put in place to prevent the undermining of the licensing objectives if the premises was to serve late night refreshment beyond 12.30am. The Sub Committee take the view that the only way to ensure that the licensing objectives are upheld is to restrict the hours.

The Sub Committee reiterated to the Applicant that the grant of a premises licence to 12.30am on a Friday and Saturday does not remove the need for the necessary planning permission to be in place. It was noted that the current planning permission restricted the hours of opening to midnight, seven days a week.

The Applicant confirmed that he understood the position.

RESOLVED that the Licensing Sub-Committee grant a premises licence for late night refreshment for the premises Pronto Pizza & Grill from 11.00pm to 12midnight Sunday to Thursday and 11.00pm to 12.30am Friday and Saturday.

27. **Any Other Business**

There were no other items of urgent business.

(Meeting closed at 10.45 am)