

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 2 September 2016

Present:

Members: Councillor R Auluck (Chair)
 Councillor A Lucas
 Councillor T Mayer

Employees (by Directorate):

Place: A Jones, M McCrystal, R Masih

Resources: G Paddan, R Sharma, A Wright

In attendance: Mr S Dawudy (Applicant)
 Mr Sardar (In support of Applicant)
 Mr R Olney (Objector)
 Mr Y Patel (Objector)

Public Business

1. Appointment of Chair

RESOLVED that Councillor R Auluck be appointed as Chair for the meeting.

2. Declarations of Interest

There were no declarations of interest.

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

The hearing was held to consider an application for a premises licence for Euro Supermarket, 290 Walsgrave Road, Coventry. The application was for a premises licence permitting the sale of alcohol for consumption off the premises between the hours of 9.00 am and 9.00 pm.

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.

Four objections had been made against the grant of the application.

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

The Applicant advised the Sub-Committee that he has put steps in place to promote the licensing objectives, including the imposition of CCTV, signage and a Challenge 25 Policy. The Applicant confirmed, in response to a question from the

Sub-Committee, that the premises would not solely be an off licence, but would serve fruit, vegetables and other items ordinarily found within a supermarket.

The Applicant confirmed that he is hoping to open the business within the next month or two, and that at least four staff would be working at the premises on a daily basis. The Applicant has plans to train all staff in the Challenge 25 policy and basic licensing law. He will seek guidance and support from outside agencies in respect of training should he need to do so.

In terms of possible nuisance issues caused by over-crowded parking, the Applicant said that he would encourage customers to use the free car park a short distance away. He will also discourage customers from parking outside of the premises for great lengths of time.

The Sub-Committee considered the representations made by the Objectors.

Mr Olney confirmed that he had been a local resident for 30 years and expressed concern as to the impact a new licensed premises would have on existing trade. Mr Olney said that the parade is only 100 yards long and there are a number of licensed premises within that area.

Mr Olney stated that there are already youths in the area who ask adults to buy cigarettes and alcohol for them, and he worries that another licensed premises will exacerbate this problem.

Mr Patel reiterated Mr Olney's concerns, advising the panel that he owns a licensed premises along the parade, and has already seen a down turn in trade following the recent opening of a Bargain Booze establishment close by. Mr Patel was particularly concerned that this would impact of his future prospects of selling the business.

The Sub-Committee considered the written representations submitted by further objectors.

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 plc v Wirral Magistrates Court, the Sub Committee attached the appropriate weight to the fact that none of the responsible authorities had objected.

In particular, in terms of the potential nuisance caused by over-crowded parking, the Sub-Committee noted that Environmental Health had made no representations expressing a cause for concern.

Whilst the Sub-Committee was sympathetic towards the position of other traders in the area, it was noted that the statutory guidance expressly states that representations with regard to potential commercial damage caused by another licensed premises is not a relevant consideration and therefore, this was not taken into account.

The Sub-Committee were satisfied that the Applicant has demonstrated a willingness to take steps to prevent, so far as is 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 in respect of the Licensing Objectives, are contained within the Operating Schedule prepared by the Applicant.

RESOLVED that the Licensing Sub-Committee grant a premises licence permitting the sale of alcohol for consumption off the premises by Euro Supermarket Monday to Sunday from 9.00 am to 9.00 pm.

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.20am)