

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 15 November 2016

Present:

Members: Councillor Thay (Chair)
Councillor A Andrews
Councillor J Clifford

Employees (by Directorate):

Place: M McCrystal, R Masih
Resources: S Bennett, A Wright

In Attendance: Mr K Subramaniam – Applicant
Mr A Bhawsar – Applicant’s Representative
Mr Than – Designated Premises Supervisor

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Thay be appointed as Chair for the meeting.

2. **Declarations of Interest**

There were no declarations of interest.

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

The Sub Committee considered an application to vary the premises licence at Earlsdon One Stop, 9 Broomfield Road, Coventry. The application sought to vary the hours of opening and sale of alcohol off the premises on Sunday to Thursday from 0700hrs to 0100hrs, and Friday and Saturday 0700hrs to 0300hrs. The application also sought to include Late Night Refreshment from 2300hrs to 0100hrs on Sunday to Thursday, and 2300hrs to 0300hrs Friday and Saturday.

One objection had been received from a local resident, which was endorsed by approximately 70 signatures. None of the Responsible Authorities had objected.

The Applicant’s Representative advised the Sub-Committee that the Applicant had operated the business for many years without issue. He wished to extend his hours because there is a business demand to do so. The Applicant’s Representative provided the Sub-Committee with a petition signed by some 160 local residents in support of the application.

The Applicant’s Representative explained that there are already a number of stringent conditions attached to the licence which the Applicant did not seek to modify. There have been no issues adhering to these conditions and the Applicant will continue to do so.

In the absence of any objector to make representations, the Sub Committee asked the Applicant about the allegation contained within the written objection, namely that on an occasion recently, alcohol was sold outside of the licensed hours. The Applicant's Representative disputed that the premises was open or sold alcohol beyond the hours permitted to do so. The Applicant clarified that he had been home and returned in a taxi that day as his car had broken down. He was at the premises later in the evening for this reason, but it was not open for business, and his CCTV would confirm this. When the Applicant found out about the allegation, he stated that he contacted the Council to offer his CCTV to support his account but this was not followed up.

In response to a query from the Sub Committee, the Applicant's Representative confirmed that the Late Night Refreshment was to be added to allow the premises to warm up pie, pasties and other foods to off to customers for consumption beyond 2300hrs.

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, it attached the appropriate weight to the fact that none of the responsible authorities had objected.

The Sub Committee had regard for the objection and petition received but noted that an explanation had been provided by the Applicant for the allegation of selling alcohol beyond permitted hours, and that no supporting evidence had been provided to demonstrate that public nuisance was attributable to this particular premises.

The Sub-Committee considered 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 Sub-Committee considered that a variation of the premises licence would not undermine the licensing objectives so long as the current stringent conditions remain attached to the premises licence.

RESOLVED that the Licensing Sub Committee:-

- (1) Grant the variation to the premises licence for Earlsdon One Stop, 9 Broomfield Road, Coventry for opening and the sale of alcohol off the premises, on Sunday to Thursday from 0700hrs to 0100hrs and Friday and Saturday 0700hrs to 0300hrs**
- (2) Grant Late Night Refreshment for the premises from 2300hrs to 0100hrs Sunday to Thursday, and 2300hrs to 0300hrs Friday and Saturday**
- (3) Note that the current conditions attached to the licence are to remain unmodified**

4. Any Other Business

There were no other items of urgent business

(Meeting closed at 10.30am)