

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 26 October 2017

Present:

Members: Councillor B Kaur
Councillor T Mayer
Councillor R Thay (Chair)

Employees (by Directorate):

Place T. Johnson, A. Jones, R. Masih, T. Miller, M Salmon

In Attendance:

P Towey (Licensee)
A Potts (Licensee's Legal Representative)
P Crossman (Coventry Rugby Club Chief Executive Officer)
V Tomlinson (Objectors' Representative)
I Shepherd (Objectors' Representative)

Public Business

9. **Appointment of Chair**

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

10. **Declarations of Interest**

There were no declarations of interest.

11. **Licensing Act 2003 - Application for New Premises Licence**

The Licensing and Regulatory Sub-Committee considered a new Premises Licence in respect of Coventry Rugby Club, Butts Park Arena, Butts Road, Coventry.

The Applicant was requesting the sale of alcohol (On & Off Sales) for Sunday to Wednesday 8:00hrs – 01:00hrs and Thursday to Saturday 8:00hrs – 02:00hrs. The Licensing Officer outlined the application and reported that 38 objections, which were all on the grounds of Public Nuisance, had been received in response to the application. None were from statutory consultees. In addition, the Sub-Committee were advised that, the Police and the Fire Service had indicated that they had no objections to the application and that, Environmental Protection had agreed the following conditions with the applicant:-

1) The hours for licensable activities from Sunday to Wednesday shall be reduced to 08:00 to 24:00 with people having a further half an hour when the premises are open to the public.

2) The Licence Holder will ensure that all external windows and doors all of which are double glazed and the doors have automatic closures shall be kept closed whenever regulated entertainment is taking place at these licensed premises except for access and egress.

3) Prominent notices shall be displayed at the main exit door asking people who are leaving the premises whether to smoke or departing, to respect the residents of Earlsdon Park Village (The Village) and to be as quiet as possible.

4) There shall be regular visits to the outside of the premises and in particular to the area between the Club and the said Village which shall be made by the DPS or his staff to ensure that people are behaving quietly and if there are any problems a Club mobile phone can be contacted on 07469 146 233 if it is felt there are problems.

5) Only taxis may drop attendees at functions or events at the main entrance, other persons attending shall use the main car park fronting to Butts Road at all times and the rear car park at the Railway End on rare occasions.

6) A preferred and regular taxi firm, namely Lewis Taxis telephone number 0247666666, shall be advertised at that said main entrance and their drivers shall be instructed to arrive and leave as quietly as possible.

7) Regulated entertainment within the main stand shall be limited to the areas marked Millichip and Arena on the ground floor and the Platinum and Vice-President's Suite on the second floor.

8) The performers or band or Disc Jockey shall be instructed to have a wind down period in which music volumes shall be reduced during the last half an hour of the performance and also to verbally encourage people to leave quietly.

9) The Licence Holder shall take all reasonable steps to prevent noise nuisance to occupiers of nearby premises and will undertake to establish suitable volumes with DJ's and to subjectively monitor music noise regularly at the site boundary.

The Sub-Committee heard representations from the Licensee, through the Licensee's representative, who stated that the Rugby Club had a licence until the Club went bankrupt in 2009, after which a new licence was granted with a number of bars expanding over time. The licensing hours were already in accordance with the new timings but additional areas were required to be licensed, and given the new commercial activities to be undertaken by the club, a new operating schedule was required.

The Licensee's representative informed the Sub-Committee that the front car park near Butts Lane had been removed from the application and once this had been completed the police raised no objections to the application given the amendments made by the Applicant.

A mediation meeting took place on 4 October 2017 and additional conditions were offered by the Applicant.

The Licensee's representative indicated that a duty SIA security person would be on duty on every match day and at all other times when regulated activity was taking place. There were on-going improvements in operations and new consideration of smoking areas. It was envisaged that the area near the offices

would become a designated smoking area, but this was the subject of constant review. Portacabins were currently run on Temporary Event Notices (TENs) which was unsatisfactory in the longer term. The 0800 hours start time was required to cover breakfast meetings and overseas international sporting events without having to apply for TENs. The Club was offering substantial conditional control of the new licence with a view to ensuring that any disturbance was minimised.

In response to questions from the Sub-Committee, the Licensee's representative indicated that the 0200 hours closing time Thursday to Saturday, was for pre-booked and planned functions and did not relate to the playing of rugby, however the hours were already in existence in the current licence. The external bars would operate on match days only, closing at 1800 and if there were evening games then there was a possibility that they would be open until 2200 hours. All bars would be closed by 2200 hours at the latest. The SIA security person would ensure that windows and doors remained closed and this was an agreed condition of the licence. There were no plans for the Rugby Club to become a nightclub in the future, the new hours of operation were to accommodate functions only. Earlsdon Park would be supplied with a list of scheduled functions to ensure that they were aware of what was happening on a monthly basis. Most events were finished by midnight.

The Licensee's representative informed the Objector's representatives that the Club would provide residents with a telephone number for complaints.

The Sub-Committee then heard representations from two objectors who were representatives of Earlsdon Park. The Objectors' representatives indicated that the Park opened in 2016 with 67 of its 260 apartments facing the arena, all residents were over 55 years of age, with many sole occupiers and older than the minimum age.

The Objectors' representatives informed the Sub-Committee that the application had caused anxiety among residents of Earlsdon Park, who were aware of the existence of the Rugby Club when renting or purchasing their properties and who wanted to co-operate with the Club. They did not oppose the Club's expansion plans and wanted to be collaborative and attend each other's meetings. However, residents had made noise complaints to Coventry City Council in July and September 2017. They did not want to be disturbed by noise nuisance and were concerned that there would be an increase in the number of visitors and vehicles from the increased licensing hours, causing further noise disturbance. They were further concerned that skip lorries and coaches visiting the premises often left their vehicle engines running causing fumes and noise. There was also noise from smokers who often stood in groups outside the premises and left doors open when exiting and re-entering the venue. It was not considered that signage would necessarily resolve the issues with smokers as they may not be observed by those who had been drinking. They were further concerned that there was only one personal licence holder for many bars.

The Objector's representatives indicated that they would welcome Earlsdon Park's inclusion in the planning of future expansion and wished to be a class of formal consultees going forward. They were happier having heard the club's proposals for additional conditions but some clarity would benefit in terms of how the conditions were drafted.

The Licensee's representative confirmed that Coventry Rugby Limited had appointed Matt Price as principal single point of contact (SPOC) and requested that the Earlsdon Park Residents also provide details of a SPOC. Contact between the two principal parties was vital for future communication. Structured discussions would be welcomed by the Club and they would be happy to have residents visit and tour the Club.

The Licensee's representative offered an additional condition that a risk assessment would be undertaken for all functions at the venue and trained security staff provided to satisfy the requirements of the assessment. In any event, there would be an SIA registered security person on site for all functions. A further additional condition was offered that one SIA badged security person would be appointed for 1st team match days/nights and more as appropriate, subject to risk assessments, and it would be the responsibility of the security person to ensure that windows and doors were closed at all times. The Club also agreed that HGVs and PSVs, when waiting on site, must turn off engines. The Club confirmed that there were no proposals for the Club to ground share with Coventry City Football Club.

RESOLVED that the Licensing Sub-committee, having heard all of the evidence from the parties, and having reviewed all of the papers provided in advance of the hearing, including those from objectors, unanimously decide to grant the licence subject to the following conditions:

- 1) Conditions 1) to 9) set out above, as agreed with Environmental Protection (to be included within the licence under 'Conditions agreed with Responsible Authorities').**
- 2) Conditions made at the hearing:**
 - 1) HGVs and PSVs when waiting on site must turn off engines.**
 - 2) An SIA registered doorman is to be on site on 1st team match days/nights.**
 - 3) A risk assessment must be undertaken for all functions and trained security staff provided to satisfy the requirements of the assessment. In any event there must be an SIA registered doorman on site.**
 - 4) The SIA registered doorman will be responsible for ensuring that doors and windows are closed at all times.**
 - 5) All external bars are to be closed by 2200 hours.**

(Notes: i) While not a condition per se, the parties are to exchange contact details for future inter parties communication.

ii) The Licensee, Licensee's representative and the Earlsdon Park representatives were informed that, by provision of Section 181 of the Licensing Act 2003, any party objecting to this decision may appeal to the Magistrates Court within 21 days of the date of this Notice.)

12. Any Other Business

There was no other business.

(Meeting closed at 11.55 am)