

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 3 April 2019

Present:

Members: Councillor A Lucas (Chair)
 Councillor R Brown
 Councillor G Crookes

Employees (by Directorate):

Place: R Masih, U Patel, C Simms, A Wright

In Attendance: K Cochrane (Applicant's Legal Representative)
 R Gill (Objector)
 D Lee (Applicant)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor A Lucas be appointed Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application to vary the premises licence in respect of The Oak Inn, 119 Gosford Street, Coventry, to amend the terminal hour for licensable activities to 06:00 every Saturday, Sunday and Monday.

One objection had been made against the grant of the application by a local resident. 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.

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

The Applicant's Representative advised the Sub-Committee that the premises already holds a late licence, and that in line with statutory guidance and the Council's policy, the Applicant liaised with the Responsible Authorities, in particular with the Police, before applying. It was reiterated to the Sub-Committee that there had been no representations made by the Responsible Authorities, which

indicates that the conditions already in place are sufficient to uphold the Licensing Objectives.

The Applicant was described as exceptionally experienced, and is the current Designated Premises Supervisor at the premises. The Applicant sits on the pub Watch and employs an experienced manager who lives on site, as well as experienced bar staff and SIA door staff. Further the premises has 19 CCTV cameras and a high tech IT package which allows the Applicant and other members of staff to access the CCTV on their mobile phones at all times.

The Applicant's Representative stated that the Applicant works closely with the Responsible Authorities and is willing to work with any local residents if they have concerns.

The premises is close to the university and there is an increasing demand from international students to stay out later in a more mainstream pub environment than other venues with late night licences in the city, such as Sexual Entertainment Venues.

With regard to the objections, the Applicant's Representative correctly advised that the subject of air pollution is not within the remit of the meeting, however the concerns raised in respect of the Licensing Objective of Prevention of Crime and Disorder mostly related to incidents from 12 years ago. The most recent incident, in 2018, involved an assault in the ladies toilets. The Sub-Committee were assured that the Police worked closely with the premises subsequent to this incident and were satisfied that it was an isolated incident. Moreover, if the Police had concerns about the management of the premises at that time they had the Review mechanism available to them or they would at least have raised objections to this variation.

The Applicant addressed the Sub-Committee directly to explain that there is a diverse student body in Coventry and an increasing demand for mainstream premises that show international sport such as boxing, WWF Wrestling and the Super Bowl, most of which start at 4.00am or 5.00am due to the time differences. He explained that the premises was a traditional pub with wood fittings, a pool table etc. and quite often people want to use venues such as this to view sport at that time in the morning.

The Sub-Committee asked the Licensing Officers for the terminal hours of neighbouring premises, which they provided. The Applicant advised that whilst the premises may be provided with a later licence, this does not mean that the premises will open to their maximum terminal hour every night. The premises is a seasonal trade and quite often reduces the hours when the university is closed, for 24 weeks of the year.

The Sub-Committee also asked who was in charge at the premise at all times. The Applicant advised that he holds ultimate responsibility as the owner and the DPS. However, he also has a bar manager and a very experienced team. The Applicant went on to explain that both the manager and assistant manager, as well as himself, have the CCTV linked to their phones and can watch what is going on in the premises at any given time. The Applicant is actively involved in the running of

the premises, spending Friday and Saturday nights at the premises to conduct checks as he walks around and ensure patrons are enjoying the premises safely.

The Sub-Committee asked whether any further action was taken by the premises following the recent assault in the ladies toilets, as raised within the representation. The Applicant explained that he was not the DPS at that time, but it was agreed with the Police given his experience it would provide an extra level of supervision if he became the DPS, which he duly did. The advice from the Police at the time was to maintain the procedures already in place such as refusals log, incidents log and communication. The Police conceded that an incident inside of a toilet, where no CCTV is permitted, is incredibly hard to prevent.

The Sub-Committee asked whether the premises had a last entry policy. The Applicant advised that the last entry is at 4.20am and this will not change should the variation be granted. The Applicant said that this should serve to allow a more gradual dispersal of people should an extra hour be granted.

The Sub-Committee finally asked whether the Applicant would be willing to offer anything extra surrounding the objections. The Applicant advised that he had tried to enter into mediation with the Objector, previously offering to double glaze the Objector's premises to alleviate any noise issues, but to no avail. The Applicant expressed that he is always willing to discuss any concerns with local residents and encourages them to approach him.

The Objector advised that he is the owner and occupant of a neighbouring bookshop, and has lived in the area for around 20 years. He explained that his reputation surrounding public nuisance related to air pollution from black cabs attending the premises, as well as other premises in the area. The Sub-committee were provided with legal advice that air pollution was outside the remit of the licensing regime and this could not be taken into account as a relevant consideration.

The Objector moved on to his representation surrounding crime and disorder, advising that the premises is a drinking place of last resort and not all incidents can be dismissed as being isolated. The Objector explained that he has on more than one occasion had people climb over his garden fence in an attempt to reach the premises having been refused entry. The extension of the terminal hour would, in his view, be an unacceptable risk.

The Sub-Committee asked whether the Police were involved with people trespassing in his garden. The Objector advised that there is little the Police can do. He was asked whether he had taken steps to deter entry to his garden and stated that he had been the victim of a number of break ins, as he has a normal garden wall. He advised the Sub-committee that the Applicant had offered to build a higher fence for him, but he had rejected this offer as he would prefer to have the work done himself. He advised the Committee that he had rejected the offer of double glazing too, as he did not believe they would agree on the requisite standard.

The Applicant reiterated that the recent incident at the premises was isolated and if it was not, the Police would have attended the hearing with a list of logs and concerns.

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.

The Sub-Committee considered that the extension of licensable hours was modest and that the Applicant had demonstrated a willingness to take steps to prevent, so as far as possible, problems arising at or from the premises that may undermine the Licensing Objectives.

The Sub-Committee was impressed with the levels that the Applicant had gone to to date to ensure the safety of patrons at the premises. The Sub-Committee was also satisfied that the Applicant had taken the concerns of local residents into account and would continue to do so.

The Applicant is aware that if the premises prove to operate in any way that does not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that the application to vary the Premises Licence in respect of The Oak Inn, 119 Gosford Street be granted.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.15 am)