

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 28 May 2019

Present:

Members: Councillor C Thomas (Chair)
Councillor J Birdi
Councillor B Kaur

Employees (by Directorate):

Place: R Hammond, R Masih, U Patel, B Rawlings, A Wright

In Attendance: Councillor N Akhtar - St Michaels Ward Councillor, Objector
S. Kanapathi – Applicant’s Representative
R. Thayaparan- Applicant

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas be appointed for this meeting.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application for a new Premises Licence in respect of Swan Lane Express, 180 Swan Lane, Coventry. The application requested the sale/supply of alcohol (Off Sales) from Sunday to Thursday 07.00hrs – 02.00hrs and on Friday and Saturday from 07.00hrs – 04.00hrs.

The Sub-Committee has a statutory duty 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.

Five objections had been made against the grant of the application, three of which were from local residents and two from Ward Councillors. None of the Responsible Authorities had objected.

The Applicant had liaised with Environmental Protection during the consultation process and agreed to reduce the hours for the sale of alcohol to between 08.00hrs and 23.00hrs Sunday to Thursday and 08.00hrs and 00.00hrs (midnight) Friday and Saturday. The Applicant had also agreed to the following condition being added to the licence:

“Clear and prominent notices shall be displayed at the exits(s) requesting customers to leave the area in a quiet and orderly manner”.

The Applicant’s Representative explained that the premises is a commercial building situated in a residential area. It had previously been used to sell car parts. The Applicant recently took over and has experience of running a licenced premises, having done so for over two years with no issues.

The business will be run as a family business and the Applicant will live on site with her family. The Applicant’s Representative explained that the application originally asked for longer hours to provide some flexibility. However, when the Applicant considered the objections that had been received she wanted to do what she could to address any concerns. As such, she liaised with Environmental Protection as part of the consultation process and took on board their advice regarding the potential for nuisance with longer licensable hours. The Applicant therefore agreed to reduce the licensable hours and add a condition to the licence for a notice to be displayed at the exit, requesting that customers leave quietly.

The Applicant noted that the objections seemed to be based around the longer opening hours, referring to 24/7 opening for example, but reducing the hours should alleviate those concerns.

The Applicant’s Representative also took into account the objections surrounding the licensing objectives of Protection of Children from Harm and Prevention of Crime and Disorder. To that end, a Challenge 25 policy and regular training have been implemented, as well as a refusals log. A CCTV system has also been put in place, which will hold images for 30 days to the satisfaction of the Police. The Applicant also holds a personal licence so has had relevant training to assist her in running the premises responsibly.

The Applicant was asked where the living accommodation is in relation to the premises. She confirmed that it is connected to the premises, through a door at the back. The Sub-Committee also wanted to know how the Applicant would maintain a clean and tidy area at all times, in order to not exacerbate an existing problem with littering in the general area. The Applicant confirmed that two hourly checks would take place outside the premises to ensure there is no litter. There is a public bin a short distance away and if this is ever overflowing, she will contact the relevant Council department to advise them.

The Sub-Committee asked what the opening hours would be and the Applicant confirmed that they would match the licensing hours.

Finally, the Sub-Committee asked whether there were any procedures in place should anybody come into the shop looking to purchase alcohol, who is already intoxicated. The Applicant confirmed that the sale would be refused, and the incident recorded in the refusals log.

The Sub-Committee then heard from the only objector present at the hearing, Councillor N Akhtar, a St. Michaels Ward Councillor. He advised that the premises is in the ‘red light’ area of Hillfields, where there are already significant problems and issues with businesses operating late. He further stated that this meant drug

addicts, alcoholics and prostitutes would congregate outside premises and cause a nuisance to local residents with their antisocial behaviour. It was Councillor Akhtar's contention that none of the four licensing objectives would be upheld owing to the problems already caused in the area by premises opening late. He predicted that the problems would only increase if the application was granted. He asked the Sub-Committee to consider reducing the hours further to give a terminal hour of 18.00hrs.

In summing up, the Applicant's Representative reiterated that none of the Responsible Authorities had objected, and they are the primary source of information regarding the concerns that had been raised by the Objectors. The Applicant's Representative contended that the Applicant had already gone to great lengths to address the concerns, and no evidence had been presented to substantiate the case that this premises would exacerbate an existing problem. Further, the objections seemed to relate to other late night premises, which are not relevant to this application.

The Applicant's Representative encouraged the Sub-Committee to look at the application positively.

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 licensing objectives of crime and disorder caused by individuals drinking alcohol and causing nuisance to surrounding properties, the Sub-Committee noted that the Police had made no representations expressing a cause for concern.

The Sub-Committee found it encouraging that the Applicant had already taken into account the objections and taken steps to address these by working with Environmental Protection and agreeing to reduce the licensable hours, as well as adding a further condition to their licence. This, the Sub-Committee considered, demonstrated that the Applicant is a responsible business owner.

Whilst the Sub-Committee noted the objector's concerns regarding issues with other premises in the area, this is not a relevant consideration for the purposes of this particular application 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 premises licence be granted subject to the following condition agreed with Environmental Protection:

Clear and prominent notices shall be displayed at the exit(s) requesting customers to leave the area in a quiet and orderly manner.

5. Any Other Business

There were no other items of business.

(Meeting closed at 10.45 am)