

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 14 December 2020

Present:

Members: Councillor C Thomas (Chair)
 Councillor J Birdi
 Councillor R Lakha

Employees Present:

U Patel, Law and Governance
B Rawlings, Streetscene and Regulatory Services
M Rose, Law and Governance
A Wright, Law and Governance

In Attendance: Cornelia Papureanu, Applicant
 Mr and Mrs Masiane

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas 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 for a New Premises Licence**

The Sub-Committee considered an application for a new Premises Licence in respect of Papp's Café, 225 Holbrook Lane, Coventry. The application was for the sale/supply of alcohol (on and off sales) Monday to Sunday, 0800hrs to 1800hrs.

One objection had been received to the application, including a petition with 14 signatures from local residents. None of the Responsible Authorities had objected.

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 Licensing Officer presented the report, confirming that the application was for a new Premises Licence and that the Applicant had been granted a Personal Licence in May 2020. She further advised that a mediation meeting had been offered to the Applicant and Objectors, which the Applicant attended but the Objectors did not.

The Applicant presented her case. She explained that she had developed a niche concept, combining coffee with artisan chocolate. She wanted to create a space for customers to come and enjoy cake and other treats with a glass of carefully selected collectible or limited-edition wine. She also wanted to create gifts with the wines and had purposefully chosen modest hours as she did not want the café to become a late night venue.

The Sub Committee asked what was in place before the Applicant took over and what impact she believed the business would have. The Applicant responded that the shop was previously a takeaway food business and that she hoped her business would have a positive impact on the community. She has tried to create a lovely atmosphere and the reviews on her Facebook page demonstrated this.

The Sub Committee asked whether there were businesses with a similar concept anywhere else in the city, to which the Applicant said there was one that she knew of which she had visited herself, and had a positive experience there.

The Sub Committee asked why there was a need for off sales and the Applicant confirmed that this would be to make gifts with collectible wines that customers could buy.

The Sub Committee asked whether the Applicant intended for customers to be able to use the space outside, but the Applicant said this would not be possible and she has put flowers out the front to discourage people from gathering and leaning against the wall. She has two parking spaces outside the front.

Finally, the Sub Committee asked whether the Applicant ran any other premises and she confirmed that Papp's Café is her only business.

The Objectors were then given an opportunity to present their case.

They explained that they are both mental health nurses and live next to the premises. They had concerns that granting a premises licence would create a risk for vulnerable adults in the area as well as children living in the vicinity. They believed that alcohol brings crime and disorder, and changes a consumers behaviour.

The Objectors believe that the premises would be an inappropriate location for alcohol to be sold, noting that there are other licensed premises a short distance away including a social club, a shop and a public house.

The Objectors also contended that the increase in deliveries to the premises would lead to increased levels of pollution, and residents have the right to live in a clean environment.

Finally, the Objectors stated that people waiting for food would often encroach on their space which they have not complained about previously, but they are concerned that introducing alcohol may lead to anti-social behaviour.

The Sub Committee asked the Objectors if customers currently invade their privacy. They replied that sometimes people would lean on their wall and they believe that alcohol would exacerbate this issue.

The Sub Committee also asked why the Objectors did not attend the mediation meeting. They stated that Mrs Masiane had worked a night shift the night before and was unable to cancel the meeting in time, and Mr Masiane was out of the country.

During summing up, the Objectors stated that they believed it would be inappropriate to grant a premises licence as the Council need to protect children and vulnerable adults. They added that granting of a licence would add a dimension of public nuisance, pollution and congestion in terms of parking and traffic. Further, it would cause mental health issues for the Objectors if they were unable to sleep.

The Applicant was then invited to sum up her case. She stated that she did not want to disturb anyone or put anyone in danger, and that she wanted to work with her neighbours to reassure them. She contended that she runs a small business with very few places to sit (only 8 seats) and wanted to be granted a premises licence so that she could offer something special and different to her customers.

The Applicant said she wanted to follow all the rules and run a business that would have a positive impact on the community.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application. In particular, the Sub Committee considered paragraph 2.1 of the Licensing Act 2003 Statutory Guidance which states that licensing authorities should look to the Police as the main source of advice on crime and disorder. It was noted that the Police had not objected.

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 was particularly pleased to see that the Applicant wished to build a positive relationship going forward with the local community. This, they believed, was the sign of a responsible Applicant who is dedicated to prioritising the promotion of the Licensing Objectives.

The Sub Committee fully considered the submissions provided by the Objectors and noted the petition signatories. However, the Sub Committee believed the Applicant to be professional and knowledgeable, with a genuine desire to provide a service for the community whilst upholding the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was satisfied that the Applicant took her responsibilities in respect of the Licensing Objectives seriously, and that the concerns of local residents had been taken into account and this would continue to be the case.

The Applicant was made aware that if the premises proved 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 Premises Licence be granted.

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.00 am)