

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 17 September 2021

Present:

Members: Councillor R Thay (Chair)
 Councillor J Clifford
 Councillor R Simpson

Employees Present: R Masih, Streetscene and Regulatory Services
 U Patel, Law and Governance
 C Sinclair, Law and Governance
 A Wright, Law and Governance

In Attendance: P Brindley – Applicant’s Representative
 G Lilley – Applicant’s Representative
 A Rohomon – Applicant’s Representative

Public Business

6. Appointment of Chair

RESOLVED that Councillor R Thay be appointed Chair for the hearing.

7. Apologies

There were no apologies for absence.

8. Declarations of Interest

There were no declarations of interest.

9. Licensing Act 2003 - Application for a New Time Limited Premises Licence

The Sub-Committee considered an application for a Time Limited Premises Licence Application submitted by Sound Bound Events Limited that was received on 6 August 2021. The application requested the sale/supply of alcohol (on sales) and Regulated Entertainment (outdoors) on Sunday 19th September 2021 from 1200hrs to 2200hrs.

One objection had been received to the application from a local resident. Offers of mediation had been refused on two occasions by the Objector. 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 Sub Committee confirmed that they had received and read statements from both the Applicant and the Objector prior to the hearing.

The Applicant's Representative presented the application and began by confirming that this was a one-off event due to take place from 1200hrs to 2200hrs on Sunday 19th September 2021. Paragraph 2.19 of the s182 Statutory Guidance deems late night to be from 2300hrs to 0800hrs which is beyond the hours proposed by the Applicant in organising this event, taking into consideration local residents.

The Representative noted that several public houses in the locality operate until 0300hrs which is well beyond the 2200hrs terminal hour at this proposed event.

The Representative drew the Sub Committee's attention to the Operating Schedule which demonstrated that the measures that would be put in place to ensure the Licensing Objectives are promoted at all times. In addition, the application has been considered by the Safety Advisory Group (SAG) on two occasions as part of the application process. The SAG is made up of a number of Responsible Authorities who scrutinise the application to ensure the Licensing Objectives would be upheld and the event will take place safely. The Responsible Authorities had therefore already considered the application thoroughly and were satisfied with it such to the extent that they had not made any objections.

The Representative pointed out that he would expect Environmental Health, for example, to have highlighted the area as being noise sensitive as part of the SAG meetings had it been a cause for concern, but this was not the case.

In addition, the Representative explained that full event manuals had been drafted and scrutinised by the SAG which provided detailed information on what to do in a range of situations. This, the Representative suggested, demonstrated the Applicant's commitment from the beginning to ensure the event was going to be run properly and in accordance with the Licensing Objectives.

The Representative further explained that the Applicant had brought experts on board such as Helen Overton who is an experienced safety advisor and writes event safety manuals for large scale events such as the Frankfurt Christmas Market in Birmingham. Ms Overton will be acting as the Safety Officer on site at the event on the day to ensure it was all being managed appropriately.

In addition, an expert noise management company called Joynes Nash has been called in to assess the site and provide advice on a range of noise issues such as position of speakers to ensure any noise disruption is kept to an absolute minimum for residents. Local residents have also been provided with a number in writing that they can call at any time during the event should they have any issues or concerns. This would then be dealt with by an on-site acoustic engineer employed by Joynes Nash, who can use equipment to ensure that noise is at an appropriate decibel throughout the duration of the event.

In terms of the objection, the Representative stated that it was unfortunate that the Objector had chosen not to attend the hearing or any of the offered mediation sessions as he may have changed his mind having heard the level the Applicant has gone to in order to ensure the Licensing Objectives are promoted throughout the event.

The Sub Committee acknowledged the Representative's point that the Objector mentions the potential for noise nuisance to be a cause for concern to a number of residents living in specified buildings closer to the event, but nobody in these buildings have objected. In addition, the previous event that the Objector alleges caused disruption in August should have no bearing on the decision for this application because it was run by a different organiser who may not have put in the same high level of measures that the Applicant has.

The Sub Committee were then given the opportunity to ask any questions of the Applicant. The Sub Committee asked what physical measures have been put in place, or will be put in place, to mitigate noise nuisance. The Applicant explained that a noise management plan was created in conjunction with Joynes Nash who assessed the site and gave recommendations surrounding, for example, the type and manufacture of speakers and PA systems that would give the most compliant range of frequencies and directional sound.

The Applicant further confirmed that it had elected to have an acoustic engineer on site throughout the event who could test the boundaries with noise monitoring equipment. The Representative added that the noise management report is comprehensive and takes into account the site, any surrounding infrastructure, the type of equipment that could be used to limit noise nuisance and so on. The decision to have the report completed demonstrates, the Representative believed, that the Applicant would be a responsible premises licence holder.

The Sub Committee, acknowledging that it had no bearing on the application in question, asked whether Covid-19 had been taken into account when preparing for the event. The Applicant confirmed that the Covid-19 situation was monitored continually and all government guidelines have been complied with. All guests have been sent FAQ information with their tickets, toilet capacity has been increased by 10% to allow for more regular cleaning and guests are asked to complete a Covid-19 test within three days of attendance to ensure they are negative. This is also something that will be monitored continually during the event by the Safety Officers.

Finally, the Sub Committee asked how many tickets had been sold so far and whether anyone would be able to leave the site with alcohol. The Applicant confirmed it had sold around 1700 tickets and they expect the event to be around 2/3 of capacity. They also stated that they have a robust dispersal policy which includes designated points for SIA approved security staff to stand and ensure nobody leaves the site with any containers. The Applicant confirmed that there would be no glass containers in use at the premises.

As the Objector was not in attendance, the Sub Committee invited the Representative to sum up. He explained that the Applicant had gone above and beyond what was required in order to ensure the event runs to the highest standard whilst always promoting the Licensing Objectives. He believed the Sub Committee could place their confidence in the Applicant in considering the application.

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.

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 impressed with the levels that the Applicant had gone to in order to alleviate the concerns of the Responsible Authorities. The Sub Committee was particularly pleased to see that the Applicant had liaised closely with the Responsible Authorities during the application process, through attendance at SAG meetings, and endeavoured 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 considered the submission provided by the Objector. However, the Sub Committee believed the Applicant to be professional and knowledgeable, with a genuine desire to provide a safe event whilst upholding the Licensing Objectives.

Having heard the representations from the Applicant, the Sub Committee was satisfied that the Applicant took its 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.

RESOLVED that the application be granted in respect of Gosford Street Car Park, Gosford Street, Coventry, for a time limited premises licence from 1200hrs to 2200hrs on Sunday 19th September 2021.

10. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.00 am)