
Licensing & Regulatory Sub-Committee

15 November 2022

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Director of Street Scene and Regulatory Services

Ward(s) affected:

Holbrooks

Title: Application for a Premises Licence Review under the Licensing Act 2003

Is this a key decision?

No

Executive Summary:

The purpose of this report is to consider an application for a Review of a Premises Licence submitted by Environmental Protection under the Licensing Act 2003 for The Pilot Hotel, Catesby Road, Coventry, CV6 4AU.

Recommendations:

The Sub-Committee is recommended to consider whether to:

1. Modify the conditions of licence;
2. Exclude a licensable activity from taking place on the premises;
3. Remove the Designated Premises Supervisor (DPS);
4. Suspend the licence for up to 3 months; or
5. Revoke the licence.

List of Appendices included:

1. Premises Licence Review Application
2. Supporting Documents
3. Transfer Application
4. Representation and Representation Appendices
5. Current Premises Licence
6. Location Plan
7. Hearing Procedure Note
8. Relevant Hearing Briefing Note

Other useful background papers:

Section 182 Licensing Act 2003 Guidance

It is a statutory obligation of the Sub-Committee to take into account the Government's Guidance to the Licensing Act 2003 before reaching a decision.

Statement of Licensing Policy

The Council will have regard to its Statement of Licensing Policy when making a decision on applications made under the Act.

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

Not applicable

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Not applicable

Report title: Premises Licence Review Application

1. Context (or background)

1.1 The Licensing Act 2003 requires Coventry City Council, as the Licensing Authority, to carry out its various licensing functions so as to promote the following four Licensing Objectives:

- The Prevention of Crime & Disorder
- The Protection of Public Safety
- The Prevention of Public Nuisance
- The Protection of Children From Harm

A Premises Licence Review application and supporting documents for The Pilot was received on 9 August 2022. The application submitted by Environmental Protection is requesting the removal of live and recorded music, and the reinstatement of the previously removed licence condition: "The only consumption of alcohol to be permitted outside is in a designated area on Catesby Road at the front of the premises. There is to be no consumption after 10pm".

The Environmental Protection Section have received a number of noise complaints from local residents over a period of time which have been witnessed by officers from the Environmental Services Team. Despite attempts by officers to provide advice and guidance to the management of the Pilot Hotel, complaints have persisted which has resulted in the service of a Noise Abatement Notice. This has had a detrimental effect on the quality of life of local residents. Thereby, undermining the licensing objective of The Prevention of Public Nuisance.

1.2 When visiting the premise on 10th August 2022 to install the blue notices (these need to be displayed for 28 days inviting further representations, which is a statutory requirement of the application process), Mr Gulrez Akhtar confirmed that his business partner, named on the current licence, had not been involved with the business for a number of years. A Premises Licence Transfer application was requested and subsequently received (Appendix 3), to correct the Premises Licence Holder details on the Licence to Mr Gulrez Akhtar as an individual. The updated Licence is attached (Appendix 5)

1.3 A further application was received on 19th October 2022 and granted, to Vary the Designated Premises Supervisor. The updated Licence is attached (Appendix 5)

1.4 One representation and supporting evidence has been received from an other person (Appendix 4). NOTE: The video footage mentioned within the representation will be shown during the meeting.

1.5 The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Policy will be available at the hearing for reference purposes.

1.6 It is essential that the Sub-Committee takes into account the government's guidance to the Licensing Act before reaching a decision. The applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee's attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing.

2. Options considered and recommended proposal

2.1 There are five courses of action available to the Sub-Committee in relation to this application:

- modify the conditions of the licence;
- exclude a licensable activity from taking place on the premises;
- remove the DPS;
- suspend a licence for up to 3 months; and/or
- revoke the licence.

2.2 The Committee is recommended to consider this matter on its merits in accordance with statutory requirements and the Council's licensing policies, where relevant.

3. Results of consultation undertaken

3.1 As prescribed by the Licensing Act 2003, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises.

3.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response Received	Representations	Conditions Agreed
Licensing	No	-	-
Environmental Protection	No	-	-
Police	Yes	No	-
Fire Safety	No	-	-
Health & Safety	No	-	-
Trading Standards	Yes	No	-
Planning	No	-	-
Safeguarding Children	No	-	-
Public Health	No	-	-
Secretary of State	Yes	No	-

3.3 One representation and supporting evidence has been received from an Other person. (Appendix 4). The representation states that the licensing objectives of Prevention of Public Nuisance, Public Safety and Prevention of Crime and Disorder are not being upheld. This is due to loud music, raised voices, anti-social behaviour (disorder) and a general lack of management at the premises. The representation is accompanied by videos and photos collated by the Representative which they state shows the extent of the noise complaints that they have had to deal with, and which have caused a detrimental effect on their quality of life. (Appendix 4 – Representation Appendices). NOTE: The video footage mentioned within the representation will be shown during the meeting.

4. Timetable for implementing this decision

4.1 The Appeal period is 21 days beginning on the date that the Appellant(s) receive notification of the decision of the Licensing Authority.

5. Comments from Chief Operating Officer (Section 151 officer) and Director of Law and Governance

5.1 Financial implications

There are no financial implications arising directly from this report. However, there are possible cost implications if an appeal against the decision is made to the Magistrates Court and the decision of the Sub-Committee is not upheld.

5.2 Legal implications

The Licensing Act 2003 sets out how an application, and subsequent hearing, for a Review of a Premises Licence should be conducted. The Sub-Committee must decide, having heard all representations, the outcome of the application taking into account the four Licensing Objectives as well as Statutory guidance and the Council's own policies.

In accordance with the provisions of the Act, all Interested Parties may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy

It is the Regulatory Services team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. The business' failure to uphold the Licensing Objectives may have an adverse effect on Public Safety and citizen's quality of life.

6.2 How is risk being managed?

If the application is not handled in line with the Licensing Act 2003, there is a risk of judicial appeals, reviews and associated costs.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant in this case.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the West Midlands Police, Community Safety Partnership, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined.

6.7 Human Rights Act Implications

None

Report author(s): Billy Rawlings
Name and job title: Licensing Officer

Service: Street Scene and Regulatory Service
Telephone: 024 7697 2247
Email: billy.rawlings@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor / Approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Law & Governance	09/09/22	12/09/22
Debbie Cahalin-Heath	Strategic Manager - Regulation	Regulatory Services	09/09/22	09/09/22
Davina Blackburn	Strategic Lead of Regulation	Regulatory Services	09/09/22	13/09/22
Names of approvers for submission: (officers and members)				
Syeda Ahmed	Regulatory Lawyer	Law & Governance	09/09/22	12/09/22
Phil Helm	Finance Manager	Finance	09/09/22	11/09/22
Andrew Walster	Director	Street Scene & Regulatory Services	13/09/22	14/09/22

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