
Licensing & Regulatory Sub-Committee

29 March 2023

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

St Michael's

Title: Application to vary a Premises Licence under the Licensing Act 2003

Is this a key decision?

No

Executive Summary:

The purpose of this report is to consider an application to vary a Premises Licence under the Licensing Act 2003 for Quids Inn, 117-118 Gosford Street, Coventry, CV1 5DL. Please note that there are two Premises Licences for this premises (Ground Floor & First Floor). The application you are being asked to consider relates solely to the first floor of the premises.

Recommendations:

The Sub-Committee is recommended to consider whether to:

1. Modify the conditions of the licence (by way of alteration, omission or addition)
2. Reject the whole or part of the application.

List of Appendices included:

1. Premises Licence Variation application
2. Representations
3. Current Premises Licence
4. Location Plan
5. Hearing Procedure Note
6. Relevant Hearing Briefing note

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 the 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 Variation 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
- 1.2 A Premises Licence Variation Application for Quids Inn (first floor), 117-118 Gosford Street, Coventry was received on 6 February 2023. The application is requesting an extension of the hours for all current licensable activities (sale/supply of alcohol, regulated entertainment and late-night refreshment) by two hours from 2.00am to 4.00am. It also requests the addition of live music until 4.00 am.
- 1.3 One representation from an Other Person, has been received to the application (outlined in paragraph 3.3). The representation states that the extension of hours would undermine the Prevention of Public Nuisance licensing objective
- 1.4 In addition to the mandatory conditions, the Sub-Committee should refer to the operating schedule detailed in the application (Appendix 1). No further conditions have been proposed with the application.
- 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 When determining an application for the variation of a premises licence (under section 34 of the Licensing Act 2003), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (i) Modify the conditions of the licence (by way of alteration, omission or addition);
- (ii) Reject the whole or part of the application.

2.2 Your officer recommends option (i).

The reason for this recommendation is that the Responsible Authorities who responded to the Consultation have not offered up further conditions. They consider the application to be suitably conditioned by the applicant for the type of business model and operation intended at the premises; and if problems do occur then the Review procedure is available to both Responsible Authorities and any other persons.

2.3 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. This application should be considered on its own merits and all the circumstances taken into account before a decision is made.

2.4 The Sub-Committee must also be aware that licences can be reviewed at any time by any Responsible Authority or any 'other person', if it is considered that any of the Licensing Objectives have been undermined following the grant of the Premises Licence.

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, and a notice published in a local newspaper.

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

Responsible Authority	Response Received	Objections	Conditions Agreed
Licensing	Yes	No	-
Police	Yes	No	-
Environmental Protection	Yes	No	-
Fire Safety	Yes	No	-
Health & Safety	No	No	-
Trading Standards	No	No	-
Planning	No	No	-

Safeguarding Children	Yes	No	-
Public Health	No	No	-
Secretary of State	No	No	-

3.3 One representation has been received from an Other Person. The grounds for the representation are that the granting of the extension to the hours as requested would undermine the Licensing Objective of Prevention of Public Nuisance. They have lived in the area for a number of years and believe that if the extended hours are granted, it would result in an additional noise nuisance.

2.4 A mediation meeting has been offered and the results of this will be reported at the sub-committee hearing.

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 Director of Finance and Resources

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 applications for variations to premises licences should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the four Licensing Objectives.

In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a variation, the applicant may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they 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

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