

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 25 July 2023

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Keough
 Councillor R Lakha

Employees Present:

Law and Governance T Robinson, C Sinclair, A Wright

Streetscene and
Regulatory Services R Masih

In Attendance
(Observers): D Herbert, Streetscene and Regulatory Services
 S Manhertz (Trainee Solicitor)
 E McKindley (Trainee Solicitor)

In Attendance
(Interested Parties): Applicant
 Applicant's Legal Representative

Public Business

11. **Appointment of Chair**

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

12. **Apologies**

There were no apologies for absence.

13. **Declarations of Interest**

There were no declarations of interest.

14. **Application for a Premises Licence Application under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of Wallstreet Burgers, 289 Walsgrave Road, Coventry CV2 4BE. The application was for a Late Night Refreshment Licence from Sunday to Thursday 23:00 - 04:00 and Friday to Saturday 23:00 - 06:00.

Three representations objecting to the application had been received from Other Persons, on the basis that should the application be granted, it could undermine the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Safety, Prevention of Public Nuisance, and Prevention of Children From Harm.

With the Chair's approval, the applicant and his representative circulated additional documents to the Sub-Committee including a signed petition from local residents and customers and positive references from nearby businesses.

None of the Responsible Authorities had objected to the application.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with. The Licensing Officer further notified the Sub-Committee that mediation had previously taken place between parties, but no common ground could be reached.

The applicant was invited to present his case. His representative began by recognising the applicant's 10-year experience of working within the late-night refreshment industry alongside his ownership of various other premises in Coventry and Birmingham with late night refreshment licences. He further emphasised that customer demand had led to the current application for a late-night refreshment licence.

The applicant stated that he currently manages 20 staff members for the premises with 5 members of staff present per shift. He recognised that other similar businesses in the area are open late and with regards to parking, he pointed out multiple nearby parking venues. Additionally, dustbins have been placed outside to prevent any littering and 8 CCTV cameras operate on the premises to uphold the licensing objectives.

The applicant further elucidated to the efforts he has made to uphold the licensing objectives including placing signs up to ask customers to leave quietly and use the bins as well as ensuring litter outside the premises is picked up at the end of each shift.

In response to questions asked by the Sub-Committee, the applicant further explained the available parking locations both in the front and the rear of the premises following some concerns raised by the Sub-Committee as to the lack of parking in the area. When asked about other late-night premises in the area, the applicant and the Licensing Officer confirmed there were a number of premises operating after 23:00.

In response to questions asked by the Sub-Committee concerning planning or regulatory restrictions, the Sub-Committee informed the applicant and his representative that current planning restrictions on the premises restrict the hours of operation to 22:30 or 23:30 on different days and suggested that the applicant look into this separately, as this was not a consideration for the purposes of granting a premises licence. The applicant confirmed that he would raise this with his landlord.

Additionally, the Sub-Committee sought clarification on operational plans if granted a late-night refreshment licence with the applicant confirming that walk-in traffic would likely remain low with the majority of custom coming from online deliveries.

None of the Other Persons who submitted representations objecting to the granting of the premises licence application attended the Hearing. However, the

Sub-Committee confirmed that their written representations would be taken into account.

In summing up, the applicant's representative reaffirmed the applicant's extensive experience, number of trained staff he employs, and CCTV in operation on the premises. Alongside these operational assurances, he also emphasised the applicant's good character and the absence of objections from any Responsible Authorities including the Police and the Environmental Health Team.

In reaching their decision, the Sub-Committee had regard to both national guidance and the Council's own Policy. The Sub-Committee considered the application on its own merits and due consideration was given to the evidence available before them including the objections raised.

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.

RESOLVED that the application for a Premises Licence in respect of Wallstreet Burgers, 289 Walsgrave Road, Coventry CV2 4BE be granted.

15. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.50 am)