

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 18 March 2024

Present:

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

Employees (by Service
Area):

Law and Governance T Robinson, C Sinclair, A Wright

Streetscene and
Regulatory Services D Blackburn, R Masih

In Attendance: (Interested Applicant
Parties) Applicant's Associates

Public Business

6. Appointment of Chair

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

7. Apologies

There were no apologies for absence.

8. Declarations of Interest

There were no declarations of interest.

9. Application for a Premises Licence Application under the Licensing Act 2003

The Sub-Committee considered an application for a Premises Licence in respect of Kasbah Roof Terrace, Primrose Hill Street, Coventry, CV1 5LY. The application requested the Sale of Alcohol (On and Off Sales) from Monday to Sunday from 1000hrs to 0600hrs and Late Night Refreshment from Monday to Sunday 2300hrs to 0500hrs. During the application process, the applicant amended the application to include the following condition – *“the terrace will open from 2000hrs on weekdays during school term times”*.

109 representations objecting to the application had been received from Other Persons following the initial application, at the time of the hearing 54 representations had been withdrawn following the amendment to the application. This left 55 representations for the Sub Committee to consider. The representations stated that granting the application could undermine all four of the Licencing Objectives, namely The Prevention of Crime & Disorder, The Protection

of Public Safety, The Prevention of Public Nuisance, and The Protection of Children from Harm.

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 gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was invited to present his case and began by explaining that a Premises Licence has been in place at the Premises for 30 years. He stated that in order to adapt to the ever-changing hospitality landscape, a decision had been taken to create a roof terrace with a unique view of the three spires. The terrace itself is surrounded by a 1.7m high glass wall and blossom trees. The intention is to give patrons a unique experience and it is considered that this will be an attractive addition to the existing Nightclub.

The Applicant further explained that the application had been made in consultation with the licensing department and it seemed sensible that the licensable hours should be in sync with the existing Premises Licence. This, in the Applicant's submission, unfortunately led to the assumption by the Head Teacher of Sydney Stringer School (which is directly opposite the Premises), that the application was for the Premises to open as a Nightclub from 1000hrs, which is not the case.

The Applicant was alerted to the significant number of representations by Licensing Officers, who suggested that the hours could be varied to alleviate any concerns. The Applicant agreed to this immediately and volunteered a condition that would allow the terrace to open from 2000hrs only, on weekdays during school term times. This caused almost half of the representations to be withdrawn. In respect of the remaining representations, the Applicant offered to attend mediation but none of the objectors attended.

The Sub Committee asked whether the Premises currently holds any events that start during the day. The Applicant confirmed that they do occasionally but only at the weekends and with a start time of around 1500hrs.

The Sub Committee also asked if the roof terrace was open already. The Applicant confirmed that it was not yet in operation.

Finally, the Sub Committee asked the Licensing Officers whether they were aware of any issues with the general operation of the Premises. The Licensing Officers confirmed that they had not received any complaints and that had there been any issues leading to the undermining of the Licensing Objectives, it would be reasonable to expect the Responsible Authorities to make representations to that effect. None of the Responsible Authorities had made representations.

In summing up, the Applicant confirmed that he felt he had overcome the concerns outlined in the representations which were mainly to do with the potential to disrupt the education of school children across the road.

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.

The Sub Committee fully considered the 55 remaining written submissions provided by the Objectors. Further, the Sub Committee noted that the majority of the concerns raised by the Objectors were alleviated by the Applicant's voluntary condition that "*the terrace will open from 8pm on weekdays during school term times*". The Applicant was made aware that the Premises Licence for the roof terrace will be bound by this condition.

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.

Having listened to all the evidence, 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.

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

RESOLVED that the application for a Premises Licence in respect of Kasbah Roof Terrace, Primrose Hill Street, Coventry, CV1 5LY be granted.

10. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.20 am)