

Licensing & Regulatory Sub-Committee (Hearing)

16 September 2024

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

St Michael's

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 the Environmental Protection Team under the Licensing Act 2003 for The Oak Inn, 119 Gosford Street, Coventry, CV1 5DL.

Recommendations:

The Sub-Committee is recommended to consider whether to:

1. Modify the conditions of licence;
2. Exclude a licensable activity from the scope of the licence;
3. Remove the Designated Premises Supervisor (DPS) from the licence;
4. Suspend the licence; and/or
5. Revoke the licence.

List of Appendices included:

1. Review Application
2. Current Premises Licence
3. Location Plan
4. Hearing Procedure Note
5. 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 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

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 Review application for The Oak Inn, 119 Gosford Street, Coventry was received on 25 July 2024. The application has been submitted by the Environmental Protection Team following several witnessed noise nuisance reports at the premises. Further breaches of the Noise Abatement Notices have also been witnessed.
- 1.3 There has been persistent ongoing noise nuisance from the premises due to loud amplified music coming from outside and inside the premises since December 2023. This has resulted in eight separate complaints and eight noise reports from the Officers working on the night-time noise monitoring service. They have witnessed repeated noise issues from the premises. The application states that this undermines the Licensing Objective of Prevention of Public Nuisance.
- 1.4 During the consultation period, a Transfer Application to change the Premise Licence Holder was received and granted. The DPS remained unchanged.
- 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 the scope of the licence;
 - remove the DPS;
 - suspend the licence for a period not exceeding 3 months; or
 - revoke the licence.
- 2.2 The Sub-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 for 28 days. The consultation period began on 25 July 2024 until 22 August 2024.
- 3.2 Responsible Authorities have received a copy of the application. Please see below responses received:

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

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 the Director of Finance & Resources (Section 151 Officer) and Director of Law & 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 One Coventry Plan?

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. This aligns with the One Coventry Plan to work together to improve our city and the lives of those who live, work and study here.

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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Richard Shirley	Lead Accountant	Finance	28.08.24	29.08.24

Julie Newman	Director - Law & Governance	Legal & Governance Services	30.08.24	30.08.24
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