

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 20 January 2025

Present:

Members: Councillor F Abbott (Chair)
 Councillor J Lepoidevin
 Councillor CE Thomas

Other Members: Councillor K Maton

Employees (by Service
Area):

Law and Governance F Cartwright, T Robinson, M Salmon, A Veness, A Wright

Streetscene and
Regulatory Services D Blackburn, R Masih

In Attendance: Applicant's Representative
(Interested Parties) Councillor J Gardiner (Objector)
 Objector

Public Business

24. Appointment of Chair

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

25. Apologies

There were no apologies for absence.

26. Declarations of Interest

There were no declarations of interest.

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

The Sub-Committee considered an application for a Premises Licence in respect of Jai Sai Convenience Store, 38 Redesdale Avenue, Coventry, CV6 1BT. The application requested the Sale of Alcohol (Off Sales) from Monday to Sunday from 0900hrs to 2300hrs.

Six representations had been received from Other Persons, including Councillor J Gardiner a Sherbourne Ward Councillor, objecting to the grant of the application on the basis that to do so would undermine the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Public Safety.

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's Representative was invited to present his case on behalf of the Applicant. He confirmed that he had read the written representations and did not consider there would be any noise nuisance caused to local residents. He stated that the premises would be a shop that lends itself to those who wish to pick up an item or two quickly before leaving again.

The Representative stated that the Applicant wished to work with local residents to ensure there was no nuisance being caused and that the Applicant was willing to bring the terminal hour forward for licensable activity to 2200hrs. The Applicant was also happy to discuss building some sort of barrier between the premises and the adjoining property to reduce any potential noise emanating from customers attending later at night.

In response to questions from the Sub Committee, the Representative further confirmed that the Applicant would be willing to provide an additional waste bin for customers to use outside of the premises and manage any dropped litter by ensuring staff conduct regular litter picking outside during the day.

The Sub Committee queried the operating schedule which seemed more suited to a larger licensed premises such as a public house, and asked what was meant by creating family friendly areas. The Representative stated there would be seating available within the shop for children who come in with a parent/carer. In terms of concerns surrounding anti-social behaviour, the Representative stated that this would be dealt with responsibly to protect the reputation of the business, and Police would be called if any unruly behaviour from patrons was witnessed. He also confirmed that staff would be trained in conducting age checks for age restricted items such as alcohol and cigarettes.

Cllr Gardiner was invited to present her case as well as those of two of her constituents. The Sub Committee highlighted at the outset that no issues surrounding parking or planning law implications would be taken into account by the Sub Committee in reaching their decision, and that all representations should focus solely on the licensing objectives.

In terms of the representations that the Sub Committee were able to take into account, Cllr Gardiner began by explaining that the premises was currently a Tax Consultants but prior to this was a retail premises that sold car parts. The premises itself sits at the end of a run of terrace houses in a quiet residential area, where noise will easily travel. She stated that it is currently closed on a Sunday and to change this arrangement would severely impact local residents.

Cllr Gardiner stated that long licensing hours would dramatically increase the risk of anti-social behaviour, with young people attending the premises to stock up with

alcohol on the way to their next venue. She noted that nearby supermarket Morrisons closes at 2300hrs Monday to Saturday and at 1600hrs on a Sunday, and questioned why the premises would need hours with a wider scope.

In addition to potential noise nuisance from customers, Cllr Gardiner highlighted the potential for noise nuisance from deliveries to the premises, cars arriving and leaving, slamming doors aggravating pets who may react by barking and clanking bottles. She stated that whilst she acknowledged that the premises could open as a shop regardless of the outcome of the licence application, the commercial incentive would be reduced if the Sub Committee refused to grant the licence.

Cllr Gardiner then presented a petition to the Sub Committee.

A further Objector was then invited to present his case and acknowledged that much of his concerns surrounded the impact this would have on an already difficult parking situation, which the Sub Committee again confirmed they could not take into account. Aside from this, the Objector expressed that the area did not require another outlet of this nature and would create direct competition to other businesses.

The Objector echoed the concerns raised by Cllr Gardiner with regard to vehicle doors slamming and the revving of engines causing noise nuisance, as well as the potential for increased dropped litter.

Finally, Cllr Gardiner presented the case of another Objector which raised concerns about the impact on parking and how this will decrease highway safety. He considered that the area was already furnished with enough shops of this kind.

The Sub Committee confirmed that they had read and considered the additional statement provided by a further Objector, whose young son sleeps in a bedroom a very short distance from the premises. He raised concerns over the impact the premises will have on his child's sleep should the licence be granted.

The Sub Committee asked Cllr Gardiner and the Objector whether any of the nearby premises they mentioned in their representations had ever caused any nuisance to local residents, which they confirmed they had not, other than some litter from a supermarket at the top of Evenlode Crescent. Licensing Officers also confirmed that there had been no complaints received in respect of nearby premises. The Sub Committee therefore asked why they believed this premises would be a cause for concern. Cllr Gardiner stated that residents did not want to take the risk, or for their residential amenity to be reduced by encouraging commercial activity.

The Sub Committee asked the Applicant's Representative whether he had any further comments based on the representations he had heard. He stated that he had listened with care and that the Applicant would make all possible compromises to ensure local residents would not be disturbed.

Cllr Gardiner confirmed, when asked by the Sub Committee, that she would be happy to facilitate a meeting between local residents and the Applicant so that discussions could take place.

All parties then summed up their cases.

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.

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.

In particular, the Sub Committee considered paragraph 9.15 of the Licensing Act 2003 Statutory Guidance which states that it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance, and the Police to make representations where concerns exist surrounding crime and disorder.

The Sub Committee fully considered all of the helpful submissions provided by the Objectors as well as the witness statements (both written and oral) and noted the petition signatories. The Sub Committee noted that a large proportion of the submissions surrounded parking issues in the vicinity of the premises, and matters pertaining to planning law for which the Sub Committee were sympathetic and understood the residents' concerns. As was explained to the Objectors at the outset, planning matters fall under a separate regime and must therefore not be taken into account for the purposes of determining a licence application. As such, these representations were disregarded.

The Sub Committee were grateful to the Applicant for agreeing to prioritise management of litter and therefore consider the Applicant's offered conditions should be added to the licence to ensure the promotion of the Licensing Objective of prevention of public nuisance:-

1. An additional litter bin must be placed outside the premises for the use of customers, to be regularly emptied by staff;
2. Staff must undertake litter picking outside the premises at regular intervals, at least twice a day, to ensure the area remains clean and free of litter.

The Sub Committee noted the Objector's concerns that the area is already appropriately furnished with similar licensed outlets and therefore a further one is not required. Coventry City Council does not have a Cumulative Impact Policy and therefore there is no mechanism whereby the Sub Committee could or would legitimately refuse a Premises Licence for this reason.

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 on behalf of the Applicant, the Sub Committee was satisfied that the Applicant takes his responsibilities in respect of the Licensing Objectives seriously, and that the concerns of local residents had been

taken into account and this would continue to be the case. The Sub Committee were particularly grateful that the Applicant had offered to have a meeting and keep open communication with the local community to ensure they were able to provide a service in a cooperative way.

The Sub Committee hoped that local residents were aware that the procedure should they witness nuisance arising from the premises was to make an immediate report to the Council's Environmental Health department. The Applicant should also be aware that if the premises prove to operate in any way that does not promote the Licensing Objectives, then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that the application for a Premises Licence be granted in respect of Jai Sai Convenience Store, 38 Redesdale Avenue, Coventry, CV6 1BT, subject to the following:

- 1. The reduced terminal hour as offered on behalf of the Applicant, of 2200hrs Monday to Sunday.**
- 2. The following additional conditions:**
 - An additional litter bin must be placed outside the premises for the use of customers, to be regularly emptied by staff;**
 - Staff must undertake litter picking outside the premises at regular intervals, at least twice a day, to ensure the area remains clean and free of litter.**

28. Any Other Business

There were no other items of business.

(Meeting closed at 12.10 pm)