To: Chairman and Members of the Alcohol and Gambling Licensing Committee

Councillors Jenns, D Clews, Farrow, Hancocks, M Humphreys, Jordan, Macdonald, McLaughlan, Moss, Osborne, Parker, O Phillips, Rose, S Smith and A Wright

For the information of other Members of the Council

For general enquiries please contact Democratic Services on 01827 719237 or via email – democraticservices@northwarks.gov.

For enquiries about specific reports please contact the Officer named in the reports.

This document can be made available in large print and electronic accessible formats if requested.

ALCOHOL AND GAMBLING LICENSING COMMITTEE AGENDA

18 JULY 2022

The Alcohol and Gambling Licensing Committee will meet on Monday 18 July 2022 at 6.00pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at NorthWarks - YouTube.

AGENDA

- 1 Evacuation Procedure.
- 2 Apologies for Absence / Members away on official Council business.
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.

4 **Minutes of the Licensing Committee held 25 January 2022 -** herewith to be approved as a correct record and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

ALCOHOL LICENSING HEARING (under the Licensing Act 2003 (Hearings) Regulations 2005)

5 Application to Review a Premises Licence Hearing— The Coach Hotel, Coleshill

STEVE MAXEY Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE ALCOHOL AND GAMBLING LICENSING COMMITTEE

25 January 2022

Present: Councillor Jenns in the Chair

Councillors D Clews, M Humphreys, Jordan, McLaughlan, Moss, Osborne, O Phillips and Rose

Apologies for absence were received from Councillors Farrow, Hancocks, Lees, Macdonald, Parker and A Wright

5 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

6 Minutes

The minutes of the meeting of the Licensing Committee held on 26 January 2021, copies having been previously circulated, were noted, as the minutes had already been received by the Alcohol and Gambling Licensing Committee at their meeting on 22 July 2022 and signed by the Chairman as a correct record.

The minutes of the meeting of the Alcohol and Gambling Licensing Committee held on 22 July 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman, subject to it being noted that Councillor Hancocks was not in attendance and had submitted his apologies for the meeting.

7 Gambling Act 2005 – Review of Gambling Licensing Statement of Principles

The Chief Executive asked the Committee to consider recommending to Council that the final draft statement of principles made under the Gambling Act 2005 be adopted as Council Policy as no representations had been received at the end of the consultation period.

Recommended:

That the final draft Gambling Licensing Statement of Principles, as attached at Appendix A to the report of the Chief Executive, be adopted as Council Policy.

8 General Fund Fees and Charges 2022/0223

The Chief Executive reported on the fees and charges for 2021/22 and 2022/23.

Resolved:

That the schedule of fees and charges for 2022/23, as set out in Appendix A to the report of the Chief Executive, be noted.

9 General Fund Revenue Estimates 2022/23

The Corporate Director – Resources reported on the revised budget for 2021/22 and an estimate of expenditure for 2022/23, together with forward commitments for 2023/24, 2024/25 and 2025/26.

Resolved:

a That the revised budget for 2021/22 be accepted; and

Recommendation to Executive Board:

b That the Estimates of Expenditure for 2022/23, as submitted in the report of the Corporate Director – Resources, be included in the budget to be brought before the meeting of the Executive Board on 14 February 2022.

A Jenns Chairman

Licensing Act 2003

Licensing Hearing

Application to Review a Premises Licence Hearing

North Warwickshire Borough Council
The Council House
South Street
Atherstone
CV9 1DE

For

The Coach Hotel 150 High Street Coleshill B46 3BG

Licensing Officer's Report

The application

This Hearing is brought under the Licensing Act 2003 and The Licensing Act 2003 (Hearings) Regulations 2005 to determine an application to Review the Premises Licence of:

The Coach Hotel 150 High Street Coleshill B46 3BG

The application has been made by:

Mr Dean Poulton, 137-141 High Street, Coleshill, B46 3BY.

The Facts

- 1. The legislation governing the determination of this Premises Licence Review Hearing is The Licensing Act 2003 (the 2003 Act).
- 2. The 2003 Act sets out 4 objectives namely:

Prevention of Crime and Disorder Promotion of Public Safety Prevention of Public Nuisance Protection of Children from Harm

The 2003 Act requires a licensing authority to carry out its functions with a view to promoting these licensing objectives.

- 3. This Application was received on 25th May 2022 and the required 28 day consultation period ended on 22nd June 2022.
- 4. The applicant is requesting a review of the premises licence citing his opinion that the current Premises Licence holder is not complying with the four Licensing Objectives namely:
- 1) the prevention of crime and disorder This premises heightens the crime and disorder. We are unaware of what is happening within the premises but every evening as people leave there always ends up being fighting, smashed bottle in the street and excessive noise. Preventative methods such as calling the police when a fight ensues is never carried out by the Coach Hotel. The police can confirm this, when there is a problem in the coach hotel they are just thrown out onto the street for them to deal with off their premises. This is not a good approach to crime and disorder prevention. My above email also references one customer leaving the Coach Hotel and then throwing a bottle at my property, smashing a tile and a window. The town council are happy to obtain photos from their security camera of this. I also reference the parking of the cars of the people who attend the coach, who park on the double yellow lines and have no care for others. They are never told to move by the owners or the security guards standing at the door.

- 2) public safety In General terms the locals do not feel safe around the coach hotel or with the type of people that are forming together in this establishment. I speak to many locals who say they cross the road to avoid passing nearby this place in fear. I also reference the 'B46 Updates' on Facebook who have mentioned a number of times the number of smashed bottle or glasses in the road and footpaths which is a hazard to their dogs and children.
- 3) public safety In General terms the locals do not feel safe around the coach hotel or with the type of people that are forming together in this establishment. I speak to many locals who say they cross the road to avoid passing nearby this place in fear. I also reference the 'B46 Updates' on Facebook who have mentioned a number of times the number of smashed bottle or glasses in the road and footpaths which is a hazard to their dogs and children.
- 4) the protection of children from harm Whilst I hope people that attend are all above age and the issues that arise are late in the day, I would not like to bring up children in this area through fear of what happens on and around this premises.

The current Premises Licence authorises the following licensable activities.

Sale by retail of alcohol, regulated entertainment by plays, films, live and recorded music, performance of dance, provision of facilities for dancing, Late night refreshment.

The times the licence authorises the carrying out of the licensable activities.

Plays, Films & Live Music 10:00 – 24:00 Mon-Thurs 10:00–24:00 Fri, Sat, Sun.

Alcohol sales, performance of dance, provision of facilities for dancing and terminal hour for late night refreshment 10:00 – 24:00 Mon-Thurs; 10:00 – 24:00 Fri & Sat; 11:00 – 24:00 Sunday.

Opening hours of the premises are normally for 30 minutes after last permitted entry.

Relevant Representations

A representation has been received from Warwickshire Police as one of the Responsible Authorities and representations have also been received from local residents and businesses. Some of these representations address concerns relating to the Licensing Objectives and others support the premises licence holder.

When considering the application members, having regard to the application and any relevant representations, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.:

(a) modify the conditions of the licence;

- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence

Members must also have regard to Statutory Guidance which is issued under the Act. The current version of this Guidance was issued in 2018.Part 11 of the Guidance relates to reviews. Officers will refer Members to specific parts of the Guidance at the hearing.

Members must give reasons for their decision.

Attached are copies of:

Premises Licence Application to vary Premises Licence Representations

LICENSING ACT 2003 PREMISES LICENCE

Part 1 - PREMISES DETAILS

Postal address of premises, or if none, Ordnance Survey map reference or description:

Telephone No: 01675 463246

The Coach Hotel 150 High Street Coleshill Birmingham **B46 3BG**

Where the licence is time limited the dates:

Licensable activities authorised by the licence:

The times the licence authorises the

carrying out of licensable activities:

The opening hours of the premises:

Where the licence authorises supplies of alcohol whether these are in and/or off supplies:

Part 2

Name, (registered) address, telephone number and email (if relevant) of holder of premises licence:

Registered number of holder, eg company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

N/A

Sale by retail of alcohol; regulated entertainment by plays, films, live and recorded music, performance of dance; provision of facilities for dancing; Late night refreshment.

Plays, Films & Live Music 10:00 - 24:00 Mon-Thurs 10:00-24:00 Fri, Sat, Sun. Alcohol sales, performance of dance, provision of facilities for dancing and terminal hour for late night refreshment 10:00 - 24:00 Mon-Thurs; 10:00 - 24:00 Fri & Sat; 11:00 - 24:00 Sunday.

Normally for 30 mins after last permitted activity.

On and Off

Briskland Limited The Coach Hotel

150 High Street, Coleshill, B46 3BG

N/A

Antoin McGroarty 38 Marshall Lake Road Shirley, Solihull, B90 4PL

SOL/PE/094990

Solihull Metropolitan Borough Council

MANDATORY CONDITIONS

- 1. No supply of alcohol may be made under the Premises Licence
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal licence or his/her Personal Licence is suspended.
- 2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b)provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee o the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e)dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licenses must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3)The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drink Pricing -

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purpose of the condition set out in paragraph 1 -

- (a) "duty" is to be constructed in accordance with the Alcoholic Liquor Duties Act 1979.
- (b) "permitted price" is the price found by applying the formula $-\mathbf{P} = \mathbf{D} + (\mathbf{D} \times \mathbf{V})$

Where -

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films -

- 1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where (a) The film classification body is not specified in the licence, or (b) The relevant licensing authority had notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision – except theatres, cinemas, bingo halls and casinos.

- 1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act
- 2. But nothing in subsection (1) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - b) In respect of premises in relation to:
 - (i)
 - (ii) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

- (iii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under the Act.
- 3. For the purpose of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE 9th August 2018

a) General – all four licensing objectives (b, c, d and e)

We have a well trained management team and a training programme to ensure all staff are fully briefed on the licensing objectives and covering in particular no underage drinking, no drunkeness on the premises or outside of the premises, no use of drugs, no violent or anti-social behaviour and that there is a need to protect children from harm.

It is not at present intended to use the premises for adult entertainment but the applicant cannot rule out such a use in the future. Any such adult entertainment of whatever nature will only be introduced to the premises upon giving at least 14 days notice to the Police Authority.

b) The prevention of crime and disorder

Responsible management controls, for example capacity levels. Ongoing staff training including identification of anti-social or unusual behaviour. Use of proof of age scheme, internal and external lighting checked regularly.

CCTV to be installed and the premises licence holder must ensure that:

- a) CCTV cameras are located within the premises to cover all public areas, including stairways and corridors where the public have access.
- b) The system records clear images permitting the identification of individuals.
- c) The CCTV system is able to capture a minmum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d) The CCTV system operates at all times while the premises are open to the public.
- e) All equipment must have a constant and accurate time and date generation.
- f) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- g) Downloads will be provided to the Police upon reasonable request in line with the DPA
- h) Signed off by Warwickshire Police Design Out Crime office (DOCO)

Door supervisors to be employed Friday and Saturday or as dictated by a risk assesment prepared by the Designated Premises Supervisor.

Door supervisors to start no later than 20:00 hrs and remain on duty until the premises are closed and patrons have dispersed.

A minimum of three door supervisors to be on duty on Friday and Saturday evenings or as dictated by a risk assessment prepared by the DPS.

DPS to maintain a signing in register for door supervisors on duty which must contain start and finish time, name and address and badge number.

The DPS is to produce and maintain a search policy for the premises.

DPS produce a dispersal policy for the premises.

No open vessels to leave the premises at any time.

DPS to produce and maintain a drugs policy for the venue to include searching, toilet checks, seizure and disposal.

Minimum of one door supervisor who is working on the entrance to wear a Body Worn Video camera which is to be maintained and kept in good working order in line with DPA.

Weapons/metal detecting search wand to be stored on the premises and used by door supervisors in line with the search policy.

All training records, policies, risk assessments, incident books, refusals books must be kept on the premises and made available for inspection by any responsible authority.

The premises shall have a Warwick District Council "Licensed Premises Log Book and Guide" which will cover records of incidents and matters to be recorded as well as refusal of the sale of alcohol for whatever reason. This document will be at the premises at all time and available for inspection on reasonable notice by any of the responsible authorities.

When any event or function is to take place at the Coach Hotel which is different from the normal trading pattern at least 14 days written notice or such other period as is agreed with them shall be given to Warwickshire Police and the number of doormen on duty if any shall be dictated by a risk assessment prepared by the DPS.

The supply of alcohol for consumption indoors only after 23:00 hrs.

Any incident of crime or disorder provided it has come to the notice of the DPS or the Premises Licence holder shall be reported forthwith to Warwickshire Police and if by telephone it shall be followed up by a confirmatory email and a weekly Monday morning report shall be submitted to Warwickshire Police whether there has been an incident or not.

At all times there shall be kept at the premises written policies relating to different aspects of the operation dealing with search policies, public safety and other relevant matters so as to ensure the four licensing objectives are not undermined.

There shall be no admission to the premises after 22:30 hrs on any Friday, Saturday or Sunday in each week.

If there is a local PubWatch Scheme the Premises Licence holder and DPS shall attend all meetings and if there is a local radio scheme that will be joined and actively participated in.

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy.

Emergency exits shall remain unlocked and free from obstruction, both inside and outside, at all times.

A professionally prepared fire risk assessment will be produced which will propose maximum numbers which will thereafter be agreed with Warwickshire Fire Service and Warwickshire Police and become the maximum number for the premises and such capacity will not be exceeded, provided always that such number may be varied upwards or downwards by agreement with Warwickshire Fire Service and Warwickshire Police.

d) The prevention of public nuisance

Responsible management at all times. Zero tolerance to drunken or anti-social behaviour. Regular visits to all parts of the premises. Out of hours deliveries to be monitored. All staff trained to ensure quiet departure of patrons. Ventilation to be maintained to prevent nuisance of odour and noise. Recorded music sound levels to be monitored. All windows will be kept closed after 23.00.

Prominent notices are to be placed at every exit advising customers to leave quietly and to respect the neighbours and door staff are also to advise customers to leave quiety.

When regulated entertainment takes place at the premises all doors and windows are to be kept closed exept for access and egress.

The licence holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood.

The licence holder shall ensure that whenever Regulated Entertainment takes place within the licensed premises such entertainment shall not be such as to be a statutory nuisance in the nearest noise sensistive or residential premises.

Whenever live or recorded music takes place at the premises the DPS or a responsible person shall regularly monitor the noise levels at the boundary of the premises.

The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting

or unauthorised advertisements attached to street furniture.

e) The protection of children from harm

The provisions of sufficient staff to protect children from harm, with training on appropriate behaviour. Children have to be accompanied by a responsible person who has attained the age of 18. No children are allowed at the bar serveries.

The premises shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery. The premises will operate a policy whereby any person appearing to be under 25 attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

The licence holder shall ensure that ongoing staff training highlights the importance of making sure that people under the age of 18 years are not able to obtain access to alcohol and all staff will be trained in prevention of child exploitation and vulnerability and all training shall be refreshed at least every six months.

Review by the Police of the Premises Licence Hearing 9th August 2018

Decision

The Premises Licence should remain in force subject to the conditions set out in the newly proposed Operating Schedule as confirmed by the Police except as follows:

- There will be no admission to the premises after 10:30 pm
- The terminal hour for regulated licensable activities will be 12 midnight
- The de-regulation of the Public Entertainment Regulations shall be disapplied.

Reasons

The Licensing Sub-Committee considered all the written representations in the hearing bundle and also the oral representations of the Licensing Officer, Police, two local residents, the Solicitor representing the Premises Licence Holder and the Designated Premises Supervisor.

The Police brought the review on the grounds of the prevention of crime and disorder and the public safety licensing objectives. The Licensing Sub-Committee heard from local residents and acknowledged that they were the ones living and

experiencing problems at the premises which they stated had got significantly worse since the Premises Licence Holder purchased the Premises in March 2016. These problems affected the quality of life of the local residents and placed a substantial demand on Police resources.

To date, whilst a great deal of work has been carried out to the fabric of the building at considerable expense to the owners, insufficient attention has been paid to the operational requirements of the licensed premises.

The bringing of this review has identified the operational short comings. The new operating schedule proposed by the Premises Licence Holder goes a long way to addressing these issues.

The Licensing Sub-Committee was satisfied that the steps they had taken to modify the conditions were proportionate and appropriate to promote the licensing objectives in the circumstances of this case.

PLANS

Certified copy attached