
Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 20th November, 2018

Place

Diamond Rooms 1 and 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 14)

To agree the minutes of the Committee meeting held on 23 October 2018 and the Sub-Committee hearings held on 15 and 22 October 2018

4. Exclusion of Press and Public

To consider whether to exclude the press and public for the items of private business for the reasons shown in the reports.

5. Outstanding Issues Report

There are no outstanding issues to report.

6. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**Private Business****7. Reports of the Deputy Chief Executive (Place)**

7.1 Rats and Poor Conditions at a Milk Delivery Dairy (Pages 15 - 26)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 9.30 am

8. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

Reports of the Deputy Chief Executive (Place) on the following:
(Listing Officer: Mick Coggins – tel: 024 7683 2183)

8.1 Renewal of Hackney Carriage Driver's Licence (Pages 27 - 44)

- 8.2 Review of Hackney Carriage Driver's Licence & Private Hire Driver's Licence (Pages 45 - 66)
- 8.3 Renewal of Hackney Carriage Driver's Licence (Pages 67 - 76)
- 8.4 Review of Hackney Carriage Driver's Licence (Pages 77 - 100)
- 8.5 Review of Hackney Carriage Driver's Licence (Pages 101 - 134)
- 9. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive Place, Council House Coventry

Monday, 12 November 2018

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair carolyn.sinclair@coventry.gov.uk

Membership: Councillors J Birdi, R Brown, J Clifford, G Crookes, D Gannon, P Hetherton (Chair), B Kaur, D Kershaw, A Lucas, T Mayer, K Sandhu, R Thay, C Thomas (Deputy Chair) and S Walsh

Please note: a hearing loop is available in the committee rooms

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OR if you would like this information in another format or
language please contact us.

Usha Patel/Carolyn Sinclair

Tel: 024 7683 3198/3166

**Email: usha.patel@coventry.gov.uk or
Carolyn.sinclair@coventry.gov.uk**

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 23 October 2018

Present:

Members: Councillor P Hetherton (Chair)
Councillor J Birdi
Councillor R Brown
Councillor J Clifford
Councillor G Crookes
Councillor D Kershaw
Councillor A Lucas
Councillor T Mayer
Councillor K Sandhu
Councillor R Thay

Employees (by Directorate):

Place: S Beechey, D Cahalin-Heath, C Sinclair, A Wright, S Yarker

Apologies: Councillor B Kaur, C Thomas and S Walsh

Public Business

40. Declarations of Interest

There were no declarations of interest.

41. Minutes

The minutes of the Committee meeting held on 2 October 2018 and the Sub-Committee Hearings held on 28 September and 8 October 2018 were signed as true records.

42. Exclusion of Press and Public

RESOLVED that under Section 1004(A) of the Local Government Act 1972, the public be excluded from the meeting for the item of business indicated below on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant Paragraph of Part 1 of Schedule 12A
47	Refusal to carry assistance dog and disabled passenger by licensed Private Hire Driver	1 and 3
48	Application for the Grant/Suitability to	1 and 3

	hold Hackney Carriage & Private Hire Driver's Licence	
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43. Outstanding Issues Report

There were no outstanding issues.

44. Gambling Act 2005 - Revised Statement of Gambling Policy

The Committee considered a report of the Deputy Chief Executive (Place) which detailed the outcome of the 6-week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005. The revised Statement of Gambling Policy was attached as Appendix A of the report.

The revised policy consulted on had no major changes and only contained minor wording proposals. Five consultation responses had been received, 4 supported the changes and provided additional minor wording proposals, a summary of which was outlined in Annex B of the report.

The report would be presented to the Cabinet Member for Policing and Equalities on 25 October and then to Council on 4 December 2018.

RESOLVED that the report be noted.

45. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

46. Refusal to carry assistance dog and disabled passenger by licensed Private Hire Driver

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Section 170(3) of the Equality Act 2010 against the appropriate person in respect of his refusal to carry an assistance dog and disabled passenger in his licensed private hire vehicle.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has resolved in court.

47. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

RESOLVED that, having considered the circumstances set out in the reports of the Deputy Chief Executive (Place), now submitted:

(a) The Hackney Carriage Driver's Licence held by Mr Zakir Shinwari be suspended for a period of one month.

(Mr Shinwari attended the meeting in support of his case).

48. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of private business.

(Meeting closed at 10.10 am)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 15 October 2018

Present:

Members: Councillor J Clifford
Councillor P Hetherton
Councillor A Lucas

Employees (by Directorate) :

Place: O Aremu, D Cahalin-Heath, R Masih, U Patel

In Attendance: PC C Burnham (West Midlands Police)
S Gibson (Applicant's Representative)
A S Gill (Applicant)
K Kaur (Applicant's Wife)
PC K Healy (West Midlands Police)
K Lees (Public Health)
PS Wilts (West Midlands Police)

Public Business

1. Appointment of Chair

RESOLVED that Councillor Hetherton be appointed Chair for the hearing.

2. Apologies

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest.

4. Licensing Act 2003 - Application for New Premises Licence

The Sub-Committee considered an application for a new Premises Licence in respect of Raj's Store, 57 Harnall Lane West, Coventry. The application was for the supply of alcohol for consumption off the premises on Monday to Saturday from 07:00hrs to 21:30hrs and on Sunday from 07:00hrs to 20:30hrs.

Representations had been received from West Midlands Police and Public Health. The grounds for the representations were that the granting of a Premises Licence would undermine the licensing objectives of the prevention of crime and disorder; protection of public safety and the prevention of public nuisance. The representations made reference to the Salvation Army Harnall Life House which is located opposite the application premises and houses vulnerable people with high dependency issues, including alcohol/drug misuse. The area also currently attracts a high volume of calls to West Midlands Police for anti-social behaviour and crime and disorder.

The Applicant's Representative made the following representations to the Sub-Committee:

- That this was a modest application for a convenience store. Everyone goes for a reason but once there, the retailer would want you to spend on other things. The applicant has invested a lot of money into making the premises a respectable place.
- The opening hours requested is also modest
- The property has been in the family for over 30 years
- That the objections centred around Harnall Life House and the effect that granting the licence will have on the vulnerable people if they got hold of alcohol
- That the Harnall Life House was opened when there was a licenced premises which was trading.
- Accepted that potentially 80 people can live in the Harnall Life House at any one time with a percentage of those people having alcohol problem but that this small number of people could not be a justification to refuse the application.
- Anyone booked into the Harnall Life House would probably have a number of sanctions etc. and if so, why those sanctions could not include a prohibition to go into the premises across the road. The applicant would also be willing to work with the Harnall Life House.
- That the licence review was available to the authority in the event that the applicant breached any condition in the licence.
- That the applicant would be prepared to have a condition which prohibits the sale of alcohol over a percentage as the alcohol bought by people with alcohol issues tend to be the stronger alcoholic contents.
- That the evidence provided by the police was not tied to the applicant as he was not operating within that period. Also questioned the evidence provided by the police on the basis that of 15 crimes listed, only two were attributed to incidents that were alcohol related.
- That the applicant deserves the opportunity to trade and provide for his family and if there were problems, then the review process was available to the Authority.

In response to a question from the Sub-Committee, the Applicant confirmed that the whole business is owned by the family and if he was not present, then his wife and mum who is the licence holder would be present at the premises. It was also anticipated that in the long term they would be employing a staff member. The Applicant however expected that he would be there 7 days a week for 11/12 hours a day.

The Sub Committee then heard representations from Public Health who had concerns about the effect that the premises would have on the well-being of the recovery of the occupants in the Harnall Life House mainly on the close proximity and the ease of being able to obtain alcohol which would have a detrimental effect on residents. That the Harnall Life House has a zero tolerance policy on alcohol and it would be difficult to use a barring system with the applicant's premises as rough sleepers change on a day to day basis.

The Sub Committee then heard representations from the West Midlands Police who confirmed that this area is an area of high demand for anti-social behaviour and disorder which are in most cases associated with people under the influence of alcohol which the grant of the premises licence would add to that demand. It was clarified that the police numbers in that those elements which were recorded as ASB simply meant that they were closed on their logs as such. Stated that the banning suggestion by the applicant was reasonable but would be hard to enforce. The Police stated that street drinking was a daily issue in the area and that there was not a day when you would not come across someone in the area who was drunk.

The Sub-Committee invited the applicant to sum up their representation and it was stated as follows:

- That a lot had been heard today and the applicant acknowledged what was being undertaken across the road at the Harnall Life House was important. However, a lot of the objections heard centred around prevention and there had been no objection from residents or Harnall Life House itself.
- That the applicant was not aware of nor involved in anything to do with wrapping alcohol in paper at the chip shop.
- Not everyone who sells alcohol is going to create a problem. Police had stated that no problem with other licenced premises (which are only 4 minutes walks away) and it appeared that it was the location which was the Police's prime concern with the application which is not relevant under the Licensing Act.

It was clear from the police that there is an existing problem with anti-social behaviour in the general area which the grant of this licence would likely have an effect in adding or exacerbating to this concern. The Sub-Committee were also concerned that the premises is situated within a close proximity to Harnall Life House which houses vulnerable people with drug and alcohol dependency issue and the effect that the grant of this application would have on the ability of this vulnerable group to have alcohol readily available which increases disorder and nuisance for the local community.

The evidence provided by the West Midland Police suggested that the area suffers from violence and disorder which is often alcohol or drug related and large groups gathering causing noise complaints and nuisance for local residents. Clarification was sought on the crime reports statistics provided by the West Midland Police to the Sub-Committee to ensure that objections which were based on crime and disorder and public nuisance were in relation to the general neighbourhood and not linked to Harnall Life House. The response confirmed that the objection was community wide (as the area was one with high police demand) with consideration also given to the vulnerable people who occupied Harnall Life House.

The Sub-Committee considered at length whether any condition could be imposed (such as reducing the opening hours or limiting the toxicity of the alcohol being sold) which may serve to uphold the licensing objectives and allow for a grant of the application subject to those conditions. Unfortunately, there was no conditions which in the view of the Sub-Committee could be attached to address the concerns necessary to uphold the licensing objectives

In reaching this decision, the Sub-Committee had regard to both national guidance and the Council's own Policy. In relation to Crime and Disorder and the prevention of public nuisance, the Sub-Committee had noted the position of the West Midlands Police as stated above. The Sub-Committee also considered the evidence provided by Public Health as an important source of advice on the licencing objective.

The Sub-Committee also had regard to the submissions made by the applicant and the arguments made in support of the application and have attached appropriate weight to these representations when reaching their decision.

In this circumstance, having taken all matters into account, the Sub-Committee could not be satisfied that the licencing objectives would be upheld should they either grant the application as requested or grant the application subject to conditions. As such, the decision was taken to refuse the application.

RESOLVED that the application for a Premises Licence in respect of Raj's Store, 57 Harnall Lane West, be refused.

5. Any Other Business

There were no other items of public business.

(Meeting closed at 1.25 pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 22 October 2018

Present:

Councillor D Gannon
Councillor P Hetherton (Chair)
Councillor T Mayer

Employees (by Directorate):

Place: D Cahalin-Heath, N Chaplin, R Masih, C Sinclair, A Wright

In attendance:

West Midlands Police:

D Noble (Counsel)

Insp M Teago

PS N Witts

PC K Healy

PC S Flowers

For Licence Holder:

R Edge (representative)

P Farmah (Licence Holder)

S Njau (Designated Premises Supervisor)

J Erick (in support of Licence Holder)

Public Business

1. Appointment of Chair

Councillor Hetherton was appointed Chair for the meeting.

2. Apologies

There were no apologies.

3. Declarations of Interest

There were no declarations of interest.

4. Licensing Act 2003 - Application to Review a Premises Licence

The Sub-Committee considered an application to review the premises licence in respect of Feast Junction (trading as Club Junction), Hertford Place, Coventry, CV1 3JZ. The Review application was made by West Midlands Police on the grounds that they have failed to uphold the four Licensing Objections: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

West Midlands Police, as the Review Applicant, began by explaining to the Sub Committee that Club Junction had opened in March 2017. Due to concerns raised at the time of the initial application by the Responsible Authorities about the premises close proximity to Club M, a number of conditions were agreed by the Licence Holder in order to satisfy the Responsible Authorities that the four licensing objectives would be upheld.

The Police stated that there had been a persistent failure by the Licence Holder to adhere to the conditions placed on the licence, including a failure to keep relevant documentation, such as an incident refusals log, failure to implement and enforce Challenge 25, failure to carry out risk assessments and notify Police of events so that appropriate resources could be put in place, and a failure to implement CCTV that could be accessed by West Midlands Police upon request. The review application was supported by Environmental Health who explained that a number of noise complaints had been reported, mostly as a result of the failure to install a noise limiting device and keep doors and windows shut at all times, both of which were conditions of the licence.

The Police detailed that they had experienced great difficulty in getting the Licence Holder or DPS to engage, and all meetings to discuss the management of the premises were instigated by Police. It was further explained that the best venues in the city work closely with the Police and go above and beyond to ensure that the night time economy is safe. In this instance, the Police considered the basic legal requirements were persistently being breached as a result of lack of understanding or contempt.

It was noted by the Police that the Licence Holder had now produced some lengthy documentation detailing the policies that could be implemented to satisfy the Responsible Authorities that the premises can be managed lawfully. However, the Police conceded that the relationship with the Licence Holder and DPS had completely broken down and they had no confidence that any promises made or conditions agreed to would be forthcoming. Further, the Police highlighted that it should not have taken them to call for a review for this documentation to be put in place.

In support of the application, Environmental Health explained their concerns that the DPS demonstrated a lack of understanding during meetings as to licensing law, what time the premises should be closing, how he should go about asking DJ's to keep their noise at an appropriate level etc. A meeting took place between Environmental Health and the DPS in April 2018 during which it was noted that a noise limiting device had still not been installed despite this being a condition of the licence. The DPS was told to remedy this straight away and was issued a formal warning but it took until June 2018, after further intervention from Environmental Health, for this to be adhered to. Environmental Health said it was clear that the DPS was totally unaware of the licence conditions. It was explained to the DPS and Licence Holder on this occasion that if improvements were not made, the licence would be reviewed.

The Sub Committee were then invited to view CCTV footage, in private, of a serious incident which took place on 22nd July 2018 outside the adjacent Club M. It

was noted that on this date no searches were being conducted by security staff at Club Junction, that no dress policy was in place and that staff made no attempts to intervene or telephone Police when two altercations broke out between their patrons and those of Club M.

The Police considered that the CCTV footage was enough to demonstrate that the Licence Holder and DPS have totally failed to take adequate measures to uphold any of the licensing objectives.

The Licence Holder was given the opportunity to address the Sub Committee, and conceded that they had 'taken their eye off the ball.' The Licence Holder explained that the CCTV and noise limiter is now in place although this had not been done in the time requested. When asked why, the Licence Holder said he was 'slow on the uptake' and whilst he was aware of the requirement, he did not see the urgency as the noise was only an issue for neighbouring properties every so often. When asked why the CCTV was not implemented, the Licence Holder stated that the CCTV was in place but could not be accessed as the controls were in the downstairs restaurant area, of which he is the landlord, and his lessee had 'disappeared for a while.'

The Licence Holder described the review hearing as a 'huge wake-up call', stating that he now realises he needs to take a more hands on approach to running the premises.

In response to questions from the Sub Committee, the Licence Holder accepted that he had identified gangs within the area but had chosen not to have more than two door staff working as the numbers inside were usually small. The Licence Holder stated that the Police should advise how many door staff needed to be on duty once a risk assessment is completed, although he conceded that these risk assessments are not being done and the Police are not being informed.

The Licence Holder explained that he did not obtain any references for his DPS, but knew he worked as a DPS for another premises and had experience in running venues. The Sub Committee noted that all of the action plans provided are reactive, and asked how the business would be proactively managed to mitigate future risk of incidents. The Licence Holder explained that previously the business has been run as a family friendly environment rather than a nightclub and 'when you don't have incidents, you become complacent.' The Licence Holder stated that no incidents have taken place within the venue and it has been running calmly, so they had become complacent.

The Licence Holder accepted that the concerns of the Responsible Authorities were brought to his attention during a meeting in August 2018 but no measures were put in place at that time.

The Licence Holder proposed a one month suspension of the licence, during which time there would be comprehensive training for the management as well as the staff, and that the club would not re-open until the Police were satisfied with the measures that had been put in place. The Licence Holder also said that the

DPS would be removed from his position and the premises could be placed on a three month action plan.

In summing up, the Police once again stated that they had no confidence in the proposals put forward by the Licence Holder owing to the chronic failures and false promises that have given the backdrop for the review hearing.

West Midlands Police and Environmental Health have identified and evidenced systematic failures, including failure to keep relevant documentation, failure to implement and enforce Challenge 25, failure to carry out risk assessments and notify of events to ensure Police resources were available, and failure to implement CCTV which could be viewed by West Midlands Police upon request.

In particular, the Sub Committee viewed disturbing CCTV footage of a serious incident on 22nd July 2018 whereby a male was stabbed outside Club M. The Sub Committee were appalled that there was no attempt by security staff to intervene or notify Police of this incident, which they were clearly able to view. Further, that the males responsible for the altercation were free to come and go from Club Junction wearing hooded jackets, bags, and trainers without being challenged or searched. When asked about this incident, the Sub Committee found it disturbing that the Licence Holder sought to place the blame solely on the security company.

Throughout the hearing, the Sub Committee considered that the Licence Holder had a casual approach to his duties to uphold the four licensing objectives. The Licence Holder has demonstrated a total lack of understanding or willingness to take responsibility for the short falls. The Sub Committee found it completely unacceptable that conditions of the licence to install a noise limiting device and CCTV in a format viewable to the Police on request were not complied with until recently. Further, that the Licence Holder commented when asked that the delay in installing the noise limiting device was simply because he did not see the urgency and 'only breached it a few times', and with regard to the CCTV that it was not accessible because it was contained within the restaurant downstairs and the lessee 'disappeared for a while.' This is not what the Sub Committee would expect of a Licence Holder who takes his responsibilities seriously and fully comprehends how important it is to uphold the licensing objectives.

The Licence Holder described the review hearing as a 'huge wake-up call' but the Sub Committee struggled to understand why steps were not taken following the meeting with the Responsible Authorities in August 2018. The Licence Holder was given ample opportunity at that stage to address the failings and bring the management of the premises to a standard that the Responsible Authorities and the Licensing Authority would expect. It is clear that the Licence Holder did not take matters seriously at this point and continues to ignore the basic legal requirements.

West Midlands Police have made clear that they have no confidence in the management at these premises going forward. The Licence Holder and DPS have failed to engage with the Police since the premises opened in March 2017 and provided no assurances to the Sub Committee that going forward, they would be open to working with the Responsible Authorities in order to uphold the licensing objectives and ensure the safety of the night time economy in Coventry.

The Sub Committee could not be satisfied, owing to the Licence Holder's persistent attempts to pass blame to others and breach the conditions already in place on the premises licence, that any further conditions to the licence or indeed the removal of the DPS would be enough to uphold the licensing objectives. The Sub Committee consider the failings to run at a deeper level than that of the control of the DPS and as such, consider that only a revocation is appropriate in the circumstances.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In particular, the Sub Committee attached the appropriate weight to Guidance point 9.12, namely that the Police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder objective. It was noted that the Licensing Authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub Committee noted the position of West Midlands Police, namely, that the imposition of conditions or the removal of the DPS would not be enough to satisfy their concerns.

There is a young, vibrant residency of people in Coventry and the Sub Committee are aware of their responsibility to ensure that they at all times feel protected and safe through the licensing regime.

RESOLVED the premises licence be revoked.

5. Any Other Business

There were no other items of business.

(Meeting closed at 1.45 pm)

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of the Local Government Act 1972.

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