



### Licensing and Regulatory Committee

**Time and Date**

9.30 am on Tuesday, 19th January, 2016

**Place**

Committee Rooms 2 and 3 - Council House

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**Public Business****1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 16)

To agree the minutes of the Committee meeting held on 20 October 2015 and the Sub-Committee Hearings held on 10 September, 29 October and 4 November 2015.

**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 Executive Director of Place**

(7.1) Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No 8) (Pages 17 - 22)

(7.2) Non-Compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (Report 09) (Pages 23 - 28)

(7.3) Non-Compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (report 10) (Pages 29 - 34)

(7.4) Non-Compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 No 11 (Pages 35 - 40)

**PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 9.50am**

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

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

(8.1) Application for Grant of a Hackney Carriage Driver's Licence (Pages 41 - 72)

(8.2) Application for Grant of a Hackney Carriage Driver's Licence (Pages 73 - 82)

(8.3) Application for Grant of a Private Hire Driver's Licence (Pages 83 - 94)

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

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Chris West, Executive Director, Resources, Council House Coventry

Monday, 11 January 2016

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3198

Membership: Councillors M Ali, A Andrews, R Auluck, L Bigham, J Birdi, G Crookes, G Duggins, D Galliers (Chair), L Harvard, J Innes, M Lapsa, J Mutton, J O'Boyle and R Thay (Deputy Chair)

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

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language please contact us.

**Usha Patel/Carolyn Sinclair**

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[Carolyn.sinclair@coventry.gov.uk](mailto:Carolyn.sinclair@coventry.gov.uk)**

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am**  
**on Tuesday, 20 October 2015**

Present:

Members: Councillor D Galliers (Chair)  
Councillor M Ali  
Councillor A Andrews  
Councillor R Auluck  
Councillor L Bigham  
Councillor J Birdi  
Councillor G Crookes  
Councillor G Duggins  
Councillor L Harvard  
Councillor M Lapsa  
Councillor J Mutton  
Councillor J O'Boyle  
Councillor R Thay (Deputy Chair)

Employees (by Directorate):

Place: S Beechey, D Blackburn, N Castledine, M Coggins, C Hickin,  
E Smith

Resources: D Joy, U Patel

Apologies: Councillor J Innes

## **Public Business**

### **47. Councillor Phil Townshend**

Members of the Committee and Officers observed a minute's silence as a mark of respect for Councillor Townshend, Deputy Leader of the Council who sadly passed away following a short illness.

### **48. Declarations of Interest**

There were no declarations of interest.

### **49. Minutes**

The minutes of the Committee meeting held on 29 September 2015 were signed as a true record.

### **50. Exclusion of Press and Public**

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below, on the grounds that those items involve the likely disclosure of exempt information and that there would be no public interest in disclosing

that information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of that Schedule as indicated:

Minute no.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
55	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.5)	7
56	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.6)	7
57	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.7)	7
58	Poor conditions at food manufacturing premises	7
59	Non-compliance with a formal notice under the Housing Act 2004 (HA1)	7
60	Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences	1 and 3

**51. Outstanding Issues Report**

There were no outstanding issues.

**52. Gambling Act 2005 - Revised Statement of Gambling Policy**

The Committee considered a report of the Executive Director of Place which provided an update on the recent consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval a revised policy for the period 2016-2019.

The current Gambling Policy came into effect on 6 January 2013 for a period of three years up to 31 January 2016. The policy has to be renewed every three years and was subject to a full consultation process. Approval to go out to consultation was given by Cabinet Member for Policing and Equalities in July 2015.

The general principles of the Gambling Policy remained the same and the document was still centred on the Gambling Act's three licensing objectives. Whilst the majority of the policy had not changed, consideration would now have to be given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of licensing policy.

The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy), or at the premises, or when applying for a new or variation of a licence.

Whilst the requirement for risk assessment does not take effect until April 2016, it was important that it was taken into account in the revised statement.

The revised guidance also makes recommendations about licensing authorities completing and mapping their own assessments of local risks and concerns by developing local area profiles. A local area profile has now been drafted and would be implemented in advance of the requirement referred to above coming into effect.

The revised Statement of Principles of Gambling Policy must be published by 31 January 2016, allowing the Council to continue to carry out any function in respect of applications made under the authority of the Gambling Act 2005 after 31 January 2016.

**RESOLVED that the Committee having considered the results of the consultation, were fully supportive of the revised Statement of Gambling Policy for the period 2016-2019 and did not propose any changes to the draft Policy.**

### **53. Licensing Act 2003 - Revised Statement of Licensing Policy - Consultation Responses**

The Committee considered a report of the Executive Director of Place which provided an update on the outcome of the recent consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003.

The current Statement of Licensing Policy came into effect on 6 January 2011, to cover a period up to January 2016. The policy has to be renewed every five years and be subject to a full consultation process. Approval to go out to consultation was given by Cabinet Member for Policing and Equalities in March 2015.

The report outlined the comments received and proposed amendments to the Council's draft Licensing Policy. The general principles of the Licensing Policy remained the same and the document remained centred around the Licensing Act's four licensing objectives.

However, since the last revision there had been a number of changes through the implementation of a wide range of reforms to the Licensing Act. The policy has been revised throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.

**RESOLVED that the Committee having considered the results of the consultation, were fully supportive of the revised Statement of Licensing Policy for the period 2016 – 2021 and did not propose any changes to the draft policy.**

**54. Hackney Carriage and Private Hire Licensing Fee Review 2015 – Cost of Mandatory Child Sexual Exploitation (CSE) Training**

The Committee considered a report of the Executive Director of Place which sought approval for the adjustment and re-structuring of some of the fees for hackney carriage and private hire licensing to recover the costs of providing mandatory CSE training.

The Local Government (Miscellaneous Provisions) Act 1976 allows the City Council to charge as fees the reasonable cost of administering and enforcing the hackney carriage and private hire licensing function. The fees charged by the Taxi Licensing Office are intended to enable the service to operate on a self-financing basis.

The Committee at their meeting on 25 August 2015 approved a revision of the taxi licensing fee structure to take account of the Deregulation Act 2015 and in particular the need for local authorities to issue three yearly licences as opposed to annual ones.

In addition to this, the outcomes of the Rotherham report into Child Sexual Exploitation (CSE) and in particular the City Council's current requirements for training/raising awareness on CSE also had to be taken into account. This led to a voluntary training programme for taxi drivers on CSE, delivered free of charge by City Council Officers.

This voluntary training programme has proved to be very popular and so far 940 of the 1240 licensed hackney carriage and private hire drivers had received the training. On the basis of this success, the Cabinet Member for Public Services at her meeting on 4 August 2015, resolved that such training should be mandatory.

In order for the City Council to recover the cost of providing this training, a review of driver training fees would be required. The proposed changes in fees if approved would be advertised in the Coventry Telegraph on 29 October 2015. Any objections received would be submitted to the Committee meeting on 8 December 2015 for consideration and if no objections are received, then the proposed fees would come into force on 1 January 2016.

**RESOLVED that the Licensing and Regulatory Committee:**

- 1. Approves a fee increase of £20 on the Driver Training Course for new applicants from 1 January 2016, increasing the cost of a Driver Training Course from £80 to £100.**

2. Approves a new fee of £20 for existing drivers, who have not previously undertaken the free CSE training sessions, effective from 1 January 2016.
3. Recommends that the Cabinet Member for Public Services considers incorporating a requirement for any contract between the City Council and taxi drivers and/or firms to ensure that the drivers have undertaken CSE training.

55. 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.

### **PRIVATE BUSINESS**

56. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No.5)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 98 Station Street West, Coventry.

57. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No 6)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 272 Stoney Stanton Road, Coventry.

58. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (No 7)

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 522 Stoney Stanton Road, Coventry.

59. Poor conditions at food manufacturing premises

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under (EC) No 852/2004 on the Hygiene of Foodstuffs and associated

**regulations against appropriate persons in respect of the alleged poor conditions found at Khalistaza Foods Ltd, Unit 6, Lythalls Lane Industrial Estate, Lythalls Lane, Coventry.**

**60. Non-compliance with a formal notice under the Housing Act 2004 (HA1)**

**RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Housing Act 2004 against appropriate persons in respect of the alleged non-compliance with a formal notice served under the above Act on the owner of 11 Watersmeet Grove, Coventry.**

(Note: Prior to the consideration of this report, Members of the Committee were asked to confirm that they did not have any personal interest or other dealings with premises in question as the premises address had inadvertently been detailed within the report.)

**61. 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 Executive Director of Place now submitted:**

**(a) The Hackney Carriage Driver's Licence held by Mr Trivadi Lal Singh Bhella be confirmed.**

(Note: Mr T L S Bhella attended the meeting in support of his case.)

**(b) The application for the grant of a Hackney Carriage Driver's Licence by Mr Mohammed Hanif be refused.**

(Note: Mr M Hanif attended the meeting in support of his application.)

**62. 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 11.30 am)



**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Thursday, 10 September 2015**

Present:

Members:                   Councillor D Galliers (Chair)  
                                  Councillor G Crookes  
                                  Councillor J Mutton

Employees (by Directorate):

Place:                       R Masih

Resources:                D Joy  
                                  G Paddan

In Attendance

P Downey – Club President (Applicant)  
K Kennedy – Interested Party (Representor)  
A R Wood – Club Secretary (Applicant)

## **Public Business**

### **1. Appointment of Chair**

**RESOLVED that Councillor Galliers be elected as Chair for this meeting.**

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Licensing Act 2003 - Application for a new Premises Licence**

*The Sub-Committee considered an application for a new premises Licence in respect of Coundon Social Club Limited, 124 Shorncliffe Road Coventry. The application sought the sale of alcohol, regulated entertainment and late night refreshment:*

*Alcohol – Sunday – Friday 11.00-00.00(midnight), Saturday 10.30-00.00*

*Regulated Entertainment – Monday – Sunday 11.00 – 00.00*

*Late Night Refreshment – Monday – Sunday 23.00-00.00 (midnight)*

The Sub-Committee considered that the Club representatives and the Representor had all given honest and credible evidence. The Applicant had modified the previous application. The current application was for licensable activities from 11000 am until 12 mighnight. The purpose of the application was for commercial reasons, namely, to allow the Club to increase it's customer base and to increase the number of events held at the premises.

The Club had responded to the reported out of hours nuisance by locking the car park access gate after the last person had left the premises thus helping to prevent unauthorised persons accessing the car park after closing time.

There was no reported nuisance or other issues from inside the premises. The reported problems were primarily from the late night nuisance particularly at the main entrance; problems of patrons of the premises drinking and smoking late at night in the area around the main entrance to the premises and other occasional incidents of cr me and disorder and public nuisance had been reported. The Sub-Committee noted that the Council's Environmental Health Team had proposed conditions to meet their concerns which had been agreed by the Applicant.

The Applicant had acknowledged that non-member events had sometimes been the cause of nuisance and anti-social behaviour problems at the premise.

During the hearing a number of potential condition were considered and the Applicant had responded to suggested conditions in a positive manner.

The Applicant confirmed that late night refreshments would only be provided on the premises.

The Sub-Committee heard from the evidence provided that lines of communication between the Club and local residents could be improved. The Club was content to identify the secretary as single point of contact for residents to contact to deal with any issues as they arise and to invite local residents to a quarterly meeting to discuss any issues.

If a premises licence was granted the Applicant proposed to retain the current Club Premises Certificate for the present time as some parts of the Club would continue to operate as a member's club. The Applicant agreed that if a premises licence was granted the Club Premises Certificate would be subject to the conditions (insofar as they are relevant) imposed on the premises licence and the Club Premises Certificate would be amended accordingly.

**RESOLVED that the premises licence (in respect of the area identified on the attached plan edged in black) be granted subject to:**

- 1. CCTV to operate at the premises to the agreed standard of West Midlands Police. Images are to be retained for a minimum of 28 days and are to be made available at the request of any responsible authority.**
- 2. A refusal/incident book must be maintained at the premises.**
- 3. Challenge 25 to operate at the premises.**
- 4. A minimum of 1 door supervisor must be employed at the premises for the duration of any non-member events involving licensable activities.**
- 5. The gate to the premises car park must be closed after the last person leaves the premises and to remain closed until the premises re-open.**
- 6. All persons working at the premises must receive training in basic licensing law with refresher training every 6 months. The training**

**provided must include the licensing objectives and awareness of the licence conditions for the premises and the context in which they were added to the licence.**

- 7. Customers and persons working at the premises who wish to smoke must use the designated smoking area (area A on the attached plan)**
- 8. Taxis/private hire vehicles attending at the premises must only use the designated pick up point (area B on the attached plan)**
- 9. There must be no consumption of alcohol or smoking in area C on the attached plan**
- 10. Late night refreshment is only permitted on the premises**
- 11. The Club Secretary will act as a single point of contact for local residents who wish to raise issues of concern with the Club.**
- 12. The Club will invite local residents (to include the occupiers of numbers 98-148 [even numbers] Shorncliffe Road, Coundon, Coventry to a quarterly meeting at the premises to discuss any issues of concern arising from the use of the premises.**

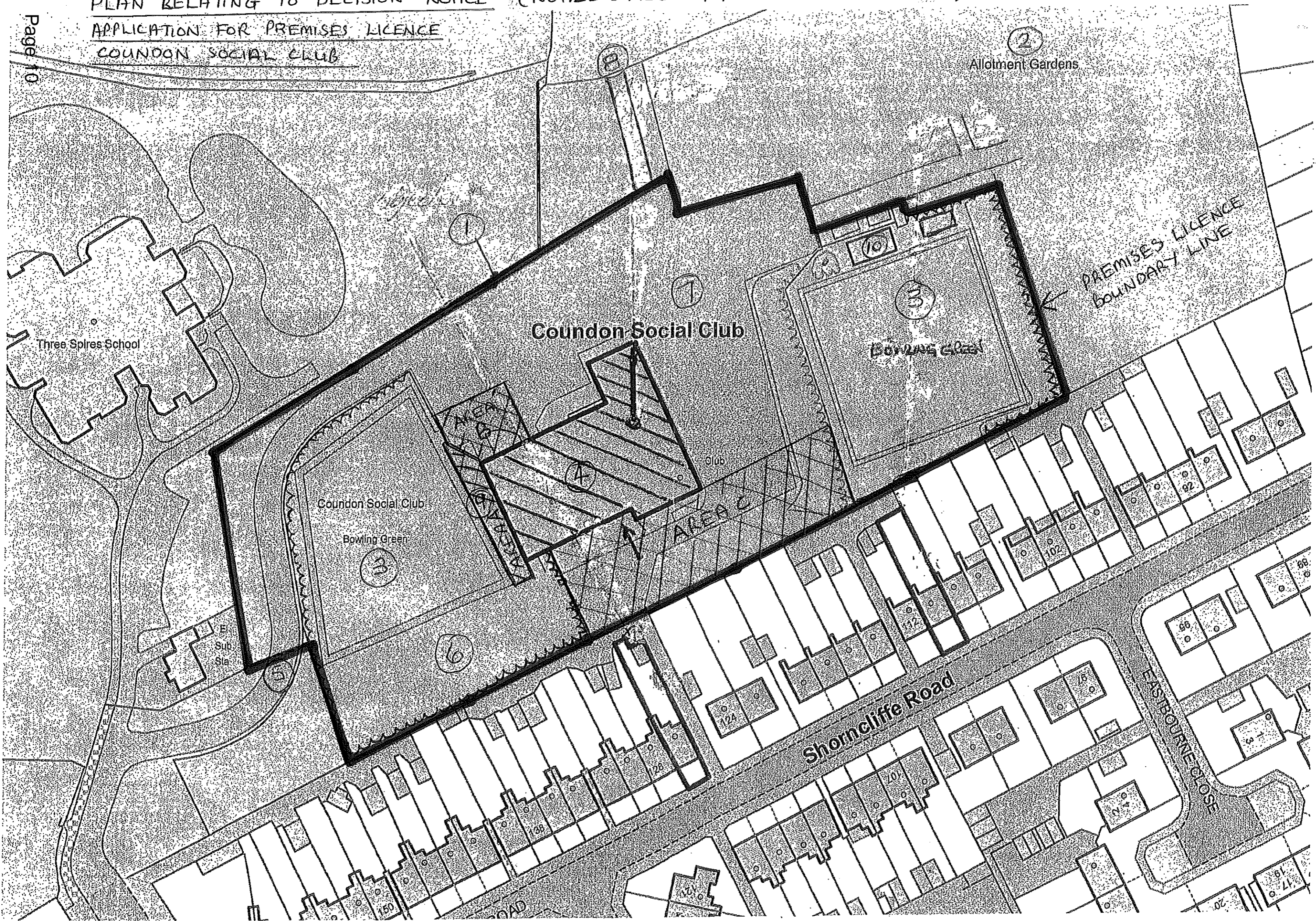
By agreement with the Applicant the above conditions shall be attached to the Club Premises Certificate for Coundon Social Club.

#### **4. Any Other Business**

There were no additional items of public business.

APPLICATION FOR PREMISES LICENCE

COUNDON SOCIAL CLUB



2 Allotment Gardens

Coundon Social Club

PREMISES LICENCE BOUNDARY LINE

Three Spres School

Coundon Social Club

Bowling Green

Shoncliffe Road

EASTBOURNE CLOSE

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**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Thursday, 29 October 2015**

Present:

Members:                   Councillor J Mutton (Chair)  
                                  Councillor J Birdi  
                                  Councillor G Duggins

Employees (by Directorate):

Place:                      R Masih

Resources:                D Joy, L Knight

In Attendance:            Mr M Anwar (Applicant)  
                                  Mr M Rahman (Agent for Applicant)

### **Public Business**

1.       **Appointment of Chair**

**RESOLVED that Councillor Mutton be appointed as Chair for this meeting.**

2.       **Declarations of Interest**

There were no disclosable pecuniary interests.

3.       **Licensing Act 2003 - Application for a New Premises License**

The Sub-Committee considered an application for a new premises licence in respect of Ginger Orange, 50 Kenpas Highway, Coventry.

The original application, for the sale of alcohol beyond 23.00 hours had been amended during the application process and it was therefore proposed the sale of alcohol be permitted between 17.00 hours and 23.00 hours each day.

It was noted that the West Midlands Police had been in contact with the Applicant during the representation period and the result of this was that the Police had proposed a CCTV condition to be attached to a premises licence in the event that a licence was granted. The Applicant had agreed to this condition.

The Sub-Committee considered the written application and the oral presentation made by the Applicant and his agent during the hearing. It also had regard to the Secretary of State's Guidance, the Council's Statement of Licensing Policy and the High Court's decision in Daniel Thwaites Plc v Wirral Magistrates Court (relating to the standard of evidence at licensing hearings).

The Sub-Committee heard from the Applicant about the amount of investment that had been made in the premises and, in response to a question from Sub-Committee, the Applicant stated that it was not intended to sell alcohol only to customers. Alcohol would only be sold to those consuming food, or to those

purchasing alcohol for consumption off the premises). The Applicant stated that he would agree to a condition restricting the sale of alcohol for consumption on the premises only with the consumption of food purchased on the premises.

In addition, the Applicant confirmed that he was aware that the grant of a premises licence would not remove the need for the necessary planning permission to be in place. It was noted that the current planning permission restricted the hours of opening due to parking / highway concerns.

The Sub-Committee also considered the written representations against the application, which raised concerns about increased crime, nuisance and parking problems in the event that a licence was granted.

In relation to the prevention of crime and disorder, the Sub-Committee noted the position of the West Midlands Police, in that the imposition of a condition could meet their concerns and that to address issues in relation to public nuisance, the opening times detailed in the application had been amended to 23.00 hours.

**RESOLVED that the application for a premises licence for Ginger Orange, with the opening times from 17.00 hours to 23.00 hours and for the sale of alcohol between 17.00 hours and 23.00 hours (on and off the premises) be granted subject to:**

- (a) The Mandatory Conditions prescribed by the Act;**
- (b) CCTV cameras to be in operation and recording whilst the premises are open to the public and CCTV images to be retained for 31 days and to be available to any responsible authority upon request.**
- (c) No alcohol to be sold for consumption on the premises otherwise than as ancillary to the consumption of a meal or meals on the premises.**

#### **4. Any Other Business**

There were no other items of business.

(Meeting closed at 10.35 am)

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Wednesday, 4 November 2015**

Present:

Members:                   Councillor R Thay (Chair)  
                                  Councillor J Birdi  
                                  Councillor J Mutton

Employees (by Directorate):

Place:                     D Cahalin-Heath, D Gardner, A Harwood, P Thompson

Resources                D Joy, U Patel

In Attendance:         K Malik – Applicant  
                              K Said – Applicant’s Representative

**Public Business**

1.       **Appointment of Chair**

**RESOLVED that Councillor Thay be elected as Chair of this meeting.**

2.       **Declarations of Interest**

There were no declarations of interest.

3.       **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee considered an application for a New Premises Licence in respect of Koshnaw Supermarket, 70 Walsgrave Road, Coventry. The application was for a premises licence permitting the sale of alcohol for consumption off the premises from 8.00am to 11.00pm Monday to Friday and from 8.00am to 1.00am on Saturday and Sunday.

During the application process West Midlands Police had proposed the following condition in the event that a premises licence was granted, which was accepted by the Applicant:

“Whilst the venue is open to the public a personal licence holder should be working at the premises”.

One Responsible Authority (Coventry City Council, Trading Standards) had submitted a representation opposing the grant of a licence. The Responsible Authority was of the view that the grant of a licence would undermine the licensing objective of preventing crime and disorder.

The Sub-Committee heard submissions from the Applicant in support of the application. In response to a question from the Sub-Committee the Applicant stated that he would be present on the premises 2-3 days per week to prevent a re-occurrence of the recent problems. The Applicant stated that the illicit cigarettes

seized at the premises on various dates were nothing to do with him although he accepted that as the business owner he needed to control what occurred on the premises.

The Sub-Committee considered the written and verbal representations made by Trading Standards. The Sub-Committee noted that there had been 5 incidents of illicit tobacco being found on or sold from the premises. The most recent incident was on 22 October 2015, which was after the application for a premises licence had been submitted. The investigation into these incidents was continuing.

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

In relation to the prevention of crime and disorder the Sub-Committee noted the position of West Midlands Police, namely, that the imposition of a condition could meet their concerns.

However, whilst the Police were generally regarded as the primary source of advice on the promotion of crime and disorder (paragraph 9.12 of the statutory guidance), Trading Standards were the main source of information in respect of the trade in illicit cigarettes.

The Sub-Committee also noted paragraph 11.27 of the statutory guidance which notes (in the context of review applications) that matters may be considered by the Sub-Committee notwithstanding that a criminal investigation onto the same affairs had not been concluded. The Sub-Committee were advised that the principle applied to an application for a new licence to the same extent as it applied to review applications.

The Sub-Committee also noted paragraph 11.27 of the statutory guidance which states that there is certain criminal activity that should be treated as particularly seriously including smuggled tobacco. Paragraph 11.27 relates to review applications. However, the Sub-Committee was advised that the same principle applies equally to an application for a new licence. It was clear from the evidence that the premises were being used for the possession and supply of illicit tobacco in an area where there is a widespread problem regarding illicit tobacco.

The Sub-Committee noted that the final incident occurred during the application process at which time the Applicant would have been fully aware of the concerns regarding the possession and supply of illicit tobacco from the premises.

The Sub-Committee considered that the Applicant had failed to provide any assurances or details of any controls that he would put in place to prevent a re-occurrence of the reported incidents.

In light of the above, the Sub-Committee considered that there were no conditions that could be attached to a licence that would deal with their concerns. It therefore concluded that to grant the application would undermine the crime and disorder objective.

**RESOLVED that the application for a new premises licence for the premises Koshnaw Supermarket be refused.**



4. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.45 am)

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