



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 22nd March, 2016

Place

Committee Rooms 2 and 3 - Council House

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

To agree the minutes of the Committee meeting held on 16 February 2016 and the Sub-Committee hearings held on 20 January, 1 February, 3 and 7 March 2016.

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**

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

7. 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)

(7.1) Application for Grant of a Hackney Carriage Driver's Licence (Pages 17 - 26)

(7.2) Review of Hackney Carriage Driver's Licence (Pages 27 - 38)

- (7.3) Review of Hackney Carriage Driver's Licence and Private Hire Driver's Licence (Pages 39 - 44)
 - (7.4) Review of Private Hire Driver's Licence (Pages 45 - 50)
 - (7.5) Review of Hackney Carriage Driver's Licence (Pages 51 - 56)
 - (7.6) Review of Hackney Carriage Driver's Licence (Pages 57 - 62)
8. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Chris West, Executive Director, Resources, Council House Coventry

Monday, 14 March 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

If you require a British Sign Language interpreter for this meeting 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, 16 February 2016

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 L Harvard
Councillor J Innes
Councillor M Lapsa
Councillor J Mutton
Councillor J O'Boyle
Councillor R Thay

Employees (by Directorate):

Place: T. Miller, A. Walster, N. Wooltorton
Resources: C. Sinclair, A. Wright

Apologies: Councillor G Duggins

Public Business

74. Declarations of Interest

There were no declarations of interest.

75. Minutes

The minutes of the meeting held on 19 January 2016 were signed as a true record.

76. 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 the Schedule as indicated:

Minute	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
79	Illegal shisha tobacco and smoking in an enclosed premises	7
80	Possession for sale of illicit tobacco	7

77. Outstanding Issues Report

There were no outstanding issues.

78. 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 urgent public business.

79. Illegal shisha tobacco and smoking in an enclosed premises

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Health Act 2006 against appropriate persons in respect of the alleged smoking in enclosed premises at H2O Lounge, 10 Spon Street, Coventry.

In addition it was agreed to delegate powers to the Assistant Director (Streetscene and Greenspace) to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

80. Possession for sale of illicit tobacco

RESOLVED that, having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Consumer Protection Act 1987 and The Tobacco Products (Manufacture, Presentations and Sale (Safety) Regulations 2002) against appropriate persons in respect of the alleged dealing in illegal tobacco products at Akar Mini Market, 443 Foleshill Road, Coventry.

In addition it was agreed to delegate powers to the Assistant Director (Streetscene and Greenspace) to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

81. 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 urgent private business.

(Meeting closed at 9.45 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 20 January 2016

Present:

Members: Councillor L Bigham (Chair)
Councillor J Birdi
Councillor J Innes

Employees (by Directorate):

Place: M Ledbrooke

Resources D Joy, L Knight and A Wright

In Attendance: K Srinathan – Applicant
A Bhaswar – Applicant’s Representative
S Tharmapalan – Proposed Designated Premises Supervisor

Responsible Authority: West Midlands Police
PC J Bowes
DC C Aldridge
PC C Marston

Public Business

1. Appointment of Chair

RESOLVED that Councillor Bigham be elected as Chair of this meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Act 2003 - Application for a Premises Licence

The Sub- Committee considered an application for a premises licence in respect of Locally Fresh Convenience Store, 176 Lythalls Lane, Holbrooks, Coventry CV6 3AQ. The application was for a premises licence permitting the sale of alcohol for consumption off the premises.

One Responsible Authority (West Midlands Police) 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. West Midlands Police had also objected to the proposed designated premises supervisor.

It was noted that following discussions with Environmental Health the application for sale of alcohol was amended to 7.00hrs to 23.00hrs (the opening and closing times of the premises were adjusted to the same times). The application for late night refreshment had been withdrawn.

The Sub-Committee heard submissions from the Applicant (primarily via his agent) in support of the application. The applicant had a number of businesses including off licences and takeaways. He acknowledged his conviction(s) for fraud but had moved on from that type of conduct. The Applicant was endeavouring to repay the sums obtained by him as a result of the fraud.

He acknowledged the counterfeit alcohol issues from 2013 and 2015 (but not the one involving 101 bottles – this relates to his brother's premises). The incident in 2015 involved one bottle. The Applicant stated that there had been no enforcement action in respect of these incidents.

The Applicant stated that the premises were currently being renovated and he planned to open as a general grocery/provisions/newsagent with the provision of alcohol for consumption off the premises if granted a licence. The supply of alcohol would form only a small part of the proposed business.

The Applicant understood the requirements of challenge 25 and other potential conditions such as cctv. He stated that he would manage his business premises by being present at each a few hours each day. Other family members would help in the running of the various premises.

The Applicant stated that the grant of a licence to him would not undermine the licensing objectives.

The Sub-Committee considered the written and verbal representations made by West Midlands Police. Three incidents involving counterfeit goods were referred to (22 bottles in 2013, 101 bottles in 2014 and 1 bottle in 2015). It was noted that the second incident referred to the premises licensed to the Applicant's brother (i.e. not the Applicant). It was noted that no formal enforcement action had been taken in respect of these matters.

The Police provided details of the fraud offences for which the Applicant was convicted in 2014. The offences (some of which were committed in 2010) involved significant sums fraudulently obtained via paypoint and W H Smith over 3 shops. The Applicant was sentenced to a term of 12 months imprisonment. The premises were delayed due to the applicant's absence for the UK. The Applicant changed his name by deed poll during the process.

The premises were in an area identified as a priority area (i.e vulnerable to issues such as drugs, alcohol and sexual exploitation). Therefore, strong management of licensed premises was required in this area and the Police view was that neither the Applicant nor Mrs Tharmapalan had demonstrated that they could provide this.

The Police expressed concerns about the suitability of Mrs Saranjah Tharmapalan as designated premises supervisor. When approached by the Police Licensing Officer to discuss licensing issues Mrs Tharmapalan did not appear to have a good command of English and was unable to express a sound knowledge of licensing issues (other than to say that Mrs Tharmapalan had had training and would soon receive further training, the Applicant did not present any evidence to contradict the Police view and indicated that if a licence was granted a different designated premises supervisor would be nominated).

The Police considered that the grant of a licence to the Applicant and the appointment of Mrs Saranjah Tharmapalan as designated premises supervisor would undermine the crime and disorder licensing objective.

In determining the application the Sub Committee had regard to relevant statute and both national guidance and the Council's own policy.

The Sub-Committee had particular regard to paragraph 9.12 of the national guidance issued under s182 of the Licensing Act 2003 which notes that the Police are generally to be regarded as the primary source of advice on the promotion of crime and disorder. The applicant was convicted in 2014 of serious fraud offences relating to his businesses for which he received a 12 month custodial sentence. Counterfeit alcohol was seized from premises (for which the applicant was or is the premises licence holder) on 2 occasions (in 2013 and 2015).

The premises were located in an area identified as a priority area (i.e vulnerable to issues around drugs, alcohol and sexual exploitation). The Sub-Committee considered that the Applicant had not demonstrated that he could provide the strong management of the premises that would be required.

Having regard for the above the Sub-Committee considered that to grant a premises licence to the Applicant would undermine the licensing objective of preventing crime and disorder. The Sub-Committee considered that there were no conditions that could be attached to a licence that would deal with their concerns.

As the application was refused the Sub-Committee made no determination regarding the suitability of the proposed designated premises supervisor.

RESOLVED that the application for a premises licence in respect of Locally Fresh Convenience Store, 176 Lythalls Lane, Holbrooks, Coventry CV6 3AQ be refused.

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.50 am)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 2.00 pm on Monday, 1 February 2016

Present:

Members: Councillor R Thay (Chair)
Councillor L Bigham
Councillor G Crookes

Employees (by Directorate):

Place: M Ledbrook

Resources S Bennett and A Wright

In Attendance: A. Alagarajah – Applicant
M. Jamshad – (In support of Applicant)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Thay be appointed as Chair of this meeting.

2. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application for a premises licence in respect of Hussain Food Store, 112 Stoney Stanton Road, Coventry, CV1 4FN, permitting the sale of alcohol for consumption off the premises.

One local resident had submitted a representation opposing the grant of a premises licence and the Sub-Committee gave consideration to the written representation.

West Midlands Police had been in contact with the Applicant during the representation period and proposed suitable conditions to be attached to a premises licence in the event that a licence was granted. The Applicant had agreed to the proposed conditions.

It was noted that following discussions with Environmental Health, the hours for sale of alcohol was amended to 05.30 hours to 03.00 hours Sunday to Thursday, and 05.30 hours to 04.00 hours Friday and Saturday.

The Sub-Committee heard submissions from the Applicant in support of the application. It was noted that the Applicant's initial application form stated that the sale of alcohol on a Sunday would be from 06.00 hours and therefore the

agreement with Environmental Health would amount to an extension of this time to 05.30 hours. In response to a question from the Sub-Committee, the Applicant agreed that the supply of alcohol on a Sunday would be from 06.00 hours, should the premises licence be granted.

The Applicant demonstrated a sound understanding of the Challenge 25 policy and advised that he had already taken steps to identify training providers for his staff to be fully trained in the basics of licensing law.

The Sub-Committee noted that the Applicant currently holds a personal licence issued by an authority in London. The Sub-Committee was advised that there is no longer an obligation on a personal licence holder to renew their licence after ten years, but the Applicant would need to apply to the issuing authority to notify of his change of address. The applicant confirmed that he had already taken steps to address this.

The Sub-Committee considered that the Applicant could not be present for the 22 hours a day that the shop could be open. The Applicant confirmed that his family members, including his wife (who also holds a personal licence) would be working at the shop and could be trusted to act responsibly in his absence.

RESOLVED that the application be granted subject to the following conditions:-

- (1) CCTV to operate at the premises to the agreed standard of West Midlands Police. Images are to be retained for a minimum of 31 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) 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.**
- (5) The sale of alcohol to be permitted from 06.00 hours to 03.00 hours on a Sunday in line with the Applicant's initial application. The hours for the sale of alcohol on all days other than Sundays to be that as agreed with Environmental Health, namely Monday to Thursday from 05.30 hours to 03.00 hours and Friday and Saturday from 05.30 hours to 04.00 hours.**

4. Any Other Urgent of Public Business

There were no other items of urgent public business.

(Meeting closed at 3.20p.m.)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 3 March 2016

Present:

Members: Councillor L Bigham (Chair)
Councillor S Birdi
Councillor L Harvard

Employees:

D Cahalin-Heath, People Directorate
M Salmon, Resources Directorate
A Wright, Resources Directorate

Apologies: There were no apologies.

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Bigham be elected as Chair of this meeting.

2. **Declarations of Interest**

There were no disclosable pecuniary interests made.

3. **Licensing Act 2003 - Application to Vary a Premises Licence**

The Sub-committee considered an application to vary a premises licence for The New Spires, namely to continue to permit the current authorised hours endorsed in the standard timings on the premises licence, other than to extend the terminal hour for licensable activities on Fridays and Saturdays until 1am. The opening hours were to remain the same.

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.

Seven local residents had submitted a representation opposing the variation. A mediation meeting was offered by the Applicant, and took place on Sunday 28th February 2016. Two of the objectors attended the meeting. No Responsible Authority had objected to the application.

The Sub-Committee heard submissions from the Representative of the Applicant in support of the application.

It was suggested that the variation was modest in its application for an extension of the terminal hour of licensable activities by one hour on a Friday and Saturday, from 12am to 1am.

It was noted that a mediation meeting was held on Sunday 28th February 2016, to which two objectors attended. The meeting was described by the Representative of the Applicant as being constructive, although the objections were not withdrawn as a consequence of the meeting.

The Representative of the Applicant advised that as a result of that meeting, the Applicant was willing to offer a number of conditions to be added to the premises licence which should serve to allay any concerns the Sub-Committee may have to the grant of the variation having an adverse effect of the Licensing Objectives.

The Representative of the Applicant noted that the main concerns raised by the Objectors related to dispersal and noise. The Applicant has advised that no official complaints or reprimands have been received during his tenure, but that the concerns raised by the residents will be reviewed on an on-going basis in order to uphold the Licensing Objectives.

The Applicant advised that there is a gradual wind down after midnight with regard to the sale of alcohol and regulated entertainment. If the Applicant felt that 'drinking up' time was taking longer than thirty minutes, he would use the flexibility afforded to him by virtue of the extended hour to call last orders at the bar before the terminal hour of 1am.

The Applicant was clear in his representations that there was no intention to reposition the pub, and that he wished to continue to serve the community. The Applicant is of the view that there is a demand within the area for the type of entertainment that the premises will be offering.

Finally, it was noted that on eight occasions since December 2015, the Applicant has used his discretion in accordance with the non-standard timings of the current premises licence to extend the terminal hour to 1am. It was noted that this had not attracted any complaints from residents within the area.

The Applicant was very receptive to the idea of inviting residents to a meeting on occasions throughout the year going forward, in order to discuss their concerns as part of their on-going review process.

The Sub-Committee considered each of the written representations made by the seven Objectors in full.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy. In accordance with the High Court's decision in Daniel Thwaite pic v Wirral Magistrates Court, it attached the appropriate weight to the fact that none of the responsible authorities had objected.

The Sub-Committee considered that the extension of licensable hours on a Friday and Saturday was modest and 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. The measures that the Sub-Committee expect to be taken to address any concerns of Public Nuisance were contained within the Operating Schedule and the conditions offered by the Applicant.

The Sub-Committee was satisfied that the Applicant had taken the concerns of the local residents into account and would continue to do so with the offer of meetings throughout the year to discuss any issues.

The Applicant is 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 Sub-Committee granted the variation to the premises licence for The New Spires subject to the following conditions, as offered by the Applicant:

- 1. Every Friday and Saturday, when either live or recorded music is being played at the premises, all doors and windows are to be kept closed from 10.30pm, save for access to and from the premises, and in the case of an emergency;**
- 2. Every Friday and Saturday, checks of the premises boundary are to be made from 9pm. All findings are to be recorded in a log book, to be made available for viewing by any responsible authority upon request;**
- 3. Alcohol is not to be consumed in the beer garden after midnight;**
- 4. Clear legible notices are to be displayed at all exits asking that customers leave the premises quietly.**

4. Any Other Business

There was no other business.

(Meeting closed at 11.05 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, 7 March 2016

Present:

Members: Councillor A Andrews
Councillor D Galliers (Chair)
Councillor R Thay

Employees (by Directorate):

Place: D Cahalin-Heath

Resources: L Knight, A Wright

In Attendance: PC J Bowes, West Midlands Police
D Gardner, Coventry City Council
A Harwood, Coventry City Council
S Qadir, Licensee

Public Business

5. Appointment of Chair

RESOLVED that Councillor Galliers be elected as Chair of this meeting.

6. Declarations of Interest

There were no declarations of interest.

7. Licensing Act 2003 - Review of Premises Licence

The Sub-Committee considered an application by Coventry Council Trading Standards for a review of the premises licence at European Supermarket, 651 Foleshill Road, Coventry. The review application sought to revoke or suspend the premises licence for a period of three months.

The grounds for the review were that the Licensing Objectives of Prevention of Crime and Disorder and Public Safety had not been promoted. This consideration was made following visits to the premises during which illegal tobacco products were found and seized.

The Sub-Committee heard submissions from the Review Applicant and the Police in support of the application. It also considered a written representation made by the Public Health department of Coventry City Council.

The Review Applicant explained to the Sub Committee that the premises had been subject to a number of targeted inspection visits by the Trading Standards Fraud and Financial Investigations team. During these visits, illegal tobacco products (products that are counterfeit and/or smuggled or duty free which do not display the health warning 'Smoking Kills' in English) had been found and seized.

Following these seizures, the Licensee had appeared before Nuneaton Magistrates Court on 19th August 2014, where he entered a guilty plea to charges relating to the sale and supply of illicit tobacco. He was fined £1500.

Following this prosecution, it was noted that a minor variation to the premises licence was sought by Trading Standards. This was signed by the Licensee on 5th November 2014, and stated that all alcoholic and tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items.

Notwithstanding the variation to the premises licence, further complaints were made regarding the continuing sale of illicit cigarettes from the premises. Trading Standards had cause to visit the premises on a number of occasions throughout 2015, during which more illicit tobacco was seized from the premises. The Licensee was given verbal advice, as well as written warnings, that his premises licence could be reviewed if the sales did not stop.

The Review Applicant explained to the Sub Committee that the Licensee blatantly ignored the written warnings, and a further seizure of 182 packets of cigarettes was made in October 2015. The Licensee was interviewed under caution in November 2015 and admitted continuing to sell the illicit tobacco, in breach of his licence conditions.

The Licensee was made aware on 5th January 2016 that his Premises Licence was to be reviewed. Since this date, further seizures had been made of illicit cigarettes from the premises.

During the 28 day notice period as part of the review application procedure, the Police and the Public Health department had made representations in support of the Review Applicant. The Police noted that visits to the premises revealed that the CCTV was not working properly. The Police were also extremely concerned that the staff working at the premises had limited understanding of basic licensing law. Further, there were on-going concerns of children and young males around the premises, although no alcohol had been seen.

The Public Health department provided written representations which were taken into account by the Sub Committee.

The Licensee advised the Sub Committee that the CCTV camera was now working. He also advised that he had not been selling alcohol to young people, and he would stop selling illicit cigarettes. The Licensee admitted that he found the rent at his shop expensive and sold the illicit cigarettes to try and cover some of the cost. He was aware that the cigarettes were illegal. He advised the Sub Committee that other premises in the vicinity were doing the same thing.

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

In particular, the Sub Committee noted that whilst the Police were to be regarded as the primary source of advice on the Prevention of Crime and Disorder (paragraph 9.12), Trading Standards were the main source of information in

respect of the trade in illicit cigarettes. The Sub Committee noted that the Police and the Public Health department of Coventry City Council supported the application to revoke or suspend the licence.

The Sub Committee noted paragraph 11.27 of the statutory guidance which notes, in the context of review applications, that certain criminal activity should be treated as being particularly serious, including smuggled tobacco.

The Sub Committee also had regard for paragraph 11.28, which noted that where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the Licence – even in the first instance – should be seriously considered.

The Sub Committee noted that one of the incidents relating to the sale of illicit tobacco took place during the review application process, and following on from numerous verbal and written warnings by Trading Standards, in addition to a prosecution in 2014 for the sale of illicit cigarettes, to which the Licensee pleaded guilty.

Further, the Sub Committee noted that the Licensee has breached his licence conditions by continuing to sell illicit cigarettes notwithstanding the variation made to his licence following on from his prosecution, that condition being to only obtain alcohol and cigarettes from legitimate sources.

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

The Sub Committee considered that a suspension of the licence would not be appropriate owing to all previous interventions being ignored by the Licensee.

The Sub Committee therefore concluded that revocation of the Premises Licence was appropriate and proportionate in the circumstances.

RESOLVED that the premises licence is revoked.

8. Any Other Business

There were no additional items of business.

(Meeting closed at 11.00 am)

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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