



Licensing and Regulatory Committee

Time and Date

10.00 am on Tuesday, 2nd August, 2016

Place

Committee Rooms 2 and 3 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 8)

To agree the minutes of the Committee meeting held on 5 July 2016 and the Sub-Committee hearing held on 8 June 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 10.00 am

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 9 - 20)

7.2 Application for Grant of a Hackney Carriage Driver's Licence (Pages 21 - 32)

7.3 Renewal of Hackney Carriage Driver's Licence (Pages 33 - 44)

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, 25 July 2016

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

Membership: Councillors A Andrews, R Auluck, J Clifford, G Crookes, D Gannon, B Kaur, D Kershaw, T Khan (Chair), M Lapsa, J Lepoidevin, A Lucas, T Mayer, R Thay (Deputy Chair), C Thomas and S Walsh

By invitation Councillors

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 10.00 am
on Tuesday, 5 July 2016

Present:

Members: Councillor T Khan (Chair)
Councillor R Auluck
Councillor G Crookes
Councillor D Gannon
Councillor R Thay
Councillor C Thomas
Councillor S Walsh

Employees (by Directorate):

Place: M Coggins, A Harwood, T Miller, A Walster

Resources: U Patel, A Wright

Apologies: Councillors A Andrews, J Clifford, D Kershaw, M Lapsa,
A Lucas and T Mayer

In attendance: M McElligott (Work Experience, for items 1-7 only)

Public Business

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

The minutes of the Committee meeting held on 26 April 2016 were signed as a true record.

3. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1927, 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 No.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
108	Illegal Tobacco Products	7
109	Illegal shisha tobacco and smoking in an	7

	enclosed premise	
110	Applications for the Grant/Suitability to hold Hackney carriage & Private Hire Driver's Licences	1 and 3

4. Outstanding Issues Report

There were no outstanding issues.

5. 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.

6. Illegal Tobacco Products

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 Trade Marks Act 1994 against appropriate persons in respect of the alleged illegal tobacco products found at Babylon, 435 Foleshill Road, Coventry.

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

7. Illegal shisha tobacco and smoking in an enclosed premise

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 Health Act 2006 against appropriate persons in respect of the alleged illegal shisha tobacco and smoking in an enclosed premise at Pyramid Lounge, 120 Lower Ford Street, Coventry.

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

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

RESOLVED that having considered the circumstances set out on the reports of the executive Director of Place now submitted:

- (a) The application for grant of a Hackney Carriage Driver's Licence by Mr Sharif Abdi Elmi be approved and the Assistant Director of Planning, Transport and Highways be instructed to issue Mr Elmi

with an advisory letter recommending him to seek advice when filling out formal forms.

(Note: Mr Elmi and his representative attended the meeting in support of his application).

9. 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 11.15 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 Wednesday, 8 June 2016

Present:

Members: Councillor A Andrews
 Councillor G Crookes
 Councillor R Thay (Chair)
 Councillor A Andrews
 Councillor G Crookes

Employees (by Directorate):

 Place: J. Elrick
 D. Blackburn, D. Cahalin-Heath (Representatives of the
 Review Applicant)
 Resources: C. Sinclair, A. Wright

In attendance: P. Thomas (Regional Manager for the Licensee)
 R. Taylor (Representative of the Licensee)
 PC J. Bowes (Representor)
 PC K. Healy (Representor)

Public Business

10. **Appointment of Chair**

RESOLVED that Councillor Thay be appointed as Chair for the meeting.

11. **Declarations of Interest**

There were no declarations of interest.

12. **Licensing Act 2003 - Application to Review a Premises Licence**

The hearing was held to consider an application for a review of the premises licence at The Cedars Hotel, Barkers Butts Lane, Coventry.

The grounds for the review were that under section 167 of the Licensing Act 2003, where a Magistrates Court has made a Closure Order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, in relation to a premises in respect of which a premises licence has effect, and the licensing authority has accordingly received a notice to that effect from the Magistrates Court, the licensing authority must review the premises licence.

At the time that the Closure Order was made, the Premises Licence Holder was Emma Kenning. However, Enterprise Inns have subsequently transferred the licence back into their name having gained possession of the premises by way of a Possession Order granted on 16th May 2016.

The Sub-Committee heard that in July 2015, the premises were taken over under an agreement with the Licensee by Emma Kenning. A short time into her lease, it became clear that there were issues surrounding noise issues, drunkenness of customers and possible drug use. The Sub Committee was told that a joint agency staged approach was initiated in an effort to support Miss Kenning as this was the first licensed premises that she had taken control of.

The Police advised the Sub Committee that towards the end of 2015, the Licensee was seeking to take back possession of the premises as there were ongoing issues. Finally, on 3rd May 2016, Miss Kenning was arrested in connection with a theft, and further items thought to be stolen were discovered in the living quarters.

The Sub Committee heard that Miss Kenning has not been charged with any offences and remains on police bail whilst the investigation continues.

The Police successfully applied for a Closure Order from Coventry Magistrates Court on 6th May 2016. Shortly thereafter, the Licensee secured a Possession Order at the County Court, allowing them to take back control of the premises. Subsequent to this, the Licensee applied for a transfer of the premises licence from Miss Kenning. The premises licence was granted to the Licensee without a Designated Premises Supervisor (DPS), and the Licensee confirmed their understanding that no supply of alcohol could take place until such time as a new DPS is put in place.

The Police stated that there could be no criticism of the Licensee, who had done exactly what they should and could do in the circumstances. The Police further advised that the Licensee had successfully applied for the Closure Order to be discharged, and there were no objections to this by the Police.

The Sub Committee heard that following the call for the review by the licensing authority, as required under s167 of the Licensing Act 2003, the Licensee had been entirely cooperative and had agreed with the Police for seven conditions to be added to the licence.

The Representative of the Licensee advised the Sub Committee that the Licensee currently owns around 5,000 public houses around the country and that events such as this are rare.

The Sub Committee heard that the Licensee is looking for a new DPS with previous experience of running such establishments. In response to a question from the Sub Committee, the Regional Manager for the Licensee reiterated that they will continue to work closely with the Police and the licensing authority in seeking a suitable DPS. He further advised that any prospective DPS would be offered a five day course to assist in building a business.

The Sub Committee noted the position of West Midlands Police and the licensing authority, namely, that they were supportive of the Licensee's representations and that the imposition of conditions, as agreed with the Licensee, could meet their concerns.

The Sub Committee was satisfied that the Licensee has demonstrated a willingness to take steps to prevent, so far as is possible, problems arising at or from the premises that may undermine the licensing objectives.

The Sub Committee considered that allowing the premises licence to remain in place would not undermine the licensing objectives so long as appropriate conditions were attached to the premises licence.

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

The Sub Committee considered that allowing the premises licence to remain in place would not undermine the licensing objectives so long as appropriate conditions were attached to the premises licence.

RESOLVED that the Sub-Committee allow the premises licence to remain in place subject to the following conditions:

- 1. CCTV to operate at the premises to the agreed standard of the West Midlands Police. Images are to be retained for a minimum of 31 days and be made available to download at the request of the responsible authorities. Whilst open there will always be a member of staff trained to operate and download images if requested. CCTV will incorporate external cameras covering the car park area.**
- 2. All staff will be trained in basic licensing laws, this will be documented and refreshed on a 3 monthly basis.**
- 3. An incident and refusals book will be maintained. This will be presented at the request of the responsible authorities.**
- 4. A risk assessment will be submitted to the West Midlands Police 14 days before any event outside of normal day to day business. This will also include external events.**
- 5. The DPS or a personal license holder must be present during any special events or external events.**
- 6. No glass wear is to be taken outside of the premises.**
- 7. Regular toilet checks are to be implemented.**

13. **Any Other Business**

(Meeting closed at 10.25 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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