
Licensing and Regulatory Committee

Time and Date

10.00 am on Tuesday, 25th October, 2016

Place

Committee Rooms 2 and 3 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 10)

To agree the minutes of the Committee meeting held on 27 September 2016 and the Sub-Committee hearings held on 2 and 22 September 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****7. Reports of the Executive Director of Place**

7.1 Illegal Tobacco products (Pages 11 - 18)

7.2 Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 - case 216016711 (Pages 19 - 24)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.15 am

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)

1. Application for Grant of a Hackney Carriage Driver's Licence (Pages 25 - 34)
 2. Application for Grant of a Hackney Carriage Driver's Licence (Pages 35 - 56)
 3. Application for Grant of a Hackney Carriage Driver's Licence (Pages 57 - 68)
 4. Application for Grant of a Hackney Carriage Driver's Licence (Pages 69 - 82)
9. **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, 17 October 2016

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

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, 27 September 2016

Present:

Members: Councillor T Khan (Chair)
Councillor A Andrews
Councillor R Auluck
Councillor J Clifford
Councillor G Crookes
Councillor B Kaur
Councillor J Lepoidevin
Councillor T Mayer
Councillor R Thay
Councillor S Walsh

Employees (by Directorate):

Place: S Beechey, J Thompson
Resources: C Sinclair, L Stockin, A Wright

Apologies: Councillor D Gannon, D Kershaw and C Thomas

Public Business

25. Declarations of Interest

There were no declarations of interest.

26. Minutes

The minutes of the Committee meeting held on 30 August 2016 and the Sub-committee hearing held on 25 August 2016 were signed as a true record.

27. 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 No.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
30	Applications for the Grant/Suitability to hold Hackney Carriage	1 and 3

	& Private Hire Driver's Licence	
--	--	--

28. Outstanding Issues Report

There were no outstanding issues.

29. 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.

30. 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 a Hackney Carriage Driver's Licence by Mr Christopher Kelly be granted.

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

(b) Agenda item 7.2 for an application for a Hackney Carriage Driver's Licence was deferred to the meeting to be held on 25 October 2016.

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

There were other items of private business.

(Meeting closed at 10.15 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 2 September 2016

Present:

Members: Councillor R Auluck (Chair)

Councillor A Lucas

Councillor T Mayer

Employees (by Directorate):

Place: A Jones, M McCrystal, R Masih

Resources: G Paddan, R Sharma, A Wright

In attendance: Mr S Dawudy (Applicant)

Mr S Garab (Witness)

Mr R Olney (Objector)

Mr Y Patel (Objector)

Public Business

20. Appointment of Chair

RESOLVED that Councillor R Auluck be appointed as Chair for the meeting.

21. Declarations of Interest

There were no declarations of interest.

22. Licensing Act 2003 - Application for a New Premises Licence

The hearing was held to consider an application for a premises licence for Euro Supermarket. The application was for a premises licence permitting the sale of alcohol for consumption off the premises between the hours of 9am and 9pm.

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.

Four objections had been made against the grant of the application. The Sub-Committee heard submissions from the Applicant in support of the application.

The Applicant advised the Sub-Committee that he has put steps in place to promote the licensing objectives, including the imposition of CCTV, signage and a Challenge 25 Policy. The Applicant confirmed, in response to a question from the Sub-Committee, that the premises will not solely be an off licence, but will serve fruit, vegetables and other items ordinarily found within a supermarket.

The Applicant confirmed that he is hoping to open the business within the next month or two and that at least four staff would be working at the premises on a daily basis. The Applicant has plans to train all staff in the Challenge 25 policy and basic licensing law. He will seek guidance and support from outside agencies in respect of training should he need to do so.

In terms of possible nuisance issues caused by over-crowded parking, the Applicant said that he would encourage customers to use the free car park a short distance away. He will also discourage customers from parking outside of the premises for great lengths of time.

The Sub-Committee considered the representations made by the Objectors.

Mr Olney confirmed that he had been a local resident for 30 years and expressed concern as to the impact of a new licensed premises would have on existing trade. Mr Olney said that the Parade is only 100 yards long and there are a number of licensed premises within that area.

Mr Olney stated that there are already youths in the area who have approached adults to purchase cigarettes and alcohol for them, and he has reservations that another licensed premises will exacerbate this problem; especially during the darker evenings.

Mr Patel reiterated Mr Olney's concerns, advising the Panel that he owns a licensed premise along the Parade, and has already seen a down turn in trade following the recent opening of a Bargain Booze establishment close by. The Panel noted that there is the Rose and Crown Public House and five other establishments selling alcohol in the area. Mr Patel was particularly concerned that this would impact on his future prospects of selling the business.

The Sub-Committee considered the written representations submitted by further objectors, relating to parking, litter and noise nuisance.

The Sub-Committee resolved to grant the premises licence. 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 plc v Wirral Magistrates Court*, the Sub Committee attached the appropriate weight to the fact that none of the responsible authorities had objected.

In particular, in terms of the potential nuisance caused by over-crowded parking, the Sub-Committee noted that Environmental Health had made no representations expressing a cause for concern.

Whilst the Sub-Committee was sympathetic towards the position of other traders in the area, it was noted that the statutory guidance expressly states that representations with regard to potential commercial damage caused by another licensed premises was not a relevant consideration and therefore, this was not taken into account.

The Sub-Committee were satisfied that the Applicant had 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 measures that the Sub-Committee expect to be taken to address any concerns in respect of the Licensing Objectives are contained within the Operating Schedule prepared by the Applicant.

RESOLVED that the Sub-Committee grant the new premises licence for Euro Supermarket (Coventry) Ltd, 290 Walsgrave Road, Coventry, CV2 4BL subject to the following conditions, as offered by the Applicant:

- 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.**
- 2. Implementation of Challenge 25 Policy.**
- 3. All staff serving on the premises will be trained in basic licensing laws.**
- 4. Appropriate signage to be displayed within the premises and outside – relating to current legislation, as required by law.**
- 5. Health and Safety risk assessments to be carried out regularly and installation of appropriate and adequate safety equipment.**
- 6. A management policy to take into account the external areas of the premises and the conduct of customers.**
- 7. The application for sale of alcohol: Monday – Sunday 09.00 – 21.00 hrs.**

23. Any Other Business

There were no other items of business.

(Meeting closed at 11.20am)

This page is intentionally left blank

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 22 September 2016

Present:

Members: Councillor D Gannon (Chair)

Councillor A Andrews

Councillor J Clifford

Employees (by Directorate):

Place: R Masih, C Simms

Resources: U Patel, A Wright

In Attendance: PC J Bowes (Objector, West Midlands Police)
PC K Healy (Objector, West Midlands Police)
O Rahal (Applicant)

Public Business

24. Appointment of Chair

RESOLVED that Councillor Gannon be appointed as chair for the meeting.

25. Declarations of Interest

There were no declarations of interest.

26. Licensing Act 2003 - Application for a New Premises Licence

The Sub-Committee considered an application to vary the premises licence in respect of Pronto Pizza & Grill, 98 Moseley Avenue, Coventry. The application was for a premises licence permitting late night refreshment from 11.00pm to 2.00am Sunday to Thursday and 11.00pm to 3.00am Friday and Saturday.

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.

Objections had been received from two responsible authorities; West Midlands Police and Environmental Health.

The Sub-Committee heard submissions from the Applicant in support of the application. The Applicant advised the Sub-Committee that other premises in the area had licences until 2.00am and he wanted to be able to compete fairly with them.

The Licensing Officer confirmed that one nearby premises had a premises licence authorising the sale of alcohol which is open until 2.00am. However, all other

premises in the area with a premises licence for late night refreshment is authorised until midnight Sunday to Thursday, and 12.30am Friday and Saturday.

The Applicant explained that he has occupied the premises for 8 months and has not experienced problems with anti-social behaviour during his tenure. The Applicant advised the Sub-Committee that CCTV is in place at the premises and all staff were trained to identify anti-social behaviour and deal with the situation accordingly.

The Applicant reiterated to the Sub-Committee that no local residents had objected to the application, and the Sub-Committee confirmed that the appropriate weight would be attached to this.

The Sub-Committee then heard representations from the Objectors; West Midlands Police and Environmental Health.

West Midlands Police expressed concern for the premises to hold a licence authorising late night refreshment until 2.00am and 3.00am. They stated that they would have accepted the application if the request was in line with other premises in the area.

The Sub-Committee were advised by West Midlands Police that anti-social behaviour exists in the area and there have been 125 call outs within the last twelve months. The Sub-Committee clarified with the Police that none of these call-outs related directly or indirectly with the Applicant's premises. However, the Police explained that the number of call outs, in general terms, demonstrated there is an existing problem with anti-social behaviour in the area and this may be exacerbated if the Applicant's premises was open beyond the time of other premises in the area, as it may attract more people to the area.

Environmental Health endorsed the points raised by West Midlands Police, explaining that the area is predominantly residential meaning that increased opening hours would have the potential for noise nuisance, particularly in respect of extractor fans used by the premises for the purposes of producing hot food.

Environmental Health raised the point that planning permission for increased opening hours had been refused, and therefore the premises only has planning permission to open until midnight. The Sub-Committee noted the point but understood that this should have no bearing on the determination of the licensing application before them.

The Sub-Committee heard representations from the Objectors that no control could be put in place to uphold the licensing objectives, in particular the prevention of crime and disorder and the prevention of nuisance, other than a restriction of the hours.

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 and the prevention of public nuisance the Sub Committee noted the position of West Midlands Police and

Environmental Health, namely that a reduction in the hours applied for could meet their concerns.

The Sub Committee noted that none of the local residents had objected and attached the appropriate weight to that when reaching their decision.

The Sub Committee considered that no evidence or representations were presented by the Applicant to satisfy them that adequate controls could be put in place to prevent the undermining of the licensing objectives if the premises was to serve late night refreshment beyond 12.30am. The Sub Committee take the view that the only way to ensure that the licensing objectives are upheld is to restrict the hours.

The Sub Committee reiterated to the Applicant that the grant of a premises licence to 12.30am on a Friday and Saturday does 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 to midnight, seven days a week.

The Applicant confirmed that he understood the position.

RESOLVED that the Licensing Sub-Committee grant a premises licence for late night refreshment for the premises Pronto Pizza & Grill from 11.00pm to 12midnight Sunday to Thursday and 11.00pm to 12.30am Friday and Saturday.

27. **Any Other Business**

There were no other items of urgent business.

(Meeting closed at 10.45 am)

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank