



Licensing and Regulatory Committee

Time and Date

10.00 am on Tuesday, 20th December, 2016

Place

Committee Room 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 20)

To agree the minutes of the Committee meeting held on 25 October 2016 and the Sub-Committee hearings held on 2 and 30 September and 10, 15 and 30 November 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 DVDs (Pages 21 - 26)

7.2 Illegal Cosmetic Products (Pages 27 - 34)

7.3 Meat Substitution in Takeaway Curry (Pages 35 - 42)

7.4 Non-compliance with Section 61(1) of the Housing Act 2004 (Pages 43 - 50)

7.5 Non-compliance with Improvement Notice - Section 11 & 12 of the Housing Act 2004 (Pages 51 - 60)

- 7.6 Non-compliance with Management of Houses in Multiple Occupation (England) Regulations 2006 (21078) (Pages 61 - 70)
- 7.7 Non-compliance with Management of Houses in Multiple Occupation (England) Regulations 2006 (28135 & 11819) (Pages 71 - 82)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.30 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)

8.1 Application for Grant of a Private Hire Driver's Licence (Pages 83 - 98)

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, 12 December 2016

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

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

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, 25 October 2016

Present:

Members: Councillor T Khan (Chair)
Councillor R Auluck
Councillor J Clifford
Councillor D Gannon
Councillor J Lepoidevin
Councillor A Lucas
Councillor R Thay (Deputy Chair)
Councillor S Walsh

Employees (by Directorate):

Place: S Beechey, M Coggins, S Elliott, M Fothergill, A Harwood

Resources: U Patel, A Wright

Apologies: Councillor A Andrews, G Crookes, B Kaur, D Kershaw,
T Mayer and C Thomas

Public Business

32. Declarations of Interest

There were no declarations of interest.

33. Minutes

The minutes of the Committee meeting held on 27 September 2016 were signed as a true record. The minutes of the Sub-Committee (Hearing) held on 22 September 2016 were also signed as a true record.

(Note: The minutes of the Sub-Committee (Hearing) held on 2 September 2016 were pulled at the meeting to allow them to be amended and resubmitted for confirmation at the next meeting.)

34. 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 Paragraph of Part 1 of Schedule 12A |
|------------|---------|--|
|------------|---------|--|

| | | |
|----|---|---------|
| 37 | Illegal Tobacco Products | 7 |
| 38 | Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 – case 216016711 | 7 |
| 39 | Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Driver's Licences | 1 and 3 |

35. Outstanding Issues Report

There were no outstanding issues.

36. 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.

37. 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 4 Ways Fine Food, 177 Walsgrave Road, Coventry.

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

38. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 - case 216016711

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 226 Swan Lane, Coventry.

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

39. 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 consideration of the application for the grant of a Hackney Carriage Driver's Licence by Mr Guled Hassan Elmi be deferred to the next scheduled meeting of Committee to allow him a further opportunity to attend the meeting in support his application.

(b) The application for the grant of a Hackney Carriage Driver's Licence by Mr Zahoor Hussain be granted.

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

(c) The application for the grant of a Hackney Carriage Driver's Licence by Mr Abad Mohammaadi be granted subject to a 3 month suspension.

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

(d) The application for the grant of a Hackney Carriage Driver's Licence by Mr Saleem Masih Thapar be refused.

(Note: Mr S M Thapar and his legal representative attended the meeting in support of his application).

40. 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 12.20 pm)

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 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 Sardar (In support of Applicant)
 Mr R Olney (Objector)
 Mr Y Patel (Objector)

Public Business

1. Appointment of Chair

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

2. Declarations of Interest

There were no declarations of interest.

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

The hearing was held to consider an application for a premises licence for Euro Supermarket, 290 Walsgrave Road, Coventry. The application was for a premises licence permitting the sale of alcohol for consumption off the premises between the hours of 9.00 am and 9.00 pm.

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 would not solely be an off licence, but would 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 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 ask adults to buy cigarettes and alcohol for them, and he worries that another licensed premises will exacerbate this problem.

Mr Patel reiterated Mr Olney's concerns, advising the panel that he owns a licensed premises along the parade, and has already seen a down turn in trade following the recent opening of a Bargain Booze establishment close by. Mr Patel was particularly concerned that this would impact of his future prospects of selling the business.

The Sub-Committee considered the written representations submitted by further objectors.

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 is not a relevant consideration and therefore, this was not taken into account.

The Sub-Committee were satisfied that the Applicant 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 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 Licensing Sub-Committee grant a premises licence permitting the sale of alcohol for consumption off the premises by Euro Supermarket Monday to Sunday from 9.00 am to 9.00 pm.

4. **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 Friday, 30 September 2016

Present:

Members: Councillor G Crookes (Chair)
Councillor R Auluck
Councillor C Thomas

Other Members: Councillors

Employees (by Directorate):

Place: D Cahalin-Heath, R Masih

Resources: L Knight, A Wright

In Attendance: T Gnanalingam – Applicant
C Streeten – Applicant’s Representative

Responsible Authority: West Midlands Police
PC K Healy

Environmental Health:
N Chaplin

Councillor N Akhtar – on behalf of Councillor J O’Boyle

Public Business

28. Appointment of Chair

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

29. Declarations of Interest

There were no declarations of interest.

30. Licensing Act 2003 - Application to Vary a Premises Licence

The Sub-Committee considered an application to vary the premises licence in respect of Hillfields Service Station, Harnall Lane East, Coventry. The application sought to extend the hours of licensable activity, namely the supply of alcohol off the premises to 6.00am to 2.00am Monday to Saturday and 7.00am to 11.00pm on Sundays.

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 received from two responsible authorities, one from a local resident and one from a Ward Councillor.

At the outset of the hearing, the Licensing officer alerted the Sub-Committee to a discrepancy that appeared on the plan contained within the application. The shaded area on the plan was referred to as the area for 'consumption of alcohol'. The Applicant's Representative confirmed that this was an error and should have read 'sale of alcohol'. The Sub Committee was satisfied that the application could be amended in this regard.

The Sub-Committee heard representations from the Applicant's Representative, who advised that the Applicant wished to extend the opening hours at the premises to 24 hours, with late sale of alcohol off the premises. The premises had been run by the Applicant and his wife since 1993 and that he had held the premises licence since 2004. The licence had never been reviewed in this time and the Applicant had never received any complaints regarding his management of the premises.

The Sub-Committee heard that the Applicant and his wife run the premises between them and work long hours. He would therefore need to hire more staff in the event that the opening hours were extended which, it was submitted, would benefit the economy in a working class area of the city.

The Applicant's Representative submitted that anti-social behaviour within the general area could not be attributed to the premises. He disagreed that anti-social behaviour was likely to be exacerbated if the licensable hours were extended, submitting that people were unlikely to behave poorly in a well-lit forecourt.

The Applicant's Representative expressed concern regarding the logs presented by West Midlands Police as part of their objection, stating that they were un-particularised events scattered across the local area and did not relate directly to the premises. The Applicant's Representative confirmed that the Applicant had never been contacted by the Police to provide his CCTV, suggesting that anti-social behaviour was not prevalent near to the premises as suggested by West Midlands Police.

The Sub-Committee heard that the Applicant would offer a number of conditions to ensure that the licensing objectives would be upheld, including the use of a hatch for service between the hours of 11.00pm and 6.00am, recruitment of a Manager with a personal licence, implementation of a banning and age verification policy and introduction of a sign at the exit door encouraging customers to be quiet when leaving the premises.

The Applicant's Representative asked the Sub-Committee to consider that the Licensing Act 2003 aims to permit the grant of a premises licence provided the licensing objectives would be upheld. He pointed out that the application to vary the premises licence had derived from a demand within the area for the premises to stay open late, predominantly by taxi drivers who wished to use the petrol pumps during the night.

In response to questions from the Sub-Committee, the Applicant confirmed that CCTV is already in place at the entrance/exit of the premises. He also advised the

Sub-Committee that he had always cooperated with the Police and would continue to do so.

The Sub-Committee then listened to representations from each Objector against the grant of the variation.

Environmental Health objected on the basis that the licensing objective of Prevention of Public Nuisance was likely to be undermined if the variation was granted. The Sub-Committee was advised that the premises is situated in a predominantly residential area, with houses on all sides of the premises, and were directed to consider the photographs contained within the hearing pack. The Sub-Committee heard that it was likely that the extension of hours would serve to attract more people into the area to buy alcohol, which would almost certainly cause disturbance to nearby residents. Environmental Health confirmed that no complaints of nuisance had been forthcoming in the past, indicating that the current hours were working.

West Midlands Police objected on the basis that the licensing objective of Prevention of Crime and Disorder was likely to be undermined if the variation was granted. The Sub-Committee heard that the premises is situated in an area that has been subject to large amounts of work by the Police.

The premises itself had made 14 calls to the Police during the last twelve months. Of these, 5 related to individuals making off without payment (of petrol), 2 related to thefts and the remainder were for disorder and miscellaneous offences, which the Police say demonstrated that there was an existing problem with anti-social behaviour which would likely be exacerbated if the premises were allowed to sell alcohol late into the night.

The Police advised that they had worked with local residents who were particularly concerned with individuals congregating on the wall of the premises, often drinking alcohol and causing a nuisance. The Police were concerned that an extension of hours would attract people to the area and allow them to stay longer.

The Sub-Committee also heard that a facility exists a very short distance from the premises, known as "Gateway". This facility provides accommodation and support for homeless individuals and the Police were concerned that residents of the facility would leave late at night in order to seek alcohol from the premises in the event that the hours were extended.

The Sub-Committee then heard representations from Councillor Akhtar, Ward Councillor of St Michael's Ward, within which the premises are situated. Councillor Akhtar had attended the hearing in place of Councillor O'Boyle (also a Ward Councillor for St Michael's) who had provided written representations against the grant of the variation. Councillor Akhtar endorsed a number of points made by Councillor O'Boyle regarding concerns surrounding the premises, and introduced new points for the Sub-Committee to consider.

The Applicant's Representative was concerned that some of the representations made by Councillor Akhtar went beyond those contained within Councillor O'Boyle's written representations, and that he needed to take further instruction from the Applicant.

The Sub-Committee adjourned to allow this to take place and to discuss whether the hearing should continue given the Applicant's concerns. Following the adjournment, the Sub-Committee advised the Applicant and the Applicant's Representative that the decision had been taken to adjourn the hearing and re-hear the application in front of a new panel. This was entirely in keeping with ensuring that the Applicant received the fairest possible hearing.

The Applicant's Representative was grateful for the Sub-Committee's regard for the fairness of the hearing but directed the Sub-Committee to Regulation 19 of the Licensing Act 2003 (Hearings) Regulations 2005, which allows a Sub-Committee to simply disregard information given by a party or any person. The Applicant's Representative confirmed that he and the Applicant were content to continue with the hearing if the Sub-Committee would be minded to disregard the verbal representations made by Councillor Akhtar that went beyond those contained within the written representations of Councillor O'Boyle.

The Sub-Committee had a further discussion and agreed to follow this course provided the Applicant and the Applicant's Representative were happy to do so. The Sub-Committee agreed to disregard the verbal representations of Councillor Akhtar, and instead to only have regard for the written representations of Councillor O'Boyle.

The hearing continued with the Sub-Committee asking questions of the objectors.

In response to questions from the Sub-Committee, Environmental Health confirmed that the premises were situated within a quiet area meaning that the possibility of raised voices from individuals hanging around the premises late at night, car doors shutting etc would likely create an unreasonable amount of noise and disturbance to local residents. Environmental Health confirmed that no conditions could be attached to the licence that could meet their concerns regarding the Prevention of Public Nuisance, as it directly related to the likely scenario that individuals would be attracted to the premises to purchase alcohol beyond the current hours of 11.00pm, and continue to hang around the area thereafter. The Sub-Committee heard that as far as Environmental Health were concerned, the licensing objective of Prevention of Public Nuisance could only be upheld with a restriction on the operational hours. Environmental Health confirmed that there were other convenience type stores in the area but all commercial activity ceases at 11pm.

Finally, Environmental Health raised the point that a condition existed on the planning permission of the premises, meaning the business could not trade beyond the hours 7.00am to 11.00pm. The Sub-Committee noted the point but understood that this must have no bearing on the determination of the licensing application before them. This point was therefore disregarded.

In response to questions from the Sub-Committee, West Midlands Police advised that there were many different people within the local area including students and families. The Police confirmed that measures may be put in place by the Applicant to mitigate the concerns, such as banning procedures.

The Sub-Committee heard that Harnall Lane East, upon which the premises are situated, had been subject to 321 calls within the last twelve months. The Police confirmed that this figure had been included in the representations to give a feel for the type of activity requiring police attention in the area, and accepted that the calls did not reflect the management of the premises.

The Sub-Committee noted that Log 2364, as provided by West Midlands Police, derived from the premises, although the Applicant denies making any such call so it must have come from a member of the public. The Police confirmed that there was nothing to suggest that any of the intoxicated individuals contained within the logs were served alcohol from the Applicant's premises.

The Police confirmed that there were concerns regarding individuals congregating on the wall at the premises, causing a nuisance to residents.

In summing up, the Applicant's Representative submitted that much of the evidence heard by the Sub-Committee from the Objectors did not reflect the premises. He confirmed that the Applicant wished to work constructively with the Police. He asked the Sub-Committee to weigh any concerns surrounding anti-social behaviour with the potential economic benefit.

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 only a restriction on the hours that the premises are open would be an appropriate measure to uphold the licensing objectives.

The Sub-Committee had regard for Guidance point 2.1 and 9.12, namely that the Police should be the primary source of advice on the licensing objective of Prevention of Crime and Disorder. The Sub-Committee also considered Environmental Health as an important source of advice on the licensing objective of Prevention of Public Nuisance.

The Sub-Committee had regard for the written representations provided by a local resident and Ward Councillor, attaching the appropriate weight to these representations when reaching their decision.

The Sub-Committee noted the representations of the Police, namely that there was an existing problem with anti-social behaviour in the general area. The Sub-Committee accepted that a number of the logs provided by the police did not relate directly or indirectly with the premises. They attached the appropriate weight to this. The Sub-Committee did however note that the premises had made a number of calls for service within the last twelve months, during their existing licensing hours. The Sub-Committee also had concerns that there was an issue with individuals congregating on a wall outside the premises, often drinking alcohol and causing a nuisance to local residents.

The Sub-Committee was concerned that on the balance of probabilities, anti-social behaviour was likely to be exacerbated in the event that the hours were extended.

The Sub-Committee was particularly concerned that the premises was situated within a predominantly residential area, as demonstrated by the photographs provided by Environmental Health, giving rise to concerns of nuisance being caused to those in the locality. The Sub-Committee considered at length whether any conditions could be imposed which may serve to uphold the licensing objectives, and allow them to grant the variation.

However, the Sub-Committee considered the impact that the extension of hours would have on residents living, working and sleeping in the locality. The Sub-Committee was satisfied that the extension of hours was likely to negatively impact the amenity value of the area to local people. On a balance of probabilities, the Sub-Committee believed that nuisance would be caused to local residents should the application to extend the hours be granted.

In the circumstances, having taken all matters into account, the Sub-Committee could not be satisfied that the licensing objectives would be upheld should they grant the variation. As such, the decision was taken to refuse the application to vary the premises licence.

RESOLVED that the application to vary the premises licence in respect of Hillfields Service Station, Harnall Lane East, Coventry be refused.

31. **Any Other Business**

There were no other items of business.

(Meeting closed at 12.55 pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 9.30 am on Thursday, 10 November 2016

Present:

Members: Councillor T Khan (Chair)
 Councillor G Crookes
 Councillor C Thomas

Employees (by Directorate):

Resources: U Patel, A Wright

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor T Khan be appointed as Chair for the meeting.

2. **Declarations of Interest**

There were no declarations of interest.

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

An application had been submitted by WM Morrison Supermarkets PLC for a premises licence. The application sought for opening and the supply of alcohol off the premises 24 hours a day Monday to Sunday and late night refreshment between the hours of 11.00 pm and 5.00 am Monday to Sunday.

West Midlands Police as a Responsible Authority had objected to the application. Following mediation between the parties, an agreement had been reached for a reduction in hours of opening and licensable activities. The agreement reached was for opening and the supply of alcohol off the premises between 6.00 am and Midnight, Monday to Sunday, and late night refreshment from 11.00 pm to Midnight, Monday to Sunday.

The Police confirmed in writing that this reduction in hours would meet their concerns.

As such, the parties agreed that the hearing could be dispensed with in accordance with the Licensing Act 2003 (Hearing) Regulations 2005, and the application including the reduced hours for opening and licensable activities could be presented to the Sub Committee for determination in their absence.

The Sub Committee duly considered the application together with the agreed proposals provided by WM Morrison Supermarket PLC and West Midlands Police.

The Sub Committee recognised that this reduction in hours could meet the concerns of West Midlands Police and noted that there had been no other objections to the application.

RESOLVED that the Sub Committee grant the application for the premises licence with the hours of opening and the supply of alcohol off the premises between 6.00 am and midnight Monday to Sunday and late night refreshment from 11.00 pm to Midnight Monday to Sunday.

4. Any Other Business

There were no other items of business.

(Meeting closed at 9.55 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 15 November 2016

Present:

Members: Councillor Thay (Chair)
 Councillor A Andrews
 Councillor J Clifford

Employees (by Directorate):

Place: M McCrystal, R Masih
Resources: S Bennett, A Wright

In Attendance: Mr K Subramaniam – Applicant
 Mr A Bhawsar – Applicant’s Representative
 Mr Than – Designated Premises Supervisor

Public Business

1. **Appointment of Chair**

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

2. **Declarations of Interest**

There were no declarations of interest.

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

The Sub Committee considered an application to vary the premises licence at Earlsdon One Stop, 9 Broomfield Road, Coventry. The application sought to vary the hours of opening and sale of alcohol off the premises on Sunday to Thursday from 0700hrs to 0100hrs, and Friday and Saturday 0700hrs to 0300hrs. The application also sought to include Late Night Refreshment from 2300hrs to 0100hrs on Sunday to Thursday, and 2300hrs to 0300hrs Friday and Saturday.

One objection had been received from a local resident, which was endorsed by approximately 70 signatures. None of the Responsible Authorities had objected.

The Applicant’s Representative advised the Sub-Committee that the Applicant had operated the business for many years without issue. He wished to extend his hours because there is a business demand to do so. The Applicant’s Representative provided the Sub-Committee with a petition signed by some 160 local residents in support of the application.

The Applicant’s Representative explained that there are already a number of stringent conditions attached to the licence which the Applicant did not seek to modify. There have been no issues adhering to these conditions and the Applicant will continue to do so.

In the absence of any objector to make representations, the Sub Committee asked the Applicant about the allegation contained within the written objection, namely that on an occasion recently, alcohol was sold outside of the licensed hours. The Applicant's Representative disputed that the premises was open or sold alcohol beyond the hours permitted to do so. The Applicant clarified that he had been home and returned in a taxi that day as his car had broken down. He was at the premises later in the evening for this reason, but it was not open for business, and his CCTV would confirm this. When the Applicant found out about the allegation, he stated that he contacted the Council to offer his CCTV to support his account but this was not followed up.

In response to a query from the Sub Committee, the Applicant's Representative confirmed that the Late Night Refreshment was to be added to allow the premises to warm up pie, pasties and other foods to off to customers for consumption beyond 2300hrs.

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, it attached the appropriate weight to the fact that none of the responsible authorities had objected.

The Sub Committee had regard for the objection and petition received but noted that an explanation had been provided by the Applicant for the allegation of selling alcohol beyond permitted hours, and that no supporting evidence had been provided to demonstrate that public nuisance was attributable to this particular premises.

The Sub-Committee considered 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 Sub-Committee considered that a variation of the premises licence would not undermine the licensing objectives so long as the current stringent conditions remain attached to the premises licence.

RESOLVED that the Licensing Sub Committee:-

- (1) Grant the variation to the premises licence for Earlsdon One Stop, 9 Broomfield Road, Coventry for opening and the sale of alcohol off the premises, on Sunday to Thursday from 0700hrs to 0100hrs and Friday and Saturday 0700hrs to 0300hrs**
- (2) Grant Late Night Refreshment for the premises from 2300hrs to 0100hrs Sunday to Thursday, and 2300hrs to 0300hrs Friday and Saturday**
- (3) Note that the current conditions attached to the licence are to remain unmodified**

4. Any Other Business

There were no other items of urgent business

(Meeting closed at 10.30am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 30 November 2016

Present:

Members: Councillor C Thomas (Chair)
 Councillor G Crookes
 Councillor S Walsh

Employees:

L Knight, Resources Directorate
A Wright, Resources Directorate

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor C Thomas be appointed as Chair for the meeting.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Licensing Act 2003 - New Premises Licence**

An application had been submitted by Mr Khan for a premises licence. The application sought late night refreshment between the hours of 11.00 pm and 4.00 am Monday to Sunday.

Environmental Health as a Responsible Authority had objected to the application as it had concerns that use of the outdoor space in the early hours of the morning would undermine the licensing objective of Prevention of Public Nuisance. Following mediation between the parties, an agreement had been reached for conditions to be attached to the licence in respect of the use of the outdoor space.

Environmental Health confirmed in writing that the agreed conditions would meet their concerns.

As such, the parties agreed that the hearing could be dispensed with in accordance with the Licensing Act 2003 (Hearing) Regulations 2005, and the application including the agreed conditions could be presented to the Sub Committee for determination in their absence.

The Sub Committee duly considered the application together with the agreed conditions provided by the Applicant and Environmental Health.

The Sub Committee recognised that the conditions could meet the concerns of Environmental Health, and noted that there had been no other objections to the application.

RESOLVED that the Sub Committee grant the application for the premises licence subject to the following conditions:

- **No late night refreshment to take place outdoors beyond midnight**
- **When events are held outdoors, noise levels must be monitored regularly and staff must be made available to direct guests to leave the premises quietly.**

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.25 am)

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) 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) 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) 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