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### Licensing and Regulatory Committee

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**Time and Date**

9.30 am on Tuesday, 27th June, 2017

**Place**

Diamond Room 2 - Council House

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**Public Business****1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 6)

To agree the minutes of the Committee meeting held on 25 April 2017 and the Sub-Committee held on 8 May 2017.

**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. Report of Recent Prosecutions: 28 February 2017 - 31 May 2017** (Pages 7 - 14)

Report of the Deputy Chief Executive, Place

**6. Outstanding Issues Report**

There were no outstanding issues.

**7. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved****Private Business****8. Reports of the Executive Director of Place**

1. Counterfeit and illicit cigarettes and tobacco (Pages 15 - 20)
2. Counterfeit and illicit cigarettes and tobacco 2 (Pages 21 - 26)
3. Illegal Tobacco products (Pages 27 - 32)

4. Illegal tobacco products (2) (Pages 33 - 40)
5. Storage Unit - Illegal Tobacco (Pages 41 - 48)
6. Unroadworthy Vehicle (Pages 49 - 54)

**PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.10 am**

9. **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 55 - 66)
  2. Review of Hackney Carriage Driver's & Private Hire Driver's Licence
  3. Review of Hackney Carriage Driver's Licence (Pages 67 - 76)
10. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

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Martin Yardley, Executive Director, Place, Council House Coventry

Monday, 19 June 2017

Note: The person to contact about the agenda and documents for this meeting is Usha Patel/Carolyn Sinclair Tel: 024 7683 3198/3166

Membership: Councillors J Clifford, G Crookes, D Gannon, L Harvard, B Kaur, D Kershaw, T Khan (Chair), M Lapsa, A Lucas, T Mayer, G Ridley, 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](mailto:usha.patel@coventry.gov.uk) or  
[Carolyn.sinclair@coventry.gov.uk](mailto:Carolyn.sinclair@coventry.gov.uk)**



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**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Committee held at 10.00 am**  
**on Tuesday, 25 April 2017**

Present:

Members:

Councillor R Auluck  
Councillor J Clifford  
Councillor G Crookes  
Councillor B Kaur  
Councillor D Kershaw  
Councillor A Lucas  
Councillor G Ridley  
Councillor T Sawdon  
Councillor R Thay (Deputy Chair)  
Councillor C Thomas  
Councillor S Walsh

Employees (by Directorate):

Place: G Carter, N Castledine, A Harwood, C Sinclair

Apologies:

Councillor T Khan and T Mayer

## Public Business

### 84. **Declarations of Interest**

There were no declarations of interest.

### 85. **Minutes**

The minutes of the meeting held on 28 March 2017 were signed as a true record.

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

**RESOLVED** that, under Section 1004(A) 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, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

<b>Minute No.</b>	<b>Subject</b>	<b>Relevant Paragraph of Part 1 of Schedule 12A</b>
89	Illegal Shisha Business	7
90	Illegal Tobacco Products (1)	7
91	Illegal Tobacco Products (2)	7
92	Illegal Tobacco Products (3)	7
93	Mice and poor conditions in a small general grocer	7

**87. Outstanding Issues Report**

There were no outstanding issues.

**88. 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.

**89. Illegal Shisha Business**

**RESOLVED** that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Section 8 of the Health Act 2006 and Regulation 48 of the Tobacco and Related Products Regulations 2016 against appropriate persons in respect of the substantially closed smoking shelter and the illegal tobacco products found at Arabella Lounge, 181 Spon Street, Coventry.

In addition, it was agreed to delegate powers to the Director of 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.

**90. Illegal Tobacco products (1)**

**RESOLVED** that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016, Consumer Protection from Unfair Trading Regulations 2008, Proceeds of Crime Act 2002 and the Fraud Act 2006 against appropriate persons in respect of the illegal tobacco products found at Peshmerger, 87 King William Street, Coventry.

In addition, it was agreed to delegate powers to the Director of 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.

**91. Illegal Tobacco products (2)**

**RESOLVED** that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994 and Regulation 48 of the Tobacco and Related Products Regulations 2016 against appropriate persons in respect of the illegal tobacco products found at CP Supermarket, 42 Humber Avenue, Coventry.

In addition, it was agreed to delegate powers to the Director of 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.

92. **Illegal Tobacco products (3)**

**RESOLVED** that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994 and Regulation 48 of the Tobacco and Related Products Regulations 2016 against appropriate persons in respect of the illegal tobacco products found in the vehicle and at 134 Elmsdale Avenue, Coventry.

In addition, it was agreed to delegate powers to the Director of 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.

93. **Mice and Poor Conditions in a Small General Grocer**

**RESOLVED** that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Regulation 19(1) of the Food Safety and Hygiene (England) Regulations 2013 against appropriate persons in respect of the mouse infestation and poor conditions found at Market Kala Frincesti, 318/322 Foleshill Road, Coventry.

In addition, it was agreed to delegate powers to the Director of 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.

94. **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 10.35 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, 8 May 2017**

Present:

Members:                   Councillor A Lucas(Chair)  
                                  Councillor J Clifford  
                                  Councillor T Mayer

Employees (by Directorate):

Place                        A Jones, L Knight, R Masih, A Tandy, A Wright

In attendance             Ms Ondrea – Licence Holder  
                                  Mr Hennigan – Licence Holder’s Representative

**Public Business**

1.     **Appointment of Chair**

Councillor Lucas was appointed as Chair for the meeting.

2.     **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee noted that an application to review a Premises Licence was submitted by Trading Standards in relation to Sam Mini Market, 681 Foleshill Road, Coventry, CV6 5JQ.

Before considering the application, the License Holder’s representative, Mr Hennigan advised the Sub-Committee that he had only been instructed in relation to this case on 5<sup>th</sup> May 2017 and, as such, had not had sufficient time to review the case to determine whether to submit any further information. In addition, he expressed a concern that, whilst his client had reasonable every day English, there were concerns about Ms Ondrea's ability to fully comprehend and follow the proceedings. As such, Mr Hennigan requested an adjournment of the hearing to enable him to undertake a full review of the case and to arrange an interpreter for Ms Ondrea.

**RESOLVED that the Licensing and Regulatory Sub-Committee agree to adjourn the hearing to a date to be confirmed.**

4.     **Any Other Business**

There were no other items of business.

(Meeting closed at 10.20 am)





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27 June 2017

**Name of Cabinet Member:**

Not applicable

**Director Approving Submission of the report:**

Deputy Chief Executive, Place

**Ward(s) affected:**

Not applicable

**Title:**

Report of Recent Prosecutions: 28 February 2017 – 31 May 2017

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**Is this a key decision?**

No

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**Executive Summary:**

The purpose of this report is to update Members on any prosecutions authorised by Licensing and Regulatory committee that have concluded at Court between 28 February 2017 and 31 May 2017.

**Recommendations:**

That the report is noted.

**List of Appendices included:**

Schedule of Prosecutions concluded between 28 February 2017 and 31 May 2017

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

*No*

**Will this report go to Council?**

*No*

**1. Context (or background)**

1.1 At a Licensing and Regulatory Committee meeting on 24<sup>th</sup> January 2017, Members indicated that they would like to receive feedback of the results of any prosecutions that were authorised by the Committee once they had concluded at Court. It was subsequently decided that the most appropriate way of achieving this would be a Public Report to the Licensing and Regulatory Committee on a quarterly basis.

**2. Options considered and recommended proposal**

2.1 *Not applicable*

**3. Results of consultation undertaken**

3.1 *Not applicable*

**4. Timetable for implementing this decision**

4.1 *Not applicable*

**5. Comments from Executive Director, Resources**

5.1 Financial implications

Upon conviction before the Court, an application is made to recover investigation and legal costs in full. A Court will consider the application in conjunction with the defendant's financial means, if known, and make an Order for costs. There is no guarantee that full costs, or indeed any costs, will be awarded at the conclusion of a Prosecution case.

5.2 Legal implications

Each defendant convicted of an offence in the Magistrates Court has an automatic right of appeal to the Crown Court against conviction or sentence within 21 days. As some of the cases contained within this report are still subject to this 21 day period, it is possible that appeals may be lodged subsequent to this Committee meeting. Members will be updated on future reports if this is the case.

**6. Other implications**

*None*

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

*Not applicable*

**6.2 How is risk being managed?**

*Not applicable*

**6.3 What is the impact on the organisation?**

*Not applicable*

**6.4 Equalities / EIA**

*Not applicable*

**6.5 Implications for (or impact on) the environment**

*Not applicable*

**6.6 Implications for partner organisations?**

*Not applicable*

**Report author(s): Amy Wright**

**Name and job title: Criminal & Licensing Solicitor**

**Directorate: Place**

**Tel and email contact: 02476824864 [amy.wright@coventry.gov.uk](mailto:amy.wright@coventry.gov.uk)**

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
<b>Names of approvers for submission:</b> (officers and members)				
Legal: Gill Carter	Senior Solicitor	Place	02.06.17	02.06.17

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## Appendices

### Schedule of Prosecutions concluded between 28<sup>th</sup> February 2017 and 31<sup>st</sup> May 2017

Name(s)	Offence(s)	Date of L&R Authorisation	Plea	Date Case Concluded	Sentence	Costs Awarded
Gurdev Singh Jandu	Failure to comply with PDPA Notice and Housing Act Improvement Notice	26.10.16 and 20.12.16	Guilty	15.3.17	Fine £4,020 Victim Surcharge £170	£795 (full)
David Rose	Breach of Management Regulations	20.12.16	Proven in absence	29.3.17	Fine £2,200 Victim Surcharge £170	£1,886 (full)
Karron Mahammed Zadeh	Possession of illicit cigarettes with intent to supply	24.01.17	Guilty	26.04.17	Fine £160 Victim Surcharge £30	£185 (partial)
Neaz Salah	Possession of illicit cigarettes with intent to supply	24.01.17	Guilty	17.05.17	Fine £195 Victim Surcharge £30	£150 (partial)
Saman Sabir	Possession of illicit cigarettes with intent to supply	24.01.17	Guilty	17.05.17	Fine £300 Victim Surcharge £30	£150 (partial)
Muhammed Altaf/Shabs Ltd	Breach of Cosmetic Regulations	20.12.16	Guilty	17.05.17	Muhammed Altaf:- Fine £250 Victim Surcharge £30  Shabs Ltd:- Fine £1,000 Victim Surcharge £30	£1,422 (full)
New Bengal Spice (Coventry) Ltd	Breach of Consumer Protection against Unfair Trading Regulations	20.12.16	Guilty	24.05.17	Fine £2,000 Victim Surcharge £170	£1,000 (full)



Mohammed Noor Uddin	Breach of Consumer Protection against Unfair Trading Regulations	20.12.16	Guilty	24.05.17	Fine £256 Victim Surcharge £30	£706 (full)
Mohammed Imran Dean	Selling Counterfeit DVD's	20.12.16	Guilty	24.05.17	6 months imprisonment suspended for 18 months with 160 hours unpaid work	Costs to be decided at the end of proceedings under Proceeds of Crime Act 2002, which are ongoing

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