

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 25 June 2019

Present:

Members: Councillor C Thomas (Chair)
Councillor F Abbott
Councillor J Birdi
Councillor J Clifford
Councillor B Gittins
Councillor R Lakha
Councillor G Lloyd
Councillor A Lucas
Councillor T Mayer
Councillor R Thay

Employees (by Directorate):

Place: S Beechey, M Coggins, S Elliott, A Harwood, U Patel, B Welch (Trainee Solicitor), A Wright and S Yarker

Apologies: Councillors J Innes, B Kaur and S Walsh

Public Business

1. Minutes Silence - Late Councillor G Crookes

The Chair, Councillor C Thomas referred to the recent sudden death of Councillor G Crookes who had been a Member of the Committee for several years. Members and Officers stood in silence as a mark of respect.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the Committee meeting held on 23 April 2019 and the Sub-Committee Hearings held on 3 April, 20 and 28 May, 2019 were also signed as true records.

4. Exclusion of Press and Public

Minute No.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
8	General store found with food on sale beyond "Use by" date and dangerous laser	7

	pointers	
9	Restaurant supplying misdescribed food containing a non-disclosed allergen	7
10	Supply of an Unroadworthy Motor Vehicle	7
11	Illicit Tobacco Products 1	7
12	Illicit Tobacco Products 2	7
13	Illicit Tobacco Products (3)	7
14	Illicit Tobacco Products (4)	7
15	Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Driver's Licences	1 & 3

5. Hackney Carriage and Private Hire Licensing Fee Review 2019 - Taxi Licensing Mini Review

The Committee considered a report of the Deputy Chief Executive (Place) which provided information on the Hackney Carriage and Private Hire Licensing Fee Review 2019 – Taxi Licensing Mini Review.

The Local Government (Miscellaneous Provisions) Act 1976 provides that the City Council may charge as fees the reasonable cost of administering and enforcing the hackney carriage and private hire licensing function. The fees charged by the Taxi Licensing Office are intended to enable the service to operate on a self-financing basis.

In 2015 the introduction of the Deregulation Act changed the timescales for the issue of licences to drivers of Hackney Carriage and Private Hire Vehicles from annual renewals to three yearly renewals. It also amended the renewals of Private Hire Operators Licences to five yearly only.

A fee review was undertaken on 25 August 2015 to address the charges made for the processing and issuing of licences to drivers and operators to reflect the changes and associated costs.

The review resulted in an overall (pro rate) reduction in fees over the new respective licence periods.

Subsequently a review of the impact of the changes within the Taxi Licensing Office was undertaken resulting in an overall reduction in administration staff and the introduction of a new role to provide support across the service.

Following this, a further review of fees was undertaken to reflect the staffing changes and current costs.

RESOLVED that the Licensing and Regulatory Committee:

- (A) Approves, subject to consideration of any comments received, the proposed fee changes detailed in Appendix A.**
- (B) Authorises the Director of Streetscene and Regulatory Services to make the necessary arrangements to advertise the applicable proposed fee variations.**
- (C) Notes that if any formal objections are received in response to the statutory notice that a further report will be presented on 20 August 2019. Together with the 28 day consultation running alongside sent to the trade and other stakeholders via a survey.**

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

There were no other items of public business.

8. General store found with food on sale beyond "Use by" date and dangerous laser pointers

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013 and the General Product Safety Regulations 2005 against appropriate persons in respect of the alleged food found on sale beyond its "use by" date and dangerous laser pointers found at Easy Shop, 74B-74C Walsgrave 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.

9. Restaurant supplying misdescribed food containing a non-disclosed allergen

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013, the Food Safety Act 1990 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the alleged

supply of misdescribed food containing a non-disclosed allergen at PGR, Unit 4, Priory Place, 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.

10. Supply of an Unroadworthy Motor Vehicle

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Consumer Protection from Unfair Trading Regulations 2008, the General Product Safety Regulations 2005 and the Companies Act 2006 against appropriate persons in respect of the alleged supply of an unroadworthy motor vehicle by Conquest Autos Coventry Cromwell 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.

11. Illicit Tobacco Products 1

RESOLVED that the Committee:

- 1. 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, The Tobacco and Related Products Regulations 2016, the Consumer Protection from Unfair Trading Regulations 2008 and the Proceeds of Crime Act 2002 against appropriate persons in respect of the alleged discovery of a large quantity of illicit tobacco products at Bucharest, 490A Foleshill Road, Coventry.**
- 2. Endorsed a review of the Premises Licence being instigated under the Licensing Act 2003 by Trading Standards.**
- 3. 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.**

12. Illicit Tobacco Products 2

RESOLVED that, the Committee:

- 1. Having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Fraud Act 2006, the Crime and Policing Act 2014, the Proceeds of Crime Act 2002 and the Trade Marks Act 1994 against appropriate**

persons in respect of the alleged multiple seizures of illicit tobacco products from Peshmerger, 87 King William Street, Coventry.

2. Approve a Closure Order to be issued on the premises

3. 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.

13. **Illicit 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, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the alleged supply of illicit tobacco products at Unit 2D Siskin Parkway East, 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.

14. **Illicit Tobacco Products (4)**

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, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the alleged supply of illicit tobacco products from 7, Alfred Herbert Close, 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.

15. **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 Deputy Chief Executive (Place) now submitted:

(a) The Hackney Carriage Driver's Licence held by Mr Kiflom Tesfagiorgs be confirmed and the Director of Streetscene and Regulatory Services be instructed to issue Mr Tesfagiorgs with a written warning about future conduct with regard to mobile phone use while driving.

(Note: Mr K Tesfagiorgs attended the meeting in support of his case.)

(b) The Hackney Carriage and Private Hire Driver's Licences held by Mr Abdul Qayyum Khan be suspended for a period of six months.

(Note: Mr A Q Khan, his Unite Union Representative and a friend attended the meeting in support of his case.)

(c) The Hackney Carriage Driver's Licence held by Mr Shir Shah Ahmadi be suspended for a period of three months. The Committee also recommended that Mr SS Ahmadi attend a training course in relation to securing a wheelchair in the taxi.

(Note: Mr S S Ahmadi attended the meeting in support of his case.)

(d) The Hackney Carriage Driver's Licence held by Mr Abdul Waheed be suspended for a period of three months. The Committee also recommended that Mr A Waheed attend a training course in relation to securing a wheelchair in the taxi.

(Mr A Waheed and his Unite Union Representative attended the meeting in support of his case.)

16. 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 2.25 pm)