



Licensing and Regulatory Sub-Committee (Hearing)

Time and Date

10.00 am on Monday, 2nd September, 2019

Place

Dame Ellen Terry Suite - Council House

Public Business

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Licensing Act 2003 - Application to Review a Premises Licence** (Pages 3 - 38)

To consider an application to review the premises licence in respect of Bucharest, 490a Foleshill Road, CV6 5HP

Note: The applicant and their representative have been invited to attend the hearing.

Persons who have made representations have been invited to attend.

The City Council's Statement of Licensing Policy is available on the Council's website. Alternatively, please contact us if you require a hard copy.

5. **Any Other Business**

To consider any other items of business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Martin Yardley, Deputy Chief Executive, Place, Council House Coventry

Thursday, 22 August 2019

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

Membership: Councillors J Birdi, J Clifford and C Thomas

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**

Bucharest, 490A Foleshill Road, Coventry, CV6 5HP

Hearing Application Summary

This is to consider a Review application submitted by Trading Standards, for:

**Bucharest
490A Foleshill Road
Coventry
CV6 5HP**

The grounds for Review are:

Trading Standards consider that Bucharest have failed the to uphold the Prevention of Crime and Disorder Licensing Objective as detailed in the Review application.

Appended to this note is the following:

1. Review Application submitted by Trading Standards
2. Current Licence & Conditions
3. Location Plan
4. Hearing Procedure Note
5. Relevant Briefing Note - Review

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Peter Thompson, Trading Standards Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bucharest 490A Foleshill Road, Coventry, CV6 5HP.	
Post town Coventry	Post code (if known) CV6 5HP

Name of premises licence holder or club holding club premises certificate (if known) Mr. Aziz Fatah

Number of premises licence or club premises certificate (if known) LN/217000513

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates
(please complete (A) below)



(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Trading Standards Coventry City Council PO Box 15 Council House Coventry CV1 5RR
Telephone number (if any) 02476 831896
E-mail address (optional) peter.thompson@coventry.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Bucharest situated at 490A Foleshill Road Coventry applied for a Licence in November 2017 to sell alcohol. The licence was granted on 8th March 2018.

Bucharest has been subjected to two inspection visits from Trading Standards. During those inspections illegal cigarettes were found in the store room and seized. Trading Standards have also carried out a test purchase of one packet of illegal cigarettes from this shop, proving the shop is supplying them. The grounds for this review are therefore based upon the illegal supply of tobacco products from this shop.

The supporting details of which this review relate to are as follows:

On 5th December 2018 Trading Standards officers visited Bucharest. The officers were assisted by a tobacco sniffer dog to help identify if any illegal tobacco was hidden inside the shop.

The person standing behind the counter when the officers entered gave his name as Aziz Fatah. Identification was provided by him that confirmed this.

At the rear of the shop, inside a small storeroom, the sniffer dog indicated the presence of tobacco in the corner. In this corner there was a door which met with a wall. Officers could not see anything out of the ordinary in this corner, but the dog was persistent and was scratching at this corner. After a while officers discovered that there were two shelving units cleverly hidden behind the door frame. These shelving units could be pulled out, and when this was done the illegal cigarettes could be seen.

Please see pictures attached in Appendix 1.

In total 276 packets of cigarettes were seized from these shelves. These were a mixture of counterfeit and smuggled cigarettes. The illicit street value of these would have been

approximately £1242. If they had been genuine UK duty paid cigarettes that value would have been approximately £2760.

On 16th January 2019 Trading Standards carried out a test purchase of illegal cigarettes from this shop. The cigarettes purchased cost £5.00 and were called 'L&M'. They have now been confirmed as being illicit (smuggled - foreign labelled Polish cigarettes)

On 26 January 2019 Trading Standards officers visited this shop again. The officers were again assisted by a tobacco sniffer dog to help identify if any illegal tobacco was hidden inside the shop.

The person standing behind the counter when the officers entered gave his name as [REDACTED]. He explained he did not work at the shop and was a friend of the owner. He stated he was just looking after the shop because the owner had gone out.

At the rear of the shop, inside the same small storeroom as before, the sniffer dog indicated on a walled shelving unit which contained cans of pop and alcohol. Officers could not see anything out of the ordinary, but the dog was persistent and was rearing up to the shelves. After a while officers discovered that there was a secret compartment built behind the bottom of this shelving unit. Please see the picture attached in Appendix 2.

In total 88 packets of cigarettes were seized. These were a mixture of counterfeit and smuggled cigarettes. The illicit street value of these would have been approximately £396. If they had been genuine UK duty paid cigarettes that value would have been approximately £880.

Checks with the City Council's Licensing team confirm that Aziz Fatah became the licensee for this business on 9th January 2019.

Aziz Fatah was interviewed on 12th March 2019. The salient points of that interview are below:

- He confirmed he became the owner of the shop on 31st December 2018.
- He confirmed he was the premises licence holder for the shop.
- He said he was not the owner or licensee during the 1st seizure on 5th December, so those cigarettes are not on him but on the old owner.
- He said the cigarettes found the second time on 26th January 2019 were also the old owners, stating he did not know they were there, and that the old owner must have left them there (the dog handler has said the dog would have found this concealment on the first occasion if it was there).
- He said the person in the shop on the 26th January [REDACTED] was his friend and was only helping him for that day.
- He said he did not sell illegal cigarettes from this shop.
- When he was told that a successful test purchase of illegal cigarettes was made from his shop on 16th January 2019, he said he did not know anything about that, and gave no plausible answer for it.
- He was apologetic and stated there will be no illegal cigarettes in his shop 'from this day'.

Although Aziz Fatah claims he was neither the owner or licensee of the business on the 5th December 2018 when the first seizure took place; he was present behind the counter. Aziz was of course the owner and licensee when the test purchase of illegal cigarettes was undertaken on 16th January, and during the second seizure of cigarettes on the 26th January.

The grounds for this review are requested on the information given above, from a Responsible Authority dealing with a Licenced Premises which has sold illicit tobacco, and also had two secret concealments built inside this shop to hide their illicit tobacco, it is therefore felt appropriate that a review be undertaken, and the following actions be considered:

1. Revoke the premises License, or
2. Suspend the Premises License for a period of three months, and/or

3. Remove Aziz Fatah as the DPS at this premises.
4. Impose any conditions that the Sub-Committee feel appropriate.

Please provide as much information as possible to support the application (please read guidance note 3)

The Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

.....

- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

N/A.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date **10/07/2019**

.....

Capacity **Trading Standards Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Peter Thompson Trading Standards Coventry City Council PO Box 15 Council House Coventry CV1 5RR	
Post town Coventry	Post Code CV1 5RR
Telephone number (if any) 02476 831 896	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) peter.thompson@coventry.gov.uk	

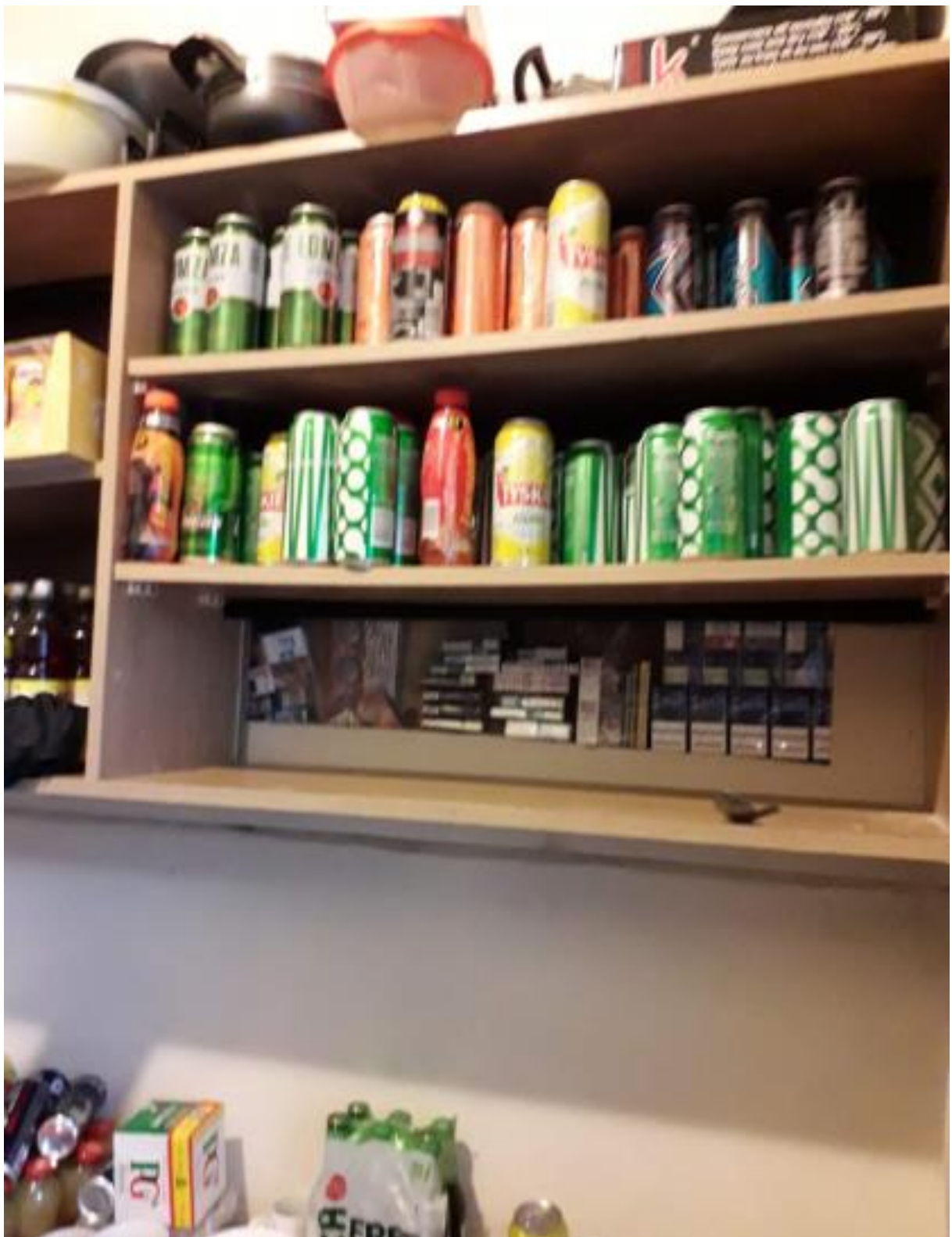
Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix 1.



Appendix 2.



LICENSING ACT 2003

Full Premises Licence

Bucuresti

Premises licence number	LN/217000513
-------------------------	--------------

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Bucuresti 490A Foleshill Road	
Post town Coventry	Post code CV6 5HP
Telephone number	

Where the licence is time limited the dates N/A

The times the licence authorises the carrying out of Licensable Activities		
OFF SALES	From	To
Supply of Alcohol		
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

Hours	From	To
Open to the Public		
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00



LICENSING ACT 2003

Full Premises Licence

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
OFF SALES

Part Two

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

Aziz Fatah
119 Princess Street
Coventry
West Midlands
CV6 5BW

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, (registered) address, and telephone number(s) of designated premises supervisor where the premises licence authorises the supply of alcohol

Aziz Fatah
119 Princess Street
Coventry
West Midlands
CV6 5BW

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the premises authorises the supply of alcohol

Licence number - **CV21800539** - **Coventry City Council**

Dated this 22nd January 2019



Regulatory Services Manager
Regulatory Services
Licensing Team
Streetscene & Regulatory Services
PO Box 15
Coventry City Council
Earl Street
Coventry
CV1 5RR

Page 2 of 2



Annex 1

Mandatory Conditions

Section 19 Licensing Act 2003

Where this licence authorises the supply of alcohol,

- 1. No supply of alcohol may be made under the licence:**
 - a. at a time when there is no designated premises supervisor (DPS) in respect of the licence, or**
 - b. at a time when the DPS does not hold a personal licence or that licence is suspended**

- 2. Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence**

Section 20 Licensing Act 2003

Where this licence authorises the exhibition of films,

- (1) the admission of children to the exhibition of any film will be restricted.**
- (2) Where the film classification body is specified in the licence, unless otherwise stated, admission of children must be restricted in accordance with any recommendation made by that body.**
- (3) Where :**
 - i. the film classification body is not specified in the licence, or**
 - ii. the licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.**

Section 21 Licensing Act 2003

Where this licence includes a condition that at specified times one or more individuals must be on the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

Where a licence authorises alcohol to be consumed on the premises the following conditions apply:

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

Annex 2

Conditions consistent with the Operating Schedule

Licensees Statement of Operating Schedule as attached including:

Part 1

- A) General all four licensing objectives**
- B) The Prevention of Crime and Disorder**
- C) Public Safety**
- D) Prevention of Public Nuisance**
- E) Protection of Children from Harm**

Voluntary Condition agreed with the Responsible Authorities

Part 2

Conditions reproducing the effect of all conditions currently attached to the existing licence (both standard and special conditions).

Licensing Act 1964 - None

Theatres Act 1968- None

Cinemas Act 1985 – None

Public Entertainment - None

Describe the steps you intend to take to promote the four licensing objectives:

Bucuresti - LN/217000513

a) General – all four licensing objectives (b,c,d,e)

Nothing beyond existing health & safety / fire safety etc requirements.

b) The prevention of crime and disorder

See above, the premises will have their own internal and external CCTV. The CCTV will be installed and fully operational to the specifications and recommendations of West Midlands Police. The CCTV images, will be retained for thirty one days and downloadable on request. CCTV will also be recording 24 hours every day. CCTV times and dates, are to be visible and accurate. The premises will also be fully alarmed and has existing frontage security shutters. The designated premises supervisor will ensure that any staff involved in the sale of alcohol will have fully recorded and documented training, including three monthly refresher courses. This includes any changes of legislation and also similar training in the usage and chronicled storage of CCTV. All training records will be retained and available on site for inspection at any time. Purchase invoices (or copies) for all alcoholic goods and cigarettes, will be kept at the shop and made available to officers from trading standards, police, or HMRC upon request. No alcoholic goods will ever be purchased from sellers calling to the shop.

c) Public safety

See above, also, internal and external CCTV etc.
The premises will have a commercial fire alarm and the firefighting equipment, will be covered by a maintenance contract. Both emergency lighting and smoke detectors will also be installed.

d) The prevention of public nuisance

See above, internal and external CCTV in particular, is a proven deterrent in terms of any anti - social activities and potential proxy sales.
The designated premises supervisor and her staff, will at all times be vigilant in relation to any litter issues within the immediate vicinity of the premises.

e) The protection of children from harm

(See above), internal and external CCTV etc
Layout of shop gives consideration to the prevention of children's access to alcohol and any alcohol displayed will not be obstructed from the view of the sales assistants. Premises will operate a proof of age scheme via acceptable forms of identification and incorporating 'the challenge 25' policy. All staff will be fully trained in its use before being allowed to sell alcohol. A sales refusal and incident book will be fully maintained and available for inspection at any time. It will also be signed off weekly by the designated premises supervisor. A written record of all persons authorised to sell alcohol shall be kept at the premises and be made immediately available for inspection if requested by any of the responsible authorities. Non - alcoholic / soft drinks, crisps and confectionery will be situated away from the alcohol display area.

Annex 3

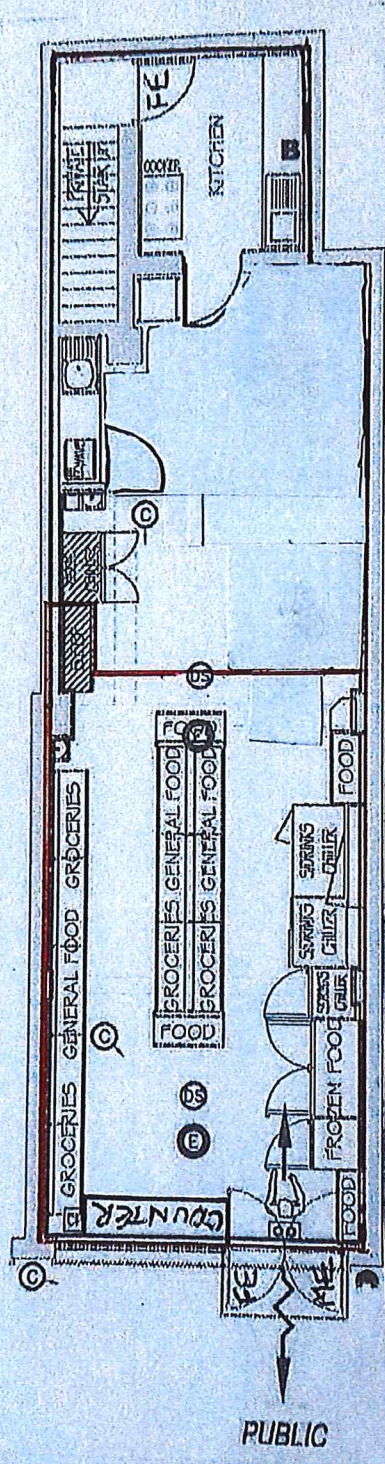
Conditions Attached after a Hearing by the Licensing Authority

Annex 4

Plans

The Plan attached to this licence as attached.

490A Foleshill Road
Coventry, Warwickshire
CV6 5HP



FIRE REGULATION SYMBOLS

- Exit Boxes
- Escape Lighting Points
- ▽ Fire Extinguisher Foam
- ⊙ Auto Fire Smoke detector
- ⊙ Audible Warming Device
- Fire blanket
- ⊞ Control Panel
- ⊙ CCTV Camera
- Extent of licensed area

Licence Leader Ltd
www.licence-leader.co.uk
licence-leader@hotmail.com
 07982917819

Version 01 – March 2018
 Measurements supplied by owner

LICENSING ACT 2003

Summary Licence To Be Displayed

Bucuresti

Premises licence number	LN/217000513
--------------------------------	---------------------

Postal address of premises, or if none, ordnance survey map reference or description	
Bucuresti 490A Foleshill Road	
Post town	Post code
Coventry	CV6 5HP
Telephone number	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of licensable activities		
OFF SALES		
Supply of Alcohol	From	To
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

Hours		
Open to the Public	From	To
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00



LICENSING ACT 2003

Summary Licence

To Be Displayed

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

Aziz Fatah
119 Princess Street
Coventry
West Midlands
CV6 5BW

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Aziz Fatah

State whether access to the premises by children is restricted or prohibited

N/A

Dated this 22nd January 2019



Regulatory Services Manager

Regulatory Services
Licensing Team

Streetscene & Regulatory Services
PO Box 15
Coventry City Council
Earl Street
Coventry
CV1 5RR



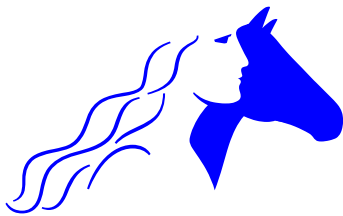
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Environmental Protection
Coventry City Council
One Friargate
Coventry CV1 2GN



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Coventry City Council

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.]

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the determination.

* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.



Coventry City Council

Licensing Act 2003

Briefing Note 7 – Hearing to Consider an Application to Review a Premises Licence

Background

A premises licence remains in force in perpetuity (unless a time-limited licence has been granted). Where the way in which the premises are being run gives rise to concerns relevant to the licensing objectives it is possible for the licence to be re-examined by the Licensing Authority. The Licensing Authority cannot review a licence of its own volition but must do so in one of two circumstances:

- (a) where a review application has been accepted from a "responsible authority" or any other person; or
- (b) where the Magistrates' Court has triggered a review following a closure order.

Where a review application is made it is served on the licensee, Responsible Authorities and is advertised by the licensing authority. Responsible Authorities or anyone else can 'join in' on the review by making their own representations.

A hearing is required to determine whether the licence should be allowed to continue or to continue with modifications.

Section 182 Guidance (Apr 2018)

Particular reference should be made to Part 11 and Parts 15.55 – 15.56.

Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 6, 7

Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the licensee's and objectors' civil rights. A decision to modify, suspend or revoke a premises licence will interfere with the licensee's property rights and Article 1 Protocol 1 will be engaged requiring such action to be in the public interest and to be a proportional response to meeting the four licensing objectives.

The Sub-committee's powers

Having heard from the review applicant and anyone else making "relevant representations" and the licensee, the sub-committee may:

- (a) take no action; or
- (b) issue an informal warning letter; or
- (c) modify the conditions of licence*; or
- (d) exclude a licensable activity from taking place on the premises; or
- (e) remove the designated premises supervisor; or
- (f) suspend a licence for up to 3 months; or
- (g) revoke the licence.

[* controls on live or recorded music that are suspended by the Live Music Act 2012 and SI 2014/3253 can also be reintroduced at a review.]

Rights of Appeal

An aggrieved licensee can appeal to Coventry Magistrates' Court against actions (c) – (g) above and anyone else can appeal against actions (a) – (f). Any decision taken by a sub-committee does not take effect until after the period for lodging an appeal has elapsed or, where an appeal has been lodged, until the appeal is disposed of by the magistrates' court.