

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Monday, 24 May 2021**

Present:

Members: Councillor C Thomas (Chair)

Councillor J Birdi

Councillor R Lakha

Employees Present:

S Bennett, Law and Governance

R Masih, Streetscene and Regulatory Services

U Patel, Law and Governance

C Simms, Streetscene and Regulatory Services

A Wright, Law and Governance

In Attendance:

A Tandy, Responsible Authority (Trading Standards)

## **Public Business**

### **1. Appointment of Chair**

**RESOLVED that Councillor C Thomas be appointed Chair for the hearing.**

### **2. Apologies**

There were no apologies for absence.

### **3. Declarations of Interest**

There were no declarations of interest.

### **4. Licensing Act 2003 - New Premises Licence**

The Sub-Committee considered an application for a New Premises Licence in respect of 7 Days Mini Market, 184 Longford Road, Coventry. The application requested the sale/supply of alcohol (off sales) Monday to Sunday 0900hrs to 2230hrs.

One objection had been received to the application by a Responsible Authority (Trading Standards) on the basis that the Licensing Objective of Prevention of Crime and Disorder was likely to be undermined.

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.

It was noted that the Applicant was not in attendance at the Hearing. Officers confirmed that he had not engaged at all with the Hearing process but a link to join the meeting was sent to him in any event.

In the circumstances, the Sub Committee invited the Objector to make his representations. The Objector stated that on 2 March 2021 an inspection was made of the premises, during which over 200 packets of illicit cigarettes were found behind the serving counter and in various other locations. When asked who owned the business, a member of staff provided the details of the Applicant.

A subsequent covert test purchase was made on 29 March 2021, during which a packet of 20 Richmond cigarettes was purchased for £5. A check on the Tesco website determined that a pack of 20 Richmond cigarettes would normally cost in the region of £11.25. This in itself suggested that the cigarettes were counterfeit. The pack had been sent to the manufacturer for authenticity checks but Trading Standards were still awaiting a response.

The Objector stated that following this visit, a letter was sent to the Applicant asking for confirmation of ownership of the business and details of the server. The Objector received an email thereafter from a Mr Nalesinski, stating that he had owned the business from 10 January 2021 to 9 March 2021. The Objector responded asking for a copy of the sub-letting agreement and food registration document, given that food was being sold from the premises.

On 14 May 2021, a single page handwritten agreement was received by Trading Standards dated 1 January 2021, purporting that Mr Nalesinski had sublet the premises from January 2021. However, it was very basic and raised doubts about its authenticity.

The Objector noted that the application for the premises licence was made on 26 March 2021 in the name of the Applicant, and the test purchase was conducted on 29 March 2021. This means that illicit cigarettes have been sold from the premises since the licence application was submitted, and since the Applicant has had confirmed control of the premises.

In addition, the Objector stated that no food registration had been completed which is an offence for which he could be fined up to £5000. The Objector explained that registration is free and can be completed online.

The Objector concluded by stating the Applicant had been entirely uncooperative with Trading Standards up to the point that they questioned his suitability to hold a Premises Licence, which raised doubts as to whether he would be cooperative with Responsible Authorities in ensuring the Licensing Objectives were promoted at all times.

The Sub Committee asked whether Trading Standards would be pursuing further action against the Applicant. The Objector stated that he could not say one way or another until all evidence had been collated.

At the end of the Objector's representations the Sub Committee noted that with no counter argument from the Applicant, who had chosen not to attend, they would be accepting the evidence of Trading Standards on the balance of probabilities.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In particular, the Sub Committee noted that whilst the Police were to be regarded as the primary source of advice on the Prevention of Crime and Disorder (paragraph 9.12), Trading Standards were the main source of information in respect of the trade in illicit cigarettes.

The Sub Committee accepted the evidence presented by Trading Standards as being true on the balance of probabilities. As such, the Sub Committee agreed that the Licensing Objective of Prevention of Crime and Disorder was likely to be undermined.

The Sub Committee noted that in choosing not to attend or engage with the Hearing process, the Applicant had failed to provide any assurances or details of any controls that he could put in place to prevent a recurrence of the reported incidents.

In light of all matters considered, the Sub Committee concluded that only refusal of the premises licence would be appropriate and proportionate in the circumstances.

**RESOLVED that the application for a New Premises Licence in respect of 7 Days Mini Market, 184 Longford Road be refused.**

5. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.25 am)