



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 29th June, 2021

Place

Diamond Rooms 1 and 2 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 1 - 8)

To agree the minutes of the Committee meeting held on 27 April 2021 and the Sub-Committee hearing held on 24 May 2021

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

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 9.30am

7. **Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences**

Reports of the Director of Street Scene & Regulatory Service on the following:
(Listing Officer: Mick Coggins – tel: 024 7697 1998)

7.1 Application for Grant of a Private Hire Driver's Licence (Pages 9 - 38)

7.2 Review of Hackney Carriage Driver's Licence (Pages 39 - 106)

8. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Julie Newman, Director of Law and Governance, Council House Coventry

Monday, 21 June 2021

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

Membership: Councillors F Abbott, L Bigham, J Birdi, J Clifford, B Gittins, G Hayre, J Innes, S Keough, R Lakha, G Ridley, R Simpson, R Thay (Deputy Chair) and C Thomas (Chair)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 27 April 2021

Present:

Members: Councillor C Thomas (Chair)
Councillor L Bigham
Councillor J Birdi
Councillor J Clifford
Councillor B Gittins
Councillor B Kaur
Councillor R Lakha
Councillor G Lloyd
Councillor S Walsh

Employees (by Directorate):

M Coggins, Street Scene & Regulatory Services
S Elliott, Street Scene & Regulatory Services
R Hammond, Law & Governance
U Patel, Law & Governance
C Sinclair, Law & Governance
S Yarker, Street Scene & Regulatory Services

Apologies: Councillor F Abbott, J Innes, T Mayer and G Ridley

Public Business

74. Declarations of Interest

There were no declarations of interest.

75. Minutes

The minutes of the Committee meeting held on 2 March 2021 were agreed as a true record.

76. 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, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant paragraphs of Part 1 of Schedule 12A
80	Applications for the Grant/Suitability to hold	1 & 3

	Hackney Carriage & Private Hire Drivers' Licences	
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77. Outstanding Issues Report

There were no outstanding issues.

78. Statutory Taxi and Private Hire Vehicle Standards

The Committee considered a report of the Director of Streetscene and Regulatory Services which provided information on the recommendations made by the Department for Transport's "Statutory Taxi and Private Hire Vehicle Standards", and how these recommendations would impact Coventry City Council's Taxi Licensing processes.

The report had been considered by the Cabinet Member for City Services on the 14 April 2021 who had approved a 12-week public consultation on the amendments required to the existing City Council Taxi Licensing requirements to bring them in-line with the new standards.

The Department for Transport (DfT) published its 'Statutory Taxi & Private Hire Vehicle Standards' on 21st July 2020. The recommendations in the DfT report were designed to regulate better the taxi and private hire vehicle sector through the development of a national set of core common minimum standards.

Published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 the document set out a framework of policies that any licensing authority in England and Wales "must have regard" to when exercising their functions.

Standards detailed in this document replace previous 2010 Best Practice Guidance issued by the DfT and were expected to be implemented unless there was a compelling local reason not to. Failure to adhere to the standards without significant justification was described as likely to be detrimental to the Councils' defence of any legal challenge in relation to its contents.

Some of the standards highlighted in the DfT document were already covered in Coventry's current processes and the report highlighted the recommendations that would require amendment to current policy and practice.

RESOLVED that the Committee note the contents of the report.

79. 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.

80. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

RESOLVED that, having considered the circumstances set out in the report of the Director of Streetscene and Regulatory Services now submitted, the application for the grant of a Hackney Carriage Driver's Licence be refused.

(Note: The applicant and his representative were present at the remote meeting)

81. 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 11.25 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, 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)

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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