



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 29th August, 2023

Place

Diamond Rooms 1 and 2 - Council House

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

To agree the minutes of the Committee meeting held on 1 August 2023 and the Sub-Committee hearing held on 25 July 2023.

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

Reports of the Chief Legal Officer on the following:

(Listing Officer: Mick Coggins, Email: mick.coggins@coventry.gov.uk)

7.1 Application for a Grant of a Private Hire Driver's Licence (Pages 7 - 16)

7.2 Application for a Grant of a Private Hire Driver's Licence (Pages 17 - 62)

7.3 Renewal of a Hackney Carriage Driver's Licence (Pages 63 - 82)

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, Chief Legal Officer, Council House, Coventry

Friday, 18 August 2023

Note: The person to contact about the agenda and documents for this meeting is
Usha Patel/Thomas Robinson
usha.patel@coventry.gov.uk/thomas.robinson@coventry.gov.uk

Membership: Councillors F Abbott (Chair), B Gittins, S Gray, G Hayre, A Hopkins, J Innes, T Jandu, S Keough, R Lakha, R Lancaster (Deputy Chair), J Lepoidevin, A Masih, R Thay and CE Thomas

Public Access

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

Usha Patel/Thomas Robinson

usha.patel@coventry.gov.uk/thomas.robinson@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 1 August 2023

Present:

Members: Councillor F Abbott (Chair)
 Councillor A Hopkins
 Councillor J Innes
 Councillor T Jandu
 Councillor S Keough
 Councillor R Lakha
 Councillor R Lancaster
 Councillor J Lepoidevin
 Councillor A Masih
 Councillor CE Thomas

Employees (by
Directorate):

Law and Governance S Ahmed, T Robinson, C Sinclair

Regulatory Services M Coggins

In Attendance
(Observers):

Law and Governance S Manhertz (Trainee Solicitor, Law and Governance)
 E McKindley (Trainee Solicitor, Law and Governance)

Apologies: Councillor B Gittins, S Gray, G Hayre and R Thay

Public Business

15. Declarations of Interest

There were no declarations of interest.

16. Minutes

The Minutes of the Committee meeting held on 4 July 2023 and the Sub-Committee (Hearing) held on 3 July 2023 were agreed and signed as a true record.

17. 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
20	Applications for Grant/Suitability to hold Private Hire Driver's Licence	1 & 3

18. Outstanding Issues Report

There were no outstanding issues.

19. 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.

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

(a) RESOLVED that the consideration of the application for the grant of a Private Driver's Licence be adjourned to the next meeting of the Licensing and Regulatory Committee to give the applicant a further opportunity to attend the meeting to present his application.

21. 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 10.00 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 25 July 2023

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Keough
 Councillor R Lakha

Employees Present:

Law and Governance T Robinson, C Sinclair, A Wright

Streetscene and
Regulatory Services R Masih

In Attendance
(Observers): D Herbert, Streetscene and Regulatory Services
 S Manhertz (Trainee Solicitor)
 E McKindley (Trainee Solicitor)

In Attendance
(Interested Parties): Applicant
 Applicant's Legal Representative

Public Business

11. **Appointment of Chair**

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

12. **Apologies**

There were no apologies for absence.

13. **Declarations of Interest**

There were no declarations of interest.

14. **Application for a Premises Licence Application under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of Wallstreet Burgers, 289 Walsgrave Road, Coventry CV2 4BE. The application was for a Late Night Refreshment Licence from Sunday to Thursday 23:00 - 04:00 and Friday to Saturday 23:00 - 06:00.

Three representations objecting to the application had been received from Other Persons, on the basis that should the application be granted, it could undermine the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Safety, Prevention of Public Nuisance, and Prevention of Children From Harm.

With the Chair's approval, the applicant and his representative circulated additional documents to the Sub-Committee including a signed petition from local residents and customers and positive references from nearby businesses.

None of the Responsible Authorities had objected to the application.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with. The Licensing Officer further notified the Sub-Committee that mediation had previously taken place between parties, but no common ground could be reached.

The applicant was invited to present his case. His representative began by recognising the applicant's 10-year experience of working within the late-night refreshment industry alongside his ownership of various other premises in Coventry and Birmingham with late night refreshment licences. He further emphasised that customer demand had led to the current application for a late-night refreshment licence.

The applicant stated that he currently manages 20 staff members for the premises with 5 members of staff present per shift. He recognised that other similar businesses in the area are open late and with regards to parking, he pointed out multiple nearby parking venues. Additionally, dustbins have been placed outside to prevent any littering and 8 CCTV cameras operate on the premises to uphold the licensing objectives.

The applicant further elucidated to the efforts he has made to uphold the licensing objectives including placing signs up to ask customers to leave quietly and use the bins as well as ensuring litter outside the premises is picked up at the end of each shift.

In response to questions asked by the Sub-Committee, the applicant further explained the available parking locations both in the front and the rear of the premises following some concerns raised by the Sub-Committee as to the lack of parking in the area. When asked about other late-night premises in the area, the applicant and the Licensing Officer confirmed there were a number of premises operating after 23:00.

In response to questions asked by the Sub-Committee concerning planning or regulatory restrictions, the Sub-Committee informed the applicant and his representative that current planning restrictions on the premises restrict the hours of operation to 22:30 or 23:30 on different days and suggested that the applicant look into this separately, as this was not a consideration for the purposes of granting a premises licence. The applicant confirmed that he would raise this with his landlord.

Additionally, the Sub-Committee sought clarification on operational plans if granted a late-night refreshment licence with the applicant confirming that walk-in traffic would likely remain low with the majority of custom coming from online deliveries.

None of the Other Persons who submitted representations objecting to the granting of the premises licence application attended the Hearing. However, the

Sub-Committee confirmed that their written representations would be taken into account.

In summing up, the applicant's representative reaffirmed the applicant's extensive experience, number of trained staff he employs, and CCTV in operation on the premises. Alongside these operational assurances, he also emphasised the applicant's good character and the absence of objections from any Responsible Authorities including the Police and the Environmental Health Team.

In reaching their decision, the Sub-Committee had regard to both national guidance and the Council's own Policy. The Sub-Committee considered the application on its own merits and due consideration was given to the evidence available before them including the objections raised.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application.

RESOLVED that the application for a Premises Licence in respect of Wallstreet Burgers, 289 Walsgrave Road, Coventry CV2 4BE be granted.

15. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.50 am)

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of the Local Government Act 1972.

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