

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 18 June 2024

Present:

Members: (Chair)
(Shadow Cabinet Member)

Councillor F Abbott
Councillor J Lepoidevin
Councillor K Maton

Non-Voting Opposition
Members:

Co-Opted Members:

Other Members: Councillors

Employees (by Directorate):

Cartwright
R Masih, Place Directorate
A Wright, Resources Directorate

Apologies: Councillor

Public Business

6. Appointment of Chair

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

7. Apologies

There were no apologies for absence.

8. Declarations of Interest

There were no declarations of interest.

9. Exclusion of Press and Public

Minute No.	Subject	Relevant paragraphs of Part 1 of Schedule 12A
10	Applications to Transfer and Vary the Designated Premises Supervisor (DPS) under the	1 & 3

10. **Applications to Transfer and Vary the Designated Premises Supervisor (DPS) under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of Monopoly, 74 Far Gosford Street, Coventry, CV1 5DZ. The application requested to transfer and vary the Designated Premises Supervisor (DPS).

One representation from West Midlands Police had been received to the application. The representation stated that granting the applications would undermine the Licensing Objective of Prevention of Crime and Disorder.

The Sub-Committee's statutory duty was to consider the applications 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.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was invited to present his case. He explained that he currently lives in Nottingham and wants to move to Coventry to run a new shop which sells alcohol. The Applicant was asked by the Sub Committee what he understood about the Licensing Objectives. He stated that he has a Personal Licence and knew about them, advising that he is not allowed to sell to people under 18 and that he has to ask anyone under 25 years old for ID.

The Applicant was asked if he could tell the Sub Committee the four Licensing Objectives. He stated that he couldn't remember them at that moment but was aware of them as he has a Personal Licence. The Applicant confirmed he had held a Personal Licence since 13/11/23.

When asked by the Sub Committee why he could not state what the four Licensing Objectives were if he completed training less than 7 months ago, the Applicant stated that he knew them but couldn't remember at that moment. However, he mentioned that he needed to have CCTV recording in the shop, time management for opening and closing, and that he is not allowed to sell any illegal items.

The Applicant was asked to explain the Police evidence provided in the bundle, regarding the alleged sale of illicit cigarettes in Coventry. He explained that when he was stopped by Police on 20th May 2022, he was test driving the vehicle and had no knowledge of the contents of the boot. He could not remember the name of the person he wanted to buy the car from. The Applicant was asked to explain the illicit cigarettes that were seized from his room at the time and the parcels found in the vehicle with his name on. The Applicant stated that the parcels were for laser hair removal items for his friend, but he was unable to provide any further explanation. He was also unable to explain the messages on the phone seized from him at the time which alluded to the sale of illicit cigarettes to shops in the area, stating that he could not remember.

When asked by the Sub Committee what experience he had with running a licensed premises, the Applicant stated that this would be his first time, so he does

not have experience. He further stated that he currently owns the Premises but does not sell alcohol at the moment. The Applicant informed the Sub Committee that if the licence was granted, he would ensure that any alcohol to be sold from the shop was purchased from approved wholesalers such as Cash and Carry, Bookers etc. and this would also be the case for tobacco.

The Objector, namely West Midlands Police were invited to present their case. The Police read out the report contained within the bundle and stated that the Applicant had run a previous premises named Monopol Mini Market ("Monopol"), which had been subject to several successful test purchases seizures of illicit cigarettes by Trading Standards. The Applicant was named as a tenant at Monopol at this time. The Police explained that Monopol was closed following intervention by Bailiffs in April 2023, and the Applicant was also subject to an investigation having been seen on 20th May 2022 selling contraband cigarettes.

A Police officer confirmed to the Sub Committee that he witnessed the Applicant as the sole occupant of a white BMW on 20th May 2022, explaining that he is part of County Lines team and initially believed it to be drug deal. He was tasked to identify and deter therefore he followed the vehicle until he could get uniformed officers to the scene. Upon stopping and searching the vehicle, a considerable amount of illicit tobacco was found in the boot (in excess of 18,000 cigarettes). A further search of the Applicant's home address revealed further illicit cigarettes. A mobile phone was also seized from the Applicant and messages about the sale of cigarettes to shops in the area were identified on the phone.

The Police informed the Sub Committee that when the Applicant's previous business closed down, he had explained that he had walked away earlier due to financial issues which the Landlord was unable to dispute. As such, no formal Caution was issued in relation to the seizures at this premises.

The Police stated that the Applicant's direct and indirect links to illicit cigarettes suggest that he has a hand in the trading of illicit cigarettes.

The Police stated that owing to the incidents they have outlined, they have no confidence that the Applicant could sell alcohol and uphold the Licensing Objectives. The Police considered that as the Applicant had demonstrated that he is willing to sell cigarettes that are illicit, they have no confidence that he would buy legitimate alcohol. Further, they believed that potentially the Licensing Objectives of Public Safety and Protection of Children from Harm may also be undermined due to recent seizures of oversized vapes from premises linked to the Applicant.

In response to questions from the Sub Committee, the Police confirmed that the white BMW vehicle that the Applicant was driving when stopped with illicit cigarettes in the boot on 20th May 2022 appeared to be a vehicle being used as a normal mode of transport rather than one that was in the condition you would expect for a car for sale.

Further, it was confirmed that Monopol was not a licensed premises but did sell tobacco, therefore the Applicant did have experience of running a retail premises in terms of tobacco sales.

In summing up, the Police reiterated that the major concern with the application is that the Applicant would continue a similar pattern of behaviour to that of his previous business, and the Licensing Objectives would be undermined. The Police further stated that there had been issues in this particular area within Coventry in terms of violence and disorder, therefore it would require someone with considerable experience to run a licensed premises.

The Applicant reiterated during his summing up that he was unaware of the contents of the boot of the car when he was stopped on 20th May 2022, and that he had no involvement with Monopol despite being listed on the lease. He stated that he had no involvement with the trade of illicit cigarettes.

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 the Police were to be regarded as the primary source of advice on the Prevention of Crime and Disorder (paragraph 9.12 of the statutory guidance).

The Sub Committee also noted paragraph 11.27 of the statutory guidance which notes that certain criminal activity should be treated as being particularly serious, including the sale or storage of smuggled tobacco.

The Sub Committee accepted the evidence presented by the Police as being true on the balance of probabilities and considered that the explanations given by the Applicant were both evasive and implausible.

The Sub Committee could not accept that the Applicant was test driving the white BMW vehicle that he was the sole occupant of on 20th May 2022, particularly as it contained packaging in his name. It follows therefore, given the wider circumstances as outlined by the Police and the messages contained on the phone seized from the Applicant, that the Applicant must have been aware of the contents of the boot, which contained over 18,000 illicit cigarettes. Further, the Sub Committee considered it implausible that when the seizures took place at the Applicant's previous premises known as "Monopol Mini Market" in September 2022, he was listed as the owner but not involved at all in the management or running of the premises. The Sub Committee noted that the Applicant was unable to give any explanation for the test purchase of illicit cigarettes from the current Premises on Friday 14th June 2024.

The Sub Committee considered that the Applicant had failed to provide any assurances or details of any controls that he could put in place to ensure that the Licensing Objectives would be upheld. Most concerning was the fact that the Applicant seemed completely unaware of what the Licensing Objectives are and why they are important.

As such, the Sub Committee accepted that the licensing objective of Prevention of Crime and Disorder would be seriously undermined should the applications be granted.

RESOLVED that the application for a Premises Licence in respect of Monopoly, 74 Far Gosford Street, Coventry, CV1 5DZ be refused.

11. **Any Other Business**

There were no other items of business.

(Meeting closed at 1.40 pm)