

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 20 January 2016

Present:

Members: Councillor L Bigham (Chair)
Councillor J Birdi
Councillor J Innes

Employees (by Directorate):

Place: M Ledbrooke

Resources D Joy, L Knight and A Wright

In Attendance: K Srinathan – Applicant
A Bhaswar – Applicant’s Representative
S Tharmapalan – Proposed Designated Premises Supervisor

Responsible Authority: West Midlands Police
PC J Bowes
DC C Aldridge
PC C Marston

Public Business

1. Appointment of Chair

RESOLVED that Councillor Bigham be elected as Chair of this meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Act 2003 - Application for a Premises Licence

The Sub- Committee considered an application for a premises licence in respect of Locally Fresh Convenience Store, 176 Lythalls Lane, Holbrooks, Coventry CV6 3AQ. The application was for a premises licence permitting the sale of alcohol for consumption off the premises.

One Responsible Authority (West Midlands Police) had submitted a representation opposing the grant of a licence. The Responsible Authority was of the view that the grant of a licence would undermine the licensing objective of preventing crime and disorder. West Midlands Police had also objected to the proposed designated premises supervisor.

It was noted that following discussions with Environmental Health the application for sale of alcohol was amended to 7.00hrs to 23.00hrs (the opening and closing times of the premises were adjusted to the same times). The application for late night refreshment had been withdrawn.

The Sub-Committee heard submissions from the Applicant (primarily via his agent) in support of the application. The applicant had a number of businesses including off licences and takeaways. He acknowledged his conviction(s) for fraud but had moved on from that type of conduct. The Applicant was endeavouring to repay the sums obtained by him as a result of the fraud.

He acknowledged the counterfeit alcohol issues from 2013 and 2015 (but not the one involving 101 bottles – this relates to his brother's premises). The incident in 2015 involved one bottle. The Applicant stated that there had been no enforcement action in respect of these incidents.

The Applicant stated that the premises were currently being renovated and he planned to open as a general grocery/provisions/newsagent with the provision of alcohol for consumption off the premises if granted a licence. The supply of alcohol would form only a small part of the proposed business.

The Applicant understood the requirements of challenge 25 and other potential conditions such as cctv. He stated that he would manage his business premises by being present at each a few hours each day. Other family members would help in the running of the various premises.

The Applicant stated that the grant of a licence to him would not undermine the licensing objectives.

The Sub-Committee considered the written and verbal representations made by West Midlands Police. Three incidents involving counterfeit goods were referred to (22 bottles in 2013, 101 bottles in 2014 and 1 bottle in 2015). It was noted that the second incident referred to the premises licensed to the Applicant's brother (i.e. not the Applicant). It was noted that no formal enforcement action had been taken in respect of these matters.

The Police provided details of the fraud offences for which the Applicant was convicted in 2014. The offences (some of which were committed in 2010) involved significant sums fraudulently obtained via paypoint and W H Smith over 3 shops. The Applicant was sentenced to a term of 12 months imprisonment. The premises were delayed due to the applicant's absence for the UK. The Applicant changed his name by deed poll during the process.

The premises were in an area identified as a priority area (i.e vulnerable to issues such as drugs, alcohol and sexual exploitation). Therefore, strong management of licensed premises was required in this area and the Police view was that neither the Applicant nor Mrs Tharmapalan had demonstrated that they could provide this.

The Police expressed concerns about the suitability of Mrs Saranjah Tharmapalan as designated premises supervisor. When approached by the Police Licensing Officer to discuss licensing issues Mrs Tharmapalan did not appear to have a good command of English and was unable to express a sound knowledge of licensing issues (other than to say that Mrs Tharmapalan had had training and would soon receive further training, the Applicant did not present any evidence to contradict the Police view and indicated that if a licence was granted a different designated premises supervisor would be nominated).

The Police considered that the grant of a licence to the Applicant and the appointment of Mrs Saranjah Tharmapalan as designated premises supervisor would undermine the crime and disorder licensing objective.

In determining the application the Sub Committee had regard to relevant statute and both national guidance and the Council's own policy.

The Sub-Committee had particular regard to paragraph 9.12 of the national guidance issued under s182 of the Licensing Act 2003 which notes that the Police are generally to be regarded as the primary source of advice on the promotion of crime and disorder. The applicant was convicted in 2014 of serious fraud offences relating to his businesses for which he received a 12 month custodial sentence. Counterfeit alcohol was seized from premises (for which the applicant was or is the premises licence holder) on 2 occasions (in 2013 and 2015).

The premises were located in an area identified as a priority area (i.e vulnerable to issues around drugs, alcohol and sexual exploitation). The Sub-Committee considered that the Applicant had not demonstrated that he could provide the strong management of the premises that would be required.

Having regard for the above the Sub-Committee considered that to grant a premises licence to the Applicant would undermine the licensing objective of preventing crime and disorder. The Sub-Committee considered that there were no conditions that could be attached to a licence that would deal with their concerns.

As the application was refused the Sub-Committee made no determination regarding the suitability of the proposed designated premises supervisor.

RESOLVED that the application for a premises licence in respect of Locally Fresh Convenience Store, 176 Lythalls Lane, Holbrooks, Coventry CV6 3AQ be refused.

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.50 am)