

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 2 April 2019

Present:

Members: Councillor C Thomas (Chair)
Councillor J Birdi
Councillor R Brown
Councillor J Clifford
Councillor G Crookes
Councillor J Innes
Councillor D Kershaw
Councillor A Lucas
Councillor T Mayer
Councillor K Sandhu
Councillor R Thay

Employees (by Directorate):

Place: D Cahalin-Heath, M Coggins, R Hammond, C Sinclair, R
Vaughan, A Wright, S Yarker

Apologies: Councillor B Kaur and S Walsh

Public Business

78. Declarations of Interest

Councillor Innes declared an 'Other Interest' in the matter the subject of Minute 87 below (Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences) as she had previously made policy decisions relating to taxis in her role as Cabinet Member for City Services. She withdrew from the meeting during the consideration of this item.

79. Minutes

The minutes of the Committee meeting held on 26 February 2019 and the sub-Committee hearing on 12 March 2019 were signed as true records.

80. Exclusion of Press and Public

RESOLVED that under Section 1004(A) 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 Paragraph of Part 1 of Schedule 12A

84	Mouse Infestation and Failure to comply with food safety management system in takeaway	7
85	No hot water and filthy conditions at takeaway	7
86	Rodent infestation at Food Takeaway	7
87	Applications for the Grant/Suitability to hold Private Hire Drivers' Licence	1 & 3

81. Outstanding Issues Report

There were no outstanding issues.

82. Application for a performance of Hypnotism under the Hypnotism Act 1952, and to approve the regulation of future performances of Hypnotism within the Local Authority

The Committee considered a report of the Deputy Chief Executive (Place) requesting authorisation and approval of conditions for a performance of hypnotism at a licensed premises on 20 April 2019. The report also sought to consider the arrangements for the regulation and authorisation of future performances of hypnotism within the Local Authority.

Section 2(1) of the Hypnotism Act 1952, states that no person shall give an exhibition, demonstration or performance of hypnotism on any living person, or in connection with an entertainment to which the public are admitted, whether on payment or otherwise at any place, unless the Licensing Authority had authorised that exhibition, demonstration or performance. Any such authorisation may be subject to conditions.

The licensing team received a written request in February 2019 to stage a performance of hypnotism on the 20th April 2019 at Pinley RFC. Notice of the performance has been given to the responsible authorities and they had no adverse comments. The applicant had provided all the necessary details as required in the proposed application form (attached as Appendix 2 to the report). The applicant was an experienced hypnotist and the licensing team had confirmed with other local authorities where he had staged previous performances that there had been no concerns or complaints. The proposed venue was a licensed premises within the Local Authority area.

Although delegation to Officers can normally only be granted by Full Council, Section 2(3A) of the Hypnotism Act 1952, stated that the authorisations of hypnotism was a function to be carried out by the Licensing Committee.

Therefore, it was the Licensing & Regulatory Committee (rather than Full Council) which was able to delegate these functions to Officers.

RESOLVED that the Licensing & Regulatory Committee:

- 1. Authorise the performance of hypnotism by Colin Adamson to be undertaken at the Pinley RFC on 20 April 2019, subject to the conditions attached as Appendix 1 to the report.**
- 2. Approve the conditions as attached at Appendix 1 of the report and attach them to any future authorisation issued by the Council for the staging of hypnotism as a means of entertainment.**
- 3. Delegate authority to the Head of Planning and Regulation to determine any future applications for authorisation of performances of hypnotism under the Hypnotism Act 1952**
- 4. Approve that, subject to point 3 above, where a representation is received against a decision to refuse an application for a performance of hypnotism, a Licensing and Regulatory Sub-Committee will meet to review this decision.**

- 83. 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.

- 84. Mouse infestation and failure to comply with food safety management system in takeaway**

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013 against appropriate persons in respect of the alleged infestation of mice and failure to maintain the required food safety management system at Roosters, 8 Bull Yard, Coventry, CV1 1LH.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

- 85. No hot water and filthy conditions at takeaway**

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013 against appropriate persons in respect of the alleged filthy conditions and no hot water available for cleaning and hand washing at Tasty Chicken and Pizza, 14 Lower Ford Street, Coventry, CV1 5QJ.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

86. Rodent Infestation at Food Takeaway

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013 against appropriate persons in respect of the alleged infestation of rodents at Peppers Grill, 81 Far Gosford Street, Coventry, CV1 5DZ.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

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

RESOLVED that, having considered the circumstances set out in the reports of the Deputy Chief Executive (Place), now submitted:

- (a) The application for the re-grant of a Hackney Carriage Driver's Licence by Mr Hussein Abdi Sulo be refused.**

(Note: Mr Sulo did not attend the meeting)

- (b) The Hackney Carriage Driver's Licence held by Mr Faraman Sawarey be suspended for a period of three months**

(Note: Mr M Sawarey attended the meeting in support of his case).

- (c) The Hackney Carriage Driver's Licence held by Mr Asim Abdulrasul be revoked.**

(Note: Mr Abdulrasul attended the meeting in support of his case.)

- (d) The review of Hackney Carriage Driver's Licence held by Mr Abdul Waheed be deffered to a future meeting.**

88. 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 12.45 pm)

