

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 17 December 2014

Present:

Members: Councillor L Harvard (Chair)
Councillor D Chater
Councillor G Crookes

Employees:

J Elrick, People Directorate
D Gardner, People Directorate
L Knight, Resources Directorate
M Smith, Resources Directorate
N Wooltorton, People Directorate

In Attendances:

N Ahmed
K Masaud – Licensee’s Legal Representative
K Rasul
O Rasul - Licensee

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Harvard be elected as Chair for this meeting.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Licensing Act 2003 - Application to Review a Premises Licence**

The Sub-Committee considered an application by Trading Standards to review the premises licence at Explosion, 637 Stoney Stanton Road, Coventry. The review was called on the grounds that the licensing objective of the prevention of crime and disorder had not been promoted as illegal tobacco products had been found and seized at the premises on several occasions. The licence was held by Omar Mohammed Rasul and the Designated Premises Supervisor (DPS) was Nawzad Rasol Ahmed. The premises was currently licensed for the sale of alcohol from 08.00 to 23.00 Monday to Sunday.

The Sub-Committee considered the written review application and the oral submissions made during the hearing. In accordance with Section 4 of the Act, the Sub-Committee also had regard to Part 11 of the Secretary of State’s guidance to licensing authorities concerning reviews.

Although there was evidence of illegal activities prior to the prosecution hearing in September, 2014, no evidence was presented that such activities had continued past that date or were continuing. The Sub-Committee heard representations that the prosecution and the severe sentence imposed by the Court had acted as a deterrent and there was no evidence to contradict that assertion. Whilst the Sub-Committee had noted the Home Office guidance to carefully consider the suspension or revocation of the licence in this type of case, it did not feel on the basis of the above, that such action was appropriate. The Sub-Committee therefore decided to issue a written warning and to remind the licensee that Trading Standards or any other Responsible Authority could bring a further review at any time and that he would be well advised to not sell counterfeit goods from the premises in the future.

RESOLVED that a written warning be issued to the Premises Licence holder as follows:

'Trading Standards have established that your premises have been used to facilitate criminal activity, namely the sale of illicit tobacco products between March 2013 and September 2014. You are warned not to repeat any similar activity in the future.'

5. Any Other Business

There were no additional items of public business.

(Meeting closed at 11.50 am)