



Licensing and Regulatory Committee

Time and Date

10.00 am on Tuesday, 17th October, 2017

Place

Diamond Room 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 8)

To agree the minutes of the Committee meeting held on 22 August 2017 and the Sub-committee hearing held on 26 September 2017.

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. Reports of the Deputy Chief Executive (Place)**

1. Underage sale of cigarettes, counterfeit and illegal cigarettes (Pages 9 - 14)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.00 am

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

Report of the Deputy Chief Executive (Place) on the following:
(Listing Officer: M Coggins – tel: 024 7683 2183)

1. Application for Grant of a Hackney Carriage Driver's Licence (Pages 15 - 28)
9. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive, (Place), Council House Coventry

Monday, 9 October 2017

Note: The person to contact about the agenda and documents for this meeting is Usha Patel/Carolyn Sinclair Tel: 024 7683 3198/3166

Membership: Councillors J Birdi, J Clifford, G Crookes, D Gannon, L Harvard, B Kaur, D Kershaw, T Khan (Chair), A Lucas, T Mayer, G Ridley, R Thay (Deputy Chair), C Thomas and S Walsh

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Usha Patel/Carolyn Sinclair

Tel: 024 7683 3198/3166

**Email: usha.patel@coventry.gov.uk or
Carolyn.sinclair@coventry.gov.uk**

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 10.00 am
on Tuesday, 22 August 2017

Present:

Members: Councillor T Khan (Chair)
Councillor J Clifford
Councillor G Crookes
Councillor L Harvard
Councillor B Kaur
Councillor D Kershaw
Councillor M Lapsa
Councillor T Mayer
Councillor G Ridley
Councillor R Thay (Deputy Chair)
Councillor S Walsh

Employees (by Directorate):

Place: S Beechey, M Coggins, T Johnson, M McHugh, U Patel, A Walster

Apologies: Councillor A Lucas and C Thomas

Public Business

15. Declarations of Interest

There were no declarations of interest.

16. Minutes

The minutes of the Committee meeting held on 27 June 2017 and the Sub-Committee hearing held on 18 July were signed as true records.

17. 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
21	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 WK/216028631	7

22	Applications for the Grant/Suitability to Hold Hackney Carriage & Private Hire Driver's Licences	1 and 3
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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. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 WK/216028631

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against appropriate persons in respect of the alleged non-compliance with a Formal Notice served under the above Act on the owner of 443 Foleshill Road, Coventry.

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.

21. 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 Hackney Carriage Driver's Licence held by Mr Mubashar Afzal be revoked with immediate effect.**

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

- (b) The application for Grant of a Private Hire Driver's Licence by Mr Paul Abandimana Mugabo be approved and the Director of Streetscene and Greenspace be instructed to issue Mr Mugabo with a written warning about all future conduct (i.e. speeding, mobile phone use while driving, etc.)**

(Note: Mr P A Mugabo attended the meeting in support of his application).

- (c) The consideration of the grant of a Hackney Carriage Driver's Licence by Mr Haroon Wali be deferred to the next scheduled Committee meeting to afford him a further opportunity to attend.**

22. 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 12.50 pm)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 26 September 2017

Present:

Members: Councillor G Crookes
 Councillor H Harvard (Chair)
 Councillor G Ridley

Employees (by Directorate):

Place: T Johnson, R Masih, U Patel, C Simms

In Attendance: Mohammed Qadiri (Licensee)
 A Tandy (Review Applicant, Trading Standards)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Harvard be appointed as Chair for the meeting.

2. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application to review the premises licence in respect of Qadz Local, 1A Heath Road, Coventry. The Review application was made by Trading Standards on the grounds that the licensing objectives of the prevention of crime and disorder and the protection of children from harm were not being adhered to.

The Review application sought to either revoke the premises licence, suspend the premises licence for a period of three months and/or terminate the role of Mr Mohammed Naseer Qadiri as designated Premises Supervisor (DPS).

Mr Tandy (Trading Standards) then addressed the hearing and explained the reasoning for seeking the review. He set out a chronology of events as shown in the Committee papers and specifically highlighted the intelligence report leading to the underage test purchase of cigarettes on 21 June 2017.

Mr Tandy set out the numerous times the shop had been visited and the various discoveries of illegal cigarettes on the premises and elsewhere. This included a find of contraband cigarettes in the Respondent's car on 9 December 2016.

As a result of the cigarettes found in the Respondent's car, a warning letter was sent to him dated 8 March 2017 setting out the various offences which had been, or may be committed in the future. This included reference to the needs to adjust

stock on the back of changes to the regulations relating to plain packaging post 21 May 2017.

The letter also indicated that any third party's actions in respect of illegal cigarettes could impact upon his alcohol licence. It also stated that even if he was not present in the shop he must instruct all of his employees not to sell illegal tobacco products.

In spite of this letter the test purchase then took place on 21 June 2017 and as a consequence further illegal tobacco products were found within the shop.

On a further visit to the shop on 30 June 2017 an officer had encountered the Respondent in the shop while trying to obtain CCTV footage. The Respondent had a black plastic bag in his hand, which, when the officer enquired as to the contents and whether he could look inside, the Respondent took flight. When he returned to his shop he no longer had the bag in his possession. He stated to the officer that the bag contained condoms.

Mr Qadiri then gave his version of events stating that he always cooperated with Trading Standards officers.

He stated the black bag contained personal items and that he did not want the officer to see them. This is at odds with what he had told the officer at the time.

He stated that he had had domestic relationship difficulties and placed his trust in a younger friend, Adam Waite so that he could concentrate on his family. He said that he had placed his trust in Mr Waite but ultimately that had turned out to be misplaced.

When the illegal sale had taken place the Respondent had been at home painting and decorating and he had left Mr Waite in sole charge along with the shop assistant.

As a result of the offences which had occurred he had removed both Mr Waite and the shop assistant from his employment.

He stated that he contributes to society by being industrious and working hard.

He also stated that his shop had been the subject of an armed robbery in September 2017.

Questions followed from the panel to clarify points made by the parties.

RESOLVED that the Licensing Sub-Committee, having heard all of the evidence from the parties, and having reviewed all of the papers provided in advance of the hearing, unanimously decided to revoke the licence for the following reasons:

- 1. Mr Qadiri's evidence identified that he was the owner of the premises but that he did not have proper control over the activities, including the sale of illegal tobacco products.**

2. He placed total reliance on a much younger friend to run the shop and who he claimed was solely responsible for the illegal tobacco products. He admitted that he had permitted this friend to place illegal tobacco products in his own car.
3. Mr Qadiri had been issued with a warning letter but had totally ignored its contents in relation to the possession and sale of illegal tobacco products as well as changes to the requirements for packaging.
4. He had failed to uphold the licensing objectives of prevention of crime and disorder, public safety and protection of children from harm.
5. The single largest failure was that he failed to protect children from harm by the under age selling of illegal tobacco products. The sale of such goods would entice younger people to enter the shop and then expose them to the alcohol on sale.
6. He had failed to provide CCTV footage when called for which was a breach of a condition of his licence and also hampered the proper investigation of matters relating the shop.

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 12.00 pm)

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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