



Licensing and Regulatory Sub-Committee (Hearing)

Time and Date

10.00 am on Tuesday, 26th September, 2017

Place

Dame Ellen Terry Suite - Council House

Public Business

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Licensing Act 2003 - Application to Review a Premises Licence** (Pages 3 - 36)

To consider an application to review a Premises Licence in respect of Qadz Local, 1A Heath Road, Coventry.

Note: The review applicant and their representative have been invited to Attend the hearing.

The Licensee and their representative have also been invited to attend.

The City Council's Statement of Licensing Policy is available on the Council's website. Alternatively, please contact us if you require a hard copy.

5. **Any Other Business**

To consider any other items of business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

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

18 September 2017

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

Membership: Councillors G Crookes, L Harvard and G Ridley

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**

Qadz Local, 1A Heath Road, Coventry. CV2 4PY

Review Application Summary

The application is for a Review of the premises licence for:

Qadz Local,
1A Heath Road,
Coventry,
CV2 4PY

The application has been made by the Council's Trading Standards Team

The grounds for Review are:

The sale of an age restricted product to a 16 year old and the possession and supply of illegal tobacco products from the premises.

A copy of the licence which details the permissions of the premises currently operate to are appended to this note.

This page is intentionally left blank

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Andrew Tandy, Trading Standards Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Qadz Local, 1A Heath Road, Coventry, CV2 4PY	
Post town Coventry	Post code (if known) CV2 4PY

Name of premises licence holder or club holding club premises certificate (if known) Mohammed Naseer QADIRI

Number of premises licence or club premises certificate (if known) LN/212000081

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)



Coventry City Council

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Trading Standards Streetscene and Regulatory Services Coventry City Council PO Box 15 Council House COVENTRY CV1 5RR
Telephone number (if any)
E-mail address (optional) trading.standards@coventry.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

Mohammed Naseer Qadiri applied for a premises licence for Qadz Local, 1A Heath Road, Coventry, CV2 4PY in January 2012 to sell alcohol. The licence was granted on 14th February 2012.

The premises have been subject to a number of inspection visits from the Trading Standards team looking for illegal tobacco products (products that are counterfeit and/or smuggled or duty free which do not display health warnings in English.

Cheap tobacco goods, with foreign language labelling undermine work to reduce health inequalities. It also puts them in the 'the price bracket' of persons under the age of 18, as they are sold at less than half price. Selling such goods also undermines fair competition and often results in complaints from legitimate traders who are complying with the law.

Following a complaint that young people under the age of 18 could purchase cigarettes from the premises a 16 year old volunteer was able to purchase a pack of 20 cigarettes for £3. Further examination of the premises by officers found a hidden tray of illegal tobacco products.

The applicant, on behalf of the Trading Standards Section state the grounds for this review are therefore based upon the sale of an age restricted product to a 16 year old and the possession and supply of illegal tobacco products from these premises.

The history of interactions with Trading Standards Officers will illustrate this allegation and is detailed below.



Coventry City Council

Please provide as much information as possible to support the application
(please read guidance note 3)

Chronological events are as follows:-

31st December 2016 – An anonymous report was received by Trading standards that 'kids' were smoking outside the premises and underage sales had been witnessed. The report stated this had been continuing for months.

21st June 2017 – A young volunteer 16 years old undertook a controlled test purchase of cigarettes carrying a video recording bag. The young volunteer asked for 'cheap' cigarettes. The person who was serving in the premises went to an area between the refrigerator and the crisps in racks and obtained a packet of cigarettes for £3 (image appended at 1 below). The money paid was rang into the till and then placed into the till (image appended at 2 below of money under cash tray). After the child had left officers returned to the premises and searched for any illicit tobacco products. Officers found a tray of cigarettes with foreign language labels and products that were considered counterfeit hidden in the area between the refrigerator and the crisps in racks.

The contents of the tray were seized and found to be:

13 NZ Gold (20s), 3 Viceroy (20s), 2 Winston (20s), 2 Marlboro Red (20s), 6 L & M (20s), 3 Фест (fest) (20s) 2 Marlboro Gold (20s) 3 Mayfair (20s) and 1 Richmond (20s). Total 38 packs (image appended at 3 below).

29th June 2017 – Mr Qadiri, was interviewed under caution, he stated that the sales assistant was a friend of his friend, who had introduced her to him. His friend served in the store without payment so that Mr Qadiri could have a break and have time with his family. He stated it was his friend's cigarettes that the assistant had sold. He had given her 1 days training in the shop and she later worked for 2 hours and when the test purchase was undertaken this was her third time of being in the shop.

He produced a refusals book with entries included but none recently. A copy of the CCTV recording of the day of the test purchase was requested (and has not been received). Mr Qadiri stated that as he sold alcohol he did not have friends in the Muslim community.

He told the assistant to make checks and to operate the Challenge 25 policy for alcohol but only 18 if cigarettes were sold.

29th June 2017 the sales assistant was also interviewed under caution and recounted almost exactly the same explanation of events, as Mr Qadiri and she stated you could get cheap cigarettes in a lot of places. She stated that she believed the young person was over 18. However, she later admitted the offence of selling to someone under 18 only.

30th June 2017 – An officer delivered a letter to the house of the friend seeking a formal interview under caution, after this he went to Qadz Local to obtain the CCTV footage requested. He found Mr Qadiri with a black plastic bag in his hand which he asked to look at, Mr Qadiri ran past the officer out of the shop. On returning (without the bag) he stated the bag contained condoms.



7th July 2017 – The friend attended a PACE interview and stated that the cigarettes were his and he had not sought permission from Mr Qadiri to sell them in his premises. He had been offered them by a Kurdish male and wanted to make some money to start a security business. He has just completed his first part of his SIA training to obtain a licence at Henley College. He does not recall a specific cost but estimates £30 to £50. He states he was making 50p per packet with the money being rang into the till and kept below the money tray (images appended). If this is the case would Mr Qadiri not wonder why there was money below the normal cash tray? He had introduced the sales assistant to Mr Qadiri. He admits that the sale of counterfeit, incorrectly labelled tobacco is illegal.

Other Considerations

Safeguarding Children agreed the following conditions with Mr Qadiri prior to the licence being granted.

- *If a young person, who appears to be 25 or under wanting to purchase alcohol, they will be required to prove their age before they are served, The forms of proof of age that we will accept are a passport, a photo driving licence, or a proof-of-age card that has the PASS accreditation hologram on it. Photocopies will not be accepted. All staff will be trained in this policy and reminded about it frequently. Records of this training will be kept.*
- *A notice advising customers that they may be required to prove their age before they can buy alcohol will be displayed.*
- *Through the CCTV covering all points of access staff will be observant of adults buying alcohol for young people to consume and where possible will prevent the sale taking place and refuse any future sales to that individual.*
- *Ensure that written records are maintained to evidence due diligence in relation to protecting children from harm -. consistent maintenance of a refusal log; up to date records of staff training; (this should include a record of actions taken in response to an incident)*

The applicant, on behalf of the Trading Standards Section believes that these conditions are being undermined by the propensity to sell illegal tobacco products to a young person who was 16 years old and the further concealment of illicit tobacco products being stored on the premises.

On 9th December 2016 a copy of a 'Crimestoppers' report was forwarded by West Midlands Police to the Trading Standards Section stating that illegal tobacco products were being sold from premises and were being stored in the boot of Mr Qadiri's car.

On 19th December 2016, 129 packets of illegal tobacco products were found in the boot of Mr Qadiri's car however none were found in the shop. Mr Qadiri stated he knew nothing about the illegal tobacco products and he regularly gave his car keys to people. On this occasion he gave them to his friend (the same one as mentioned above) and had unknown to him placed the illegal products in the boot. His friend claimed that whilst on the way to work he was approached by an unknown Polish man who offered him cigarettes. He paid £275 cash and did not want to take them to



Coventry City Council

work, so popped into the shop and stored them in the boot of Mr Qadiri's car. He stated he always buys off people in the street and he knows they could be stolen. On 8th March 2017 warning letters were issued to Mr Qadiri (appended at 4 below) and his friend.

On 22nd May 2017 a visit was made to the premises and 86 packs of cigarettes were seized as they were not in plain packaging and did not display the new larger pictorial warnings, as were required after 20th May 2017.

Conclusion:

The sale of tobacco products at a price of £3 shows that duty and value added tax have been evaded and in May 2017 a minimum excise duty for cigarettes was implemented by the UK government to strengthen the price threshold for cigarettes. The aim of maintaining a high price for tobacco products, having clear labelling in English with warnings and pictures that are unpleasant facts about tobacco use is aimed at dissuading high use or young people from starting to use tobacco products. This follows a stance across Europe which has been adopted in the United Kingdom by the tight regulation of tobacco products. In fact the UK Government has now adopted more stringent controls by introducing plain packaging to further restrict the marketing of cigarette and tobacco products to young consumers who may be tempted to start using tobacco products.

It is the opinion of the applicant that:

- Mohammed Naseer Qadiri does not adhere to the licensing objectives of the prevention of crime and disorder and protection of children from harm.
- He may continue to sell illegal cigarettes from this shop to those under 18, unless he is given a deterrent to dissuade him from this activity.
- The sale of foreign labelled or counterfeit tobacco products in disregard of the age of the purchaser shows no concern about the implications of such sales.
- Additionally, the obstruction of an officer by Mr Qadiri hampers the investigation of criminal offences and shows an unwillingness to assist this authority's enforcement officers.
- The circumstances of this case should be considered particularly seriously as detailed in para 11.27 of the statutory guidance in relation to underage sales and smuggled goods.

The officer requests the following action to be considered in this instance:

- 1 Revoke the Premise Licence, or
- 2 Suspend the Premise Licence for a period of three months, and/or
- 3 Terminate Mohammed Naseer Qadiri's position as the DPS at this premises, and / or any other premises.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year	



Coventry City Council

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **08/08/2017**

Capacity **Trading Standards Officer / Responsible Authority Representative**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Mr A Tandy Trading Standards Streetscene and Regulatory Services Coventry City Council PO Box 15 Council House COVENTRY CV1 5RR	
Post town Coventry	Post Code CV1 5RR
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) trading.standards@coventry.gov.uk	



Coventry City Council

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendices

1. Shop Assistant Obtaining Cigarettes from Hidden Storage



2. Money under cash tray in Till





Coventry City Council

3. Hidden tray of Illegal Cigarettes



4. Warning Letter Issued to Mr Qadiri

 Coventry City Council	
Mr M Qadiri Qadz Local 1A Heath Road Coventry CV2 4PY	Place Directorate Streetscene and Regulatory Services Coventry City Council PO Box 15 Council House Coventry CV1 5RR trading_standards@coventry.gov.uk www.Coventry.gov.uk/tradingstandards
8 March 2017	Please contact Don Gardner Direct line 02476 831963 don.gardner@coventry.gov.uk

Dear Mr Qadiri

Tobacco and Related Products Regulations 2016
Consumer Protection from Unfair Trading Regulations 2008
Trade Marks Act 1994
Consumer Protection Act 1987

I write with reference to the visit that was made by Officers from Trading Standards to your shop on 9th December 2016 when illegal tobacco products were found in your motor vehicle a BMW registration mark RE02 VRU.

The tobacco products were seized because they were foreign and/or non-duty paid and/or counterfeit. Following the seizure you and Adam Waite, who occasionally works in your shop, attended Council offices where you were interviewed under Caution. During the interview you stated that that the seized tobacco products belonged to Mr Waite and you had allowed him to store them in your car earlier that day.

I must advise you to never allow anyone to store any illegal goods in your shop or vehicles associated with you as this could lead to prosecution. It could also have a direct effect on your business as your alcohol licence may be reviewed.

For your information tobacco products sold in the United Kingdom must comply with the following:-

- All products containing tobacco should have a warning in the form of a picture.
- Any information required to be displayed on tobacco products should be in English.
- The amount of tar, nicotine and carbon monoxide levels should be stated.
- The packet should display 'UK DUTY PAID'.
- Each packet of cigarettes should indicate a code that can trace the packet to its place, time and date of manufacture.



Coventry City Council

If any products containing tobacco are sold, or are in your possession for supply which do not meet any of these requirements you commit an offence. This will include cigarettes, pouches of tobacco, chewing tobacco, shisha etc.

Additionally, it is illegal to sell or have in possession for sale any counterfeit tobacco products (i.e. tobacco products which bear a registered trade mark, without the authority of the trade mark holder). Selling illegal tobacco products etc. is a serious criminal offence and has resulted in large fines being issued by the criminal courts.

Please note, it does not matter if you are not yourself present in the shop and as such, you need to instruct all your employees/workers not to sell any illegal tobacco products.

On this occasion I intend closing the matter with this **letter of warning** but you should be aware a copy of this letter will be kept on file and will be taken into consideration in the event of you being involved in similar offences in the future. If you have any questions regarding this letter or require any further assistance please contact me on 024 76 831863.

You should also be aware that **from 21 May 2017**: all relevant tobacco products which are to be sold or supplied to the UK market must be in the new Tobacco Products Directive and standardised packaging (as applicable).

Guidance for retailers on the changes to tobacco packaging can be found on the Government website at: www.gov.uk

Yours sincerely

Don Gardner
Senior Enforcement Officer

LICENSING ACT 2003

Full Premises Licence

Qadz Local

Premises licence number	LN/212000081
--------------------------------	---------------------

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Qadz Local 1A Heath Road Stoke	
Post town	Post code
Coventry	CV2 4PY
Telephone number 024 7663 1151	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of Licensable Activities		
Off sales		
Supply of Alcohol	From	To
Sunday	09:00	21:30
Monday	09:00	22:00
Tuesday	09:00	22:00
Wednesday	09:00	22:00
Thursday	09:00	22:00
Friday	09:00	22:00
Saturday	09:00	23:00

LICENSING ACT 2003

Full Premises Licence

Premises	From	To
Open to the Public		
Sunday	09:00	22:00
Monday	08:00	22:00
Tuesday	08:00	22:00
Wednesday	08:00	22:00
Thursday	08:00	22:00
Friday	08:00	22:00
Saturday	09:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES

Part Two

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

Mohammed Naseer Qadiri
25 Days Close
Hillfields
Coventry
CV1 5JW

Registered number of holder, for example company number, charity number (where applicable)

N/A

LICENSING ACT 2003

Full Premises Licence

Name, (registered) address, and telephone number(s) of designated premises supervisor where the premises licence authorises the supply of alcohol

Mohammad Naseer Qadiri
25 Days Close
Hillfields
Coventry
CV1 5JW

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the premises authorises the supply of alcohol

Licence number - CV 211000406 - Coventry City Council

Dated this 14th February 2012



Environmental Health Manager

Countersigned: _____

Environmental Health
Broadgate House
Broadgate
Coventry
CV1 1NH

Annex 1

Mandatory Conditions

Section 19 Licensing Act 2003

Where this licence authorises the supply of alcohol,

- 1. No supply of alcohol may be made under the licence:**
 - a. at a time when there is no designated premises supervisor (DPS) in respect of the licence, or**
 - b. at a time when the DPS does not hold a personal licence or that licence is suspended**

- 2. Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence**

Section 20 Licensing Act 2003

Where this licence authorises the exhibition of films,

- (1) the admission of children to the exhibition of any film will be restricted.**
- (2) Where the film classification body is specified in the licence, unless otherwise stated, admission of children must be restricted in accordance with any recommendation made by that body.**
- (3) Where :**
 - i. the film classification body is not specified in the licence, or**
 - ii. the licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.**

Section 21 Licensing Act 2003

Where this licence includes a condition that at specified times one or more individuals must be on the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

Annex 2

Conditions consistent with the Operating Schedule

Licensees Statement of Operating Schedule as attached including:

Part 1

- A) General all four licensing objectives**
- B) The Prevention of Crime and Disorder**
- C) Public Safety**
- D) Prevention of Public Nuisance**
- E) Protection of Children from Harm**

Voluntary conditions agreed with Responsible Authorities Safeguarding Children:

- If a young person, who appears to be 25 or under wanting to purchase alcohol, they will be required to prove their age before they are served, The forms of proof of age that we will accept are a passport, a photo driving licence, or a proof-of-age card that has the PASS accreditation hologram on it. Photocopies will not be accepted. All staff will be trained in this policy and reminded about it frequently. Records of this training will be kept.
- A notice advising customers that they may be required to prove their age before they can buy alcohol will be displayed.
- Through the CCTV covering all points of access staff will be observant of adults buying alcohol for young people to consume and where possible will prevent the sale taking place and refuse any future sales to that individual.
- Ensure that written records are maintained to evidence due diligence in relation to protecting children from harm -. consistent maintenance of a refusal log; up to date records of staff training; (this should include a record of actions taken in response to an incident)

Part 2

Conditions reproducing the effect of all conditions currently attached to the existing licence (both standard and special conditions).

Licensing Act 1964 - None

Theatres Act 1968- None

Cinemas Act 1985 - None

Local Government (Miscellaneous Provisions) Act, 1982 – PEL – None

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Remaining vigilant at all times
Getting to know customers + promote mutual respect
Depersonalising Refusals, Encouraging a good social mix of customers only running responsible alcohol promotion that encourage moderate consumption Providing an efficient service for customers Conflict resolution + personal safety
Training for manager + staff

b) The prevention of crime and disorder

CCTV inside and out in good working order
7 Cameras cover all points of Access. Ensure all areas are covered with a Recording Refusal Register facility that allows Recordings to be stored for at least a month

c) Public safety

Fire Extinguisher * Enclosure of escape routes
Fire doors Exit signage Evacuation Procedures
Staff training Equipment Testing and Records
First Aid Box

d) The prevention of public nuisance

Keeping noise down to a minimum asking people to leave if they making noise or dis behave Consulting with the neighbours and the surrounding area Keeping Rubish bins at the Rear of the Premises away from public access

e) The protection of children from harm

CHALLENGE
25
as
amended
by
Safeguarding
Children-agreed condition

Challenge 24 ~~is~~ this is To protect children from moral psychological and physical harm This includes protecting them from early exposure to strong language . sexual expletives . Adult entertainment . Drinking Alcohol drug Taking violence

20

ICTH

Annex 3

Conditions Attached after a Hearing by the Licensing Authority

None

Annex 4

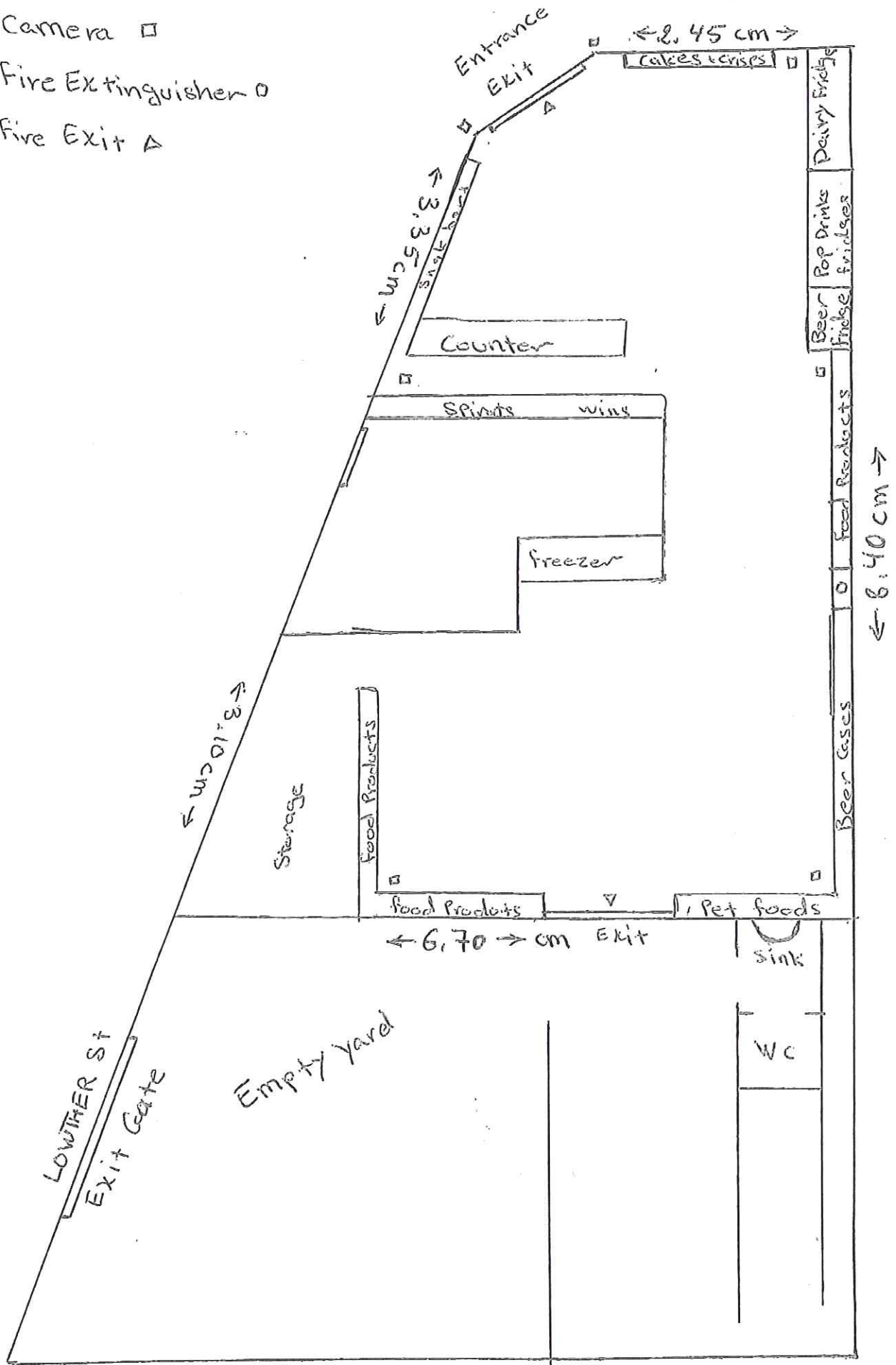
Plans

The Plan attached to this licence as attached.

Plan for QADZ LOCAL 1A HEATH Road Stoke Coventry

Key

- Camera □
- Fire Extinguisher ○
- Fire Exit ▲



LICENSING ACT 2003

Summary Licence To Be Displayed

Qadz Local

Premises licence number	LN/212000081
--------------------------------	---------------------

Postal address of premises, or if none, ordnance survey map reference or description	
Qadz Local 1A Heath Road Stoke	
Post town	Post code
Coventry	CV2 4PY
Telephone number 024 7663 1151	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of licensable activities		
Off sales		
Supply of Alcohol	From	To
Sunday	09:00	21:30
Monday	09:00	22:00
Tuesday	09:00	22:00
Wednesday	09:00	22:00
Thursday	09:00	22:00
Friday	09:00	22:00
Saturday	09:00	23:00

LICENSING ACT 2003

Summary Licence To Be Displayed

Premises		
Open to the Public	From	To
Sunday	09:00	22:00
Monday	08:00	22:00
Tuesday	08:00	22:00
Wednesday	08:00	22:00
Thursday	08:00	22:00
Friday	08:00	22:00
Saturday	09:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

Mohammed Naseer Qadiri
25 Days Close
Hillfields
Coventry
CV1 5JW

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Mohammad Naseer Qadiri

LICENSING ACT 2003

Summary Licence
To Be Displayed

State whether access to the premises by children is restricted or prohibited

N/A

Dated this 14th February 2012



Environmental Health Manager

Countersigned:

Environmental Health
Broadgate House
Broadgate
Coventry
CV1 1NH

This Map is reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

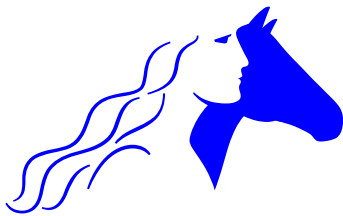


© Crown copyright. All rights reserved 100026294, (2017)
© NERC. All rights reserved. © Landmark Information Group LM00080 & HLU0002. Cities Revealed © copyright by the GeoInformation © Group 2001, All rights reserved.
Other data © Coventry City Council

Regulatory Services
Coventry City Council
CC4, Coventry, CV1 2PY
Tel: 08085 834 333



This page is intentionally left blank



Coventry City Council

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

HEARING PROCEDURE NOTE

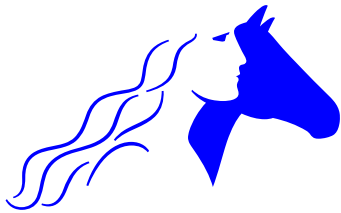
1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.]

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the determination.

* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.



Coventry City Council

Licensing Act 2003

Briefing Note 7 – Hearing to Consider an Application to Review a Premises Licence

Background

A premises licence remains in force in perpetuity (unless a time-limited licence has been granted). Where the way in which the premises are being run gives rise to concerns relevant to the licensing objectives it is possible for the licence to be re-examined by the Licensing Authority. The Licensing Authority cannot review a licence of its own volition but must do so in one of two circumstances:

- (a) where a review application has been accepted from a "responsible authority" or any other person; or
- (b) where the Magistrates' Court has triggered a review following a closure order.

Where a review application is made it is served on the licensee, Responsible Authorities and is advertised by the licensing authority. Responsible Authorities or anyone else can 'join in' on the review by making their own representations.

A hearing is required to determine whether the licence should be allowed to continue or to continue with modifications.

Section 182 Guidance (Mar 2015)

Particular reference should be made to Part 11 and Parts 15.55 – 15.56.

Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 6, 7

Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the licensee's and objectors' civil rights. A decision to modify, suspend or revoke a premises licence will interfere with the licensee's property rights and Article 1 Protocol 1 will be engaged requiring such action to be in the public interest and to be a proportional response to meeting the four licensing objectives.

The Sub-committee's powers

Having heard from the review applicant and anyone else making "relevant representations" and the licensee, the sub-committee may:

- (a) take no action; or
- (b) issue an informal warning letter; or
- (c) modify the conditions of licence*; or
- (d) exclude a licensable activity from taking place on the premises; or
- (e) remove the designated premises supervisor; or
- (f) suspend a licence for up to 3 months; or
- (g) revoke the licence.

[* controls on live or recorded music that are suspended by the Live Music Act 2012 and SI 2014/3253 can also be reintroduced at a review.]

Rights of Appeal

An aggrieved licensee can appeal to Coventry Magistrates' Court against actions (c) – (g) above and anyone else can appeal against actions (a) – (f). Any decision taken by a sub-committee does not take effect until after the period for lodging an appeal has elapsed or, where an appeal has been lodged, until the appeal is disposed of by the magistrates' court.