



Coventry City Council

**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 Donald Gardner, Senior Enforcement Officer, Regulatory Services, Trading Standards

(Insert name of applicant)

**Apply for the review of a premise licence under section 51 of the Licensing Act 2003 for the
premises described in Part 1 below.**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description European Supermarket 651, Foleshill Road	
Post town Coventry	Post code (if known) CV6 5JQ

Name of premises licence holder or club holding club premises certificate (if known) Mr Shalaw Qadir (Premise licence holder)
--

Number of premises licence or club premises certificate (if known) LN/212000453
--

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)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Donald Gardner Senior Enforcement Officer Coventry City Council Regulatory Services Trading Standards Broadgate House Coventry CV1 1NH
Telephone number (if any) 02476 831863
E-mail address (optional) don.gardner@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
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

European Supermarket is a general grocers and off-licence situated at 651, Foleshill Road, Coventry and has been subject to a number of targeted inspection visits from the Trading Standards Fraud and Financial Investigations team. During these visits illegal tobacco products (products that are counterfeit and/or smuggled or duty free which do not display the health warning 'Smoking Kills' in English) have been found and seized.

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 the cigarettes and packets of hand rolling tobacco are sold at least half price. Selling such goods also undermines fair competition and often results in complaints from legitimate traders who are complying with the law.

Officers have had similar brands of illegal cheap cigarettes tested and they fail propensity tests which mean that they are unsafe as they will not self-extinguish if left or dropped and could potentially lead to house fires. In fact a death in a fire occurred in Lincolnshire which was directly linked to the smoking of cheap, illegal cigarettes. <http://www.bbc.co.uk/news/uk-england-lincolnshire-27225400>

The grounds for this review are therefore based upon the persistent supply of illegal tobacco products from this premise.

The supporting details of which this review relate to are as follows:

In May 2013 Shalaw Qadir, the new owner of the business known as European Supermarket made an application for the licence to sell alcohol to be transferred into his name. This application was granted.

Throughout 2013 and 2014 officers from Coventry Trading Standards made visits to the European Supermarket and seized illegal tobacco products. Following these seizures the owner, Shalaw Qadir, appeared before Nuneaton Magistrates Court on 19 August 2014. He pleaded guilty to all charges and was fined £1500 and ordered to pay £853 in costs and a victim surcharge of £100.

Following this prosecution a minor variation to the Licence was sought by Trading Standards. This variation was signed on 5 November 2014 and stated "All alcoholic & tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods should not evade any duty or taxes and should be authentic goods which comply with UK legislation. All receipts & records will be made available to officers of Coventry City Council for inspection when requested by that officer". **See appendix 1.**

On 13 January 2015 a complaint was received alleging that the shop was still selling illegal cigarettes.

On 14 May 2015 29 packets of illegal cigarettes were seized from the shop. **See appendix 2.**

Following this seizure a letter of warning, dated 8 July 2015 was handed to the owner on 10 July 2015. **See appendix 3.** As the shop was entered the owner, Mr Qadir was seen handing over 1 packet of illegal Marlboro cigarettes to a customer. Five further packets of illegal cigarettes were found under the counter. In this letter it clearly stated that it was illegal to sell illegal tobacco goods and that further offences could lead to revocation of his alcohol licence or it could be suspended. The letter clearly stated steps that should be taken to be legally compliant and ensure that the Premise Licence condition is met.

On 16 June 2015 a complaint was received alleging that the shop was selling illegal cigarettes.

On 22 September 2015 I was coming back from Nuneaton Magistrates Court. I was in a traffic jam outside the European Supermarket. I glanced over and saw a customer leaving with an illegal packet of Kent cigarettes in their hand.

On 25 September 2015 I hand delivered a letter to the owner of the shop outlining my concerns that he was still selling illegal tobacco goods. Verbal advice was also given and again it was made clear that further breaches could lead to prosecution or a review of his alcohol licence. **See appendix 4.**

On 22 October 2015 I visited the premise with the Police as part of a number of visits to similar licensed premises. No illegal tobacco goods were found but verbal advice was given to the owner who was present.

On 29 October 2015 as part of a Police operation, following problems in the park opposite, Trading Standards made a visit was made to the premise. 182 packets of illegal cigarettes were found in a box in the toilet area and in specially hand -made boxes which could fit under the display shelves. By doing this it shows that the owner is aware what he is doing is illegal, as he is trying to hide them from officers. **See appendix 5.**

On 11 November 2015 the owner of the shop and premise licence holder was interviewed under caution. During the interview he accepted he had been prosecuted before and received written and verbal advice on a number of occasions about the sale of illegal tobacco goods. He admitted the cigarettes that were seized were for sale and he knew what he was doing was illegal. He claimed the cigarettes were sold to make money because he was struggling with his bills such as shop rent and electric.

On 16 December 2015 the shop was visited with the tobacco 'sniffer' dog during a day of action visiting shops in the area. No illegal tobacco goods were found.

On 5 January 2016 a letter was hand delivered to the shop informing the owner that there was to be a review of his alcohol licence.

On 6 January 2016 a telephone call was received from the owner of the shop requesting a meeting with an officer as he wanted to supply details of an illegal cigarette supplier.

On 7 January 2016 I visited the shop. As I was walking to the shop I saw a potential customer enter the shop. I followed him in a few seconds later. The shop employee/helper did not see me. I saw this employee go into the toilet which is at the rear of the shop.

As I entered this area the employee/helper was leaving with one packet of illegal Marlboro cigarettes in his hand. I noticed another in his pocket which was handed over to me. **See appendix 6.** The employee/helper and the customer then left the shop.

It is my opinion that these two packs of cigarettes were just about to be sold.

A search of the toilet area did not reveal any more illegal tobacco products. However it was packed with stock and very difficult to search.

Please refer to appendices for copies of the Officers Paperwork.

Appendix 1 copy of Minor Variation dated 5/11/2014

Appendix 2 copy of Notice of Powers & Rights issued 14/5/2015

Appendix 3 copy of letter of warning dated 8/7/2015 & hand delivered on 10/7/2015

Appendix 4 copy of letter of advice dated 25/9/2015 which was hand delivered.

Appendix 5 copy of Notice of Powers & Rights issued 29/10/15

Appendix 6 2 packs of Marlboro cigarettes seized on 7/1/16

Conclusion:

In conclusion and considering the facts here, officers believe that the owner of the European Supermarket, Shalaw Qadir, has continued to sell illegal cigarettes from his premise even after being prosecuted, signing a minor licence variation and receiving

written & verbal advice not to sell illegal cigarettes.

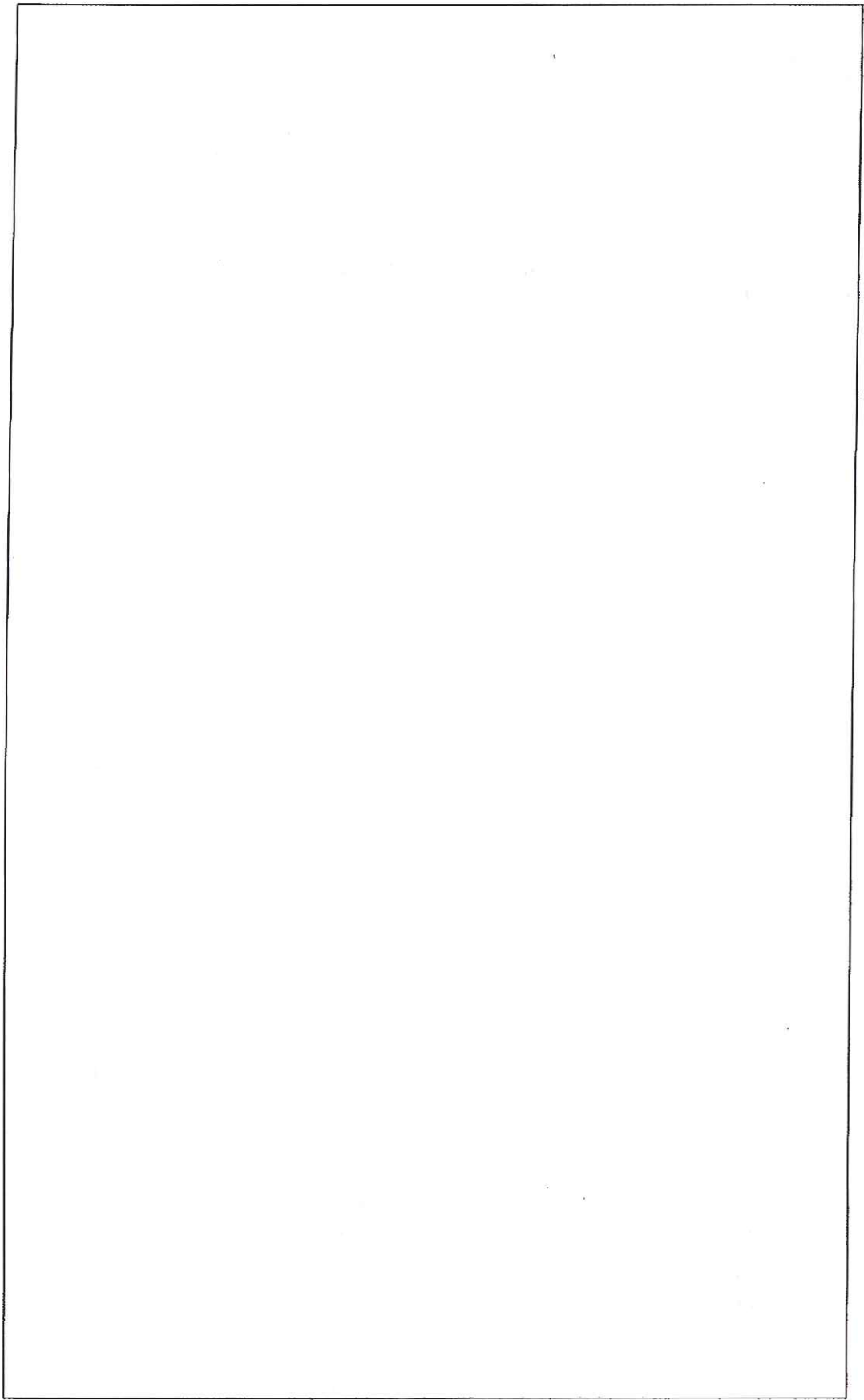
It is our opinion he has no intention of complying with the law and will continue, as evidence has shown, to break the law. He has a blatant disregard for the law. The owner was present in the shop when the cigarettes were seized on 29 October 2015 and when interviewed admitted to making the boxes that the cigarettes were found in, signing the minor variation and receiving verbal and written advice.

Officers from Coventry Trading Standards have reasonable belief that this trader will continue to sell illegal cigarettes throughout 2016, especially in the evening and weekends when they know officers do not work that often.

In fact, this has been proved by the seizure of the two packs of illegal cigarettes on 7 January 2016. He has absolutely no intention of stopping.

The officer therefore 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.



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
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

D. Gardner

Date 8 January 2016

Capacity Senior Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Donald Gardner
Coventry City Council
Regulatory Services
Trading Standards Section
3rd Floor
Broadgate House
Broadgate

Post town

Coventry

Post Code

CV1 1NH

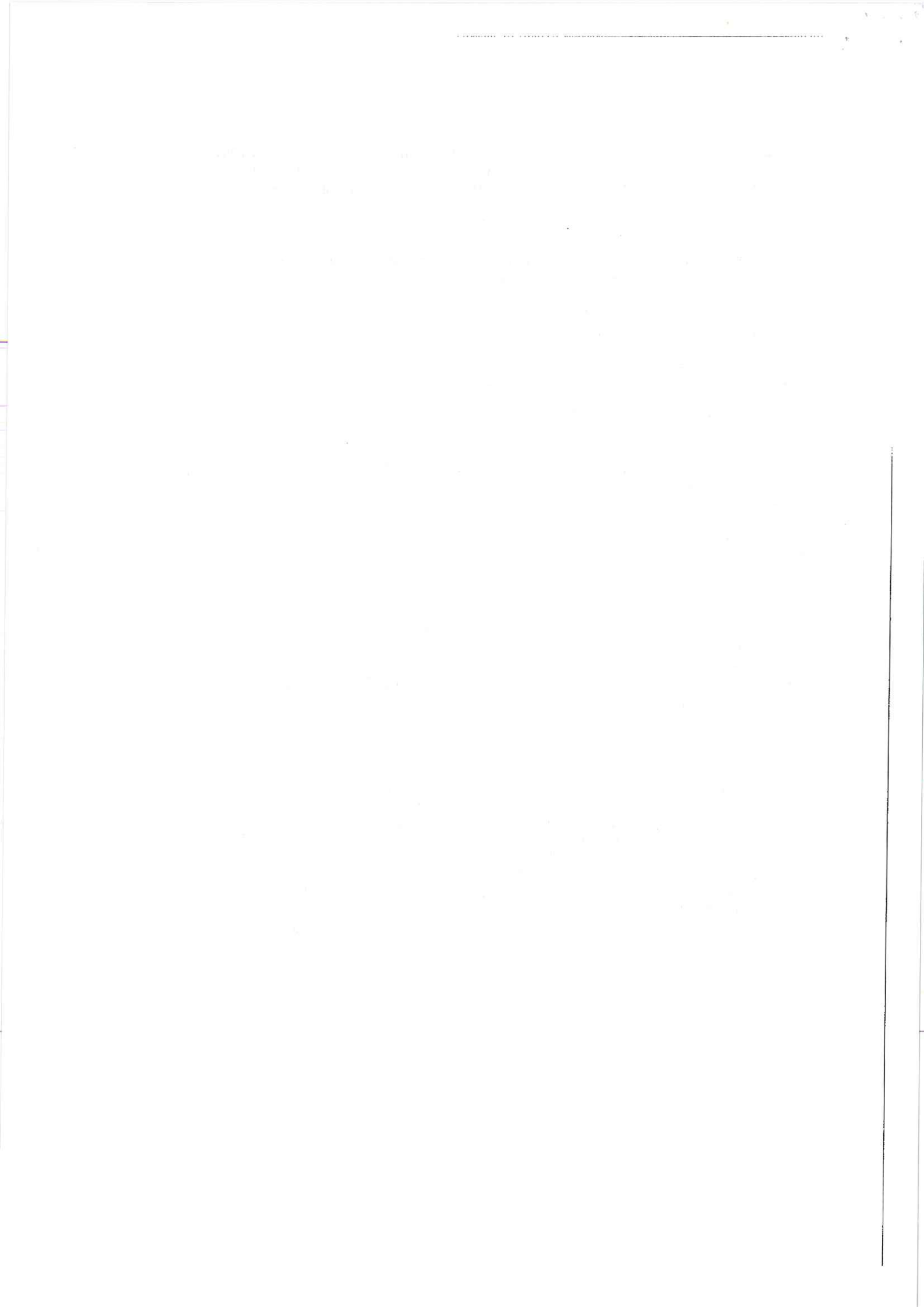
Telephone number (if any)

02476 831863

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) don.gardner@coventry.gov.uk

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.



Regulatory Services

Trading Standards

Referred to in my application for the review of a premise licence

Appendix 1 copy of minor variation dated 5/11/2014



Coventry City Council

Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

shahaw. Qadiri

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description)	
651. Foleshill Road Coventry European Supermarket CV6 5JQ	
Post town	Postcode

Telephone number at premises (if any)

Premises licence number/club premises certificate number

Brief description of premises (Please see Guidance Note 2)
of Licence

Part 2 – Applicant Details

I am/we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

Do you want the proposed variation to have effect as soon as possible? Yes No

Please tick

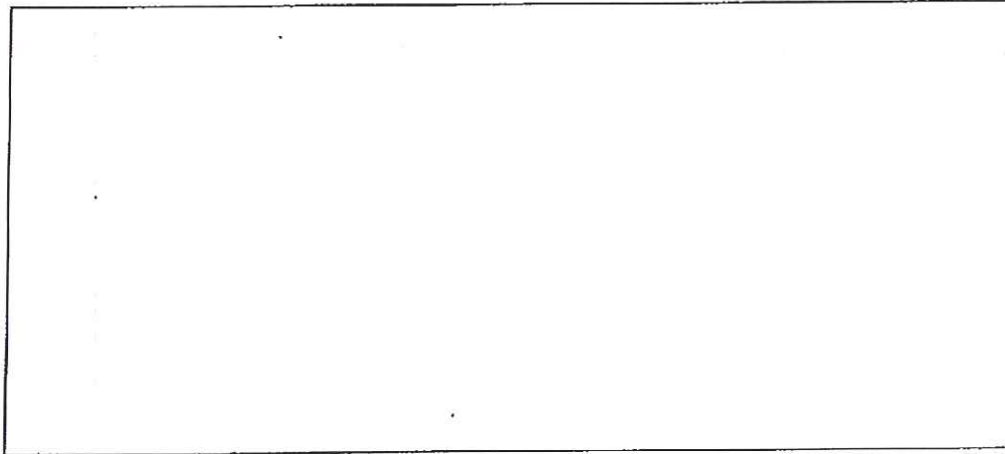
If not, from what date do you want the variation to take effect?

DDMM			YYYY				
+	+	+	+	+	+	+	+

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

<p>Details of proposed variations (Please see Guidance Note 3)</p> <p>All alcoholic & tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods should not evade any duty or taxes and should be authentic goods which comply with UK legislation. All receipts & records will be made available to officers of Coventry City Council for inspection when requested by that officer.</p>

<p>Details of proposed variations (Continued)</p>



Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

Provision of regulated entertainment

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 4)

CHECKLIST:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.
- I understand that I am required to advertise my application by posting a white notice at or on the premises for ten consecutive days commencing on, and including the day after the day when my application is given to the licensing authority.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures and Contact Details
(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 6). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature: 

Date: 05.11.2014

Capacity: I/We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (See Guidance Note 7). If signing on behalf of the applicant, please state in what capacity.

Signature:

Date:

Capacity: I/We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Where the premises is a club

I (insert full name) make this application on behalf of the club and have authority to bind the club.

Signature:

Date:

Capacity: I/We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8)	
Post town	Postcode
Telephone number (if any)	If you would prefer us to correspond with you by email your email address (optional)

Notes for Guidance

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D (3) of the Licensing Act 2003 in a premises licence.

2. **Description of premises:** For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. **Give full details of all the proposed variation(s).** Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. (However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.) Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the

intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

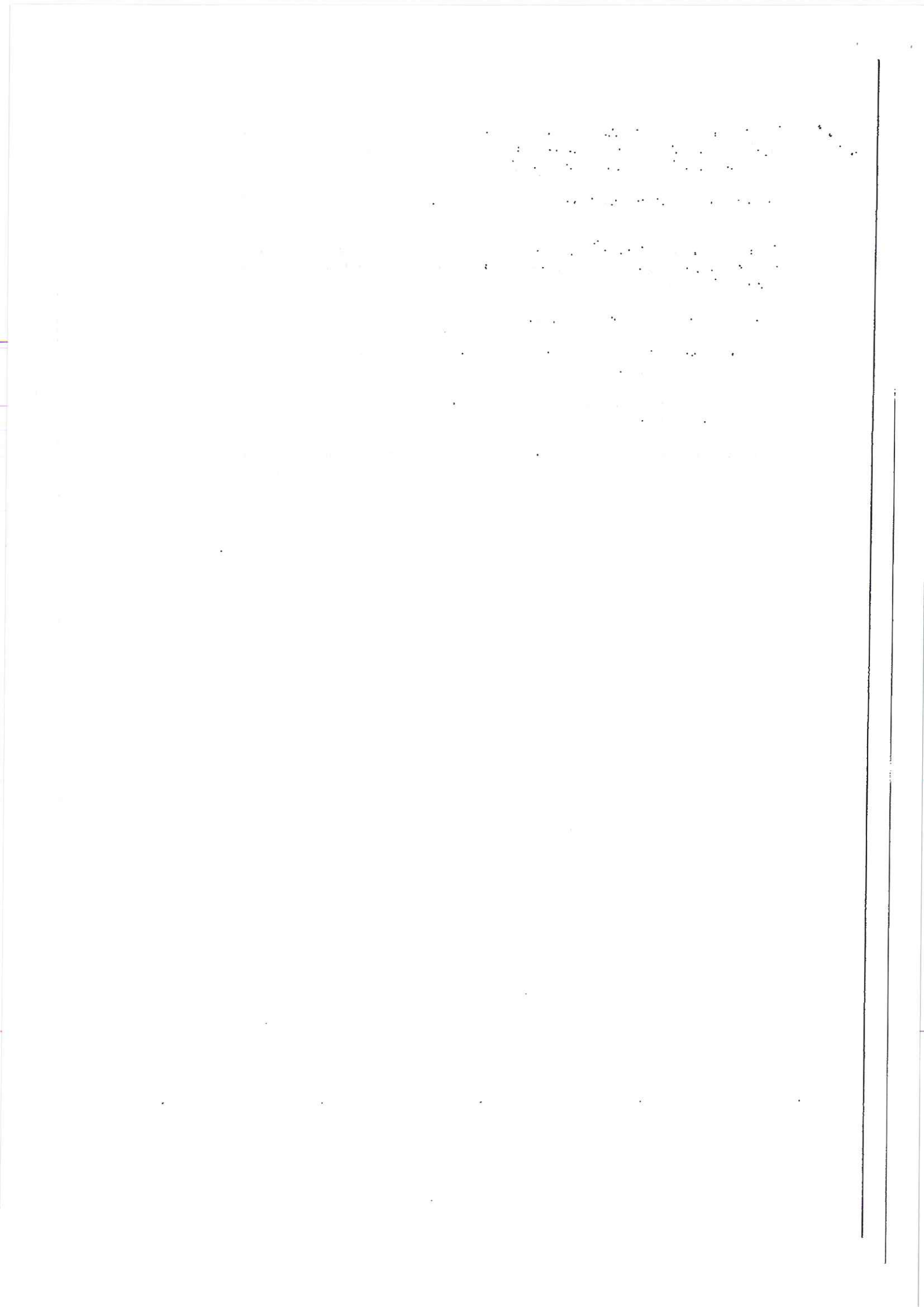
4. **Further information:** You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

5. **Signatures:** The application form must be signed.

6. **Authorised agent:** An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

7. **2nd Applicant:** Where there is more than one applicant, both applicants or their respective agents must sign the application form.

8. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.



Regulatory Services

Trading Standards

Referred to In my application for the review of a premise licence

Appendix 2 copy of Notice of Powers & Rights Issued 14/5/2015

TRADING STANDARDS' COPY

COVENTRY CITY COUNCIL

City Services Directorate Trading Standards Service

NOTICE OF POWERS AND RIGHTS

CODE OF PRACTICE B OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 requires the issue of this notice of POWERS AND RIGHTS to the occupiers of, or person entitled to grant access to, premises subject to inspection.

This notice has been drawn up to ensure that you are aware of the officer's powers and your rights.

Address of Premises to be Inspected European Foleshill RD

POWER(S) UNDER WHICH INSPECTION IS MADE

Statutory Powers contained in:

Agriculture Act 1970 Part IV

Agriculture (Miscellaneous Provisions) Act 1968

Animal Health Act 1981

Consumer Credit Act 1974

✓ Consumer Protection Act 1987

Estate Agents Act 1979

✓ Consumer Protection from Unfair Trading Regulations 2008

Food & Environmental Protection Act 1985

Food Safety Act 1990

Hallmarking Act 1973

Poisons Act 1972

Property Misdescriptions Act 1991

Timeshare Act 1992

Business Protection from Misleading Marketing Regulations 2008

Trade Descriptions Act 1968

Trade Marks Act 1994

Video Recordings Act 1984

Weights and Measures Act 1985

Construction Products Regulations 1991

General Product Safety Regulations 2005

Package Travel, Package Holidays and Package Tours Regulations 1992

Prices Act 1974/1975

And any other Regulations or Orders made thereunder and any amendment or extension or consolidation thereof and under any Byelaw or other thing whatsoever made or done thereunder.

Name of person given notice: Mr Quadir

Signature: [Signature]

Status: Owner

Other Persons Present: P. Thompson P. Bird

Authorised Officer/s Name: D. CARONER Signature: [Signature]

Date and Time of Inspection: 17.07 14.5.15

Seized a quantity of illegal tobacco goods which were found under shelves at the rear of the shop

04/08

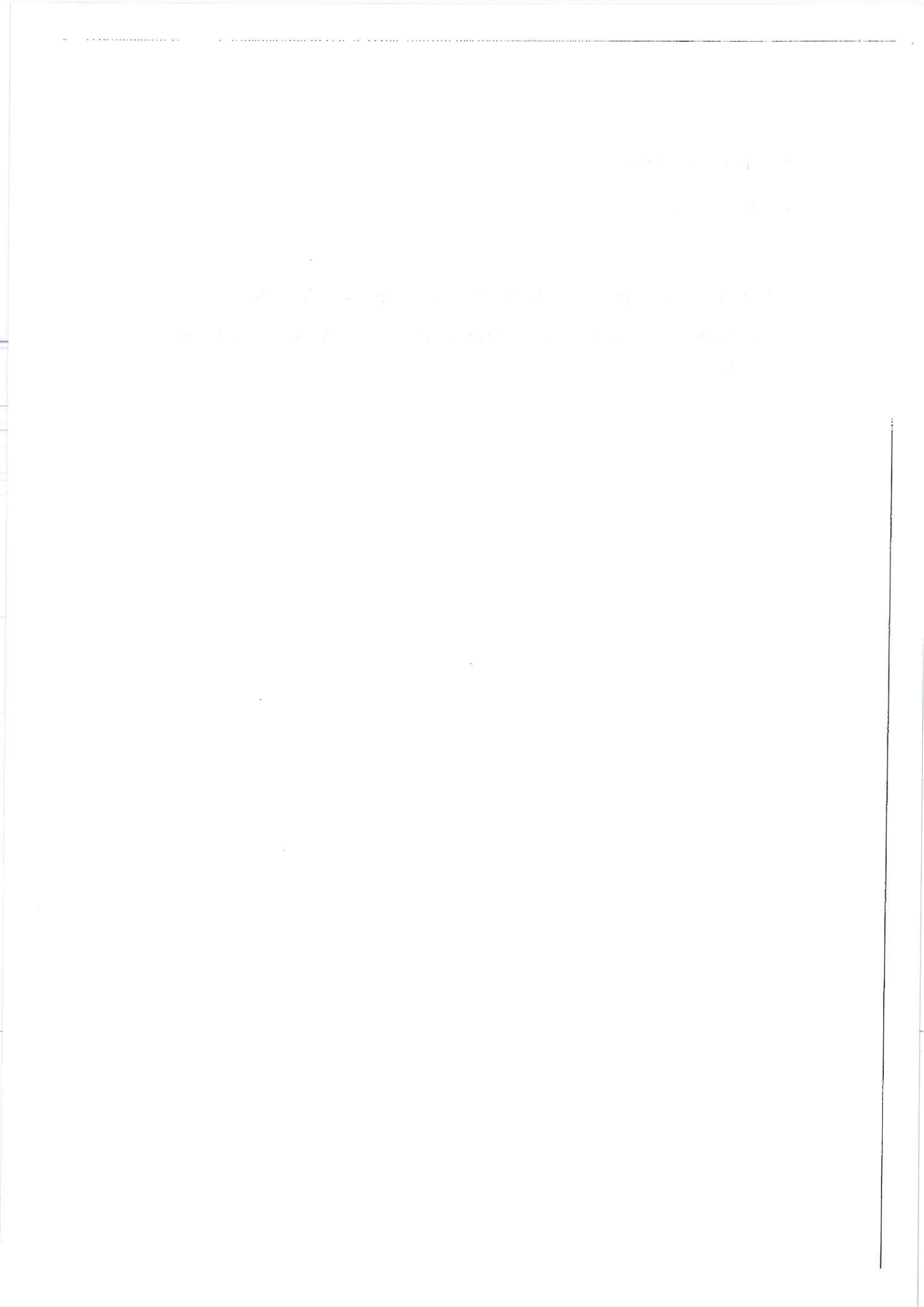


Regulatory Services

Trading Standards

Referred to in my application for the review of a premise licence

**Appendix 3 copy of letter of warning dated 8/7/2015 & hand delivered on
10/7/2015**





Coventry City Council

Mr S Qadir
European Supermarket
651, Foleshill Road
Coventry
CV6 5JQ

Place Directorate
Regulatory Services

Trading Standards
Broadgate House
Broadgate
Coventry
CV1 1NH

Please contact Don Gardner
Direct line 02476 831863
don.gardner@coventry.gov.uk

8 July 2015

Dear Mr Qadir

**Consumer Protection Act 1987 – Illegal Cigarettes
Licensing Act 2003 – Breach of Premises Licence Conditions**

I write with reference to my visit which was made to your shop European Supermarket, 651, Foleshill Road, Coventry on 14 May 2015. During the visit 29 packs of illegal cigarettes were found hidden on the premise, in possession for sale. These cigarettes were illegal because they were not labelled with the health warning in English or the pictorial warning. In addition they were not duty paid.

When interviewed you stated you knew the cigarettes were illegal and accepted what you were doing was wrong

On 5 November 2014 the Premises Licence relating to your shop was varied with the condition added, "all alcoholic & tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods should not evade duty or taxes and should be authentic goods which comply with UK legislation. All receipts & records will be made available to Officers of Coventry City Council for inspection when requested by that Officer"

This letter is to confirm that Trading standards have concerns about the possession and supply of illegal tobacco from the above premises. You should take the following steps to ensure the Premises Licence condition is met;

1. Purchase alcohol and tobacco only from legitimate, traceable sources.
2. Obtain a detailed, dated receipt for alcohol and tobacco purchased.
3. Ensure that alcohol and tobacco products are authentic, legal goods. These products will be labelled "UK Duty Paid". Legal tobacco products will also have health warnings in English and pictorial warnings.
4. Talk to Trading Standards if you need further guidance on the labelling of alcohol and tobacco and what to avoid purchasing.
5. Advise all staff working in the shop of these requirements and remind them.
6. Make and keep a record of this training and reminders.
7. Monitor staff working in the shop for compliance with these steps.
8. Monitor the stock in the shop for legal compliance.

Executive Directive
Martin Yardley
Head of Service
Andrew Walster
Assistant Director, Streetscene and
Greenspace

8 July 2015

A failure to follow these steps and respond to this warning may lead to a decision by Trading Standards or another responsible authority under the Licensing Act to apply for a review of the premises licence if there is a breach of conditions. The outcome of a review may be the revocation of the licence or a suspension for up to three months.

In addition to a licence review a breach of the Consumer Protection Act or the Trade Marks Act may lead to a criminal prosecution by Trading Standards.

Fake cigarettes pose a greater fire risk as they do not include designs that ensure that, once lit, a cigarette will self-extinguish if not actively smoked. This reduces the chances of them starting a fire if left burning in an ashtray is dropped or if the smoker falls asleep.

Every cigarette sold must meet a reduced ignition propensity (RIP) requirement by having ultra-thin bands of slightly thicker fire-retardant paper at intervals down the length of the cigarette so that, once lit, it will self-extinguish if not actively smoked.

This letter should be regarded as a warning and may be referred to if further breaches are found at your shop.

If you require any advice or need help or clarification please contact me on 02476 831863.

Yours sincerely

Don Gardner
Senior Enforcement Officer

Regulatory Services

Trading Standards

Referred to in my application for the review of a premise licence

Appendix 4 copy of letter of advice dated 25/9/2015 & hand delivered



Coventry City Council

Mr S Qadir
European Supermarket
651, Foleshill Road
Coventry
CV6 5JQ

Place Directorate
Regulatory Services

Trading Standards
Broadgate House
Broadgate
Coventry
CV1 1NH

Please contact Don Gardner
Direct line 02476 831863
don.gardner@coventry.gov.uk

25 September 2015

Dear Mr Qadir

**Consumer Protection Act 1987 – Illegal Cigarettes
Licensing Act 2003 – Breach of Premises Licence Conditions**

I write with reference to my letter dated 8 July 2015. I enclose a copy.

I have reason to believe that you have ignored my advice and are still seeing illegal cigarettes. I must advise you to stop doing this. A failure to follow these steps and respond to this advice may lead to a decision by Trading Standards or another responsible authority under the Licensing Act to apply for a review of the premises licence if there is a breach of conditions. The outcome of a review may be the revocation of the licence or a suspension for up to three months.

In addition to a licence review a breach of the Consumer Protection Act or the Trade Marks Act may lead to a criminal prosecution by Trading Standards.

If you have any questions please contact me on 02476 831863.

Yours sincerely

Don Gardner
Senior Enforcement Officer

Executive Directive
Martin Yardley
Head of Service
Andrew Walster
Assistant Director, Streetscene and
Greenspace

Regulatory Services

Trading Standards

Referred to in my application for the review of a premise licence

Appendix 5 copy of Notice of Powers & Rights issued 29/10/15

TRADING STANDARDS' COPY

COVENTRY CITY COUNCIL

City Services Directorate Trading Standards Service

NOTICE OF POWERS AND RIGHTS

CODE OF PRACTICE B OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 requires the issue of this notice of POWERS AND RIGHTS to the occupiers of, or person entitled to grant access to, premises subject to inspection.

This notice has been drawn up to ensure that you are aware of the officer's powers and your rights.

Address of Premises to be Inspected European Supermarket
651, Foleshill Rd

POWER(S) UNDER WHICH INSPECTION IS MADE

Statutory Powers contained in:

- Agriculture Act 1970 Part IV
- Agriculture (Miscellaneous Provisions) Act 1968
- Animal Health Act 1981
- ✓ Consumer Credit Act 1974
- ✓ Consumer Protection Act 1987
- Estate Agents Act 1979
- ✓ Consumer Protection from Unfair Trading Regulations 2008
- Food & Environmental Protection Act 1985
- Food Safety Act 1990
- Hallmarking Act 1973
- ✓ Poisons Act 1972

- Property Misdescriptions Act 1991
- Timeshare Act 1992
- Business Protection from Misleading Marketing Regulations 2008
- ✓ Trade Descriptions Act 1968
- ✓ Trade Marks Act 1994
- Video Recordings Act 1984
- Weights and Measures Act 1985
- Construction Products Regulations 1991
- General Product Safety Regulations 2005
- Package Travel, Package Holidays and Package Tours Regulations 1992
- Prices Act 1974/1975

✓ Consumer Rights Act 2015

And any other Regulations or Orders made thereunder and any amendment or extension or consolidation thereof and under any Byelaw or other thing whatsoever made or done thereunder.

Name of person given notice: Mr Qadir

Signature: [Signature]

Status: OWNER

Other Persons Present: P. Thompson

Authorised Officer/s Name: D. Collins Signature: [Signature]

Date and Time of Inspection: 25.10.15 4.45 pm

Illegal tobacco goods found in rear
store room



Regulatory Services

Trading Standards

Referred to in my application for the review of a premise licence

Appendix 6 2 packs of illegal Marlboro cigarettes





Coventry City Council

Director of Public Health Coventry Public Health Team

To

Don Gardner, Trading Standards

From

Angela Hands

Telephone 024 7683 1315

angela.hands@coventry.gov.uk

Date

5th February 2016

Subject

European Supermarket, 651 Foleshill Rd

Our reference

PH/16/5

Re: Application to review a premises licence

Location: European Supermarket, 651 Foleshill Road, Coventry.

On behalf of Coventry's Director of Public Health as a Responsible Authority, I am responding to the above License review application. My representation relates to the crime and disorder licensing objective.

Public Health as a Responsible Authority

Directors of Public Health are Responsible Authorities under the Licensing Act 2003. This means the Director of Public Health can present health-related evidence and make relevant representations to the licensing authority relating to new licence applications, licence variations and licence reviews such as this.

Coventry's Director of Public Health acts as the lead officer in Coventry for health, and championing health across the whole of the authority's business. Thus the Director of Public Health will be the person elected members and other senior officers will consult on a range of health and wellbeing issues. ***This responsibility includes licensing and the associated risks to the health of Coventry people.*** The Director of Public Health works with local criminal justice partners and the Police and Crime Commissioners to

promote safer communities and engages with wider civil society to enlist them in fostering health and wellbeing.

I have the following comments to make:

Health Impact of smoking in Coventry

The association between smoking and premature death is well known. **Smoking kills 1 in 6 of all Coventry residents** and is the single greatest cause of preventable death in the city. It also causes years of poor health through diseases such as chronic bronchitis and emphysema.

Smoking is the major factor behind the health inequalities that exist between the city's poorest and most affluent wards. In Coventry, 33% of adults living in the deprived areas, and 46% of unemployed people smoke.

Health Impact of Illicit tobacco

The UK has high tobacco taxes, for very good reasons. Increasing the price of tobacco products is known to be the single most effective means of encouraging smokers to quit. If illicit tobacco is widely available through premises such as **European Supermarket, Foleshill Road**, some smokers will shift to buying and consuming illicit products rather than reducing consumption or quitting in response to tax and price rises. Therefore illicit trade threatens a key component of public health policy. Research shows that the low price and easy availability of illicit tobacco in many communities keeps people smoking and smoking more. There is often an inter-generation cycle of health inequalities caused by the poorest young people's early addiction to readily available cheap tobacco.

- Illicit tobacco causes damage both to its consumers and to the wider society.
- Both illicit and licit tobacco are exceptionally damaging to health.
- It makes tobacco more available to poorer people and to children.
- It helps to widen health inequalities.
- It funds and supports organised crime.
- The unregulated market makes it easier for children and young people to obtain tobacco, undermining under-age sales enforcement.

Conclusion

One of the key objectives of Coventry's Smoke Free Strategy 2015 is to '*Protect priority groups from smoking-related harm.*' Sales of illicit tobacco at European Supermarket will be seriously undermining public health work and providing a major source of revenue to criminal gangs. Illicit tobacco remains a serious and significant 'upstream' problem affecting health inequalities.

Therefore I support this licence review submitted by Trading Standards to revoke or suspend the premises licence.

Please do not hesitate to contact me if you require further information.

Kind Regards

Angela Hands

Public Health Practitioner

024 7683 1315

angela.hands@coventry.gov.uk

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. []

URN []

Statement of Claire Louise Marston

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 1452

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: *[Signature]* ^{A1452} (witness)

Date 1/2/16

I am a police licensing officer based at Coventry Central Police Station. Recently operation cocktail was conducted in the area due to recent intelligence about the link with CSE and access to alcohol. Due to these concerns a collection of partners (WMP, CCC [various Depts], The Youth Service) are managing some significant risks regarding young people in Edgewick Park, Red House Park, Webster Park and surrounding roads. The vulnerability is towards sexual exploitation and is inextricably linked to the accessibility of drugs and alcohol which clearly adds to their vulnerability.

A Task & Finish Group was created in the summer of 2015, chaired by Sue Whitmore (The Horizon Team), which is seeking to address the variety of causers and drivers of CSE within Foleshill. Already the group has;

- Secured the removal of the 'Shelter' within Edgewick Park which was being used as a congregational area for – amongst others - both offenders and victims of CSE
- Secured to permanent closure of the public toilets in Edgewick Park
- Completed a significant part of the consultation and intelligence gathering which are the precursor to obtaining a Public Space Protection Order for Edgewick Park which will focus upon the prevention of harmful behaviour towards young boys and girls
- Developed improved engagement with young people who are using the aforementioned locations, identifying those most vulnerable and ensuring referrals and support for them follow
- Through the completion of *intelligence* interviews, *return home* interviews with missing children and also return home interviews with children reported as being ABSENT under a bespoke pilot in Coventry on behalf of West Midlands Police, we have been able to ascertain that much of the 'grooming' involves the provision of alcohol to young girls (in the main) as a means of befriending them, pacifying them and then ultimately exposing them to the risks of victimisation.

From the three deployments of operation cocktail within that area, 29/10/15, 20/11/15 and 4/12/15 , it was observed that there was children and young males around the European Supermarket, 651 Foleshill Road, Coventry. At this time no alcohol was seen, however from visiting the premise it was clear there was a lack of management, a breach of the CCTV condition: as at that time the CCTV was not working effectively. Poor record management and staff training as the staff had limited understanding over proxy sales, underage sales and basic licencing law.

From having the lack of control over this premise this could increase the capacity of offenders to obtain alcohol without attracting significant attention. It increases the risks of proxy sales and is inconsistent with the current need to challenge the level and anti social nature of street drinking already taking place in Edgewick Park.

Signature *[Signature]* ^{A1452}

Signature witnessed by *NIA*

LICENSING ACT 2003

Full Premises Licence

European Supermarket

Premises licence number	LN/212000453
--------------------------------	---------------------

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
European Supermarket 651 Foleshill Road	
Post town	Post code
Coventry	CV6 5JQ
Telephone number	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of Licensable Activities		
Off Sales	Capacity	
Supply of Alcohol	From	To
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

06.00 - 00.00 Christmas Day, New Year's Day, Easter Sunday & Good Friday

LICENSING ACT 2003

Full Premises Licence

Hours	Capacity	
Open to the Public	From	To
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

06.00 - 00.00 Christmas Day, New Year's Day, Easter Sunday & Good Friday

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

Shalaw Qadir
5F Samuel Vale House
St Nicholas Street
Coventry
CV1 4HS

07784863636

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

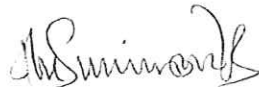
Shalaw Qadir
5F Samuel Vale House
St Nicholas Street
Coventry
CV1 4HS

07784863636

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

Licence number - **CV213000071 Coventry City Council**

Dated this 20th November 2014



Head of Regulatory Services

Countersigned:

Regulatory Services
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.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

Where a licence authorises alcohol to be consumed on the premises the following conditions apply:

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Conditions consistent with the Operating Schedule

Licenses 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**

Minor Variation to add Condition 20th November 2014:

All alcoholic & tobacco products should be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods should not evade any duty or taxes and should be authentic goods which comply with UK legislation. All receipts & records will be made available to officers of Coventry City Council for inspection when requested by that officer.

Conditions agreed with Police

- 1) CCTV, consisting of two internal and one external cameras, to be used and maintained at all times the premises are open to the public.
- 2) Footage from the above three cameras are to be retained for a minimum period of 28 days and should be made available for viewing by any responsible authority as soon as practicable following a request.
- 3) A refusal book is to be maintained and be made available for inspection by any responsible authority as soon as practicable following a request.
- 4) A challenge 21 policy is to be adopted and followed at the venue.

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 – 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)

b) The prevention of crime and disorder

ce+n
3 cameras.
2 inside and 1 outside

c) Public safety

d) The prevention of public nuisance

clean area outside shop. to
avoid litter.

e) The protection of children from harm

challenge 21 Policy
staff training.

Annex 3

Conditions Attached after a Hearing by the Licensing Authority

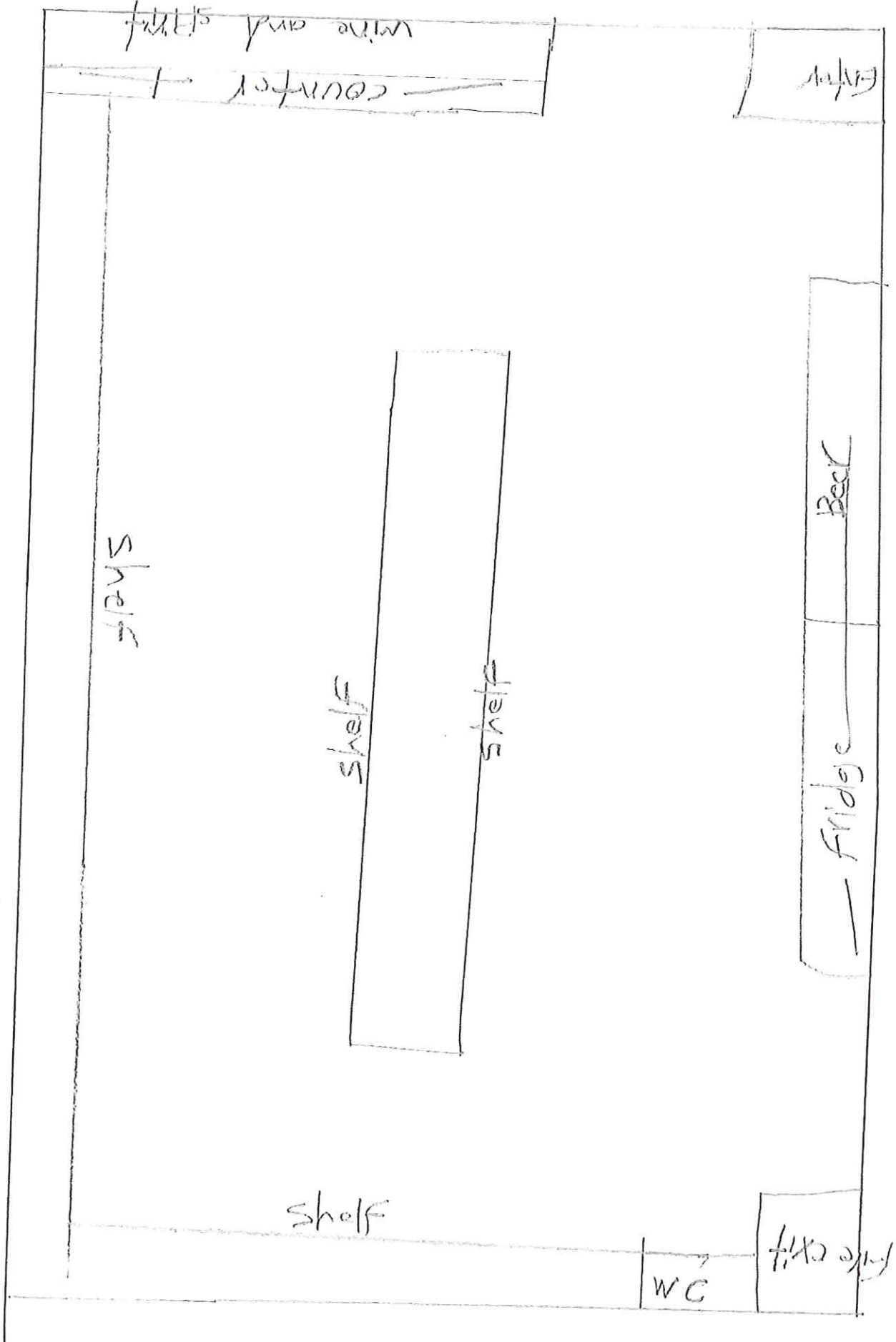
None

Annex 4

Plans

The Plan attached to this licence as attached.

(1 part)



LICENSING ACT 2003

Summary Licence To Be Displayed

European Supermarket

Premises licence number	LN/212000453
--------------------------------	---------------------

Postal address of premises, or if none, ordnance survey map reference or description	
European Supermarket 651 Foleshill Road	
Post town Coventry	Post code CV6 5JQ
Telephone number	

Where the licence is time limited the dates
N/A

The times the licence authorises the carrying out of licensable activities		
Off Sales	Capacity	
Supply of Alcohol	From	To
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
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Saturday	08:00	23:00
06.00 - 00.00 Christmas Day, New Years Day, Easter Sunday & Good Friday		

LICENSING ACT 2003

Summary Licence To Be Displayed

Hours	From	Capacity To
Open to the Public		
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

06.00 - 00.00 Christmas Day, New Years Day, Easter Sunday & Good Friday

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

Shalaw Qadir
5F Samuel Vale House
St Nicholas Street
Coventry
CV1 4HS

07784863636

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

Shalaw Qadir

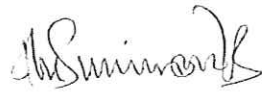
State whether access to the premises by children is restricted or prohibited

N/A

LICENSING ACT 2003

Summary Licence To Be Displayed

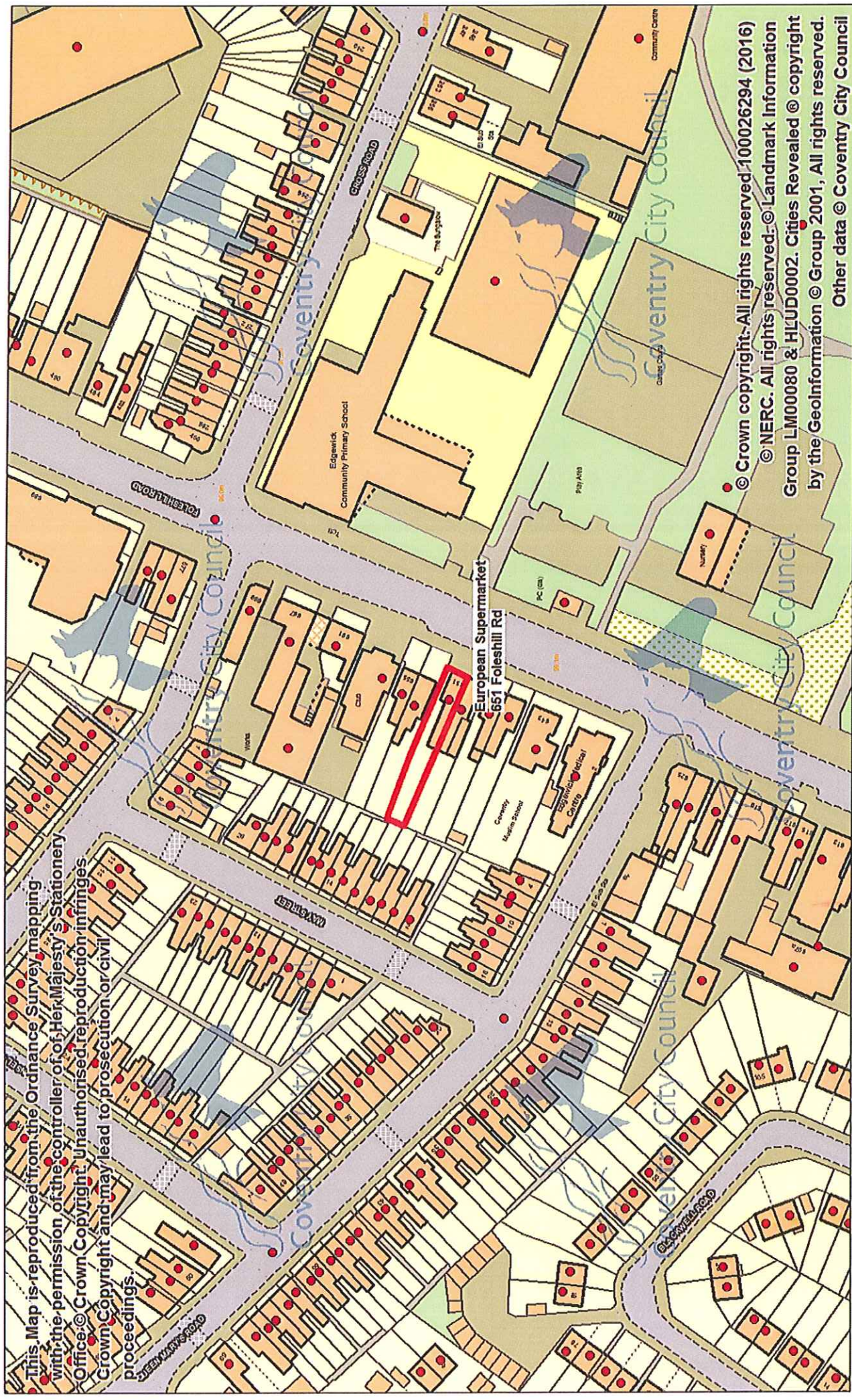
Dated this 20th November 2014



Head of Regulatory Services

Countersigned:

Regulatory Services
Broadgate House
Broadgate
Coventry
CV1 1NH



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Place Directorate, Environmental Protection,
 Coventry City Council, Civic Centre 4
 Much Park Street, Coventry, CV1 2PY



