



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 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)



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(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.



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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.



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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



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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

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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	



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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





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3. Hidden tray of Illegal Cigarettes



4. Warning Letter Issued to Mr Qadiri

 Coventry City Council	Place Directorate Streetscene and Regulatory Services
Mr M Qadiri Qadz Local 1A Heath Road Coventry CV2 4PY	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 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.



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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

