

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

Present:

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

Employees (by Directorate):

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

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

Public Business

1. **Appointment of Chair**

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

2. **Declarations of Interest**

There were no declarations of interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 12.00 pm)