



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 26 NOVEMBER 2024 at 2:00 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Cole

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**18. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair of the meeting.

**19. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**21. MINUTES OF PREVIOUS MEETING**

The minutes of the previous meetings held on 16 April 2024, 21 May 2024 and 7 August 2024 were recorded as a true and accurate record.

**22. PRIVATE SESSION**

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) – Application for a Review of an Existing Premises Licence - Liya Supermarket, 62 Hinckley Road, LE3 0RD

**23. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE - LIYA SUPERMARKET, 62 HINCKLEY ROAD, LE3 0RD**

Councillor Singh Johal, as Chair led on introductions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a review of an existing premises licence for Liya Supermarket, 62 Hinckley Road, Leicester.

The premises licence holder Ms Mastora Mhamad and her representative Ms Andrea Forest, solicitor, were in attendance. Also in attendance was PC Jefferson Pritchard, Leicestershire Police. Minaxi Patel, Licensing Enforcement, and Mark Wicks, Trading Standards were present as witnesses. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee and an observer.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application.

A representation was received on 25 October 2024 from a member of public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the repeated violations – selling illegal cigarettes and non-duty paid tobacco, illicit alcoholic beverages, people loitering in front of the shop smoking and drinking - were not only breaches of the licensing conditions but were also creating a hostile environment in the local area. The illegal sales of tobacco and alcohol, combined with the public disorder outside the premises, were contributing to rising safety concerns. The local community, including children, felt unsafe passing through this area.

PC Pritchard, Police Constable for Leicestershire Police, was given the

opportunity to outline the details of the Police's review application and answered questions from Members.

Mr Wicks and Ms Patel were given the opportunity to present their witness statements.

Ms Mhamad and Ms Forest were given the opportunity to address the Sub-Committee and answered questions from the Members and officers.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

#### RESOLVED:

That the representations by the Police and others engaged all 4 licensing objectives and committee accordingly determined that it is appropriate and proportionate in light of Licensing objectives to **REVOKE** the licence.

#### REASONS

1. Committee identified that the cause or cause of the concerns which gave rise to this review was the criminal behaviour associated with premises which resulted in illicit cigarettes and alcohol being found at the premises and alcohol being displayed and offered for sale at a time when there was no Designated Premises supervisor appointed. The causes also included breaches of the licensing conditions.
2. Committee determined that there was a clear evidential thread regarding the sale of illicit cigarettes and tobacco from the outset reflected in the representations at the application stage, the seizure on 25th September 2025, the email from a member of the public dated 25th October and the

discovery of further illicit cigarettes on 7th November 2024. Committee does not accept that the cigarette packets found on 7th November to be remnants of the previous visit and on a balance of probability finds the premises to have reduced its exposure to criminal action but dealing in smaller quantities.

3. Committee is required by paragraph 11.27 of the statutory guidance to treat criminal activity such as the sale and storage of smuggled tobacco particularly seriously. It does so and is cognisant of the role that organised crime plays in its supply and the possibility of harm when supplied to children and others.
4. Pursuant to paragraph 11.25 of the guidance, committee determines that the concerns regarding public safety arising from the criminal behaviour at the premises together with individuals and groups gathering, smoking and drinking at the front of the premises has undermined the promotion of the licensing objectives relating to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.
5. Mastora mhamed does not dispute the evidence relating the criminal behaviour at the premises. In this regard the evidence of PC Pritchard, Mark Wicks, Minaxi Patel and Eizabeth Arculus is accepted in full. Mastora Mhamed does not however accept responsibility or guilt for the criminal behaviour stating that the behaviour occurred whilst she was not at the premises and that her brother would be taking responsibility for the illicit cigarettes and tobacco. At the Review hearing, Mastora Mhamed stated that the criminal behaviour occurred when she could not be at the premises due her illness and that of her daughters. This is at odds with what she told officers on 25<sup>th</sup> September 2024 when she informed them that she had been away from the premises as she was packing due to a house move.
6. There is no dispute regarding multiple breaches of the licensing conditions and committee recognises the following that steps have been taken towards compliance prior to the Review hearing. However, Committee does not accept Mastora Mhamed was naïve or mistaken when it came to breaches of the licensing conditions because she has had the benefit expert advice and guidance from Licensing agent Tony Clarke throughout the licensing process and beyond including up to 19th September when he made an application on her behalf to be the Designated Premises supervisor.
7. Mastora Mhamed was present at the application hearing when committee heard powerful evidence regarding the safety of children and vulnerable patients visiting the next-door dental surgery on a daily basis and despite her promises and a specific condition applied by committee, she took no action against those gathering at the front of the premises. Staff including her brother repeatedly breached the condition by gathering or taking smoking breaks at the front of the premises.

8. Committee finds the failure to have a working CCTV system and /or the footage being unavailable to be deliberate considering the criminal behaviour occurring at the premises and the gatherings at the front of the premises. This view is further supported by PC Pritchard's witness statement dated 2nd October 2024 when he refers to problems with the CCTV including the possibility of the CCTV footage being remotely deleted when he visited the premises on 25th September 2024.
9. Committee considered the other options available to it including suspending the licence for a period but given the overwhelming evidence regarding criminality and safety concerns of the local community it was not persuaded that those remedial sanctions would work, and it had no confidence in Mastora Mhamed's ability to uphold the licensing objectives.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

#### **24. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 4:01pm.