

## **Record of a Hearing of the Bradford District Licensing Panel adjourned on Friday 2 March and reconvened on Tuesday, 13 March 2018 in Committee Room 5 - City Hall, Bradford**

### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

#### **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents

### **Hearings**

Application for a Review of a Premises Licence for International Food Store, 512 – 514 Great Horton Road, Bradford (**Document “M”**)

**INTERNATIONAL FOOD STORE, 512-514 GREAT HORTON ROAD, BRADFORD**

**RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR  
INTERNATIONAL FOOD STORE, 512 – 514 GREAT HORTON ROAD, BRADFORD  
(DOCUMENT “M”)**

Commenced: 1000 on 2 March  
Adjourned: 1005 on 2 March  
Reconvened: 1005 on 13 March  
Adjourned: 1035  
Reconvened: 1055  
Concluded: 1100

**Present:**

**Members of the Panel:**

Bradford District Licensing Panel: Councillors M Slater (Chair), Jamil and Morris

**Parties to the Hearing:**

**Representing the Responsible Authorities Applicant for Review:**

Mr Clutterbrook, West Yorkshire Trading Standards Service  
Mr Bethell, West Yorkshire Trading Standards Service

**Representing Interested Parties**

Councillor A Ahmed

**Representing the Licensee:**

Mr Zaher, Licensee  
Mr Regar, supporting the Licensee

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was explained that a request for a review had been received from West Yorkshire Trading Standards Service in light of intelligence they had received, which indicated that the premise was selling illegal tobacco, and in light of inspections and test purchases that had been undertaken. A representation had also been submitted by a Ward Councillor in relation to anti-social behaviour that occurred outside the shop. Members were informed of the relevant Statutory Guidance in relation to reviews arising from the connection with crime and the various options they could consider.

The West Yorkshire Trading Standards Service (WYTSS) representative confirmed that they were seeking the revocation of the premises licence due to complaints that had been submitted about the illegal activity of the business. As a consequence a number of

inspections and test purchases had been undertaken and these had resulted in the seizure of illicit cigarettes and tobacco. The WYTSS representative confirmed that all the proceeds from the sale of illegal goods would be retained by the business and no duty paid, which was a blatant disregard of the law and unfair on other businesses that operated legally. The matter was considered as very serious and, therefore, the revocation of the premises licence was requested.

In response to a point raised by a Member regarding the list of items seized, the review applicant acknowledged that the paperwork was not very clear and undertook to look at amending the form.

The review applicant confirmed that two visits to the premises had been undertaken during 2017 and at other times during 2015, when illegal tobacco products had also been confiscated, however, only the recent seizures were for consideration. The Licensee stated that he had not been present at the premises during 2015 and had been on holiday in August 2017, so was not aware of the issues presented. The review applicant explained that the revocation of the premises licence had been requested and whoever was responsible was irrelevant, as illicit tobacco had been found for sale on the premises and this was illegal. Members were informed that a further visit had taken place on 7 March 2018 and illicit tobacco products had again been sold, even though the Licensee was aware that a review of the premises licence was to be undertaken. In light of the additional information, the Licensee requested proof that an unlawful sale had taken place at the premises and was informed that the test purchase had been carried out by a long established Trading Standards officer.

The Licensee addressed the Panel reporting that the issues raised were nothing to do with him and he had not seen any illegal tobacco products in the premises. He stated that the matter should be taken up with the previous owner and refuted that illegal tobacco had been sold on 7 March 2018.

In response to queries from Members, the Licensee clarified that:

- He did not accept that illegal tobacco products had been found on the premises.
- He had been at work on 7 March 2018 but not in the shop when the test purchase had taken place and had not been aware that illegal tobacco had been sold.
- He had been the Designated Premises Supervisor (DPS) at the premises for five months, but had not been in the country during August 2017.

The licensing officer informed the Panel that the extant licence had been issued on 8 August 2017 in the name of the current Licensee.

In response to further questions, the Licensee confirmed that he became the DPS at the premises when the business had started to sell alcohol in August and then he went on holiday. He explained that the licensing objectives meant that illegal tobacco could not be sold, underage persons should not be served and employees could not drink whilst on the premises.

In conclusion the WYTSS representative stated that the full revocation of the licence should be considered due to the serious illegal activity that had taken place on the premises, which were detrimental to the health and wellbeing of the District's residents and to legally operating businesses.

The Ward Councillor echoed the comments made and stated that the selling of illicit tobacco had occurred on various occasions at the premises, most recently in March 2018. Anti-social behaviour was already an issue on Great Horton Road and, therefore, the application for the revocation of the licence was supported.

The Licensee then reiterated that he only worked at the premises and was not aware of illegal tobacco sales.

**Decision –**

**That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel determines that the premises licence be revoked.**

**Reason: That, in light of the evidence presented by West Yorkshire Trading Standards Service, the Panel felt that revocation was the only appropriate and proportionate approach to address the prevention of crime and disorder objective.**

**Chair**

**Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.**