

## **Record of a Hearing of the Bradford District Licensing Panel held on Friday, 11 May 2018 in Committee Room 3 - 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**

- 1. Application for a new premises licence for Rezgar Mini Market, 512-514 Great Horton Road, Bradford (Document "Q")**

**REZGAR MINI MARKET, 512-514 GREAT HORTON ROAD, BRADFORD**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR REZGAR MINI MARKET,  
512-514 GREAT HORTON ROAD, BRADFORD (DOCUMENT "Q")**

Commenced: 1530  
Adjourned: 1635  
Reconvened: 1650  
Concluded: 1655

**Present:**

**Members of the Panel:**

Bradford District Licensing Panel: Councillors M Slater (Chair), Peart and Hawkesworth

**Parties to the Hearing:**

**Representing the Licensee:**

Mrs J Clarke, representing the applicant  
Mr Abdullah, applicant

**Responsible Authority**

Mr Clutterbrook, West Yorkshire Trading Standards Service

**Interested Party:**

Councillor A Ahmed

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the applicant had requested operating hours from 0800 to midnight, Monday to Sunday and proposed steps to address the Licensing Objectives, which, if granted, would be placed as conditions on the licence. The licensing officer stated that representations had been received from West Yorkshire Trading Standards Service (WYTSS) and a Ward Councillor. It was noted that a test purchase of illegal tobacco had been carried out at the premises on 7 March 2018 and a Review of the licence had been undertaken when the business had been known as the 'International Food Store', which had resulted in the licence being revoked. Members were informed that a new application for a licence had then been submitted, however, WYTSS did not believe that the licensing objectives would be met. A Ward Councillor had also objected as they believed that illegal tobacco sales were ongoing at the premises.

The applicant's representative addressed the Panel and explained that the applicant had contacted her on 13 March 2018 in relation to the application for a new premises licence. Members noted that the applicant had signed a tenancy agreement for the property on 10 March 2018 and had been informed of the Review only one day prior to it taking place.

The applicant had purchased the business believing it was licenced and the statements submitted referred to the previous occupier of the premises before 7 March 2018.

The applicant's representative confirmed that the applicant had applied for a temporary licence from 11 April to 29 April 2018. He had a compliance box, which contained documents such as a refusal policy and this had been in use since he had taken ownership. All the alcohol had been removed from the shop on 29 April 2018 when the temporary licence had ceased and the applicant had undertaken everything possible to comply with the licensing objectives. The applicant's representative stated that her client's reputation had been tarnished, as he had not been aware of the problems at the premises and he was being punished when it was not relevant. The Panel were informed that the applicant had bought the premises when it had been known as 'Rezgar Mini Market' and it would be changed to 'Great Horton Supermarket' if the licence was granted. Unfortunately the landlord had not been able to attend the hearing to verify the tenancy. The applicant's representative indicated that the owner was a family man, who had an accountant, paid taxes and wanted to run his own business. He had no intention of condoning illegal sales and the evidence submitted was based on the belief that illicit transactions were ongoing. The applicant was an upstanding citizen and should be allowed a chance, especially as there was no evidence or proof to link him to the previous applicant or the sale of illegal cigarettes.

In response to questions from the Panel, the applicant's representative confirmed that:

- The name of the shop at the time of purchase was 'Rezgar Mini Market' and it was similar to the name of the previous owner.
- The premise was due to be sold to another person who had changed the name but never took ownership. The applicant had bought the premises as 'Rezgar Mini Market' and it would be changed.
- The name of the person the premises had been purchased from was not known.

The licensing officer confirmed that it was not a requirement for the applicant to know the name of the previous owner and informed Members that the Designated Premises Supervisor and Licence Holder of the 'International Food Store' had been Rabaz Zaher. The applicant's representative then confirmed that she had spoken to the aforementioned person.

The West Yorkshire Trading Standards Service (WYTSS) representative reported that they had raised concerns in relation to illegal activity on the premises and had sought a Review in light of illegal tobacco seizures in 2015 and 2017. The licence was then revoked at the Review hearing held on 13 March 2018. Members noted that it was not known for certain when the premises had changed its name. The WYTSS representative stated that on 7 March 2018 a further test purchase had been undertaken and illicit tobacco purchased. It was believed that the business was still engaging in illegal activity, however, no further visits had taken place.

In response to questions from the Panel, the WYTSS representative confirmed that:

- The business had still been dealing in illegal tobacco on 29 March 2018 when the representation had been written.
- The evidence put forward in relation to test purchases raised serious concerns as to whether the licensing objectives would be met. The trading of illegal tobacco was a major problem in Bradford.

- It would have been beneficial to have been informed of the tenancy change prior to the hearing.

The applicant's representative then questioned the WYTSS representative and was informed that:

- It was not cost effective for WYTSS to visit all business premises. They did not have the time or resources.
- It would have been helpful to have been made aware of the new tenant at the property.

A Ward Councillor then addressed the Panel stating that the premises licence had been revoked in March 2018, however, constituents had informed her that illegal tobacco was still being sold and indicated that such activities put pressure on other small businesses. The Ward Councillor confirmed that she was unaware of the new ownership and raised concerns as to why a new licence had been requested so soon following the revocation. It made a mockery of the licensing laws and it should be ensured that the business was legal.

In response to a question from the Chair, the Ward Councillor reiterated that constituents had informed her that illegal tobacco products had been sold at the premises following the Review Hearing on 13 March 2018.

The applicant's representative then posed questions to the Ward Councillor who explained that:

- The residents could give account on what they had witnessed and she had been informed that the previous occupiers were still involved with the business after 13 March 2018.
- The representatives at the Review Hearing had stated that they were not aware of any illegal activity occurring at the premises. The information had been provided in good faith and the previous owners were known to local residents.
- Residents had not been in contact since March 2018, however, they may not want to be involved and had also been informed of the revocation.

In response to further queries from Members, the applicant's representative clarified that:

- The applicant had sold his share of a car wash business to purchase the stock.
- The applicant had other proof relating to the change of ownership, such as business rates documentation.
- The applicant had not been aware of the name change or that the premises had previously been known as 'International Food Store'.
- Anything that had occurred at the premises prior to 10 March 2018 was not relevant to the applicant.

In summary the Ward Councillor raised concerns that the previous tenants were assisting the new owner and stated that she did not believe that the Licensing Act would be followed or the Challenge 25 condition would be adhered to. The Council should not tolerate applications for a premises licence in a different name following a revocation and, therefore, the request should not be granted. The Ward Councillor stated that it was a prominent shop on a busy road and questioned why the name had remained if the applicant was aware of the issues.

The WYTSS representative echoed the Ward Councillor's sentiments and added that illegal tobacco was a major issue in the Bradford District and detrimental to honest businesses. He then requested that the issues raised be considered.

In conclusion the applicant's representative informed Members that the applicant had bought the business in good faith and the previous incidents were not relevant to her client. She stated that it was demeaning for her client to be told that he would not be able to comply with the licensing objectives, as he had been trading under a temporary licence with no issues. The name of the premise was irrelevant and the applicant was not aware who had previously changed the name or why. The applicant's representative confirmed that the applicant was fully legal and compliant. All the evidence submitted was based on concerns or beliefs and a Court case had ruled that this should not be the case. No evidence had been submitted to warrant the application being refused and the applicant's representative stated that her client would be advised to appeal if the premises licence was not approved.

#### **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 grants the application as applied for.**

**Chair**

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