

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 20 March 2019 in Committee Room 4 - 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 Premises Licence for 46 High Street, Keighley (Document “U”)

46 HIGH STREET, KEIGHLEY

RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR 46 HIGH STREET, KEIGHLEY (DOCUMENT "U")

Commenced: 1000
Adjourned: 1010
Reconvened: 1015
Concluded: 1020

Members of the Panel:

Bradford District Licensing Panel: Councillors Slater (Chair), BM Smith and Hawkesworth

Parties to the Hearing:

Responsible Authorities:

PC Lord, Licensing Officer, West Yorkshire Police
PC Hassan, Licensing Officer, West Yorkshire Police

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 West Yorkshire Police had submitted an objection as the applicant had been convicted of two offences on 24 November 2017 and 11 April 2018 in relation to illegal cigarettes and tobacco. The applicant had links to both 18 and 46 High Street, Keighley and the Police had requested that the application be refused under the prevention of crime and disorder licensing objective.

The representative of West Yorkshire Police addressed the Panel explaining that several seizures of illicit tobacco had taken place at 18 High Street, Keighley where the applicant had been the Designated Premises Supervisor (DPS). Following the confiscation he had applied to be the premises licence holder and DPS at the premises and the removal of more illegal tobacco followed. Members noted that the sale of illicit tobacco was not a victimless crime and the S182 Guidance for the Licensing Act clearly stated that "the sale or storage of smuggled tobacco" should be treated seriously. The applicant had been found guilty at Bradford Crown Court and his personal licence had been revoked, therefore, he could not be a DPS of a premises. The representative of West Yorkshire Police indicated that the applicant was not a suitable person to hold a premises licence and it was believed that he would continue to sell illegal goods. He stated that the application should be refused as an approval would undermine the prevention of crime and disorder objective.

A Member questioned whether the applicant had been sentenced and was informed that the Her Majesty's Revenue and Customs (HMRC) had prosecuted both offences and the business owner had also been charged.

In conclusion the representative of West Yorkshire Police requested that the application be

rejected as it was a clear cut case and he believed that illegal activity would continue if the licence was granted.

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 refuses the application.

Reason - It is considered that, with regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003, it is appropriate to reject the application under the prevention of crime and disorder licensing objective.

Chair

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