



## **Agenda for a meeting of the Bradford District Licensing Panel to be held on Wednesday, 20 March 2019 at 10.00 am in Committee Room 4 - City Hall, Bradford**

### **Members of the Committee – Councillors**

<b>LABOUR</b>	<b>CONSERVATIVE</b>	<b>THE INDEPENDENTS</b>
<b>M Slater</b>	<b>M Smith</b>	<b>Hawkesworth</b>

### **Notes:**

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### **From:**

Parveen Akhtar  
City Solicitor

Agenda Contact: Claire Tomenson

Phone: 01274 432457

E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### **To:**

## **A. PROCEDURAL ITEMS**

### **1. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

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

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

## **B. BUSINESS ITEMS**

### **3. 46 HIGH STREET, KEIGHLEY**

1 - 26

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “U”**) which outlines an application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

**Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.**

(Melanie McGurk – 01274 431873)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

This page is intentionally left blank



## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 20 March 2019.**

---

**U**

### **Subject:**

Application for a Premises Licence for 46 High Street, Keighley, BD21 2LJ.

### **Summary statement:**

Application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

---

John Major  
Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

### **Portfolio:**

**Neighbourhoods & Community Safety**

### **Overview & Scrutiny Area:**

**Corporate**

## 1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

## 2. BACKGROUND

### 2.1 The applicant

Mr Marhwan Najat. A copy of the application is included at Appendix 1.

### 2.2 The Premises

46 High Street, Keighley, BD21 2LJ.

### 2.3 Proposed Designated Premises Supervisor

Mr Marhwan Najat.

### 2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Sale of alcohol for consumption off the premises.
- Provision of late night refreshment.

Hours of licensable activities:

Sale of alcohol

Monday to Saturday:	08.00 to 01.00
Sunday:	09.00 to 23.00

Late night refreshment

Monday to Saturday:	23.00 to 01.00
---------------------	----------------

### 2.5 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

None.

b) Public safety will be achieved by;

None.

c) Prevention of public nuisance will be achieved by;

None.

d) Protection of children from harm will be achieved by;

None.

e) General – all four licensing objectives

None.

## **2.6 Relevant Representations Received**

### **Responsible Authorities**

#### **West Yorkshire Police**

A representation has been submitted by West Yorkshire Police as the applicant, Mr Marhwan Najat, who is also the proposed DPS, has been convicted of two offences of fraudulent evasion of duty prohibition or provision on 24 November 2017 and 11 April 2018; sentencing was to take place on 22 February 2019.

HM Revenue and Customs and the Police have seized illicit cigarettes and hand rolling tobacco, at 18 High Street and 46 High Street, Keighley. Mr Najat has links to both shops and was the premises licence holder and DPS at 18 High Street when products were seized. Mr Najat is also the applicant and proposed DPS for this premises licence grant application. A male was also observed working at 18 High Street who did not have permission to work in the UK.

Section 11.27 of the S182 Guidance for the Licensing Act clearly states that “There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

For the sale or storage of smuggled tobacco and alcohol.

For employing a person who is disqualified from that work by reason of their immigration status in the UK.

In order to address the prevention of crime and disorder objective, the Police have requested that the application be refused.

The representation is attached at Appendix 2.

## **3. OTHER CONSIDERATIONS**

### **Legal Appraisal**

**3.1** The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
  - b) public safety
  - c) the prevention of public nuisance
  - d) the protection of children from harm
- 3.2** The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3** Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4** Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5** Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

#### **Statement of Policy Issues**

- 3.6** The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder).
- 3.7** The Annexes to the Policy sets out various types of model condition that could be considered.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management and governance implications.

#### **6. LEGAL APPRAISAL**

Referred to in part 3 of this report.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

**7.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

**7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

**7.4 COMMUNITY SAFETY IMPLICATIONS**

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

**7.5 HUMAN RIGHTS ACT**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

**7.6 TRADE UNION**

Not applicable.

**7.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

**7.8 IMPLICATIONS FOR CORPORATE PARENTING**

There are no apparent implications.

**7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no apparent data protection or information security implications.

**8. NOT FOR PUBLICATION DOCUMENTS**

None.

**9. OPTIONS**

**9.1** Members may:

- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse the application for a premises licence.

**9.2** Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

**10. RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s):.

**11. APPENDICES**

- 1. Application form received 24 January 2019.
- 2. Representation from West Yorkshire Police.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.

MAIL PRINT

24 JAN 2019

SCAN STORE



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

Licensing Team, Argus Chambers, Hall Ings, Bradford, BD1 1HX

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MR MARHWAN NAJAT (insert name(s) of applicant)  
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <u>46 HIGH STREET</u>	
Post town <u>KEIGHLEY</u>	Post code <u>BD21 2LJ</u>

Telephone number of premises (if any)

Non domestic rateable value of premises

£

**Part 2 – Applicant Details**

Please state whether you are applying for a premises licence as:

Please tick as appropriate

- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company/limited liability partnership  please complete section (B)
- ii. as a partnership (other than limited liability),  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)

- please complete section (B)
- d) a charity
- please complete section (B)
- e) the proprietor of an educational establishment
- please complete section (B)
- f) a health service body
- please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England
- please complete section (B)
- h) the chief officer of police of a police force in England and Wales
- please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev) \_\_\_\_\_

Surname

First names

NAJAT

MARHWAN

Date of Birth

[Redacted]

I am 18 years old or over

Nationality

[Redacted]

Current postal address if different from premises address

[Redacted] Brewery Road

Post Town

Keighley

Postcode

BD21 29G

Daytime contact telephone number

[Redacted]

Email address (optional)

[Redacted]

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)  \_\_\_\_\_

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
2	3	01 2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

*Off licence, Shop Drinks & Refreshments*

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick  yes

**Provision of regulated entertainment**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for performing play (please read guidance note 5)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films (please read guidance note 5)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sat					
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Fri			
Sat			
Sun			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list.</b> (please read guidance note 6)

# D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	
Tue					
Wed					
Thur			<b>State any seasonal variations for the boxing or wrestling entertainment</b> (please read guidance note 5)		
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list.</b> (please read guidance note 6)		

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the performance of live music (please read guidance note 5)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6)</b>		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music (please read guidance note 5)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 6)</b>		
Sat					
Sun					

# G

<b>Performance of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 4)</b>		
Mon					
Tue			<b>State any seasonal variations for the performance of dance (please read guidance note 5)</b>		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)</b>		
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>		
			<b>Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 4)</b>		
Mon					
Tue			<b>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</b>		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 6)</b>		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	8 AM	1 AM			
Tue	8 AM	1 AM			
Wed	8 AM	1 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	8 AM	1 AM			
Fri	8 AM	1 AM	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat	8 AM	1 AM			
Sun	9 AM	11 PM			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	8 AM	1 AM			
Tue	8 AM	1 AM			
Wed	8 AM	1 AM	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Thur	8 AM	1 AM			
Fri	8 AM	1 AM			
Sat	8 AM	1 AM			
Sun	9 AM	11 PM			

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name MR MAHRWAN NAJAT

Address  Drewry Road

Postcode BD21 29G

Personal licence number (if known) LEIPRS3920

Issuing licensing authority (if known)

## K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	8 AM	1 AM	
Tue	8 AM	1 AM	
Wed	8 AM	1 AM	
Thur	8 AM	1 AM	
Fri	8 AM	1 AM	
Sat	8 AM	1 AM	
Sun	9 AM	11 PM	

Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)

# M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

**Checklist**

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships

- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<p>Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership</p> <ul style="list-style-type: none"> <li>• I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).</li> </ul>
Signature	
Date	22.01.19
Capacity	

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	



**Licensing**  
Licensing Department  
Trafagar House  
Nelson Street  
Bradford  
BD5 0DX

Mobile:- 07525917858  
Email:  
kevin.lord@westyorkshire.pnn.police.uk

Your ref: New Application  
Our ref: 46 hs

15<sup>th</sup> February 2019

Licensing Team  
City of Bradford Metropolitan District Council  
Britannia House  
Bradford

**Grant of Premises Licence, Licensing Act 2003**  
**46 High Street, Keighley, BD21 2LJ**

I refer to the application made by Mr Marhwan NAJAT in respect of the above premises, dated 24<sup>TH</sup> January 2019 and received by the police on the same date.

**Notice is hereby given on behalf of the Chief Officer of Police for Bradford District that the exceptional circumstances of this case are such that they consider that the granting of this application would undermine the Crime Prevention Licensing Objective.**

The basis of this objection is:

On 24<sup>th</sup> November 2017 H M Revenue and Customs completed a visit to a Premises, Nico`s Mini Market, at **18 High Street, Keighley** in relation to the sale of illicit tobacco and seized a quantity of illicit cigarettes and hand rolling tobacco. At the time, the applicant, Mr Marhwan NAJAT was the Designated Premises Supervisor for the store. The following month, Mr NAJAT applied for a transfer of the Premises Licence into his name and applied to be the DPS.

On 11<sup>th</sup> April 2018, Mr NAJAT was arrested from the premises when he was seen by an Officer to sell illicit cigarettes to a customer. Several thousand more illicit cigarettes were seized following a search of the premises, along with hand rolling tobacco. This seizure was once again passed to HMRC for investigation.

***On the 16<sup>th</sup> July 2018 Mr NAJAT surrendered his premises licence but the shop continued to sell grocery goods, and alcohol was removed from the store.***

On 11<sup>th</sup> October 2018, Officers were present in the store when further illicit cigarettes were offered for sale and a quantity were found located behind the counter. The only person working in the store was a male called Mr MOHAMMADI. Checks with Immigration showed that this male was seeking asylum and had no permission to work in the UK. Details were passed to Immigration for investigation.

On 13<sup>th</sup> October 2018, an Officer attended the shop and once again witnessed Mr MOHAMMADI serving customers. Details were passed to Immigration once more.

On 17<sup>th</sup> October 2018, Officers were passing **46 High Street, Keighley** when they saw a vehicle parked outside the empty shop and witnessed a male carrying a bin liner from the car into the building. Officers followed the male into the empty shop and discovered the bin liner contained 115 packets of hand rolling tobacco. Further boxes of illicit tobacco was found in **46 High Street, Keighley**. The male, Mr MOHAMMADI informed Officers that he was unloading the tobacco for Nico`s Mini Market and the premises was used to store the tobacco. Mr MOHAMMADI was in possession of keys for both premises. A consensual search of Nico`s Mini Market found more illicit tobacco in the shop. The seized goods were passed to Trading Standards for investigation.

**Mr Marhwan NAJAT was subsequently convicted at Bradford Crown Court on 22<sup>nd</sup> January 2019 of two offences of fraudulent evasion of duty prohibition or provision on 24<sup>th</sup> November 2017 and 11<sup>th</sup> April 2018 contrary to the Customs and Excise Management Act 1979 s.1701 (2). He is due to reappear at Court on 22<sup>nd</sup> February 2019 for sentencing.**

These offences are under Schedule 4, section 9 of the Relevant Offences for Personal Licences, and as such, a person convicted of these offences should disclose the fact to the Court that he is a Personal Licence Holder and the Court has the power to decide whether to suspend or revoke the Personal Licence. At this stage, it is believed that Mr NAJAT has not disclosed his licence to Bradford Crown Court which in itself is an offence. He should have also disclosed the conviction to the Licensing Authority that granted his licence of the conviction, which in this case is Leicester Council. Checks made have shown that Mr NAJAT has failed to do so.

If his personal licence is suspended or revoked, then Mr NAJAT cannot be a Designated Premises Supervisor as requested in this application, as a DPS must hold a personal licence. If the Personal Licence is not suspended or revoked, I would still doubt his suitability to be a DPS.

**On two occasions, whilst Mr NAJAT has been the Designated Premises Supervisor and/or Premises Licence holder for a shop, serious offences have been committed.**

It is noted that Mr NAJAT did surrender his Premises Licence prior to other seizures been made at **18 High Street** after July 2018, and that he wasn't in control of Licensed Premises at these times. However, illicit tobacco was seized from **46 High Street** which is the address for this application, and there was still a clear link to **18 High Street** and a person who was working illegally.

Section 11.27 of the S182 Guidance for the Licensing Act clearly states that *“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

**For the sale or storage of smuggled tobacco and alcohol**

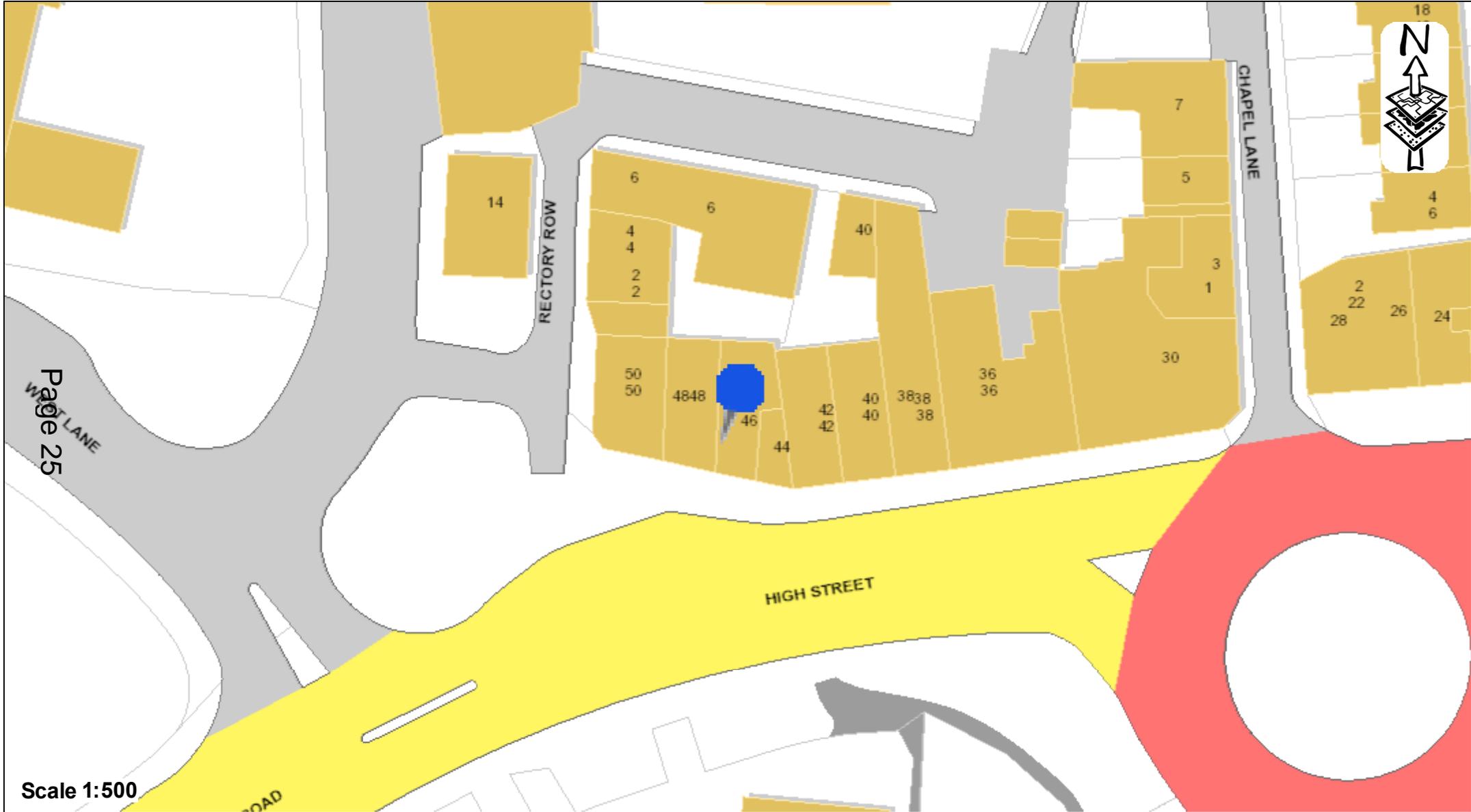
**For employing a person who is disqualified from that work by reason of their immigration status in the UK.**

*The application itself does not address in its schedule how the applicant intends to promote the four licensing objectives. This section of the application has been left completely blank which in itself leaves us to wonder about the suitability and professionalism of the applicant to run a licensed premises.*

Based upon the evidence presented, I would ask the Panel to reject the application for a premises licence to be granted at 46 High Street and reject Mr Mahrwan NAJAT as the proposed Designated Premises Supervisor.

PC2730 Lord  
Bradford District Licensing Officer  
West Yorkshire Police

This page is intentionally left blank



Page 25

Scale 1:500

This page is intentionally left blank