

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 4 August 2021 in the Banqueting Hall - 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 Review of a Premises Licence authorising the sale of alcohol for consumption off the premises at Piotr I Pawel, 23 Duckworth Lane, Bradford.

RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE AUTHORISING THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AT PIOTR I PAWEL, 23 DUCKWORTH LANE, BRADFORD

Commenced: 1500
Adjourned: 1530
Reconvened 1545
Concluded: 1550

PRESENT

Members of the Panel

Bradford District Licensing Panel – Councillors Slater (Chair), M Hussain and Winnard

Representing the Applicant

Mr D Strover, West Yorkshire Trading Standards Service (WYTS) Business Services Manager
Paul Kear, WYTS Regulatory Compliance Officer
Ms L Harrison, WYTS Trainees Trading Standards Officer

Representations

The Interim Assistant Director, Waste, Fleet and Transport Services provided a report (**Document “G”**) which presented an application for review of a Premises Licence authorising the sale of alcohol for consumption off the premises at Piotr I Pawel, 23 Duckworth Lane, Bradford.

It was explained that the review had been requested by the West Yorkshire Trading Standards Service (WYTS) and the Business Services Team Manager addressed the meeting to discuss the grounds for the review. Appended to the report were copies of the Premises Licence; the application for review received on 22 June 2021; an extract from Government Guidance for dealing with such matters and a location plan of the premises.

The Business Services Team Manager detailed an incident of selling single cigarettes to a child test purchaser which had been witnessed by officers and three occasions when illegal tobacco products had been made available to the public.

Details of one prosecution of the Premises Licence Holder and ongoing criminal investigations in relation to the seizures of illicit tobacco were reported.

Unsuccessful attempts to interview the premises licence holder were discussed together with a brief statement provided by a shop assistant witnessed working at the premises. It was maintained selling single cigarettes to a child this was a breach of the licensing objectives of protection of children from harm and that the provision of illegal tobacco to the public breached the prevention of crime and disorder and public safety objective of the Licensing Act 2003.

Following a detailed presentation, the Panel and the Council’s Legal Advisor raised a number of questions to which the following responses were provided:

- There was no evidence of illegal sales of alcohol at the premises.
- Illegal sales of tobacco were regarded as contraband goods.
- There were a number of residential properties and foot traffic at the location from the nearby hospital.

- Taking account of Government guidance WYTS considered that the serious nature of the offences were grounds for a full revocation of the licence.
- It was acknowledged that the revocation of the premises licence would not prevent future sales of tobacco products but it was hoped that the revocation would deter the premises licence holder from future breaches of the licensing objectives.
- There had been previous complaints regarding the sale of alcohol at the premises before the premises licence holder was transferred to the current holder.
- It was usual practice to inform the licence holder of complaints before carrying out test purchases.
- In summation the WYTS Business Team Manager stressed that the service did not call for reviews lightly. It was explained that whilst the selling of tobacco was not a licensable activity it was felt that the incidence of selling cigarettes to a child and smuggled tobacco being found on the premises on three occasions required a full revocation of the licence.

Resolved –

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 and, in light of the compelling evidence of persistent breaches of licensing objectives, the premises licence be revoked.

Reason - it is considered that the above revocation is necessary to protect children from harm; maintain public safety and prevent crime and disorder – Protection of Children from Harm; Public Safety and Prevention of Crime and Disorder Objectives

ACTION: Interim Assistant Director Waste, Fleet & Transport Services

Chair

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

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

