



Agenda for a meeting of the Bradford District Licensing Panel to be held on Wednesday, 17 November 2021 at 10.00 am in Council Chamber, City Hall - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE
M Slater Cunningham	Winnard

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.
- Given the restrictions on room capacity, any Councillors and members of the public who wish to attend the meeting are asked to email farzana.mughal@bradford.gov.uk by **mid-day on Monday 15 November 2021** and request to do so.
- On the day of the meeting you are encouraged to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.
- 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

To:

Agenda Contact: Jill Bell/Jane Lythgow/Farzana Mughal
Phone: 01274 432270/ 07811 504164
E-Mail: jane.lythgow@bradford.gov.uk

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.

(Jane Lythgow - 01274 432270)

B. BUSINESS ITEMS

3. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR TODAY'S EXTRA BRADFORD, 14 GAIN LANE, BRADFORD BD2 3LW.** 1 - 66

The Interim Assistant Director, Waste, Fleet and Transport Services will present a report (**Document "O"**) which presents an application for the review of a Premises Licence authorising the sale of alcohol for consumption off the premises at Today's Extra Bradford, 14 Gain Lane, Bradford BD2 3LW.

Recommended –

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

(Melanie McGurk – 01274 431873)

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Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 17 November 2021.

O

Subject:

Application for a Review of a Premises Licence for Today's Extra Bradford, 14 Gain Lane, Bradford, BD2 3LW.

Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol for consumption off the premises.

EQUALITY & DIVERSITY

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

Susan Spink
Interim Assistant Director
Waste, Fleet & Transport Services

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

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the review of a premises licence authorising the sale of alcohol for consumption off the premises.

A copy of the Licence is attached at Appendix 1.

2. BACKGROUND

2.1 The Premises

Today's Extra Bradford, 14 Gain Lane, Bradford, BD2 3LW.

2.2 Premises Licence holder

D.B. Ramsden & Company Limited.

2.3 Application Received asking for a Review of the Licence

Local Resident

A local resident has submitted a review application on the grounds of prevention of public nuisance and the prevention of crime and disorder. The resident raises concerns regarding noise and disturbance and anti-social behaviour from customers outside the premises. Concerns are also raised regarding noise from the revving of cars, speeding cars, the use of gas cans, littering and drug use.

The application for review is attached at Appendix 2

2.5 Representations

Responsible Authority

A representation has been received from the Environmental Health Department which has received a complaint with 31 signed letters from local residents. The complaints relate to loud music, loud shouting and banter, alcohol use, drug use, letter and cars driving at high speeds. One resident informed the Environmental Health Officer that people were congregating outside the shop and the issues wouldn't be there is the shop wasn't open 24 hours per day.

In order to address the public nuisance objective, the officer has recommended that the opening hours are reduced as follows:

- Monday to Sunday 06:00 - 23:00 hours

The representation is attached at Appendix 3.



Individual, Body or Business

31 pro-forma letters have been received from local residents who raise concerns of noise and disturbance, anti-social behaviour, criminal activity and littering.

The representations are attached at Appendix 4.

A representation in support of the premises has been received, from an individual who believes that cutting the stores trading hours would be detrimental to the community.

The representation is attached at Appendix 5.

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. Paragraphs 11.1 to 11.29 of the Guidance specifically details how applications for review of licences should be determined. Regard must also be taken of the Council's statement of Licensing Policy for the District.

An extract of the Home Office Guidance is attached to this report at Appendix 6.

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 and Part 6 Prevention of Public Nuisance.

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 implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 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.

7.4 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.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.8 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) Reject the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the 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 interested parties, determine the related application(s).

11. APPENDICES

1. Premises Licence.
2. Application for review received 2 September 2021.
3. Representation from Environmental Health.
4. Representations from local residents.
5. Representation in support.
6. Extract from the Government Guidance.
7. Location plan of premises

12. BACKGROUND DOCUMENTS

Application form, plan etc.



Licensing Act 2003 - Premises Licence
Licence No: 072227

Date Issued: 3 October 2019

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Today's Extra Bradford
14 Gain Lane, Bradford, BD2 3LW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

5 October 2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

The Supply of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

The Supply of Alcohol	Mon 00:01-00:00
	Tue 00:01-00:00
	Wed 00:01-00:00
	Thu 00:01-00:00
	Fri 00:01-00:00
	Sat 00:01-00:00
	Sun 00:01-00:00

THE OPENING HOURS OF THE PREMISES

	Mon 00:01-00:00
	Tue 00:01-00:00
	Wed 00:01-00:00
	Thu 00:01-00:00
	Fri 00:01-00:00
	Sat 00:01-00:00
	Sun 00:01-00:00

WHERE THE LICENCE AUTHORISES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES

The Supply of Alcohol Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

D B Ramsden & Company Limited
Adrian Smith Street, Grimsby, North East Lincolnshire, DN31 1SJ

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Mohagat Rouf
[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence Number: PA0353

Issued By: Wakefield

ANNEXES

Annex 1 – Mandatory Conditions

REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

AUTHORISATION OF PERSONAL LICENCE HOLDER

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

AGE VERIFICATION

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- a) a holographic mark, or
- b) an ultraviolet feature.

DUTY & TAX

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979,

(b) 'permitted price' is the price found by applying the formula 'P' equals 'D' plus ('D' times 'V'), where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol,

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Conditions

The restrictions on permitted hours do not prohibit:

(a) During the first twenty minutes after permitted hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

(b) The ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;

(c) The sale of alcohol to a trader or club for the purposes of the trade or club;

(d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the supply or sale of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions Consistent with Operating Schedule

All Four Licensing Objectives

1. The premises licence holder shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.
2. The premises licence holder shall maintain regular and effective liaison with West Yorkshire Police in order to take any necessary steps to address the licensing objectives.

The Prevention Of Crime And Disorder

3. The CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities.
4. The premises licence holder shall ensure that all refusals are recorded in a refusals register that is made available to West Yorkshire Police or Trading Standards on request.

Public Safety

5. The emergency lighting at the premises shall be maintained in good working order.

The Prevention Of Public Nuisance

6. The premises licence holder shall ensure that the external areas of the premises are kept clear of litter and refuse.
7. A notice shall be displayed in a prominent position near all exits reminding patrons to leave in a quiet and orderly manner.

The Protection Of Children From Harm

8. A Challenge 25 policy shall be implemented.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

Licensing Act 2003 - Premises Licence Summary

Licence No: 072227

Date Issued: 3 October 2019

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Today's Extra Bradford
14 Gain Lane, Bradford, BD2 3LW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

5 October 2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

The Supply of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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THE OPENING HOURS OF THE PREMISES

	Mon 00:01-00:00
	Tue 00:01-00:00
	Wed 00:01-00:00
	Thu 00:01-00:00
	Fri 00:01-00:00
	Sat 00:01-00:00
	Sun 00:01-00:00

WHERE THE LICENCE AUTHORISES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES

The Supply of Alcohol Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

D B Ramsden & Company Limited
Adrian Smith Street, Grimsby, North East Lincolnshire, DN31 1SJ

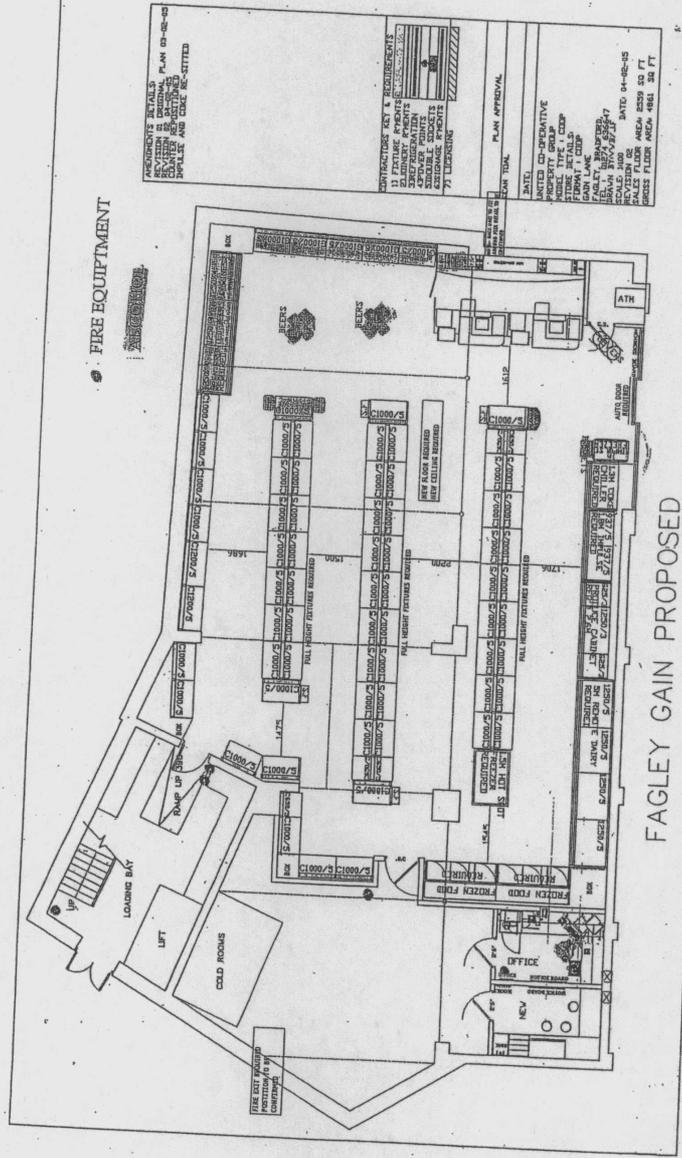
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Mohagat Rouf

WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.



FIRE EQUIPMENT

FAGLEY GAIN PROPOSED

FIRE EXTINGUISHERS TO BE PROVIDED IN ALL ROOMS
 AS SHOWN ON THIS PLAN. PLAN 04-82-05
 TO BE REVIEWED BY THE FIRE DEPARTMENT
 AND THE FIRE INSURANCE COMPANY
 BEFORE CONSTRUCTION BEGINS.

1) FIRE EXTINGUISHERS TO BE PROVIDED IN ALL ROOMS
 AS SHOWN ON THIS PLAN. PLAN 04-82-05
 TO BE REVIEWED BY THE FIRE DEPARTMENT
 AND THE FIRE INSURANCE COMPANY
 BEFORE CONSTRUCTION BEGINS.

APPROVED BY THE ARCHITECT
 DATE: 10/10/04
 PROJECT NO: 04-82-05
 DRAWING NO: 04-82-05-01
 SHEET NO: 04-82-05-01
 SCALE: AS SHOWN
 PROJECT LOCATION: 1000 W. 100th St., Edina, MN 55425
 PROJECT OWNER: FAGLEY GAIN PROPOSED
 PROJECT ARCHITECT: FAGLEY GAIN PROPOSED

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

Application for the review of a premises licence or club premises certificate 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 that 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 NARREEN AKUTAR

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
TODAY'S EXTRA GAIN LANE FAGLEY, BRADFORD BD2 3LW	
Post town	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
D. B. RAMSDEN & COMPANY LTD

Number of premises licence or club premises certificate (if known)
LIC 072227

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



Please state the ground(s) for review (please read guidance note 2)

We the residents on GAIN LANE, have put this petition together because we are absolutely in desperate need of your help and support. concerns we are bringing forward are as follow:

- Loud music, late at night, early hours of the morning
- Revving of cars
- use of drugs
- speeding
- use of gas cans
- Littering
- causing nuisance around 2-3 am music, dancing talking loud, shouting screaming.

We are all very disturbed and distressed by all this. We are working families with young children, we can't keep our windows open at night because of all the disturbance. Our children wake up because of the noise. This is giving us anxiety and sleepless nights. Many times we have spoken to the owners of Today's Extra, but they don't seem to be interested. Police has been called here many many times due to fights and drunken behaviour. We appreciate they have a business to run and provide the locals with goods. But at the end of the day we are all tired after a long day and want to rest at night. Most of the trouble starts after mid night. We would like for the shop to close around 11pm, we will be sending video evidence to support our application. We have the support of all the neighbours and we all feel the same. We have had enough. We need to put a stop to this ASAP.

Thank you.

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

AKUTAR

NAZREEN

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

GRAIN LANE
BRADFORD

Post town

Post Code

BD2 3LW

Daytime contact telephone number

E-mail address (optional)

@gmail.com

(B) DETAILS OF OTHER APPLICANT

Name and address

Details have already been sent
31 x Letters received from other residents

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Please provide as much information as possible to support the application (please read guidance note 3)

videos and photos will be sent.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

[Empty box for representations]

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted signature]

Date

25/09/2021

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Memo

Department of Health and Wellbeing

To: Licensing Team

Environmental Health
5th Floor
Britannia House
Bradford
BD1 1HX

From: Jeanette Howarth
Tel: (01274) 433963
Email: jeanette.howarth@bradford.gov.uk

Date: 4 October 2021

Licensing Act 2003
Review of Premises Licence
Today's Extra, 14 Gain Lane, Bradford, BD2 3LW

I support the above application for a review of the Premises Licence for Today's Extra, 14 Gain Lane, Bradford, BD2 3LW.

Environmental Health received a complaint on 10th September 2021 with 31 signed letters attached reporting a number of issues associated with the premises. The issues reported were as follows:

1. Alcohol use
2. Drug use (suspicions of dealing as well)
3. Very loud music
4. Very loud shouting and banter
5. A lot of litter left including: bottles, cans and drug use equipment (gas cans) on the footpath and road.
6. People also bring different cars to race, accelerate and skid (most of them have loud exhausts)
7. Drive up and down Gain Lane at high speeds approx. 100mph (would like speed limit changed/speed camera or speed bumps).

The letters we received indicated that the problems were happening outside the shop. I rang one person who had signed a letter and discussed it with them. I was informed that people were congregating at the shop and that the issues wouldn't be there if the shop wasn't open 24 hours per day.

Of the above issues that were raised in the letters, Environmental Health can only tackle the issue of loud music if it is being played on the premises. I was told that the music was from vehicles pulling up to go to the shop and as this is different vehicles each time I wouldn't be able to take action under the legislation I enforce.

I advised I had forwarded the letters to the Police ASB Team, Police Licensing Team and Council Licensing Team as well as the Councils enforcement team for the litter side of things.



From my experience, complaints of this nature are becoming increasingly common as premises are opening for longer hours and they are becoming a meeting place for young people.

As the premises are located in area surrounded by residential properties it is inevitable that noise from the playing of amplified music in vehicles, people shouting and laughing, cars racing up and down the street etc will impact upon local residents late at night and in the early hours of the morning when they are usually in bed trying to sleep.

I would therefore recommend that the opening hours of the premises are reduced as follows:

- Monday to Sunday 06:00 hours to 23:00 hours

Kind Regards



Jeanette Howarth
Senior Environmental Health Officer
Pollution Team

FAO ENVIRONMENTAL HEALTH.

As per telephone conversation please find attached signed letters from the Gain Lane community.

We are at the end of our tether and come to you for help.

We hope these documents find you and together we can find a solution that will bring peace and safety for the residents of the Gain Lane area.

Please do not hesitate to contact us with any questions or clarification.

Any contact details can be used from the attached letters.

Many thanks,

Gain Lane Community



Bradford Council

To who it may concern,

RE: TODAY'S EXTRA 24HR SHOP ON GAIN LANE

There are a lot of problems during the night outside the shop:

1. Alcohol use
2. Drug use (suspicions of dealing as well)
3. Very loud music
4. Very loud shouting and banter
5. A lot of litter left including: bottles, cans and drug use equipment (gas cans) on the footpath and road.
6. People also bring different cars to race, accelerate and skid (most of them have loud exhausts)
7. Drive up and down Gain Lane at high speeds approx. 100mph. (would like speed limit changed / speed camera or speed bumps)

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Many Thanks

Gain Lane Community.

Name:



Address:

DALBY AVE
BRADFORD
BD3 7LW

Bradford Council

To who it may concern,

RE: TODAYS EXTRA 24HR SHOP ON GAIN LANE

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Many Thanks

Gain Lane Community.

Sign

Name

Address

GAIN LANE
BDD2 3LW.

Bradford Council

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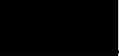
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Gain Lane Community.

Sign: 

Name: 

Address:  IN TAKO
NOV B02 34A
BRADFORD.

Bradford Council

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Gain Lane Community.

Sign: _____

Name: _____

Address _____ 9ntable Road

Bradford

BD2 3LP

tel _____

Bradford Council

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Gain Lane Community.

Sign

Name:

Address:

INTAKE ROAD
BRADFORD BD23LP

Bradford Council

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Gain Lane Community.

Sign: 

Name: 

Address: 

INFACE
12 ASD. BRADFORD.
BD2 3LP

Bradford Council

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Many Thanks

Gain Lane Community.

Sign: [Redacted]

Name: [Redacted]

Address: [Redacted]

GAIN LANE
BRADFORD
BD2 3LW

Bradford Council

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Name

[Redacted Name]

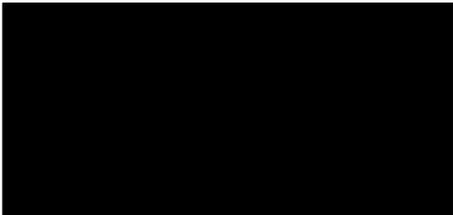
Address

*GAIN LANE
BRADFORD, B02 3LW*

[Redacted Address]

SING :

[Redacted Signature]



Bradford Council

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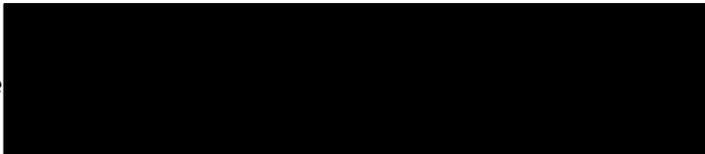
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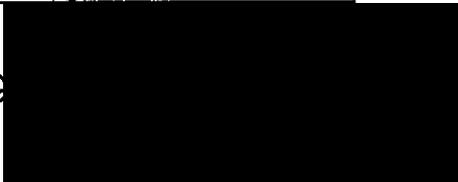
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Address:

GAIN LANE
Bradford
BD2 3LW

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Bradford Council

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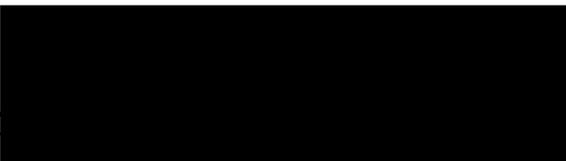
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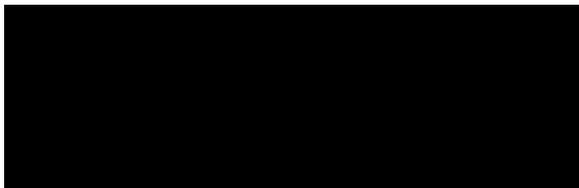
Name



Address:

GAIN LANE
FARLEY
B02 3LW

SIGN :



Bradford Council

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Gain Lane Community.

Sign:

Name:

Address:

DALBY AVENUE

BD3 7JU

Bradford Council

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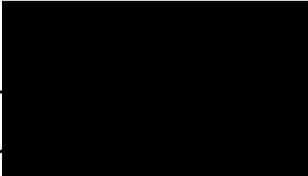
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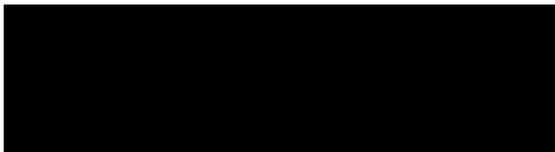
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Gain Lane Community.

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Name: 

Address:  GAIN LANE
FAGLEY
BD2 3LW



Bradford Council

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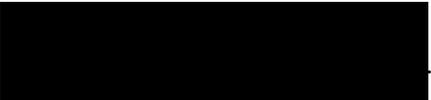
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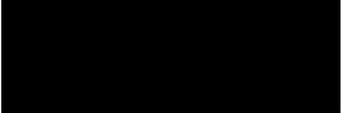
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Gain Lane Community.

Sign: 
Name: 

Address:  GAIN LANE
BDA 3LW
BRADFORD

PHONE NUMBER: 

Bradford Council

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Sign: _____

Name: _____

Address: _____

[Redacted Signature]

[Redacted] Bai TALIB

[Redacted] Gain Lane

Bradford Council

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Sign: _____

Name _____

Address: _____

GAIN LANE
BRADFORD
BD22 3WJ

Bradford Council

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Gain Lane Community.

Name:

[Redacted Name]

Address:

GAIN LANE
BRADFORD
BD23 4W

[Redacted Address]

Sayl

Bradford Council

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Gain Lane Community.

Name: [Redacted] + [Redacted]

Address: [Redacted] Dalby Avenue
[Redacted] BD3 7LW
Bradford

Bradford Council

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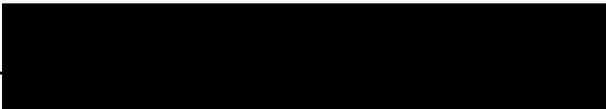
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Bradford Council

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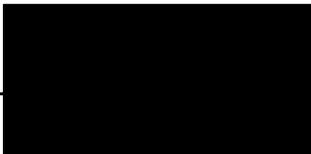
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Gain Lane Community.

Name: _____



Address: _____

Highthorne Ave
BD3 7LP

Bradford Council

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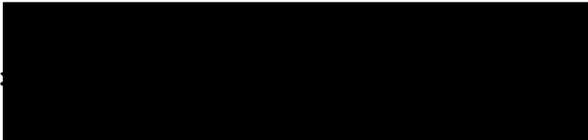
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Many Thanks

Gain Lane Community.

Name:



Address:

1234 AVI
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BD3 7LW

Bradford Council

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Many Thanks

Gain Lane Community.

Name: [REDACTED] - [REDACTED] - [REDACTED] - [REDACTED]

Address: [REDACTED] DALBY AVENUE - [REDACTED] Dalby Avenue. [REDACTED] Dalby Avenue,
BD3 7LW. - BD3 7LW BD3 7LW

Bradford Council

To who it may concern,

RE: TODAYS EXTRA 24HR SHOP ON GAIN LANE

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6. People also bring different cars to race, accelerate and skid (most of them have loud exhausts)
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We are wanting some peace especially due to the current times we are living in at the moment and this problem added on top is making our lives more difficult.

We are all at the end of our tether and need your help desperately.

We would deeply appreciate any help from you as soon as possible.

Many Thanks

Gain Lane Community.

Name: [Redacted]

Address: [Redacted] MOORLANDS AVENUE
BRADFORD
BD3 7LN

[Redacted]

[Redacted] MOORLANDS AVENUE
BRADFORD
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3
(2)

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[Redacted Name]

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Address:

DALBY
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BD 3 7LW

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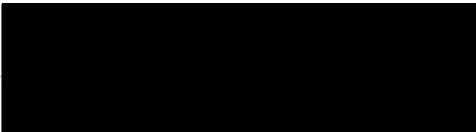
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Name:



Address:

 Dalby Avenue
 13D3 71W
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Name

[REDACTED]

Address

[REDACTED] DAIBY AVE
[REDACTED] 5D3 7LW

Bradford Council

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Name: _____



Address: _____

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BD37LN

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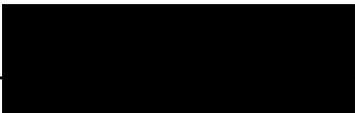
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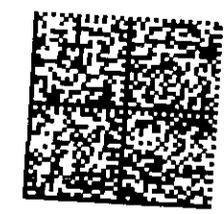
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Name: _____

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DALBY AVENUE.
BD3 7LW

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BRADFORD COUNCIL
FAO ENVIRONMENTAL HEALTH
BRITANNIA HOUSE
HALL INGS
BD1 1HX

Page 55



MAIL PRINT
10 SEP 2021 (3)
SCAN STORE

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From: [REDACTED] [mailto:[REDACTED]@gmail.com]
Sent: 18 October 2021 09:37
To: Melanie McGurk <melanie.mcgurk@bradford.gov.uk>
Subject: Re: Todays Extra Gain Lane

Hi Melanie,

I have just moved from Avertingcliffe road to [REDACTED] Penny Hill Drive, Clayton. BD146NH. I still have family and friends in that area and still spend a lot of time over there.

Regards

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@gmail.com]
Sent: 16 October 2021 14:10
To: Licensing Team <Licensing@bradford.gov.uk>
Subject: Todays Extra Gain Lane

Dear Sir/Madame,

I am writing to oppose your proposals to cut the trading hours of the Todays Extra 24 hour store on Gain Lane.

This store is reliably open to serve the local community at times of the night when there are no other options available. They have a wide range of essential products for sale at A FAIR PRICE.

I firmly believe that cutting this store's trading hours would be detrimental to the community.

I travel a lot around the UK with my job, other progressive minded cities have many businesses which are able to trade 24/7 and offer an essential service in their respective areas. Cutting this store's hours would be regressive and small minded, we need more of these types of stores available not less.

Offering this service to the community comes at considerable expense to the store's owners, it also provides employment to the staff who work these available hours.

I would urge the relevant decision makers to reconsider this proposal and allow this store to continue its excellent service to the local community.

Yours sincerely,

[REDACTED]

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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 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 and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

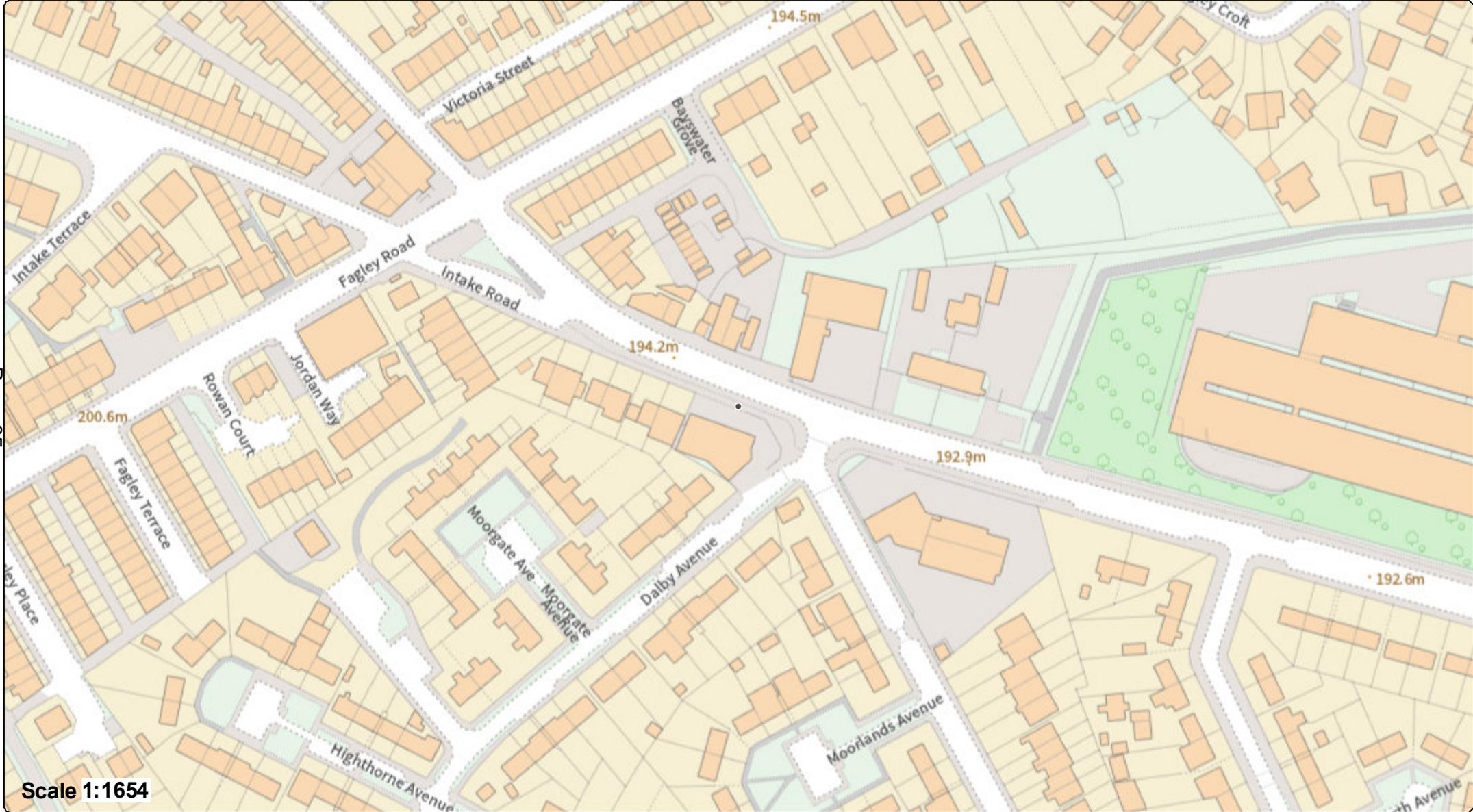
Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



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