



Agenda for a meeting of the Bradford District Licensing Panel to be held on Tuesday, 31 October 2023 at 12.30 pm in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	LIBERAL DEMOCRAT	ILKLEY INDEPENDENT
Slater	Naylor	Hawkesworth

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:

Asif Ibrahim
Director of Legal and Governance
Agenda Contact: Asad Shah
Phone: 07541 624 384
E-Mail: asad.shah@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 must consider their interests, and act according to the following:*

Type of Interest

You must:

*Disclosable
Pecuniary Interests*

Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

*Other Registrable
Interests (Directly
Related)*

Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

OR

*Non-Registrable
Interests (Directly
Related)*

*Other Registrable
Interests (Affects)*

Disclose the interest; remain in the meeting, participate and vote unless the matter affects the financial interest or well-being

OR

*Non-Registrable
Interests (Affects)*

(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and

(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have

a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *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.*
- (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.

(Asad Shah - 07541 624 384)

B. BUSINESS ITEMS

3. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR 24 GENERAL MARKET, 489-491 LITTLE HORTON LANE, BRADFORD, BD5 9BY.

1 - 52

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “U”**) which outlines an application for review of a Premises Licence authorising the sale of alcohol for consumption off the premises in respect of General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.

Recommended –

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



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 31 October 2023.

U

Subject:

Application for a Review of a Premises Licence for 24 General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.

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
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

24 General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.

2.2 Premises Licence holder

Mr Ali Zawad.

2.3 Application Received asking for a Review of the Licence

Responsible Authority

West Yorkshire Trading Standards, have applied for a review of the premises licence.

On 21 February 2022, a test purchase of counterfeit cigarettes was made. A male working at the store retrieved the cigarettes from the boot of a car on the adjoining street.

On 24 March 2022, an inspection visit was made. No illegal tobacco was found in the store, but the keys for a car on the adjoining street were. Illegal cigarettes were seized from the boot of this car.

On 6 March 2023, a test purchase of counterfeit cigarettes was made. A female working at the store obtained the cigarettes from a black carrier bag hung at the back of the counter.

On 8 March 2023, an inspection visit was made. Illegal tobacco was recovered from black plastic bags hung behind the counter. Boxes of illegal tobacco were also recovered from an unlocked car which was parked in a secure yard at the rear of the store.

On 3rd April 2023, a test purchase of cigarettes was made by a fifteen year old youth.

In order to address the prevention of crime and disorder objective and protection of children from harm objective, West Yorkshire Trading Standards would recommend



revocation of the licence.

The application for review 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. 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 3.

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 7 Protection of Children from Harm.

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 CHILDREN AND YOUNG PEOPLE.

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 24 August 2023.
- 3. Extract from the Government Guidance.



4. Location plan of premises.

12. BACKGROUND DOCUMENTS

Application form, plan etc.



Licensing Act 2003 - Premises Licence
Licence No: 217668

Date Issued: 5 November 2021

Part 1 - Premises Details

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

24 General Market

489-491 Little Horton Lane, Bradford, BD5 9BY

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

17 December 2020

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 00:00-23:59
	Tue 00:00-23:59
	Wed 00:00-23:59
	Thu 00:00-23:59
	Fri 00:00-23:59
	Sat 00:00-23:59
	Sun 00:00-23:59

THE OPENING HOURS OF THE PREMISES

	Mon 00:00-23:59
	Tue 00:00-23:59
	Wed 00:00-23:59
	Thu 00:00-23:59
	Fri 00:00-23:59
	Sat 00:00-23:59
	Sun 00:00-23:59

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

Mr Ali Zawad
■ Fieldhead Street, Bradford, BD7 1LP

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 Ali Zawad
■ Fieldhead Street, Bradford, BD7 1LP

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: 218455

Issued By: Bradford

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.

Annex 2 – Conditions Consistent with Operating Schedule

All Four Licensing Objectives

None.

The Prevention Of Crime And Disorder

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the

licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any visit by a relevant authority or emergency service

3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

Public Safety

None.

The Prevention Of Public Nuisance

4. Notices will be displayed to ask customers to respect the neighbours and leave quietly. Internal notices will be displayed to ask customers not to gather outside the premise after 10pm at night.

5. The premises licence holder shall ensure that the external areas of the premises are kept clear of litter and refuse.

6. The premises licence holder shall ensure the removal of the arcade machine to the front of the property with immediate effect. Also, no further machines or devices will be installed that may cause a gathering to the front of the shop.

7. The external lighting will be placed on a system that allows the brightness to be adjusted downwards after 23.00.

The Protection Of Children From Harm

8. Legal notices will be displayed to warn minors ID checks are always used when the age of the customer is in doubt. All staff will be trained in challenge 25 procedures. Proof of training will be kept on the premises and updated every 6 months. A record of any incidents will be made and kept on site for inspection.

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

9. An appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.

10. No licensable activities shall take place at the premises unless or until a CCTV system (with satisfactory internal and external coverage) of a standard acceptable to and to the written satisfaction of West Yorkshire Police and the Licensing Authority has been installed at the premises. The approved CCTV shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.

Licensing Act 2003 - Premises Licence Summary

Licence No: 217668

Date Issued: 5 November 2021

Premises Details

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

24 General Market

489-491 Little Horton Lane, Bradford, BD5 9BY

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

17 December 2020

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

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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

Mr Ali Zawad
■ Fieldhead Street, Bradford, BD7 1LP

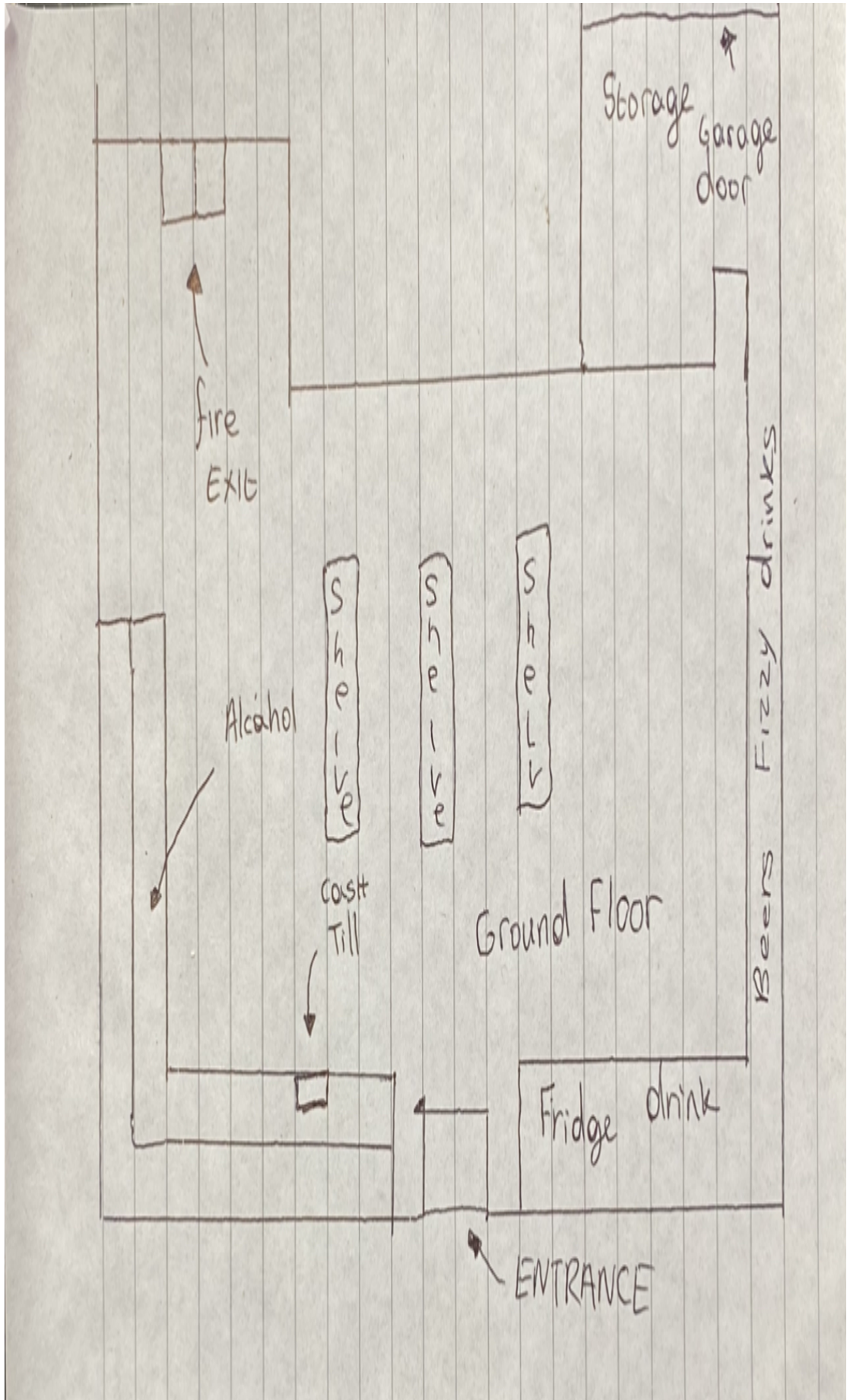
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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

Mr Ali Zawad

WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.



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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 David Mullins acting on behalf of West Yorkshire Trading Standards Service

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
24 HR General Market 489-491 Little Horton Lane	
Post town Bradford	Post code (if known) BD5 9BY

Name of premises licence holder or club holding club premises certificate (if known)
Mr Ali Zawad

Number of premises licence or club premises certificate (if known)
217668

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) X
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley Leeds LS27 7JQ (Case Officer: David Mullins)
Telephone number (if any) 0113 5350000
E-mail address (optional) david.mullins@wyjs.org.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Mr Ali Zawad is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the business trading as 24 HR General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY. Mr Zawad has been DPS since 22nd October 2021, throughout the period covered by the activities described in this application. Mr Zawad is therefore responsible for ensuring the business operates in accordance with the terms of its premises licence and upholds the Licensing Objectives, particularly Prevention of Crime and Disorder, at all times.

The facts of the case are as follows:

The retail premises, **24HR General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY** came to the attention of West Yorkshire Trading Standards Service (WYTSS) following information received which indicated that the business was selling illegal tobacco. The business is a limited company, 24 HR General Market Ltd, incorporated on 24/11/2020. The current director Mr Kadir Beshafa was appointed on 01/09/2021.

On 21st February 2022, a Trading Standards Officer in plain clothes attended the store to make a test purchase. A counterfeit packet of 20 Richmond cigarettes was purchased for £4.50. A male working at the store went out the front door and across to the boot of a car on the adjoining street to obtain the cigarettes. The normal price for this item is over £10, over £6.00 of which is Excise Duty.

On 24th March 2022, Trading Standards Officers conducted an inspection visit at the store. Working there was the business owner, Mr Beshafa. No illegal tobacco was found in the store but the keys for a car on the adjoining street were. Seized from the boot of this car was 390 x 20 packets of illegal cigarettes. It was explained to Mr Beshafa why the cigarettes were illegal and that it was an offence to sell them.

On 6th March 2023, a Trading Standards Officer in plain clothes attended the store to make a test purchase. A Counterfeit packet of 20 Lambert & Butler cigarettes was purchased for £3.00. The female working behind the counter obtained the cigarettes from a black carrier bag hung at the back of the counter.

On 8th March 2023, Trading Standards Officers conducted an inspection visit at the store. Illegal tobacco was recovered from black plastic bags hung behind the counter. The total seized from here was 36 x 20 packets of cigarettes & 5 x 50g pouches of hand rolling tobacco. There was also a car parked in a secure yard at the rear of the store, which was unlocked and had boxes of illegal tobacco on the rear seats. This tobacco was also seized. The total amount seized from the car was 363 x 20 packets of cigarettes and 41 x 50g pouches of hand rolling tobacco.

The tobacco products recovered during the visit are not labelled with the statutory health warnings required by the Tobacco and related products regulations 2016 and did not have the plain packaging as required by the Standardised Packaging of Tobacco Products Regulations 2015. Other

offences being committed include those under the Trade Marks Act 1994, Companies Act 2006 and Customs and Excise Management Act 1979. By committing these offences, the licence holder is clearly failing to uphold the licencing objective to prevent crime and disorder.

The statutory health warnings which are absent on these tobacco products include "Smoking Kills" and "Smoking seriously harms you and others around you". These warnings were implemented in an effort to enhance the public's knowledge about the dangers and risks of using such tobacco products. All cigarettes pose a major health risk and contain hundreds of poisons, including dozens of cancer-causing chemicals. Over half of long-term smokers die early of smoking related diseases.

The photographs taken at the time of the visit show how the illicit tobacco was stored in the shop ready for sale, with additional stocks stored in a vehicle close by to minimise the risk of being discovered.

The supply of cheap and illicit tobacco significantly undermines the government's policy of using tax to maintain the high price of tobacco and help reduce smoking.

By selling non packaging compliant cigarettes at around half the normal retail price, reducing the incentive for smokers to cut down and quit smoking, the premises licence holder is failing in its licencing objective to protect public safety.

Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer.

The supply of illicit and counterfeit tobacco products costs the taxpayer over £2.5 billion per year in lost revenue.

The current Home Office Guidance issued under section 182 of the Licensing Act 2003 states: -

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 certain stated activity and includes:

- 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.

By selling smuggled and counterfeit tobacco products the owners of this business have shown a blatant disregard for the law and licencing objectives. **West Yorkshire Trading Standards, as a Responsible Authority, considers the matters outlined above to be extremely serious and therefore recommends a full revocation of the premises licence.**

Please provide as much information as possible to support the application
(please read guidance note 2)

Please see attached package of papers to support this submission:

Section 9 Statements from:

A Woodward

G Liddicoat

J Bethell

Photographs of the Seized Tobacco

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

N/A

- 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 **X**
 - I understand that if I do not comply with the above requirements my application will be rejected **X**

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **16/08/23**

Capacity **RESPONSIBLE AUTHORITY**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

David Mullins: Team Manager
West Yorkshire Trading Standards
Nepshaw Lane South
Morley

Post town
Leeds

Post Code
LS27 7JQ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.mullins@wyjs.org.uk

Notes for Guidance

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

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

Additional Information to supplement the Application dated 16/08/23.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 24 HR General Market 489-491 Little Horton Lane	
Post town Bradford	Post code (if known) BD5 9BY
Name of premises licence holder or club holding club premises certificate (if known) Mr Ali Zawad	
Number of premises licence or club premises certificate (if known) 217668	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley Leeds LS27 7JQ (Case Officer: David Mullins)
Telephone number (if any) 0113 5350000
E-mail address (optional) david.mullins@wyjs.org.uk

Please state the ground(s) for review (please read guidance note 1)

Mr Ali Zawad is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the business trading as 24 HR General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY. Mr Zawad has been DPS since 22nd October 2021, throughout the period covered by the activities described in this application. Mr Zawad is therefore responsible for ensuring the business operates in accordance with the terms of its premises licence and upholds the Licensing Objectives, particularly Prevention of Crime and Disorder, at all times.

Additional Information to supplement the Application dated 16/08/23.

The retail premises, **24HR General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY** came to the attention of West Yorkshire Trading Standards Service (WYTSS) following information received which indicated that the business was selling cigarettes to children under the age of 18. On 3rd April 2023 a 15-year-old volunteer entered the shop to attempt a test purchase of cigarettes under the supervision of a Trading Standards Officer. The volunteer was able to buy a packet of 20 Richmond Kingsize cigarettes for £5, without being challenged or asked for identification to confirm they were over the age of 18. An investigation into an alleged criminal offence under the Children and Young Persons Act 1933, Section 7 is progressing.

Supporting Information:

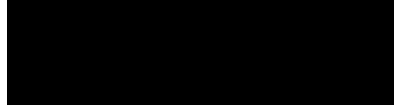
Section 9 statement:

M Peat

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **30/08/23**

Capacity **RESPONSIBLE AUTHORITY**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

David Mullins:
Team Manager
West Yorkshire Trading Standards
Nepshaw Lane South
Morley

Post town
Leeds

Post Code
LS27 7JQ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.mullins@wyjs.org.uk

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of:

Age of witness: *(if over 18 enter 'over 18')*

Occupation:

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: **Signature:** A.Woodward

I am the above named person and I am a regulatory compliance enforcement Officer employed by West Yorkshire Trading Standards Service based in Leeds. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016, Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

On 21st February 2022, I was in plain clothes when I attended the premises of the 24 HR General Market, 491 Little Horton Lane, Bradford, BD5 9BY in order to carry out a test purchase for illegal tobacco. I was in company with a colleague Jason Bethell who waited in our vehicle while I went to the store. As I approached the store I saw there was a male working there who was stacking items for display by the entrance door. I walked past him and went inside.

NOTE : *If statements are typed double spacing should be used. One side only of this paper should be used.* **(Signed)** A. Woodward

Dated.....13/04/2023..... **Page** of

To be completed if applicable: I,being unable to read the above statement I,of....., read it to him/her before he/she signed it. **Signed** **Dated**.....

WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

I approached the counter and asked to purchase a packet of Richmond cigarettes. There was another male working behind the counter, possibly of middle eastern descent who said "YES, OK" I then waited for about 3 or 4 minutes stood by the till. My view of the area behind the till was limited due to items on display on the sales counter. The male behind the counter then handed me a packet of Richmond cigarettes in blue packaging which I paid £4.50 for in cash then left the store.

The packet of cigarettes purchased did not conform to the Tobacco and Related Products Regulations 2016 and I suspect them to be counterfeit. The normal price for the cigarettes is around £11.50.

Upon leaving the store I turned left on foot intending to return to the vehicle I had travelled in, which was parked on a nearby street named SPICER STREET. As I was walking my attention was drawn to a vehicle parked adjacent to SPICER STREET on ADA STREET, at a distance of around 30 yards from the store. I noticed the vehicle because the vehicle had flat tyres and was in a state of disrepair, it did not appear to be roadworthy and looked like it had been parked on the street for quite some time. The vehicle was a Vauxhall Insignia in silver displaying the registration DY09 MJK.

A. Woodward

NOTE : *If statements are typed double spacing should be used. One side only of this paper should be used.* (Signed)

Dated.....13/04/2023..... Page of

To be completed if applicable: I,being unable to read the above statement I,of....., read it to him/her before he/she signed it. Signed Dated.....

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01/09/11



Statement of: Galena-Alixia Liddicoat

Age of witness: (if over 18 enter 'over 18') Over 18

Occupation: Trainee Trading Standards Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 06/04/23

Signature: 

I am a Trainee Trading Standards Officer employed by West Yorkshire Trading Standards Service based at West Yorkshire Joint Services, Neshaw Lane South, Morley, Leeds, LS277JQ. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016, Standardised Packaging of Tobacco Regulations 2015 and The Consumer Rights Act 2015.

On 6th March 2023, I attended the premises of **24 General Market Ltd, 491 Little Horton Lane, Bradford, BD5 9BY**, to carry out a test purchase for illegal tobacco on behalf of West Yorkshire Trading standards. I was wearing plain clothes. Working behind the counter was a female. I describe her as being tanned, with short black hair, in her 30s, and looked as though she had used lip filler. I approached the counter and asked to purchase a packet of Richmond cigarettes. I was told that they did not have

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One side only of this paper should be used.

(Signed) 

Dated 5th April 2023 Page 1 of 2



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

any Richmond, but they had Lambert and Butler. I said that Lambert and Butler would be fine. She then reached under the counter and produced a packet of cigarettes from a black carrier bag behind the counter. I paid £3.00 for them and left the store. The cigarettes were sealed in a signed evidence bag and later placed in secure storage.

NOTE : *If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed)



Dated 5th April 2023 Page 2 of 2

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of: Jason Lee BETHELL

Age of witness: (if over 18 enter 'over 18') Over 18

Occupation: Illicit Tobacco officer

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 11/04/2023 **Signature:** [Redacted]

I am an Illicit Tobacco officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

On 21st February 2022 I was in company with a colleague Adele Woodward when we attended at 24 HR General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY to conduct a test purchase for illegal tobacco. I parked our vehicle on a street next to the store and waited in it while TSO Woodward went inside. As soon as she went in the front door a male emerged from the front of the store and walked across to a vehicle on the street where I was parked. He opened the boot of the vehicle and I could see it was full of bags and boxes. The male selected a small item from one

NOTE : If statements are typed double spacing should be used. (Signed) [Redacted]
One side only of this paper should be used.

Dated.....11/04/2023..... Page of 3

To be completed if applicable:being unable to read the above statement I,of....., read it to him/her before he/she signed it. **Signed** **Dated**.....

Continuation Statement of: **Jason Lee BETHELL**

of the boxes which he kept in his hand as he closed the boot and walked back to the store. A few seconds after he went back into the store, TSO Woodward exited from it and walked back to our vehicle. We then left the area.

On 24th March 2022 I was in company with other Trading Standards and Police Officer's when I again attended at 24 HR General Market to conduct an inspection visit. Working at the store was the business owner Mr Kadir Beshafa. Inside the store there was no illegal tobacco but there was the keys to a car parked on the street where we had parked our vehicle to conduct the test purchase. Seized from the boot of this car was 390 x 20 packets of illegal cigarettes. I explained to Mr Beshafa why the cigarettes were illegal and that it was an offence to sell them.

On 8th March 2023 I again attended 24 HR General Market to conduct and inspection visit. Working at the store was a male and a female, both of who claimed to be just "helping out". The female said she would ring the boss, she made a phone call and Mr Beshafa attended at the store. I saw there was illegal tobacco items in black plastic bags, hung behind the counter. The total seized from here was 36 x 20 packets of cigarettes & 5 x 50g pouches of hand rolling tobacco. There was also a car parked in a secure yard at the rear of the store, which was unlocked and had boxes of illegal tobacco on the rear seats. This tobacco was also seized. The total amount seized

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(Signed) 

Dated.....11/04/2023..... Page of 3

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WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Continuation Statement of: **Jason Lee BETHELL**

from the car was 363 x 20 packets of cigarettes and 41 x 50g pouches of hand rolling tobacco. Mr Beshafa denied any knowledge of the vehicle and when asked about the illegal tobacco behind the counter stated "Well everybody does it".

NOTE : *If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed) 

Dated.....11/04/2023..... Page of 3

To be completed if applicable:being unable to read the
above statement I,of.....,
read it to him/her before he/she signed it. **Signed** **Dated**.....











WITNESS STATEMENT


Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of:

Age of witness: (if over 18 enter 'over 18')

Occupation:


This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: **Signature:** 

I am employed as a Trading Standards Officer by West Yorkshire Trading Standards in the Safety section. I qualified as a Trading Standards Officer in June 1994. I am an authorised officer under The Children and Young Persons Act 1933.

The retail premises, **24 Hour General Store, 491 Little Horton Lane, Bradford, BD5 9BY** was known to West Yorkshire Trading Standards Service (WYTSS) because of intelligence and complaints regarding the sale of illicit cigarettes. Since 1st January 2022 three complaints concerning the sale of illicit cigarettes had been received. West Yorkshire Police Intelligence also suggested that this shop was selling to persons under the age of 18. West Yorkshire Police had requested WYTSS to carry out a test purchase at the premises.

On 3rd April 2023 I was working with my colleagues on an underage test purchasing operation. We were using a child volunteer test purchaser who was assisting WYTSS for the purposes of this exercise. The test purchaser was **15 years old**.

NOTE : If statements are typed double spacing should be used. One side only of this paper should be used. (Signed) 

Dated.....28/06/2023..... Page 1 of 2

To be completed if applicable: I,being unable to read the above statement I,of....., read it to him/her before he/she signed it. Signed Dated.....

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WITNESS STATEMENT

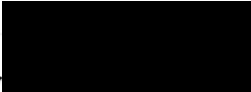
**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

We then set off to carry out multiple test purchases. The test purchases were being carried out in Bradford. We arrived in **Little Horton Lane** at around 12-45 hrs and commenced with attempted test purchases. At 13-13 hrs I went into the premises **24 Hour General Store 491 Little Horton Lane, Bradford** and looked at products where I was able to see the test purchaser enter the premises shortly after and then moved closer to listen to the conversation when they had requested the cigarettes from behind the counter. I had a clear unobstructed view, and I could hear what was being said between the test purchaser and the seller. The test purchaser asked for a pack of Richmond cigarettes.. The seller asked for £5-00 which the test purchaser agreed to and the seller obtained the cigarettes from behind the counter. I observed the transaction between the seller and the test purchaser. At no time was any ID asked for by the seller behind the counter. The seller accepted the money and put the money in the till. I then witnessed the test purchaser leave the shop with the cigarettes.

. I asked the seller for the name of the owner who she said was called **Kadir** but had no further details, which I recorded in my notebook. I then informed the seller that the department would be in contact with the owner of the business and further action may be taken. We then left the premises and returned to the car.

On returning to the car, I allocated sample number **97242** to the **Richmond King Size cigarettes** and placed the cigarettes in evidence bag number **M17140331** which I sealed. On returning to the office the cigarettes were placed in the Safety Store for secure storage.

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(Signed) 

Dated.....28/06/2023..... Page 2 of 2

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above statement I,of.....
read it to him/her before he/she signed it. **Signed** **Dated**.....

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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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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, 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

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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

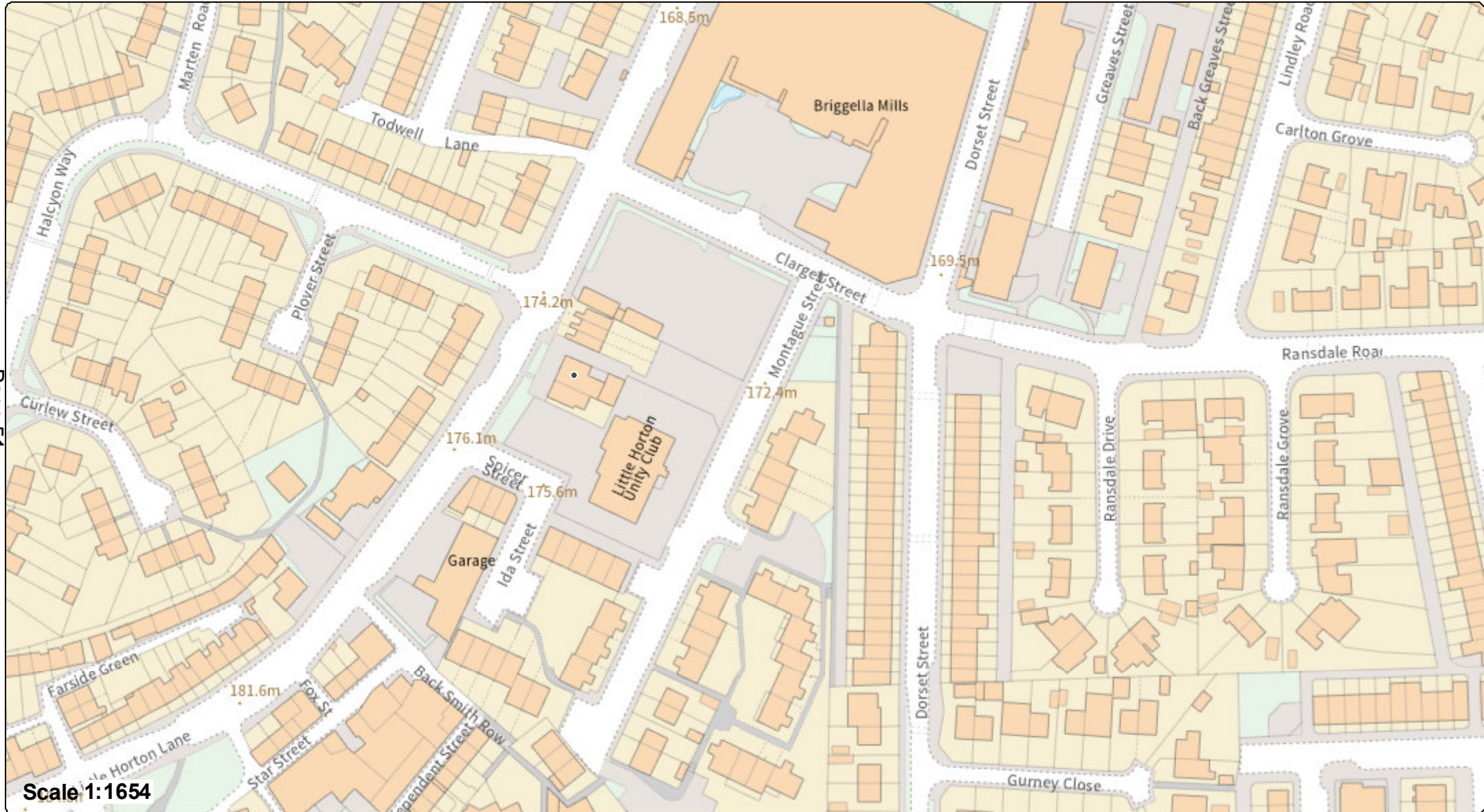
11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 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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