

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 11 May 2018.**

**Q**

---

### **Subject:**

**Application for a Premises Licence for the Rezgar Mini Market, 512-514 Great Horton Road, Bradford, BD7 3HR**

### **Summary statement:**

**Application for a new premises licence for the sale of alcohol for consumption off the premises.**

---

John Major  
Assistant Director  
Waste, Fleet & Transport Services

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

### **Portfolio:**

**Neighbourhoods & Community Safety**

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

**Corporate**

## 1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

## 2. BACKGROUND

### 2.1 The applicant

Mr Serwan Abdullah. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Rezgar Mini Market, 512-514 Great Horton Road, Bradford, BD7 3HR

### 2.3 Proposed Designated Premises Supervisor

Mr Serwan Abdullah.

### 2.4 Application

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

- Sale of alcohol for consumption off the premises

Hours of licensable activities:

Monday to Sunday: 08.00 to 00.00

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

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

Spirits of high ABV will be sold behind the counter.

When the DPS is not on duty a contact telephone number will be available at all times.

Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises.
- (ii) Any other crime or criminal activity on the premises.
- (iii) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (iv) Any refusal to serve alcohol to under 18's or anyone who appears to

be under 18.

- (v) Any call for police assistance to the premises.
- (vi) Any ejection from the premises.
- (vii) Any first aid/other care given to a customer.

#### Refusals Book

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal.
- (ii) Item refused.
- (iii) Name & address of customer (if given)
- (iv) Description of customer.
- (v) Details of ID offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

b) Public safety will be achieved by;

No risk has been assessed under the Licensing Act 2003.

c) Prevention of public nuisance will be achieved by;

The Management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

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

A 'Challenge 25' policy shall be operated at the premises at all times. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID that is approved for acceptance by the Police or other Authorised Officers. Signage for 'Challenge 25' scheme shall be displayed at the premises. A documented training programme shall be introduced for all staff in a position to sell, serve alcohol. The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training.

e) General – all four licensing objectives

A tamper-proof digital colour CCTV system must be installed and maintained at the premises.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times. The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request. The premises are secured with roller shutters at the front when closed.

Purchasing records to be kept.

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer.

## **2.6 Relevant Representations Received**

### **Responsible Authorities**

West Yorkshire Trading Standards Service (WYTSS) carried out a test purchase of illegal tobacco at the premises on 7 March 2018, long after the name of the business changed to Rezgar Mini Market. Previously, the business was known as International Food Store and the premises licence was revoked following a review application by WYTSS. Despite the name change, Trading Standards has established that the business is still trading in illegal tobacco.

WYTSS are of the opinion that the business does not have the ability to prevent crime and disorder or protect children from harm and therefore has serious concerns regarding the applicant's ability to meet the licensing objectives.

The representation is attached at Appendix 2.

### **Individual, Body or Business**

A representation has been received from a Ward Councillor which raises concerns that illegal sales of tobacco products are still taking place at the premises, despite the previous premises licence being revoked to address the prevention of crime and disorder objective.

The representation is attached at Appendix 3.

### **3. OTHER CONSIDERATIONS**

#### **Legal Appraisal**

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

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

**3.2** The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.

**3.3** Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

**3.4** Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

**3.5** Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

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

**3.6** The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder) 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. OPTIONS**

**4.1** Members may:

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

- 4.2** 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.

**5. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

**6. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management and governance implications.

**7. LEGAL APPRAISAL**

Referred to in part 3 of this report.

**8. OTHER IMPLICATIONS**

**8.1 EQUALITY & DIVERSITY**

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

**8.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

**8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

**8.4 COMMUNITY SAFETY IMPLICATIONS**

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

**8.5 HUMAN RIGHTS ACT**

The following rights are applicable:

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

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

**8.6 TRADE UNION**

Not applicable.

**8.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

**9. NOT FOR PUBLICATION DOCUMENTS**

None.

**10. RECOMMENDATIONS**

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

**11. APPENDICES**

1. Application form received 23 March 2018.
2. Representation from Trading Standards.
3. Representation from a Ward Councillor.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.