

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

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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.

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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.

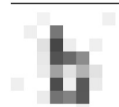
On 24 March 2022, an inspection visit was made. No illegal tobacco was found in the store, but the keys for a car on the adjoining street were. Illegal cigarettes were seized from the boot of this car.

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:

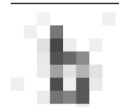
Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck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

