

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 11 August 2016 at Committee Room 3 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

1. Application for a new Premises Licence for My Euro Basket, 125 Horton Grange Road, Bradford (Document "D")
2. Application for a new premises licence for K & H News, 122C Morley Street, Bradford (Document "E")
3. Application for a new Premises Licence for Baba Jaga, 15 Laisteridge Lane, Bradford (Document "F")



RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR K & H NEWS, 122C MORLEY STREET, BRADFORD

Commenced: 10.00
Adjourned: 10.45
Recommended: 10.55
Concluded: 11.00

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair), Hawkesworth and Morris

Parties to the Hearing:

Representing the Applicant:

Ms J Sherratt

Mr Ali – Applicant

Representing Interested Parties

Councillor A Ahmed

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document “E”.

It was reported that, in order to address all four of the licensing objectives, the Police had requested conditions be placed on the licence. The conditions were set out in Document “E” and it was confirmed that the applicant had agreed to the conditions being placed on the licence.

In addition to the representations made by the police it was reported that two representations and a petition had been received from Ward Councillors and individuals. The representations raised concerns of an increase in anti-social behaviour in the area should the application be granted. The representations were appended to Document “E”.

A Local Ward Member, representing local residents, reported their concerns that granting of the premises could exacerbate anti social behaviour in the area.

The applicant’s representative addressed the meeting to explain the rationale for the application; the applicant’s experience in the license trade and the experience of his colleague working alongside him on the premises.

It was stressed that time had been taken prior to the application being submitted to ensure that the business was fit for operation. Measures to ensure compliance with ‘Challenge 25’; staff training; the availability of a personal licence holder at all times, refresher training and internal procedures to ensure compliance with all conditions were reported. It was confirmed that the applicant would operate a ‘refusals register’ at the premises and a meeting had been held with officers from West Yorkshire Trading Standards (WYTS) and West Yorkshire Police to understand the expectations on the applicant. Members were assured that conditions on the licence had been volunteered and that an additional condition would be acceptable to ensure that all stock would be purchased from bona fide wholesalers.

It was maintained that the business would be an asset to the local community and there was no evidence to suggest that the business would not operate lawfully and constructively in the area.

Following the detailed presentation a number of questions were raised to which the following responses were provided:-

- The licence had not been sought when the applicant had taken over the business in May 2016 to allow time for consultation with the responsible authorities.
- The applicant's colleague would apply for a personal licence to support the applicant should the licence be granted.
- The applicant would be willing to combine the 'refusals register' with an "incident log" at the premises.
- It was acknowledged that should the application be granted the premises would be busier and additional staff would be required.
- Previous incidents at the premises were not the responsibility of the applicant. The application had been formulated to ensure correct procedures were in place.
- There were many areas blighted by anti-social behaviour, however, steps had been taken to ensure correct policies and procedures were in place to deal with any issues arising.

The Licensing Officer was questioned about the level of monitoring of the premises and she explained that any reports of anti-social behaviour in the area would be investigated together with West Yorkshire Police and checks on the compliance with conditions on the licence would be undertaken. It was explained that anti-social behaviour in that area was not necessarily linked to individual premises.

In summation the Ward Member stressed that the premises were located close to an area suffering from incidents of anti-social behaviour. He reported work being undertaken by the Council and its partners to control anti-social behaviour and outlined concerns that an additional licenced premises would exacerbate the issues faced by residents in that area. Members were urged to refuse the application.

The applicant's representative maintained that there was no evidence to link anti-social behaviour in the neighbouring area to the premises. It was felt that the applicant had approached the application in a professional manner and the availability of the review process should any problems occur in the future was stressed. In conclusion the Chair reminded the applicant that any conditions imposed on a licence would be monitored and reports of non compliance would be investigated.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the panel grants the application subject to the conditions contained in Appendix 2 to Document E and the amendment of those conditions to refer to "Challenge 25 as opposed to "Check" 25; and the provision of a combined Refusals and Incidents Register.

Reason - It is considered that the conditions are necessary to ensure compliance with all four of the objectives of the Licensing Act.

RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR MY EURO BASKET, 125 HORTON GRANGE ROAD, BRADFORD

Commenced: 11.00
Adjourned: 11.20
Recommended: 11.25
Concluded: 11.30

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair), Hawkesworth and Morris

Parties to the Hearing:

Mrs J Dubniakoviene – Applicant

Representing Interested Parties

Councillor A Ahmed

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document “D”. It was reported that, in order to address the prevention of crime and disorder objective, the Police had requested conditions be placed on the licence. It was noted that the applicant had agreed to the conditions, which were presented in detail in Document “D”.

It was explained that two representations and a petition had been received from Ward Councillors and individuals. The representations raised concerns of an increase in anti-social behaviour in the area should the application be granted. The representations were appended to Document “D”.

The Licensing Officer advised Members that since the publication of the agenda an email had been received in support of the application from the landlord of the property. The communication claimed that some of the signatures on a petition presented opposing the application had been falsely received and that some residents who had initially been against the application were no longer in opposition.

The applicant addressed the meeting and explained that the premises were run as a small family business which was losing trade because of the inability to sell alcohol. It was claimed that customers wished to purchase all of their shopping in one place and were walking past the premises to access other premises where they were able to purchase alcohol along with their general shopping. It was explained that some neighbours had been fearful of the application but once they had got to know the family had expressed their support.

Members questioned the proximity of local schools to the premises and were advised of the location of Princeville, Farnham and Horton Grange schools. The hours of operation and staffing arrangements were discussed and it was explained that should trade increase additional staff would be employed. Assurances that staff would be trained in selling alcohol were provided.

The process required to access training in the licensed trade was questioned. Members were advised, by the Licensing Officer, that it was for individual businesses to approach the relevant training providers. It was confirmed that the applicant was a Personal Licence holder and had indicated that her husband, who would be working on the premises, would apply for that accreditation. In response to discussions about the monitor of sale refusals and incidents the applicant confirmed they would be happy to have a condition placed on the licence to that effect.

A local Ward Member in attendance reiterated representations contained in Document "D" and expressed the view that residents were concerned that an additional licensed premises in the area would exacerbate anti-social behaviour in that locality and that there were sufficient retail outlets to purchase alcohol in the vicinity. It was maintained that the application, if granted, would cause harm to the residential amenity and community cohesion in the locality.

In response the applicant queried the signatories contained on the petition. She reported that some residents had apologised for supporting the petition before they had got to know the applicant and the way she operated the business.

In summary the Ward Member referred to the residential nature of the area and the close proximity of schools and mosques to the business. The view that there were sufficient outlets to purchase alcohol was reiterated and the belief that the application would impact on community relations and anti-social behaviour was repeated. In response to questions about anti-social behaviour being linked to alcohol in the area he stated that there was a problem with alcohol cans littering the area and that the applicant would not be able to manage that issue.

A representative of West Yorkshire Police, in attendance as an observer, was questioned about anti-social behaviour in the area and confirmed that there were problems occurring. She maintained, however, that the behaviour could not be linked to the application under consideration as the premises were not currently selling alcohol.

The applicant concluded by stressing that her business was a small family concern which the family were trying to grow. Assurances that should business dictate additional staff would be employed were provided.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the panel grants the application subject to the conditions contained in Appendix 2 to Document D and the amendment of those conditions to refer to "Challenge 25 as opposed to "Check" 25; and the provision of a combined Refusals and Incidents Register.

Reason - It is considered that the conditions are necessary to ensure compliance with all four of the objectives of the Licensing Act.

**RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR BABA JAGA, 15
LAISTERIDGE LANE, BRADFORD**

Commenced: 11.35
Adjourned: 12.25
Recommended: 12.35
Concluded: 12.40

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair), Hawkesworth and Morris

Parties to the Hearing:

Representing the Applicant

Mr N Ralf

Mr A Karim - Applicant

Representing Interested Parties

Councillor A Ahmed

Ms N Karim –Grantham Road Residents Association

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document "F". It was reported that, in order to address the prevention of crime and disorder objective, the Police had requested conditions be placed on the licence. It was noted that the applicant had agreed to the conditions, which were presented in detail in Document "F".

The applicant's representative addressed the meeting and referred the Panel to the application and steps proposed by the applicant to address the licensing objectives contained at 2.5 of Document "F". He maintained that, under the Licensing Act 2003, the applicant could only be expected to take action on matters under his control and stressed that he had liaised with police and had agreed to conditions being imposed on the licence. It was maintained that there was no evidence to suggest that the applicant would not satisfy all four of the licensing objectives and that the representations were not substantiated and had been based on fear.

The previous business experience of the applicant company was reported and it was stressed that they had the experience to implement measures to meet all the licensing objectives.

Members and local residents raised a number of questions following the applicant's statement to which the following responses were provided:-

- There would be no cap on the amount of alcohol sold to individuals, however, patrons who appeared under the influence or were problematic would not be served. There was no statutory framework to limit the amount of alcohol sold. The Licensing Officer confirmed that conditions on that issue could not be imposed.
- The applicants had considerable experience of operating in similar areas to the location of the premises and in close proximity to schools and nurseries.
- The company was fully entitled to engage in business and should not be

- discriminated against because there were other retail outlets.
- The applicant company were aware of community needs; had considerable experience of the Licensing Act 2003 and of the steps required to protect customers.

A representative of the local community through the Grantham Road Residents Association attended the meeting to express the views and concerns about the application of the people living in the area. She maintained that the provision of CCTV inside of the premises would not prevent anti-social behaviour and litter occurring in the community. It was acknowledged that the premises would operate a Challenge 25 scheme to prevent underage sales but it was felt that this would not prevent intoxicated adults and drug users being in close proximity to children in the area which was a problem currently occurring.

Details of a litter pick day organised in the area and the retrieval of hundreds of needles and beer cans were provided.

It was maintained that the police had been called many times to the area but were unable to respond due to lack of resources. An incident had already occurred with people fighting outside of the applicant premises despite the application being not yet granted. CCTV cameras installed at the premises had been removed within 1.5 hours of installation.

The involvement of the Chief Executive and Ward Officers of the Council was reported and fortnightly meetings which had been arranged in an effort to alleviate anti-social behaviour in the area were discussed. It was explained that a Public Space Protection Order was proposed for the area and the Council's duty of care for the 35,000 students and children in the area was stressed.

Members were requested to think carefully about the problems already occurring in the area and the close proximity of colleges and schools.

Following a detailed presentation Members and the residents raised a number of questions to which the following responses were provided by the applicant:-

- CCTV cameras would be installed to capture incidents occurring in the exterior and interior of the premises.
- CCTV could not prevent crime but could deter perpetrators.
- Procedures would be in place to protect the local community and these would increase the safety of the streets in the area.
- Incidents of anti-social behaviour could not be attributed to the application, however, the police had used the CCTV footage at the premises to identify perpetrators of anti-social behaviour in the general area.
- There was no evidence to suggest the granting of the licence would cause the area to deteriorate.
- The conditions which had been agreed on the licence would satisfy all of the licensing objectives.

A Ward Councillor addressed the meeting and maintained that 185 people were in opposition to the application. It was believed that this opposition demonstrated how strongly they felt that the grant of a licence could disrupt the actions implemented by the Council and Police to mitigate anti-social behaviour in the area.

It was maintained that the area was frequented regularly by people under the influence of

alcohol and drugs and people who were living on the streets. It was reported that residents regularly had to clear the outside of their homes of faeces, bottles and drugs paraphernalia. Residents were often confronted by people who were intoxicated and it was feared that the granting of an additional licence would exacerbate the problems being faced. Members were urged to decline the application.

It was questioned how residents felt the application would intensify anti-social behaviour in the area. In response it was felt that the other retail outlets selling alcohol were located further from the area and the grant of the licence at the premises under discussion would make it easier for people to become intoxicated and drink on the streets in that location.

Following a discussion on the constraints on the Panel under the Licensing Act 2003 it was claimed, by the local Ward Member, that public safety would be compromised if the licence were granted and the Police and Wardens would not be able to provide assistance.

The strength of feeling about the application was discussed. A Ward Member explained that the signatures on the petition had been gathered over a number of days. The people objecting were the people who lived in the area and were living in fear. He maintained that you had to live in the area to understand the conditions they faced.

The applicant stressed that there was a demand for the provision of alcohol in the area and questioned why there were new schools proposed in that location if the area was as horrific as portrayed.

In response the Ward Member and representative of Grantham Road Residents Association reported measures undertaken to clear up the area and introduce new facilities. It was feared that responsible authorities would be unable to police that area.

A representative of Bradford College reported that the college was investing £65m in the area over a three year period and were dealing with issues of fighting and drug taking on a daily basis.

In summation the representative of Grantham Road Residents Association reiterated her belief that the granting of the licence would cause considerable harm to the local community. She explained that property prices had reduced by 50% in the area as a result of anti-social behaviour. Members were urged to take account of the actions being taken in the area to address the problems and the evidence of anti-social behaviour which was occurring daily.

The Ward Member in summary reported his agreement with the residents' group's view and urged Members to decline the application because of the incidents of anti-social behaviour and to prevent the efforts undertaken by the Police and Neighbourhood Wardens being eroded.

The applicant's representative concluded by requesting the Panel grant the application for the following reasons:-

- The objections did not carry sufficient weight against the application.
- Steps proposed to meet the licensing objectives were set out.
- West Yorkshire Police, with the inclusion of conditions, supported the application.
- There are a number of licensed premises in the area and it would be unfair not to grant the application under discussion.

- The applicant had experience in assisting communities and controlling problems and was committed to working to address issues in the location.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the panel grants the application subject to the conditions contained in Appendix 2 to Document F; the amendment of those conditions to refer to “Challenge 25 as opposed to “Check” 25; and the provision of a combined Refusals and Incidents Register and an additional conditions as follows:-

That the Licensee shall ensure that the external areas around the perimeter of the premise are kept clear of litter and refuse.

Reason - It is considered that the conditions are necessary to ensure compliance with all four of the objectives of the Licensing Act.

Chair

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

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