

Report of the Strategic Director Environment & Sport to the meeting of the Bradford District Licensing Panel to be held on 11 August 2016.

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Subject:

Application for a Premises Licence for My Euro Basket, 125 Horton Grange Road, Bradford, BD7 2DN

Summary statement:

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

Steve Hartley
Strategic Director
Environment & Sport
Report Contact: Melanie McGurk
Senior Licensing Officer

Senior Licensing Officer Phone: (01274) 431873

E-mail: melanie.mcgurk@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety Overview & Scrutiny Area:

Corporate





Ward: City

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 applicants

Mrs Jolita Dubniakoviene. A copy of the application is attached at Appendix 1.

2.2 The Premises

My Euro Basket, 125 Horton Grange Road, Bradford.

2.3 Proposed Designated Premises Supervisor

Mrs Jolita Dubniakoviene.

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: 09.00 to 22.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Drugs policies/notices. Provision of adequate lighting. Search policies.

b) Public safety will be achieved by;

Provision of emergency lighting. CCTV system outside.

c) Prevention of public nuisance will be achieved by;

Provision and use of a noise limiting device.





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

Proof of age scheme.

e) General – all four licensing objectives

Installing a suitable CCTV system. Staff training on licensing issues.

2.6 Relevant Representations Received

Responsible Authorities

West Yorkshire Police

In order to address the prevention of crime and disorder objective, the Police have requested that the following conditions are placed on the Licence;

- 1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras shall encompass all ingress and egress to the premises and all areas where the sale of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped and recordings be kept for a period of 28 days. The premises licence holder must ensure at all times the DPS or appointed member of staff is present on the premises and capable and competent at downloading CCTV footage in a recordable format, either DISC or VHS to the Police or Licensing Authority on request. The recording equipment and tapes/discs shall be kept in a secure room and endorsed by signature indicating that the CCTV system has been checked and is compliant. In the event of any failings of the CCTV system, this shall also be recorded. In the event of technical failure of the CCTV equipment, the premises licence holder/DPS must report the failure to the Bradford District Police Licensing Officer and Local Authority immediately.
- 2. A Challenge 25 policy shall be in place during all licensable activities.
- 3. A refusals Register shall be in place and endorsed by all members of staff with date, time and details of refused product.
- 4. At all times the premises are open for licensable activities, members of staff must be able to communicate sufficiently to enable them to promote the four licensing objectives.

The applicant has agreed to the conditions being placed on the Licence.

The representation is attached at Appendix 2.





Individual, Body or Business

Two representations and a petition have been received from Ward Councillors and individuals. The representations raise concerns of an increase in anti-social behaviour in the area should the application be granted.

The representations are 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 6 (prevention of public nuisance).
- **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:





Report to the Licensing Panel

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the states 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 17 June 2016.
- 2. Representation from West Yorkshire Police.
- 3. Representations from Ward Councillors and individuals.

12. BACKGROUND DOCUMENTS

Application form, plan etc.





204512



Licensing Team, Environmental & Regulatory Services, Jacobs Well, Bradford, BD1 5RW

Application for a premises licence to be granted 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 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.

INNO JOLITA DUBNIAKOVIENE (insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Po	stal address of premises or, if none, ordnar	nce survey ma	p refer	ence or description
Po	st town	Post code	307	2 D N
Tel	ephone number at premises (if any)		-	
No	n domestic rateable value of premises	£		
Par	t 2 – Applicant Details			
Plea	se state whether you are applying for a Premis	ses Licence as		
		Pleas	e tick a	s appropriate
a)	an individual or individuals*		V	please complete section (A)
b)	a person other than an individual*			
	i. as a limited company			please complete section (B)
	ii. as a partnership			please complete section (B)
	ili. as an unincorporated association or			please complete section (B)
	iv. Other (for example a statutory corporation	n)		please complete section (B)
c)	a recognised club	2		please complete section (B)
d)	a charity		ľ	please complete section (B)
e)	the proprietor of an educational establishmen	t		please complete section (B)
f)	a health service body			please complete section (B)
g)	a person who is registered under Part 2 of the Standards Act 2000 (c14) in respect of an ind hospital			please complete section (B)

g) a.	a person who is rep Health and Social Con of a regulated a In an independent	Care Act 2008 in ctivity (within the	respect of meaning	f the caπyi	ng	please complete section (B)
h)	the chief officer of p Wales	police of a police	force in E	ingland an	d	please complete section (B)
*16	ou are applying as a	norenn doestihe	d in (a) or	(h) nlease	confirm:	Please tick yes
•		or proposing to				the use of the premises
ar •	m making the applica Statutory functio A function dischi	n; or		esty's prero	ogative	
781	INDIVIDUAL APPL	ICANTS (SII in a	e annliash	le)		
(A)	INDIVIDUAL AFFE		applicati		_	A11 111
Mr	Mrs	V Miss		Ms		Other title (for example, Rev)
Su	mame			First nam	es	
	DUBNIAKO	VIENE		10	LITA	
						Please tick yes
l ai	m 18 years old or ov	'er				
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Po	est Town				Postcode	
Da	sytime contact teleph	ione number				
En	nail address (optiona	al)			Ø	GNAIL. COM

SECOND INDIVIDUAL	APPLICANT (if	applicable))			
Mr Mrs Surname	Miss	3	Ms First name	es	Other title (for example, Rev)	
		8			Please t	ick yes
l am 18 years old or ov	er .					
Current postal address if different from premises address						
Post Town				Postcode		
Daytime contact telepho	one number					
E-mail address (options	ai)					
(B) OTHER APPLICAN Please provide name and registered number. In ca the name and address of	d registered add	hip or othe	olicant in fu er joint vent	ill. Where app ure (other tha	propriate please give any n a body corporate), plea	se give
Name				-		
Address						
Registered number (wh	ere applicable)					
Description of applicant	(for example, pa	artnership,	company,	unincorporate	ed association etc.)	
Telephone number (if a	ny)					
E-mail address (optiona	(اد					

Part 3 - Operating Schedule DD MM YYYY When do you want the premises licence to start? DĎ MM YYYY If you wish the licence to be valid only for a limited period, when do you want it to end? Please give a general description of the premises (please read guidance note 1) If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003) Provision of regulated entertainment Please tick any that apply plays (if ticking yes, fill in box A) a) films (if ticking yes, fill in box B) b) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) live music (if ticking yes, fill in box E) e) f) recorded music (if ticking yes, fill in box F) performance of dance (if ticking yes, fill in box G) g) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in h) box H)

In all cases complete boxes K, L and M

Supply of alcohol (if ticking yes, fill in box J)

Provision of late night refreshment (if ticking yes, fill in box i)

A

Plays Standard days and tlmings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick	Indoors
			(please read guidance note 2)	Outdoors
Day	Start	Finish]	Both
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4) Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
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В

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Finish	1	
		Both
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	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left release list.	
-	(Please read guidance note 5)	
		State any seasonal variations for the perform read guidance note 4) Non standard timings. Where you intend to uperformance of live music at different times to on the left, please list.

F

Recorded music Standard days and timings (please read guidance note 6)		and	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors
			tick (please read guidance note 2)	Outdoors
Day	Start	Finish]	Both
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Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)		that e), (f) or and	Please give a description of the type of entertainment you will be providing. Will this entertainment take place indoors or Indoors			
			outdoors or both - please tick (✓) (please	Outdoors		
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Supply of alcohol Standard days and timings (please read guidance note 6)		and read	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises Off the premises	
Day	Start	Finish		Both	
Mon 0900 2200		2200	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Tue	0900	2200			
Wed	0900	2200			
Thur	0900	2200	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		s for the sale the left,
Fri	0900	2200			
Sat	0900	2200			
Sun	0900	7200 -			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name JOLITA DUBNIAKOVIENE

Address

9 WILFRED STREET BRADFORD

Postcode

B014 64F

Personal licence number (if known)

204380

Issuing licensing authority (if known)

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)		blic and read	State any seasonal variations (please read guidance note 4)
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			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on
Thur	<u></u>		the left, please list. (please read guidance note 5)
Fri			
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Sun			

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

- . INSTALLING A SUITABLE CCTV SYSTEM
- . STAFF TRAINING ON LICENSING ISSUES
- b) The prevention of crime and disorder
- . DRUGS POLICIES / NOTICES
- , PROVISION OF ADEQUATE LIGHTING
- · SEARCH POLICIES
- c) Public safety
 - · PROVISION OF ENERGENCY LIGHTING
 - · CCTV SYSTEM OUTSIDE
- d) The prevention of public nuisance
 - · PROVISION AND USE OF A NOISE LIKITING
- e) The protection of children from harm
 - . PROOF OF AGE SCHEME

	Please tick to indicate agr	eemei
•	I have made or enclosed payment of the fee	
	t have enclosed the plan of the premises	
•	I have sent copies of this application and the plan to responsible authorities and others where applicable	
•	I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable	~
•	I understand that I must now advertise my application	V
•	I understand that if I do not comply with the above requirements my application will be rejected	V
THE ST	OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FAI IENT IN OR IN CONNECTION WITH THIS APPLICATION	ON LSE
Part 4 -	- Signatures (please read guidance note 10)	

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11), if signing on behalf of the applicant please state in what capacity.

Signature		
Date	16-06-2016	
Capacity	DUBNIAKOVIENE	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact Name (where not previously with this application (please rea	pusly given) and postal address for correspondence associated diguidance note 13)	_
**	13	
Post town	Post code	
Telephone number (If any)		-
Telephone number (if any)		_
	pond with you by e-mail, your e-mail address (optional)	_

APP 2



204512

Licensing Licensing Department Trafagar House Nelson Street Bradford BD5 0DX

Tel: 01274 3471446
Mobile: 07736 084845
Email: susanne.dawson@westyorkshire.pnn. police.uk

Your ref: New Application Our ref: BON

5th July 2016

Licensing Team
City of Bradford Metropolitan District Council
Legal & Democratic Services
3rd Floor Jacobs Well
Bradford
BD1 5RW

Grant of Premises Licence, Licensing Act 2003 My Euro Basket – 125 Horton Grange Road, Bradford, BD7 2DN

I refer to the application in respect of the above premises, which was received by the police on 21ST June 2016.

Police enquiries into the application have now been completed and I make the following representations: -

The application is to operate the premises for the sale of alcohol and the provision of other licensable activities Monday – Sunday 09:00 – 22:00hrs.

The police have proposed and the applicant has agreed the following:-

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supple of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped and be kept for a period of 28 days. The premises licence holder must ensure at all time the DPS or appointed member of staff present on the premises and capable and competent at downloading CCTV footage in a recordable format, either DISC or VHS to the police or Licensing Authority on request. The recording equipment and tapes/discs shall be kept in a secure room and endorsed by signature indicating that the CCTV system has been checked and is compliant. In the event of any failings of the CCTV system, this shall also be recorded and in the event of technical failure, the premises licence holder/DPS must report the failure to the Bradford District Police Licensing Officer and the Local Authority Immediately.

A check 25 policy to be in place during all licensable activities.

Refusals Registrar shall be in place and endorsed by all members of staff with date, time and details of refused product.

At all times the premises are open for Licensable activities, members of staff must be able to communicate sufficiently to enable them to promote the four licensing objectives.

The proposed requirements requested by the police are considered necessary to address all four of the Licensing Objectives.

Yours faithfully

Su Dawson Pc 5413 Licensing Officer Bradford District APP 3

Melanie McGurk

From:

Cllr Aneela Ahmed

Sent:

13 July 2016 23:50

To:

Melanie McGurk

Subject:

125 Horton grange road bd7

Dear Melanie,

I am writing to you with regards to the above application for an alcohol licence.

I humbly request that Bradford council refuse the licence application on the grounds that the area is blighted by Anti social behaviour involving individuals and alcohol. This we feel will increase.

We also believe that this will result in harm to residential amenity and community cohession and relations.

Please note that a petition has been submitted to reflect the community concerns in this matter.

May I also advise that i Have been asked and will be representing my constituents at the hearing of the application.

Yours sincerely

Cllr Aneela Ahmed

Sent from my Windows Phone

C/O City Hall Bradford BDI IHY

Melanie McGurk

From: Cllr Nazam Azam
Sent: 12 July 2016 15:23
To: Melanie McGurk

Subject: 125 Horton Grange Road, Licencin application

Dear Melanie

write with reference to the above mentioned application in City ward.

I would like to forward my objections to this application based upon the current ASB found around this neighbourhood. I believe matters shall regarding ASB in the locality shall further deteriorate should this application be allowed.

Based upon my concerns and the concerns of residents in the immediate area, I am confident you can refuse this application due to the mitigating circumstances.

Regards

Cllr Nazam Azam

clo City Hall Bradford BDI IHY

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14 JUL 2016

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