

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

E

Subject:

Application for a Premises Licence for K & H News, 122C Morley Street, Bradford, BD7 1AF

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
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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 applicants

Mr Ali Mohammedi. A copy of the application is attached at Appendix 1.

2.2 The Premises

K & H News, 122C Morley Street, Bradford.

2.3 Proposed Designated Premises Supervisor

Mr Ali Mohammedi.

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: 07.00 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;

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days. Downloads will be provided to the police and other authorities upon reasonable request in line with the DPA.

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the Council upon reasonable request.

All alcohol & tobacco products will be purchased over the counter or from people calling at the shop.



All receipts and invoices (or copies) will be held on the premises and made available for inspection by the authorities on reasonable request.

b) Public safety will be achieved by;

The Premises Licence Holder is aware of their responsibilities in relation to current legislation.

An incident register will be maintained at the premises and made available to the authorities on request.

c) Prevention of public nuisance will be achieved by;

A CCTV monitor will be displayed in the shop in full view of customers.

A notice will be on display asking that the customers leave the area quietly and respect the local residents.

All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.

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

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, photo-card driving licence or cards bearing the 'PASS' hologram.

Staff will be trained below making sales of alcohol in their responsibilities under the Licensing Act 2003. Training will be documented and made available to the Police and authorised officers of the Council upon reasonable request.

e) General – all four licensing objectives

None.

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. All staff will be trained regarding their responsibilities under the Licensing Act prior to making sales of alcohol, Refresher Training will take place every quarter and all training will be documented and made available to the Authorities upon request.
5. 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.
6. A Personal Licence Holder will be on site at all times that the premises are open for Licensable Activities.

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

The representation is attached at Appendix 2.

Individual, Body or Business

A representation has been received from a Ward Councillor. The representation raises concerns of an increase in anti-social behaviour in the area should the application be granted.



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 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:

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 22 June 2016.
2. Representation from West Yorkshire Police.
3. Representation from a Ward Councillor.

12. BACKGROUND DOCUMENTS

Application form, plan etc.



APP 1

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

* Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

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Agent Registered Address

Address registered with Companies House.

* Building number or name	Time Technology Park
* Street	Blackburn Road
District	Simonstone
* Qty or town	Burnley
County or administrative area	
* Postcode	BB12 7TY
* Country	United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OSmap reference or description of the premises?

Address OSmap reference Description

Postal Address Of Premises

Building number or name	122C
Street	Morley Street
District	
City or town	Bradford
County or administrative area	
Postcode	BD7 1AF
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	5,400

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name	<input type="text" value="28"/>
Street	<input type="text" value="Mannville Terrace"/>
District	<input type="text"/>
City or town	<input type="text" value="Bradford"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BD7 1BA"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail	<input type="text" value="gill.sherratt@icensingmatters.net"/>
Telephone number	<input type="text" value="01282 500322"/>
Other telephone number	<input type="text"/>

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

General convenience store

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As below

b) The prevention of crime and disorder

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days. Downloads will be provided to the Police and other authorities upon reasonable request in line with the DPA.

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the council upon reasonable request.

All alcohol & tobacco products will be purchased from established and bona fide wholesale traders.

No alcohol or tobacco products will be purchased over the counter or from people calling at the shop.

All receipts and invoices (or copies) will be held on the premises and made available for inspection by the authorities on

Continued from previous page...

reasonable request.

c) Public safety

The Premises Licence Holder is aware of their responsibilities in relation to current legislation.

An incident register will be maintained at the premises and made available to the authorities on request.

d) The prevention of public nuisance

A CCTV monitor will be displayed in the shop in full view of customers.

A notice will be on display asking that the customers leave the area quietly and respect the local residents.

All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.

e) The protection of children from harm

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, photo-card driving licences, & cards bearing the 'PASS' hologram.

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Training will be documented & made available to the Police & authorised officers of the council upon reasonable request.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Rateable Value Band No rateable value to £4,300 A £4,301 to £33,000 B £33,001 to £87,000 C £87,001 to £125,000 D

£125,001 and above E Rateable Value Band A B C D * E* Application fee £100 £190 £315 £450 £635

In addition, a multiplier will be applied to premises within bands D and E, where they are exclusively or primarily in the business of selling alcohol. * Premises within band D Fee shall be the application fee or annual charge x 2 * Premises within band E Fee shall be the application fee or annual charge x 3

* Fee amount (£)

190.00

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

G Sherratt

* Capacity

Authorised agent

Continued from previous page...

* Date

/ /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bradford/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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APP 2



**WEST YORKSHIRE
POLICE**

Licensing
Licensing Department
Trafagar House
Nelson Street
Bradford
BD5 0DX

Tel: 01274 471446
Mobile: 07736 084845
Email:
susanne.dawson@westyorkshire.pnn.
police.uk

Your ref: New Application
Our ref: BON

15th July 2016

Licensing Team
City of Bradford Metropolitan District Council
Legal & Democratic Services
Britannia House
Bradford
BD1 1HX

Grant of Premises Licence, Licensing Act 2003
K & H 122 Morley Street, Bradford, Bradford BD7 1BB

I refer to the application in respect of the above premises, which was received by the police on 30TH June 2016.

Police enquiries into the application have now been completed with the applicant and his representative now spoken with 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 07:00 – Midnight.

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.

All staff will be trained regarding their responsibilities under the Licensing Act prior to making sales of alcohol, Refresher Training will take place every quarter and all training will be documented and made available to the Authorities upon request.

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.

A Personal Licence Holder will be on site at all times that the premises are open for Licensable Activities.

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 17:25
To: Melanie McGurk
Subject: 122c morley street bd7

Dear Melanie,

I am writing to you with regards to the above application and wish too submit my objection to the same.

This premise is approx 150 yards away from a licenced premises. It is also on the doorstep of an area that residents council and partners are working tirelessly towards clearing of anti social drinking and drug taking. The local residents do not want this and neither do the council and partners.

I believe very strongly that allowing this application will undo all the hard work we have as councillors and partners put into the local area. This will breed further anti social behaviour and will be extremely detrimental to community cohesion and relations.

I therefore humbly request that you look at this application, consider its merits and refuse the application.

Yours Sincerely

Cllr Aneela Ahmed

C/o
City Hall
Bradford
BD1 1HY