

Report of the Assistant Director Corporate Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 11 May 2009.

H

Subject:

Application for a Premises Licence for Shama Bingley, Clarke House, Keighley Road, Bingley.

Summary statement:

Application for a new premises licence for the provision of late night refreshment & regulated entertainment.

Suzan Hemingway
Assistant Director Corporate Services (City Solicitor)

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

Portfolio:

Corporate

Improvement Committee Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Ward: Bingley

1. **Summary**

1.1 **The applicant**

Mr Ghulam Rubani, Mr Mohammed Shabir and Mr Asghar Ali. A copy of the application is included at Appendix 1.

1.2 **The Premises**

Shama Bingley, Clarke House, Keighley Road, Bingley.

1.3 **Application**

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

- Provision of late night refreshment.
- Provision of regulated entertainment

Hours of licensable activities (late night refreshment from 23.00):

Monday to Sunday: 17.00 to 23.30

Other times premises proposed to be open:

Monday to Sunday: 17.00 to 23.30

1.4 **Steps proposed by the applicant to address the Licensing Objectives**

a) Prevention of crime and disorder

Building will have new lighting, also security system will be installed around the building. Burglar alarm to be installed as well.

b) Public Safety

Disabled facilities are available – first aid will be on the premises. Lighting which will not be a nuisance to neighbours will be installed.

c) Prevention of public nuisance

The building will have double glazed shop front to keep any noise (if ever) in. The music will only be background recorded music. Will keep litter clear from around our building. Unloading will be from designated spot only – signs to respect privacy of neighbours. Low noise extractor.

d) Protection of children from harm

We will make a policy of not serving underage children on our establishment.

e) General – all four licensing objectives

Our aim is to work with our neighbours and listen to them regarding their concerns if ever they have any. We will endeavour to make sure that our business does not have any adverse effect on their lives. We will consult and work together. We will do our best to promote harmony and co-existence in this area.

2. Relevant Representations Received

2.1 Interested Parties

Local Residents – 13 letters of representation have been received from local residents who have concerns about excessive noise and disturbance and state that the premises are in a residential area. Concern is also raised about alleged litter problems.

The letters of representation are attached at Appendix 2.

3. 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 Department of Culture Media and Sport 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" by or expressly on behalf of a defined "interested party" or "responsible authority" 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.

4. Statement of Policy Issues

4.1 The following part of the Licensing Policy is of particular importance; Part 6 (prevention of Public Nuisance).

4.2 The Annexes to the Policy sets out various types of model condition that could be considered.

5. **Legal Options**

5.1 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 (this will effectively mean that the premises could not open between 23.00 and 05.00 unless by authority of a temporary event notice without breaching the licensing laws).

5.2 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.

6. **Financial and resource appraisal**

6.1 There are no apparent finance or resource implications.

7. **Other implications**

7.1 **Equal Rights**

There are no apparent equal rights implications.

7.3 **Community safety implications**

There are no apparent community safety implications.

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.

8. **Not for publication documents**

8.1 None

9. **The Role of the Panel**

9.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

10. **Appendices**

1. Application form received on 17 March 2009.
2. Letters of Representation.

11. **Background documents**

Application form, plan etc

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

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.

GHULAM RUBANI, MOHAMMED SHABIR
 I/we ASADULLAH (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

Postal address of premises or, if none, ordnance survey map reference or description SHAMA BINGLEY CLARKE HOUSE KEIGHLEY RD. BINGLEY	
Post town BRADFORD	Post code BD16 2RD
Telephone number at premises (if any)	01274-563-777
Non domestic rateable value of premises	£

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- a) an individual or individuals*
- b) a person other than an individual*
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or
 - iv. Other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) The proprietor of an educational establishment

Please tick please complete section (A)

- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)

LICENSING
 - 3 MAR 2009

3. (A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

ALi

ASGHAR

Please tick

I am 18 years old or over

Current postal
address if different
from premises
address

5 FAIRFIELD RD

Post Town

BRADFORD

Postcode

B08 8QQ

Daytime contact telephone number

01973 82709

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname: SHABIR
First names: MUHAMMED

I am 18 years old or over

Current postal address if different from premises address: 135 CECIL AVE

Post Town: BRADFORD Postcode: B07 3BS

Daytime contact telephone number: 07956 136001

E-mail address (optional):

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	5	04
2	0	0
9		

*

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please give a general description of the premises (please read guidance note 1)

The premises are situated on Keyhley Rd, Bingley. The unit is part of a complex owned by Mr Bryn Colin RUSMBROOKE our Landlords. This is a detached building consisting of two floors with restaurant on the ground floor and the kitchen. The toilets and store rooms with staff toilets are on the upper floor.

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 ✓

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for performing plays (please read guidance note 4)	
Thur					
Fri			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)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon					
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur					
Fri			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	5 pm	11.30 pm	Please give further details here (please read guidance note 3)	Both	
Tue	5 pm	11.30 pm			
Wed	5 pm	11.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	5 pm	11.30			
Fri	5 pm	11.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	5 pm	11.30			
Sun	5 pm	11.30			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)			
			Indoors			
			Outdoors			
			Both			
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)			
			Indoors			
			Outdoors			
			Both			
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing								
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish									
Mon			Please give further details here (please read guidance note 3)								
Tue											
Wed			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)								
Thur											
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)								
Sat											
Sun											

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish									
Mon	5 pm	11.30 pm	Please give further details here (please read guidance note 3) THE DOORS WILL BE LOCKED AT 11.30 PM								
Tue	5 pm	11.30 pm									
Wed	5 pm	11.30 pm	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)								
Thur	5 pm	11.30 pm									
Fri	5 pm	11.30 pm	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)								
Sat	5 pm	11.30 pm									
Sun	5 pm	11.30 pm									

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M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both		
Tue						
Wed						
Thur				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)		
Fri						
Sat						
Sun						

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

Name

Address

Postcode

Personal licence number (if known)

Issuing licensing authority (if known)

N

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)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	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 the left, please list. (please read guidance note 5)
Mon	5 pm	11.30 pm	
Tue	5 pm	11.30 pm	
Wed	5 pm	11.30 pm	
Thur	5 pm	11.30 pm	
Fri	5 pm	11.30 pm	
Sat	5 pm	11.30 pm	
Sun	5 pm	11.30 pm	

P

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)

Our aim is to work with our neighbours and listen to them regarding their concerns if ever they have any. We will endeavour to make sure that our business does not have any adverse affect on their lives. We will consult and work together. We will do our best to promote harmony and coexistence in this area.

b) The prevention of crime and disorder

Building will have new lighting, also Security System will be installed around the building. Burglar Alarm to be installed as well.

c) Public safety

Disabled facilities are available -
First Aid will be on the premises.
lighting which will not be a nuisance to neighbours will be installed.

d) The prevention of public nuisance

The building will have Double glazed shop front to keep any noise (if ever) in,
The music will only be background recorded music -
will keep litter clear from around our building.
unloading will be from designated spot only -
Signs to respect privacy of neighbours. low noise extractor

e) The protection of children from harm

We will make a policy of not serving underage children on our establishment.

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a 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
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓
✓
✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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

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 *[Signature]*

Date *24.02.09*

Capacity *PARTNER*

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 *[Signature]*

Date *24.02.09*

Capacity *PARTNER*

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19)	
<i>As A:</i>	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

[REDACTED]
Bailey Hills Road
Bingley
West Yorkshire
BD16 2RJ

16.3.2009

Dear Council Officer,

Re: Sharma Restaurant, Clarke House, Keighley Road, Bingley, BD16 2RD
Application for Premises Licence

I wish to object about this application. I understand that premises licences are consider against objectives:

Prevention of Crime and Disorder - the restaurant will attract back its clientele from the town centre who eat curry after a night drinking. This is out of town in a residential and conservation area, it will not be policed as the town centre is and there is no CCTV. This will attract minor acts of vandalism, drunkenness, littering and other acts of anti-social behaviour. The beautiful church yard will soon become awash with litter, half-eaten curries, vomit and urine if town centre drunks are attracted down here for a curry after hours.

Public Safety -- the premises, close to a garage and petrol station has already been the source of one fire. Smokers will be outside the premises until 11.30 causing potential fire risk and noise nuisance. There is little room for parking and the main road will be used, drunken pedestrians and cars exiting and entering the parking area without good sight lines is a threat to public safety both for pedestrians and car drivers.

Prevention of Nuisance -- This application has people leaving the premises after midnight with associated noise, cars, taxis, litter, food waste, use of mobile phones and general roudiness. On Saturday nights this will mean that most residents of this area will have less than 5 hours between car noise from the restaurant and car noise from the arrival of car booters, which the council fails to control for a range of loop hole reasons but who are a constant nuisance from 5.30 am on Sunday mornings.

In short this restaurant is wrongly placed and should not be in a residential area, out of the town centre and close to a conservation area, planners were mistaken to agree it and the licensing team should not make the same mistake.

I can be contacted by telephone on 01274 [REDACTED] or by E mail [REDACTED]

Thank you for you attention in this matter.

Yours sincerely,

[REDACTED]

○ Bailey Hills Road
Bingley
West Yorkshire BD16 2RJ

17 March 2009

Licensing Team
Room 404
City Hall

Prevention of Public Nuisance

Application by Shama, Bingley for a licence for the provision of late night refreshments at Clarke House, Bingley, Keighley Road. Proposed hours of operation 17.00 - 23.30, seven days a week. Building to be cleared one hour later.

Dear Sirs,

I wish to object to the above application on grounds of the disturbance that could be caused to residents by people parking and returning to their cars at a late hour.

The lack of suitable parking on the site of the proposed restaurant would mean that customers would inevitably park in the surrounding residential streets of Old Main Street, Cemetery Road, and Bailey Hills Road. The proposal to not clear the building until one hour after the closing time of 23.30 would aggravate the situation, with unacceptable noise and disturbance continuing until half past midnight.

As a local resident I wish to register my objection to these proposals.

Yours faithfully,

A large black rectangular redaction box covers the signature area. Below it, a smaller black rectangular redaction box covers a line of text, likely the name of the signatory.

18 MAR 2009

17 MAR 2009

○ Bailey Hills Road
BINGLEY
BD16 2RJ

Department of Legal & Democratic Services
Licensing Team
Room 402
City Hall
BRADFORD
BD1 1HY

16 March 2009

Re: Application for the Grant of Premises Licence at Shama, Clarke House, Keighley Road, Bingley, BD16 2RD

Dear Sir / Madam,

I formally object to the Grant of Premises Licence.

Reasons: Public Safety and Prevention of Nuisance Objectives

The extended closing time of 12.30 a.m. is excessive for a residential area and will cause noise, disturbance and nuisance into the early hours, 7 days a week.

Shama's position out of the town centre will draw customers from the town and surrounding areas into the residential Conservation Area of Old Main Street, Bailey Hills Road. Customers will inevitably create noise and disturbance due to the extra traffic and pedestrian activity generated.

The business should provide some off-street parking for its customers - the maximum being 44 spaces, the minimum 22 - based on the type of business and its floor area. Only 6 spaces, which include 2 for people with disabilities, are to be provided. Customers with vehicles will have no option but to park on Keighley Road, Old Main Street and Bailey Hills Road. Resident Parking on Old Main Street ceases at 6.00 p.m. meaning customers and residents will be competing for spaces and will be displaced to the Bailey Hills area. This traffic, along with more pedestrians coming and going from 5.00 p.m. to 12.30 a.m. is bound to create noise and nuisance and could jeopardise road safety due to pedestrian / vehicular conflict.

Clarke House is adjacent to several businesses involved with the motor trade, including a Petrol Station and M. O. T. garage. The building has already suffered 2 fires, which were attended by the Fire Service. One involved a car, which burned out next to the gas inlet and the other a wheeled bin that was pushed to the front of the building and ignited. Serious consideration regarding the safety of customers, residents and workers of local businesses should be given due to the volatile nature of substances used in the surrounding buildings combined with customers from Shama smoking outside Clarke House.

The neighbourhood is not immune to parking and noise problems, particularly on Sundays, but things usually quieten down by early evening. Allowing Shama to operate to 12.30 a.m. is unacceptable, bound to cause nuisance and could have fire and road safety implications. For these reasons and to accord with Public Safety and Prevention of Nuisance Objectives, the Application for Grant of Premises Licence should be rejected.

Yours sincerely,

A thick black horizontal bar redacting the signature of the sender.A thick black horizontal bar redacting the name of the sender.

Department of Legal & Democratic Services
Licencing team
Room 402
City Hall
Bradford BD1 2EP

12TH March 2009

Ref: Prevention of Public Nuisance – Sharma Restaurant extension of hours application

It is with great regret, that yet again, I am fighting for my right to enjoy my evenings in relative peace and quiet, bearing in mind my property overlooks the said restaurant.

Why the council ever thought to allow the relocation of this restaurant (which has predominantly served the needs of late night drinkers in Bingley) to a residential neighbourhood is beyond comprehension.

Okay – there's a scattering of small businesses – all closed in the evenings with the exception of the petrol station. Go there at 11.00pm onwards and you'd be lucky to see anyone – go to the Shimla Spice (In Keighley), whom the Sharma are hoping to replicate (i.e bring your own 'booze' etc) and it is heaving.

This is what's going to happen to our lovely area.

If this isn't bad enough – the Sharma now are applying for an extension (to clear up.....what's that all about..... well, it's about clearing up the diners that are still there, so they can close at 12.30am) This disruption to our lives is unacceptable and will cause much hardship, especially to my older neighbours and those who have young children.

I believe that this application is in order to ensure that the Sharma makes enough money to cover their refurbishment costs, which have been higher than expected – well personally, that's not my problem and to penalise us to get them into profit is neither fair, ethical or in keeping with public spirit.

Whilst they are stating it's for 'clearing up', it will be very difficult to measure once it has happened and irrelevant of if it is customers or staff still there, they should be closed and out by 11.30pm to ensure that by midnight – our Old Main Street is peaceful again.

I thank you in anticipation of your support.

Yours sincerely



Mr

Old Main

Bingley BD16 2RH

Department of legal & democratic services
Licensing team
Room 402
City Hall
Bradford BD1 2GP

12/3/19

Re: Prevention of public nuisance

Dear Sirs

I write re: the application from the Sharma to extend their opening hours for 1 hour - for cleaning up (cleaning up! that's ridiculous!) what they mean, is to carry on serving!

The planning office and highways, has already given them an 11:30pm close - that's because it would 'likely lead to unacceptable noise & disturbance' - their words not mine.

Surely we shouldn't have to have any more aggravation than this restaurant is already causing (or going to cause).

There are already going to be people milling around old main st, slamming car doors etc as it is - please do the sensible thing and refuse this application, so at least we can be

guaranteed peace late evening

Kino regards

[REDACTED]

[REDACTED]

[REDACTED]

Bayway Hills RD
Bingloay BD162RW

Department of Legal & Democratic Services
Licensing Team, Room 402
City Hall
Bradford BD1 1HY

Ref: The Prevention of Public Nuisance

10th March 2009

Good morning.

I write with reference to an application by Mr Rubani of the Sharma Restaurant to request an extension of opening times from 11.30pm to 12.30 to allow 'clearing of the building'.

The original application to the planning office was for 11.30pm (done and dusted) and this is what has been agreed so I cannot now understand why he is requesting an extension.

The majority of the planning objections to this restaurant were based on the noise and traffic nuisance this would cause. This conservation area of Bingley is predominantly residential with several small businesses that close well before 6.00pm, with the exception of the 24 hr filling station which is sporadically busy up until about 9.30pm. My nephew does the night shift and is often 'falling asleep' with boredom from 10.00pm onwards.

It staggers me that they have allowed a restaurant here in the first place, but at least there was 'some small degree' of compassion for the residents and their right to a peaceful existence, when a closing time was set of 11.30pm -- however, it appears that this is again, in jeopardy.

I have spoken to Mr Rubani, who states that whilst he is prepared to 'shut the door at 11.30pm he will continue to serve any 'waiting diners' -- well, I'm sorry but how is 'waiting diners' measured? Incidentally, he has had a recent application for a 'waiting area' upstairs, turned down -- however he is submitting a third application to relocate some of the downstairs utilities upstairs, therefore creating more space for diners downstairs or even possibly another waiting area (??)-- which isn't a problem -- provided they have gone by 11.30pm!

13 MAR 2 30

He furthermore told me, that unlike the Sharma of old, he was wanting to create a high class, quality restaurant - all other 'proper restaurants' in Bingley stop serving at 10.00pm so why does he feel the need to continue after (perhaps, he's hoping to get the late night drinkers wanting a curry on their way home ... who knows). I work long hours and have two young children, and the last thing I want 7 days a week is a restaurant operational well into the early hours (clearing up or otherwise) and feel that this will be detrimental to our enjoyment of peace.



Mr Rubani is intending to 'pack' as many people into his restaurant as he possibly can (by his own admission, he requires at a MINIMUM 70 covers on two major sittings every day to recuperate his refurbishment costs. Perhaps he should have considered his costs prior to commencing un-authorised works and furthermore he should have considered the implications when he decided to move his restaurant from the town centre to a residential periphery.

I would also like to draw your attention to the planning office refusal comments which bear reference to these issues:

2. the proposal would likely lead to unacceptable noise and disturbance to residents in nearby streets due to patrons parking outside their dwellings, particularly in the late evening and at night. As such the proposal would be contrary to policy UR3 of the Replacement Bradford Unitary Development Plan (2005)

Please give serious consideration to the above.

Thanking you in anticipation



Old Main Street
Bingley BD16 2RH

We have personally had a meeting with Mr Rubani and he made it very clear, that due to the huge amount of building works involved with Clarke House, his wish is to fill the place with customers to recoup the monies. He was adamant the doors would be locked at 11.30pm, but when pushed regarding the people *already inside* the restaurant at that time, he would not be drawn, stating he had a business to run. We informed him we could not accept the noise which would occur with customers leaving after 11.30pm as most of us have retired to bed at that time.

His previously sited business was known to accept late night custom and although Mr Rubani states this will not be the case at Clarke House, unfortunately such is the reputation of the Shama that people will want to eat late, if allowed to do so.

We are aware The Shama feel that as we already have a filling station nearby, we are used to some nuisance factor. However, we don't experience any noise from the station. It is generally quiet in this area late evening. Therefore, no comparison can be made between the two businesses.

We do ask you to refuse their application, bearing in mind the concerns of the nearby residents, many of whom are quite elderly and are surely entitled to some peace at night. We should not have to put up with any loud noise generated from a) people leaving a restaurant late at night and b) car doors banging, taxi horns beeping etc. The customers cannot be expected to keep the noise down as they will not be aware people are asleep nearby and this must be borne in mind with the closing time of the restaurant.

As it is the Shama's choice to open a restaurant facing a residential area, they must realise certain conditions will be involved which should be adhered to which would not be the case if they had opened a restaurant in the town centre.

Yours faithfully

A redacted signature block consisting of two horizontal lines. The top line is a thick black bar. The bottom line is a thinner black bar with the initials 'D. L.' written in the center.

Old Main Street.
BINGLEY BD 162RH.

Monday 9th March 2009.
Department of Legal & Democratic Services.
Licensing Team Room 402
City Hall
Bradford BD1 1HY.

Dear Sir,
Prevention of Public Nuisance.Clarke House/Shama Restaurant.

Please note that I would like to object to, as strongly as possible to a Premises Licence on the above property.

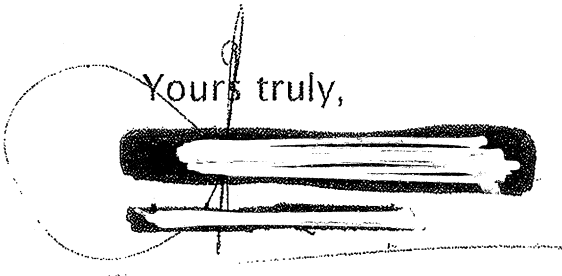
The application is asked for 11.30pm. This means that customers will be leaving those premises right up to 12.30a.m, (or later) thus causing a huge noise problem for the local residents in an area which is a conservation area. We were told in the first place that closing was at 11.30pm, as far as we were concerned that meant everybody out of the premises by 11.30pm.

The Car Parking space in the immediate area is very limited, and this will mean that customers will look further afield, well away from the Restaurant, as there is hardly any space very close to the Restaurant.

I am given to understand that this particular application is nothing to do with planning, but it seems to me that there is a lot of work taking place already within the Restaurant that has not been granted permission.

I would be grateful if you would consider these points at the highest authority.

Yours truly,



Bailey Hills Road,
Bingley,
West Yorkshire,
BD16 2RJ.

9/03/09.

Dear Sir,


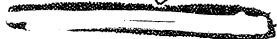
I write to you with regard to The Prevention of Public Nuisance.

This refers to the proposed late opening hours of The Sharma Restaurant. I would say, firstly, that I enjoy a good curry and even went to Bradford College to learn some of the skills involved. However, it seems that the Sharma's opening hours are being 'tweaked' a little. If the restaurant is to open until 2330hrs, that should not mean a 'lock in' until 0030hrs, with all the noise that would follow at that time of night. Apparently, the blue notice in the window of Clarke House says that this is what is proposed. That is a bit sneaky in my book.

Some of the late night noise will no doubt come my way, as people park on Bailey Hills Road. However, it is the residents of Old Main Street who will receive most of it, with plenty of car doors being slammed, engines being revved and Cobra induced racket being created.

I would, therefore, urge you to ensure that the 2330hrs closing time means just that.

Yours faithfully,

11 MAR 2009

11 MAR 2009

Dept of Legal Services

City Hall

Leeds

Leeds

11-309

CLARKE HOUSE / SHAMA RESTAURANT

We object to any opening
hours after 11.30pm 7 days
a week - all customers must
have vacated the building by
11.30pm.

Yours faithfully,



Old Main St.

Buryby LS YKS

BD 16 2RM

14.3.09

Dear Sirs,

We understand that after many difficulties which we have experienced in the conversion of Clock House, The Shana is applying for an alcohol licence running until 12.30pm. The rooms will close at 11.30pm but the restaurant will not empty until 12.30pm. This would result in noise from customers & cars disturbing local residents in the preservation area opposite. Clearly it is likely that late night customers will have been drinking in the house earlier in the evening - resulting in rowdiness.

We object strongly to this extension of the licence hours

Yours sincerely,



Dept of Legal & Democratic Services
Licensing Team Room 402
City Hall
Bradford
W. Yorks
BD1 1HY

Dear Sirs Re Clarke House / Shama Restaurant.

PREVENTION OF PUBLIC NUISANCE

I am writing in objection of the Application made by Shama Re the above

I see [from the notice in shop window] that Shama are proposing to lock the restaurant doors at 11:30pm and intending to allow customers an hours 'eating/drinking up' time this means, patrons will be leaving the premise at 12:30am or even later, I suspect. which, also means that the noise and nuisance & disturbance from said patrons could, in essence, go on into the early hours in the morning. The very reason we objected to Shama being allowed to open in this quiet residential area of Bingley. Surely this would be in contravention of the conditions to planning being granted ie. and I quote "The restaurant use hereby approved shall ONLY operate between the hours of 5pm and 11:30pm 7 day a week" the reason being and I quote "in the interest of preserving the residential and general amenity of the surrounding Area and to accord with policy UR3 and UDP3 of the

Plan 2005.

Shama are also proposing to apply for water hours of opening on Friday and Saturday nights and Bank Holidays. If this was the case

[Christmas will be horrendous for both Residents, and Parishioners attending evening Carol Services and Christmas eve midnight mass [if this is allowed] due to "Party nights" at the Shama. It doesn't bear thinking about]

Shama seem, Hell bent, on obtaining the facilities they enjoyed whilst in Bingley Town Centre, namely 5pm - 2am opening hours together with a drinks license and seem to be VERY confident that this goal will, eventually, be achieved, judging by the money they are still pouring into this project BEFORE awaiting the decisions of the planning + licensing authorities and despite having had three different applications appertaining to this property REFUSED

Shama have no consideration for the community it is intent on joining its only concern is for its OWN profits and gains. No doubt they will all be able to sleep peacefully in their beds at night a luxury that will be denied the residents in the immediate vicinity to their restaurant.

It is not Shama that I am objecting to, it is the anti-social behaviour, noise, nuisance and disturbance that the Shama restaurant will attract to this quiet peaceful end of Bingley if it is allowed to operate late at night and

into the early hours of the morning

already

As stated this is NOT Bingley Town Centre, it is a quiet, Residential, Religious, Conservation Area and I feel, should be respected and protected as such.

Yours faithfully

 (Pensioner)

3, Old Main St
Bingley
BD16 2RH

diagonally opposite
the Sharna which is
within 50 mtrs of
my front door and
Bedroom window.

I respectfully request that my details are kept confidential, I already feel very intimidated by rude and abusive emails, from a number of Sharna customers, posted on the T&A. "have your say" website.

the very sort of people I fear that will frequent the Sharna late at night and early hours of the morning if Sharna are granted a late night license.

Subj: Re: LEG/LIC/MM: Public Nuisance
Date: 10/04/2009 12:41:39 GMT Standard Time
From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]

Dear Mrs McGurk,

Thank-you for your letter of 25 March.

I'm sorry that not all our letter of 19 March was relevant to licensing concerns - it is difficult sometimes to disentangle planning and licensing matters. I hope that the following will be considered an appropriate representation.

1. We feel very strongly that the proposed opening hours of the Shama Restaurant will *very significantly result in public nuisance and disorder in this residential area*. Public safety is a further concern. To open seven days a week - every single night - with door closure at 11:30 is unreasonable, particularly given the location of the proposed restaurant.
2. Other restaurants (for example the Aagraah - close to the Sharma's Shipley restaurant, the Aakash, Kipling's - to name a few) close at 11:00 on Sundays.
3. Parking on the proposed Sharma restaurant site being insufficient even for staff cars, the area within walking distance of the restaurant can expect antisocial parking, other antisocial behaviour including noise nuisance from restaurant clients, loud car radios, banging car doors, littering. If the doors are to close at 11:30, the nuisance can be expected until midnight SEVEN NIGHTS A WEEK.
4. On the occasions when there is the occasional function in Bingley, we have experience of just these very considerable nuisances. There is noise, widespread abuse of resident permit passes, cars are parked hazardously on double lines. The main road is a busy bus route with limited parking where additional parking constitutes public safety hazards. However, these nuisances and hazards do not occur nightly.

May we ask that, if the Sharma restaurant is to open on this site:

- * Sunday closing (final closing of doors) is 11:00 pm
- * The premises licence extends to the *ground floor only*
- * *No takeaway business is permitted*. This would serve only to worsen the problems of public nuisance, disorder, unsafe and nuisance parking.

Yours sincerely

[REDACTED]
Bailey Hills Road
Bingley BD16 2RJ.

A signed copy of this letter is in the post.

[REDACTED] anal
[REDACTED]
[REDACTED]
[REDACTED]
14/04/09
10:41:39