

Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Tuesday 21 July 2009 in the Saville Room, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

- 1. Application for a premises licence for The Off Licence, 148 Bierley Lane, Bierley, Bradford (Document "A")**
- 2. Application for a premises licence for Abbey Lodge Hotel, 60-62 Kirkgate, Shipley (Document "E")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE OFF LICENCE, 148 BIERLEY LANE, BIERLEY, BRADFORD (DOCUMENT "A").

Commenced: 1005
Adjourned: 1030
Re-convened: 1040
Concluded: 1045

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), McPhee and Pullen.

Parties to the Hearing:

Representing the Applicant:

Mr Cordingley, Applicant's representative
Mr Singh, Applicant

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant's representative informed the Panel that the intention was to move the family business from 150 to 148 Bierley Lane, as the current property was leased and this expired shortly. The applicant's family had purchased and refurbished the adjacent property, which had been used for a variety of businesses in the past but had been vacant for a number of years. The existing licence was in the applicant's father's name and this would be relinquished. It was noted that the applicant was in possession of a personal licence and that he had agreed to reduce the hours of licensable activity to 2200 on Monday to Sunday. This was acknowledged by the Panel. The applicant's representative confirmed that the family had run and still owned a number of off licences. He then indicated that the proposed Designated Premises Supervisor would be changed to the applicant as he now had a personal licence.

With regard to the concerns raised by Ward Councillors and local residents, the applicant's representative confirmed that strict controls would be put in place in relation to under age policies and a number of security measures fitted, which included internal and external CCTV, roller shutters, bollards and an internal security gate. He reported that no representations had been received from West Yorkshire Trading Standards, West Yorkshire Police or West Yorkshire Fire and Rescue Service. The premises would also be a newsagent and sell convenience products in order for it to be a viable operation.

The Council's legal officer confirmed that an amended application would have to be submitted in order to change the proposed Designated Premises Supervisor, as the Panel could only consider the information submitted.

Members' questioned the applicant in relation to staffing, the training to be provided and whether he would agree to conditions being imposed in relation to the retention of CCTV footage and the implementation of a 'Challenge 25' proof of age policy. In response the

applicant confirmed that family members would help out in the premises and that they had already been trained. With regard to the conditions proposed by the Panel, the applicant agreed to their inclusion on the licence. The Chair of the Panel also suggested that the applicant should liaise with the local Neighbourhood Policing Team in order to agree ongoing measures to prevent underage persons obtaining alcohol.

Decision

That having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application subject to the following conditions:

1.1 That the licensable activities be restricted as follows:

Monday to Sunday 07.00 to 22.00

1.2 That a CCTV system with internal and external coverage to be operational and used at all times the premises are open to the public for licensable activities and to be maintained in good working order. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.

1.3 That the 'Challenge 25' proof of age policy be implemented on the premises.

1.4 That all staff employed in the premises must be adequately trained in their responsibility for enforcing the proof of age policy, all relevant conditions of licence, and all relevant licensing laws.

The Panel also advised the Premises Licence Holder to ensure regular meetings were held with representatives of the local Neighbourhood Policing Team to discuss areas of concern that may arise from time to time.

Reason: In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using and leaving the premises – Prevention of Crime and Disorder Objective and to prevent the sale of age restricted products to underage customers – Protection of Children from Harm Objective.

Chair

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

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RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE ABBEY LODGE HOTEL, 60-62 KIRKGATE, SHIPLEY (DOCUMENT "E").

Commenced: 1045
Adjourned: 1120
Re-convened: 1130
Concluded: 1135

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Hill (Chair), McPhee and Pullen.

Parties to the Hearing:

Representing the Applicants:

Mr Stell, Applicant's Solicitor
Mr Darren, Applicant

Representing Responsible Authorities:

PC Jessop, West Yorkshire Police

Representing Interested Parties:

Councillor Love, representing Councillor Hawarun Hussain and Mr and Mrs Trasi

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant's representative began by explaining that the applicants wished to withdraw from the application the provision for the playing of recorded music and this was noted by the Panel. He stated that the licence was aimed at a hotel business rather than a public house and the proposed conditions had been compiled in conjunction with West Yorkshire Police. The property had been a hotel for over 30 years and in the ownership of the applicant's family for 20 years. A major refurbishment was currently being undertaken and the number of rooms would be reduced to 25. There would be a central bar area, which would be less audible outside and a smaller bar area at the rear of the premises, which would mainly be for the use of hotel residents. The proposed sale of alcohol would be from 1600 to midnight and limited to residents plus two guests each. A CCTV system would also be installed.

The Council's legal officer questioned whether the applicant would be willing to accept a condition to prohibit drinking outside of the premises. The applicant's representative indicated the properties to either side of the hotel were owned by the applicant and so this should not cause a problem. The Council's legal officer then queried why the application submitted requested the supply of alcohol for consumption on and off the premises. In response the applicant's representative confirmed that the supply of alcohol for consumption off the premises could be withdrawn and this was noted by the Panel.

The applicant's representative added that in the past the hotel had been used for Local Authority accommodation, however, the intention was not to continue with this type of provision.

The applicant addressed the Panel and explained that the whole of the premise was being refurbished in order to provide accommodation to a higher standard and specification to attract a different clientele. There would be 25 rooms available and a registration procedure would be followed. No unaccompanied person under 18 years of age would be allowed in the premises and drinking would not be allowed in the outside smoking area. The applicant stated that the bar facility would encourage residents to remain in the hotel, which would reduce the amount of noise and traffic disturbance late at night. With regard to the objections raised, he indicated that the residents had misunderstood the purpose of the refurbishment and confirmed that he had offered to liaise with them in order to alleviate their concerns.

A representative of West Yorkshire Police was present at the meeting and reported that their concerns had been centred on the temporary accommodation offered for the homeless and people with drug or alcohol related issues. The police had tried to follow up on numerous incidents involving residents at the Hotel only to find that the alleged culprits had moved on when they arrived on the scene. In light of the problems experienced the following suggested conditions were outlined:

- That the sale of alcohol be restricted to 1600 to midnight Monday to Sunday.
- That a CCTV system be installed in the bar and outside smoking area.
- That the sale of alcohol be restricted to residents and 1 guest only per resident.
- That the late night refreshments be restricted to residents, their guests and the owners.
- That the outside smoking area be supervised and monitored for noise disturbance and to ensure alcohol was not consumed.
- That only background music to be played.
- That no unaccompanied children be allowed in the bar area.
- That staff be trained.
- That a 'Challenge 25' policy be adopted.
- That signs be displayed regarding the 'Challenge 25' policy and no drinking outside the premises.

A Ward Councillor was present at the meeting representing an interested party and informed the Panel that he had initially been contacted by local residents and had then notified other residents of the proposed application. He explained that the applicant had sent a letter to the property's neighbours, one of whom had visited the Hotel and had reported back with positive comments. The Ward Councillor acknowledged that residents had misunderstood the purpose of the application and that he had circulated the suggested conditions, which residents were content with. In conclusion he stated that he hoped the improvements would bring benefits to the area.

Decision

That the Panel notes the withdrawal by the applicant's representative at the hearing of those parts of the application for the playing of recorded music in the premises and the sale or supply of alcohol for consumption off the premises and having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application subject to the following conditions:

- 1.1 That the sale of alcohol (limited to consumption on the premises only) be restricted to between 1600 and midnight on Monday to Sunday inclusive.
- 1.2 That a CCTV system with internal and external coverage to be operational and used at all times the premises are open to the public for licensable activities and to be maintained in good working order. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.
- 1.3 That the sale of alcohol be limited to residents and their guests, one per resident, employees and the owners of Abbey Lodge Hotel and bona fide guests of the owners and employees when accompanied by a substantial meal.
- 1.4 That the service of late night refreshment be limited to residents and their bona fide guests, employees and the owners of Abbey Lodge Hotel.
- 1.5 That no patrons shall be allowed to take or be served drinks or glass receptacles into or in the external areas of Abbey Lodge Hotel.
- 1.6 That during licensable activities, the outside smoking areas be checked regularly by employees of Abbey Lodge Hotel to prevent disturbance and nuisance to neighbouring residents and to ensure that no alcohol is consumed in the external areas.
- 1.7 That no unaccompanied children be permitted in the bar area.
- 1.8 That a 'Challenge 25' proof of age policy be implemented on the premises.
- 1.9 That prominent signs be displayed at all public exits to the premises stating that no alcohol is to be consumed outside the premises, that no smoking is allowed on the premises and that a 'Challenge 25' Policy is operated on the premises.
- 1.9 That all staff employed in the premises must be adequately trained in their responsibility for enforcing the proof of age policy, all relevant conditions of licence, and all relevant licensing laws.

Reason: In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using and leaving the premises – Prevention of Crime and Disorder Objective and to prevent the sale of age restricted products to underage customers – Protection of Children from Harm Objective.

Chair

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