

Record of a Hearing of the Keighley & Shipley Licensing Panel held on Friday 5 March 2010 in Committee Room 3, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

1. Application for a premises licence for Kash, 269 Leeds Road, Windhill, Shipley (Document "L")



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Improving Rural Services
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2010-2011
City of Bradford

Suzan Herringway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR KASH, 369 LEEDS ROAD, WINDHILL, SHIPLEY (DOCUMENT "L").

Commenced: 1010
Adjourned: 1040
Re-convened: 1050
Concluded: 1055

Present:

Members of the Panel:

Keighley & Shipley Licensing Panel: Councillors L'Amie (Chair), McPhee and Ferriby.

Parties to the Hearing:

Representing the Applicant:

Mr Ali, Applicant
Mrs Ali
Mrs Amir

Representing Interested Parties:

Councillor Watmough

Observer:

Councillor J Hall

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was noted that the premises previously held a licence until it was surrendered on 24 September 2008. It was also confirmed that there had not been any conditions to the previous licence.

In response to questions posed by the Council's legal officer, the applicant provided the following information:

- That the premises currently opened at 1700, however, this had proved not to be financially viable and the hours needed to be extended for the business to continue trading.
- That the premises were not the only take-away business in the area. Customers would be requested to leave the vicinity of the premises if they remained outside.
- That only the takeaway delivery vehicles parked near to the premises.
- That deliveries ceased at 2300.
- That a condition to cease deliveries after 2300 was acceptable.
- That the area outside the premises would be cleared if people started to congregate.
- That the police would be called if people did not disperse after being told to leave.

In response to Members' questions the applicant confirmed that:

- A bin was already provided outside the premises and the area outside would be cleared of litter.
- There was not a problem with youths congregating outside the premises.

The Ward Councillor addressed the Panel and confirmed that he was representing the residents of Glenroyd. With regard to the litter problem, he stated that customers dropped their rubbish as they were walking away from the premises and that additional bins were required. The Council's legal officer confirmed that the Panel could only request waste receptacles within the vicinity of the premises.

He reported that local residents were concerned that if the extended hours were granted then this would create noise and disturbance from customers and cars being parked outside houses. There had previously been a problem with youths in the area, which had been resolved, however the elderly residents did not want this to occur again. The Ward Councillor stated that the proposal to open the premises until 0130 was not acceptable and he requested that the application be rejected.

The Chair stated that planning permission was required for late night refreshment and questioned whether the issues had been raised at that point. The Ward Councillor confirmed that the premises had been open for some time and he had not been aware of the issues at that point in time. The licensing officer added that the Planning Department had not provided any information. The Ward Councillor confirmed that there had occasionally been issues at the premises and these had been resolved with the police. In response to a Member's question regarding the previous licence, it was reported that there were no records of any previous complaints. It was noted that the previous owners of the premises had not applied to transfer the licence when they had bought the business, therefore the licence holder had eventually surrendered the licence.

In conclusion the Ward Councillor requested that the application be rejected for the reasons previously stated, i.e. local residents' fear of anti-social behaviour and that the proposed opening hours were not reasonable.

Decision

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

1.1 Hours of licensable activities:

Sunday to Thursday	23.00 to 00.00
Friday & Saturday	23.00 to 01.00

1.2 That no orders be taken for home deliveries of food after 23.00.

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

Reason: To prevent noise and disturbance to residents in the vicinity of the premises and to prevent nuisance being caused to neighbours as a consequence of the deposit of waste materials and litter emanating from the business and users of the premises – prevention of public nuisance 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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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER