

## Report of the Assistant Director Corporate Services to a Hearing before the Bradford Area Licensing Panel to be held on 5 March 2010.

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### Subject:

Application for a Premises Licence for Kash, 269 Leeds Road, Windhill, Shipley

### Summary statement:

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

Suzan Hemingway  
Assistant Director Corporate Services (City  
Solicitor)

Report Contact: Melanie McGurk  
Senior Licensing Officer  
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### Portfolio:

Corporate

### Improvement Committee Area:

Corporate Improvement Committee  
Safer and Stronger Communities



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTED IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. **Summary**

1.1 **Background**

The premise was previously licensed for the provision of late night refreshment with the following hours;

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

Subsequent licensees did not apply to transfer the Licence and it was eventually surrendered on 24 September 2008.

1.1 **The applicant**

Mr Mohsin Ali. A copy of the application is included at Appendix 1.

1.2 **The Premises**

Kash, 269 Leeds Road, Windhill, Shipley

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.

Hours of licensable activities:

Sunday to Thursday: 23.00 to 00.00  
Friday & Saturday: 23.00 to 01.30

Other times premises proposed to be open:

Sunday to Thursday: 16.00 to 00.00  
Friday & Saturday: 16.00 to 01.30

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

- a) Prevention of crime and disorder

None.

- b) Public Safety

None.

- c) Prevention of public nuisance

None.

d) Protection of children from harm

None.

e) General – all four licensing objectives

None.

## 2. **Relevant Representations Received**

### 2.1 **Interested Parties**

Ward Councillor – A letter of representation has been received from a Ward Councillor. The representation raises concerns about excessive noise and disturbance due to increased hours and customers congregating outside the premises. Concern is also raised about anticipated litter problems.

The representation is 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 parts of the Licensing Policy are 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 dated 8 January 2010.
2. Representation from Ward Councillor.

**11. Background documents**

Application form, plan etc

Cash in case

City of Bradford Metropolitan District Council

www.bradford.gov.uk

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.

I/we MOHSIN ALI (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
269 LEEDS ROAD, WINDHILL SHIPLEY
Post town BRADFORD Post code BD18 1EH

Telephone number at premises (if any)

01274 583333

Non domestic rateable value of premises

£ 5100.00

Fee : £ 190

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

[checked] please complete section (A)

[ ] please complete section (B)

[ ] please complete section (B)

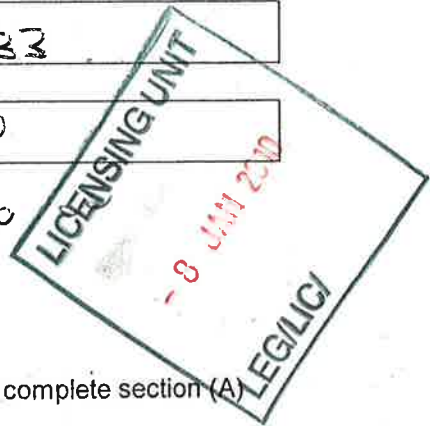
[ ] please complete section (B)

[ ] please complete section (B)

[ ] please complete section (B)

[ ] please complete section (B)

[ ] please complete section (B)



f) A health service body

please complete section (B)

g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

please complete section (B)

h) The chief officer of police of a police force in England and Wales

please complete section (B)

Please tick ✓

\*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

- Statutory function; or
- A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

First names

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

Surname  First names

I am 18 years old or over  **Please tick ✓**

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

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			
2	9	1	0	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)

IT IS A TAKEAWAY . PIZZA, BURGERS S.F.C. ETC.

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)**

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

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**In all cases complete boxes N, O and P**

# A

<b>Plays</b> 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

<b>Films</b> 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**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
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**

<b>Boxing or wrestling entertainment</b> 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			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri			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)			
Sat						
Sun						

# 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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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					
Sun					

# G

<b>Performance of dance</b> 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

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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					

I

<b>Provision of facilities for making music</b> 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)	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors
Indoors							
Outdoors							
Both							
<b>Day</b>	<b>Start</b>	<b>Finish</b>	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

<b>Provision of facilities for dancing</b> 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)				
			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors	
Indoors							
Outdoors							
Both							
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give a description of the facilities for dancing you will be providing				
Mon							
Tue			Please give further details here (please read guidance note 3)				
Wed							
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)				
Fri							
Sat							
Sun			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)				

# K

<b>Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</b> 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
Indoors	<input type="checkbox"/>						
Outdoors	<input type="checkbox"/>						
Both	<input type="checkbox"/>						
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)				
Mon							
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

<b>Late night refreshment</b> 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
Indoors	<input checked="" type="checkbox"/>					
Outdoors	<input type="checkbox"/>					
Both	<input type="checkbox"/>					
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)			
Mon	4pm	12Am				
Tue	4pm	12Am				
Wed	4pm	12Am			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	4pm	12Am				
Fri	4pm	1.30am			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	4pm	1.30am				
Sun	4pm	12Am				



# M

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

<b>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</b>
<b>Name</b>
<b>Address</b>
<b>Postcode</b>
<b>Personal licence number (if known)</b>
<b>Issuing licensing authority (if known)</b>

# 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)

Empty space for highlighting concerns regarding children.

# O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	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)
<b>Mon</b>			
<b>Tue</b>			
<b>Wed</b>			
<b>Thur</b>			
<b>Fri</b>			
<b>Sat</b>			
<b>Sun</b>			

**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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**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 *M. Smith* .....

Date *8/11/2010* .....

Capacity *Owner* .....

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

Signature .....

Date .....

Capacity .....

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19)	
Post town <i>BRADFORD</i>	Post code <i>BD18 1EH</i>
Telephone number (if any) <i>01274 583333</i>	
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.

APP 2

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**From:** Cllr John Watmough  
**Sent:** 05 February 2010 13:13  
**To:** Licensing Team  
**Cc:** Cllr John Hall  
**Subject:** Kash 269 Leeds Road BD18 1EH

Dear Sir or Madam,

I would like to object to the extension of the opening hours to Midnight mon- friday and 1.30 on Saturday and Sunday.

This is a built up area with houses all around and residents a lot who are elderly do not want to be disturbed in the evening with customers hanging around the shop consuming their purchases and creating a lot of noise thereby disturbing the residents.

There is no car park by the premises so customers would park down the side streets banging doors and having noisy stereos coming out of the cars in the early hours of the morning.

We have had problems with youths on the opposite side of the road at Tommys supermarket and now that problem has been resolved we dont want another place to cause trouble again.

In summary to save residents having their sleep disturbed in a very built up area and the rubbish that would be left to clear in the morning I urge you to reject this application for extended hours.

Many thanks

Cllr John Watmough  
Lib Dem Windhill & Wrose

08/02/2010