

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Keighley/Shipley Area Licensing Panel to be held on 16 December 2011.

E

Subject:

Application for a Premises Licence for Woodlands (Garage), Tweedy Street, Wilsden.

Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:

Environment & Waste Management

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

Overview & Scrutiny Area:

**Environment & Waste Management
Safer & Stronger Communities**



2009-2017
Improving Rural Services
Empowering Communities



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

2. BACKGROUND

2.1 The applicant

Cooperwhite LLP- Mr Charles Anthony Cooper.

A copy of the application is included at Appendix 1.

2.2 The Premises

Woodlands (Garage), Tweedy Street, Wilsden

2.3 Application

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises

Hours of licensable activities:

Monday to Saturday: 08.00 to 20.00
Sunday: 11.00 to 17.00

2.4 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

The plan is for the premises to be either securely locked or for the Personal Licence holder/DPS to be present and packing up the beverages prior to dispatch.

We do not intend to advertise the premises in any way.

b) Public safety will be achieved by;

The plan is for the premises to be either securely locked or for the Personal Licence holder/DPS to be present and packing up the beverages prior to dispatch.

The premises will not be open to the public for direct sales of alcohol at any time.

c) Prevention of public nuisance will be achieved by;

The plan is for the premises to be either securely locked or for the Personal Licence holder/DPS to be present and packing up the beverages prior to dispatch.

We do not intend to advertise the premises in any way.

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

The plan is for the premises to be either securely locked or for the Personal Licence holder/DPS to be present and packing up the beverages prior to dispatch.

We do not intend to advertise the premises in any way.

The premises will not be open to the public for direct sales of alcohol at any time.

It is to be stipulated that age checks will be carried by delivery drivers before handing over the goods and the website will also check for clarification before a sale is made.

- e) General – all four licensing objectives

The plan is for the premises to be either securely locked or for the Personal Licence holder/DPS to be present and packing up the beverages prior to dispatch.

2.6 Relevant Representations Received

Interested Parties

A letter of representation has been received from a local resident who has concerns that the storage of alcohol at the premises could lead to anti-social behaviour in the area.

The representation is attached at Appendix 2.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

Legal Appraisal

- 4.1 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

- 4.2 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.

- 4.3 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.

- 4.4 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.
- 4.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 4.6 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder).
- 4.7 The Annexes to the Policy sets out various types of model condition that could be considered.

5. 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.

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 & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Referred to in part 4 of this report.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent greenhouse gas emissions impacts.

9.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 4.1 of this report.

9.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

9.6 TRADE UNION

Not applicable

9.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

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

12. APPENDICES

1. Application form received 31 October 2011. (In the interests of economy this document has been sent to Members of the Panel only. A public inspection

copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).

2. Letter of representation.

13. BACKGROUND DOCUMENTS

Application form, plan etc.

Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RW

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 **Charles Anthony Cooper**.....
 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 Woodlands, Tweedy Street, Wilsden	
Post town Bradford	Post code BD15 0AE

Telephone number at premises (if any) 01535275136

Non domestic rateable value of premises £ nil

Part 2 – Applicant Details

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

	Please tick	Yes	
a) an individual or individuals*	<input type="checkbox"/>		
b) a person other than an individual*			
i. as a limited company	<input type="checkbox"/>		
ii. as a partnership	<input checked="" type="checkbox"/>		
iii. as an unincorporated association or	<input type="checkbox"/>		
iv. Other (for example a statutory corporation)	<input type="checkbox"/>		
c) a recognised club	<input type="checkbox"/>		
d) a charity	<input type="checkbox"/>		
e) the proprietor of an educational establishment	<input type="checkbox"/>		
f) a health service body	<input type="checkbox"/>		
g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital	<input type="checkbox"/>		

LICENSING UNIT

31 OCT 2011

please complete section (A)

LEG/LIC/

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)

g) a person who is registered under Chapter 2 of part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England

please complete section (B)

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

please complete section (B)

Please tick ✓ Yes

*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 ✓ Yes

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

Please tick Yes

I am 18 years old or over

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 COOPERWHITE LLP CHARLES ANTHONY COOPER
Address WOODLANDS TWEEDY STREET WILSDEN BRADFORD BD15 0AE
Registered number (where applicable) SO301619 (registered in Scotland)
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED LIABILITY PARTNERSHIP
Telephone number (if any) 01350727381
E-mail address (optional) INFO@COOPERWHITE.CO.UK

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
2	8	1	1	2	0	1	1

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 a detached residential property at the end of a cul-de-sac.

The portion of the premises planned to be used is the detached garage.

It is proposed that the premises are to be used to store quantities of alcoholic drink for packaging up and distribution by courier / parcel delivery in response to orders placed over the internet to the on line shopping section of our website www.cooperwhite.co.uk

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

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 ✓ Yes

- 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 (postal via the Internet) (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	
				Both	
Mon			Please give further details here (please read guidance note 3)		
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	
				Both	
Mon			Please give further details here (please read guidance note 3)		
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			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			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)
Thur			
Fri			
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	
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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	
				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 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	
				Outdoors	
Day	Start	Finish		Both	
Mon				Please give further details here (please read guidance note 3)	
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

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	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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	
Day			Outdoors	
			Both	
			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			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Wed				
Thur			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)	
Fri				
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></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors
Indoors								
Outdoors								
Both								
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue			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)					
Wed								
Thur			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)					
Fri								
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></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>		Indoors		Outdoors
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 late night refreshment (please read guidance note 4)				
Wed							
Thur			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)				
Fri							
Sat							
Sun							

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	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Mon	08.00	20.00			
Tue	08.00	20.00			
Wed	08.00	20.00			
Thur	08.00	20.00			
Fri	08.00	20.00			
Sat	08.00	20.00			
Sun	11.00	17.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
<p>Name CHARLES ANTHONY COOPER</p> <p>Address WOODLANDS, TWEEDY STREET, WILSDEN BRADFORD</p> <p>Postcode BD15 0AE</p> <p>Personal licence number (if known) BD/PER3446</p> <p>Issuing licensing authority (if known) BRADFORD MDC</p>

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)

The premises are planned to be used purely for the storage, packaging and distribution of alcohol. Personal callers are to be discouraged and will not be received.

There are no family members under the age of 16 resident at the premises.

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) The premises will not be open to the public at any time
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			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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)

The plan is for the premises to be either securely locked or for the Personal Licence Holder / DPS to be present and packing up the beverages prior to dispatch.

b) The prevention of crime and disorder

The plan is for the premises to be either securely locked or for the Personal Licence Holder / DPS to be present and packing up the beverages prior to dispatch.
We do not intend to advertise the premises in any way.

c) Public safety

The plan is for the premises to be either securely locked or for the Personal Licence Holder / DPS to be present and packing up the beverages prior to dispatch.
The premises will not be open to the public for direct sales of alcohol at any time.

d) The prevention of public nuisance

The plan is for the premises to be either securely locked or for the Personal Licence Holder / DPS to be present and packing up the beverages prior to dispatch.
We do not intend to advertise the premises in any way.

e) The protection of children from harm

The plan is for the premises to be either securely locked or for the Personal Licence Holder / DPS to be present and packing up the beverage prior to dispatch.
We do not intend to advertise the premises in any way.
The premises will not be open to the public for direct sales of alcohol at any time.
It is to be stipulated that age checks will be carried by delivery drivers before handing over the goods and the website will also check for clarification before a sale is made.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed the 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

Date 30.10.11

Capacity Applicant

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

Date

Capacity

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19)

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)

Tweedy Street
Wilsden

Bradford BD15 0AE

19th November 2011

Dear Sir,

Reference Mr. Coopers application for a licence to store crates of wine at Woodlands, Tweedy Street, Wilsden. My husband and I have mixed feelings about this venture.

Mr. Cooper has emphasised that this storage business would only be low key, but we worry about the expansion of the business in future years, should it prove to be successful. We do live in a very pleasant residential area and feel that a thriving storage business could prove to be detrimental at this location unless strict safeguards/guidelines were put in place to protect this environment, should a licence be granted.

We are also concerned that the storage of liquor at this address could attract undesirable persons and make Woodlands a target for thieves.

Mr. Cooper and his wife are good neighbours and Mr. Cooper is honest and very helpful, we value his friendship but Donald and I feel that it is necessary for us to place on record our misgivings concerning the long term aspects of this

LICENSING UNIT

Yours sincerely 28 NOV 2011