

# City of Bradford Metropolitan District Council

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## Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Monday 2 April 2012 in Committee Room 1, City Hall, Bradford

### Procedural Items

#### DISCLOSURES OF INTEREST

Councillor Thirkill declared a personal and prejudicial interest in the item relating to Clayton Village Hall. She reported that she had attended the meeting in her capacity as member of the public and declared that she had not spoken to any Member of the Licensing Panel about the application.

All Members disclosed that they were acquainted with Councillor Thirkill as she was a fellow Councillor. Their acquaintance did not constitute a prejudicial interest.

**ACTION:** *City Solicitor*

#### INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

### Hearings

#### Bradford Panel

1. Application for variation of a premises licence for Clayton Village Hall, Reva Syke Road, Clayton, Bradford (Document "G")
2. Application for a Temporary Events Notice for 245 Sunbridge Road, Bradford (Document "H")

#### Keighley and Shipley Panel

3. Application for a premises licence for 58 Main Road, Denholme (Document "H")
4. Application for variation of a premises licence for Bargain Booze, 59 Saltaire Road, Shipley Tweedy Street, Wilsden (Document "I")



Suzan Hemingway, City Solicitor

**RECORD OF A HEARING FOR A TEMPORARY EVENTS NOTICE FOR  
245 SUNBRIDGE ROAD, BRADFORD (DOCUMENT "H")**

Commenced: 1315  
Adjourned: 1355  
Re-convened: 1410  
Concluded: 1415

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Walls and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr M Hussain – applicant

**Representing Responsible Authorities:**

PC Dawson, West Yorkshire Police

**Representations:**

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

The representative from West Yorkshire Police explained that they had submitted a notice objecting to the proposed temporary event on crime prevention grounds.

She explained that the police had responded to an emergency 999 call on 18 March 2012 at 03.45 am at the premises, where someone had been seriously injured. The Police established that an event with a £10 entry fee had taken place, which included a DJ and vocalist. During the singing, an argument had taken place which resulted in two persons being injured. One person was deemed by the medical staff to be in serious condition with the potential of loss of a limb. Police enquiries revealed that the CCTV system was not in working order.

It had since been established that the event was not licensed, although a Temporary Events Notice (TEN) application had been submitted for an event on 16 March 2012.

Similar events which had taken place at the premises had been advertised as Eastern European Community Cultural Events, with attendees travelling from other northern towns and cities. The injured male had travelled with family from the Manchester area.

Due to the hostile atmosphere that officers attending the incident were presented with, the lack of witnesses coming forth and the fact that witnesses and the family of the injured male possibly had full knowledge of the person responsible for the assault, it was strongly believed that there would be retribution in the form of serious disorder and it was believed that this would take place at the proposed event on 8 to 9 April 2012.

Following the incident on 18 March 2012 the police attempted to discuss the issue with Mr Hussain. They left several messages for him to contact them but initially received no response. On Thursday 29 March they did speak to Mr Hussain and he attended at the

police station to discuss the incident. He claimed that it had been trivial and that he had no involvement in its organisation.

It was explained to Mr Hussain that the TEN application had been submitted in his name. The police were concerned that he did not appear to understand their concerns. They showed him a copy of the application and he then agreed that the event had been unlicensed as the date on the application was incorrectly stated as 16 March 2012. The police explained their objections to the application for 8/9 April and he again relinquished responsibility for the event as he claimed this was being organised by a third person named Michael. He agreed that he would bring Michael along to the Licensing Panel.

Members referred to the statement that a number of unlicensed events had been held and they questioned how many times those events had occurred. In response the police representative explained that people who alerted responsible authorities to the events were often unwilling to come forward and simply left telephone messages about the issues. It was believed that three such events had taken place.

In response to questions from Mr Hussain the telephone number for him to contact the police was reported. The police explained that two numbers had been provided and they were direct lines to the police station. Calls were recorded by an answer machine when the office was unattended. Messages had been left for Mr Hussain on 22, 23 and 26 March and following an additional call on 29 March they had managed to speak to Mr Hussain.

The applicant addressed the meeting and reported that he had held a number of events at this premises. The incident on the 18 March had been the first dealings he had encountered with the person who had booked the venue and he had, to date, not been paid for the booking. He claimed that he usually only took bookings from a person called Michael and that there had never been any trouble following those bookings. The application under consideration was being organised by Michael and there would be no repeat of the previous incident.

Mr Hussain stressed that the bookings he received for the venue enabled him to pay its overheads and he believed his business would struggle without that income. He reported that he was involved in two other venues in the city and that there had been no trouble at either of those facilities.

Members asked a number of questions to which the following responses were provided by the applicant:-

- A TEN application for an event organised on 27 December 2011 had been submitted with an incorrect date. The event took place on another date as the singer who was booked to sing on 27 December missed a flight from abroad. The event had not needed a licence because there was no alcohol being served.
- The incident on 18 March 2012 had occurred after 0300 hours. It was accepted that this was wrong; it was the first time the venue had been used by that group of people and in future bookings would only be allowed to be made by Michael.
- The TEN application under consideration was being organised by Michael and would be attended by a different community group to those attending on 18 March 2012.
- Security personnel would be employed at the venue.
- The booking would be attended by 150 people and this number would be limited by counting the entrants.
- CCTV had not been working at the premises for the previous two years as a fuse had broken and this had gone undetected. The system was now in working order.

The Council's Legal Advisor explained the circumstances in which a licence was required for the premises to Mr Hussain as he believed he was under the misapprehension that a licence was only required at times when alcohol would be served.

The Licensing Officer confirmed that Mr Hussain had been prosecuted for holding an unlicensed event on 27 December 2011.

Members were concerned that Mr Hussain was unable to provide any details of 'Michael' who would be organising the event under discussion. Mr Hussain explained he did not know his background but he would endeavour to provide details.

In submission the representative of the police reiterated the problems which had occurred on 18 March 2012. She expressed concern that the applicant appeared to treat the incident as trivial and that he had no system in place to ensure functions taking place on his premises had the appropriate licences. It was believed that the premises were poorly run and that as the event would be the first gathering since the previous incident of disorder there was the potential for re-occurrence.

The applicant maintained that the events occurring on the 18 March had nothing to do with the application under discussion. He believed that the event would be a peaceful gathering of friends.

#### **Decision –**

**On a balance of probabilities and in light of the police evidence relating to issues of crime and disorder investigated by the police with regard to incidents of major public disorder and unauthorised events taking place at the premises and the premises user's apparent lack of control of functions taking place at the premises; the panel is not convinced that crime and disorder issues would be fully addressed in respect of the proposed event at the premises and therefore authorises service of a Counter Notice preventing the Temporary Event.**

Chair

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

i:\minutes\lpcb2April

**RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR CLAYTON VILLAGE HALL, REVA SYKE ROAD, BRADFORD (DOCUMENT "I")**

Commenced: 1416  
Adjourned: 1445  
Re-convened: 1510  
Concluded: 1515

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Walls and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr A Thirkill  
Councillor Thirkill – applicant

**Representing Interested Parties**

Mr Barnes, Mrs Smith and Miss Sibling – local residents

**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 explained that Clayton Village Hall was a registered charity which was not in receipt of any direct funding. It was run by volunteers and relied on the income generated from the bar to keep the grade two listed building open. The variation of hours requested was to allow them to cater for private family functions.

He referred to the petition objecting to the variation and maintained that no complaints regarding noise had been reported at the regular monthly meetings held at the premises. It was believed that some of the signatories to the petition lived closer to other licensed premises and that noise would be more likely to be generated from those facilities.

The permitted hours for the provision of regulated entertainment and the sale of alcohol were not the same and the application was also an attempt to unify those times. It was maintained that there had been no representations made by interested parties and that measures to install sound proofing in the hall were being investigated.

The application had been submitted to prevent the necessity of obtaining expensive Temporary Event Notice applications. The additional hours would not be utilised on a regular basis. In response he was advised of the cost and number of TEN applications which could be requested annually. He was also advised that the panel must consider that the variation of hours, if granted, could potentially be used more regularly if the management arrangements at the premises changed.

Local residents acknowledged the benefit to the community of the village hall but believed that the variation of hours were not required as the events which usually occurred at the premises were family orientated and did not require operation until the early hours of the

morning. They referred to disturbances occurring with young people frequenting the local off licence shop before visiting the hall and were concerned that the supervision on the premises was insufficient to prevent unauthorised access to the premises.

Members queried some of the addresses contained on the petition as it was felt that their homes were located near to other licensed premises and some distance from the village hall. In response it was stated that during the summer months, when windows were open, residents could hear the noise from live music on the premises. It was explained that the Panel could not consider other issues such as parking and problems occurring at other licensed premises in the vicinity. The Chair explained the four licensing objectives which they would consider.

In response to concerns about noise disturbance the applicant's representative explained that the premises had been fitted with double glazed windows and locks. These allowed only limited opening which did prevent noise escaping. The purchasing of sound proof equipment was being considered but he explained that they were unable to address the problem of local young people purchasing alcohol at the off licence. Assurances were provided that people were not allowed to bring alcohol into the building.

Members queried if local residents were currently experiencing problems and a resident explained she had experienced periods in the summer months when music was played until 0030 hours and she and her young family were unable to sleep. She explained she had been unaware of monthly meetings at the hall and that was the reason she had not raised the issue with the management committee. In response the applicant's representative confirmed that air circulating fans had been purchased to ventilate the premises without opening the windows during periods of warm weather. The installation of air conditioning equipment was also being considered. He believed other local premises would experience similar problems during the summer months.

During closing submissions the local residents confirmed they had conveyed their views fully.

The applicant's representative requested local residents contact the management committee if they had any further concerns. He assured the Panel that they would work with the residents and implement any conditions that may be attached to the licence.

### **Decision -**

**That having considered all valid representations made by parties to the hearing; valid representations made during the statutory period, the published statement of licensing policy and relevant statutory guidance, the Panel grants the variation application in part subject to the following conditions:**

**(1) That the licensable activities be restricted as follows:-**

#### **Sale/supply of alcohol**

<b>Monday to Thursday:</b>	<b>11.00 to 23.00</b>
<b>Friday &amp; Saturday:</b>	<b>11.00 to 01.00</b>
<b>Sunday:</b>	<b>11.00 to 22.30</b>
<b>Bank Holiday Sunday:</b>	<b>11.00 to 00.00</b>
<b>New Years Eve:</b>	<b>10.00 hours until the start of permitted hours the following day.</b>

**Provision of live music**

<b>Monday to Thursday:</b>	<b>10.00 to 23.00</b>
<b>Friday:</b>	<b>10.00 to 00.30</b>
<b>Saturday:</b>	<b>09.00 to 00.30</b>
<b>Sunday:</b>	<b>11.00 to 22.30</b>

**Plays**

<b>Monday to Sunday:</b>	<b>09.00 to 23.00</b>
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**Provision of recorded music/performance of dance/anything similar/facilities for dancing**

<b>Monday to Thursday:</b>	<b>09.00 to 23.00</b>
<b>Friday &amp; Saturday:</b>	<b>09.00 to 00.30</b>
<b>Sunday:</b>	<b>11.00 to 22.30</b>

**Provision of facilities for making music/anything similar**

<b>Monday to Thursday:</b>	<b>09.00 to 23.00</b>
<b>Friday &amp; Saturday:</b>	<b>11.00 to 00.30</b>
<b>Sunday:</b>	<b>11.00 to 22.30</b>

**Provision of late night refreshment**

<b>Friday &amp; Saturday:</b>	<b>23.00 to 01.00</b>
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- (2) That except for the purpose of access and egress, all external doors and windows be kept closed during periods of regulated entertainment.
- (3) That no external doors to the licensed premises (including fire doors or patio doors) shall be propped open during the course of the regulated entertainment.
- (4) That the consumption of alcohol, other drinks and food in the external areas of the premises shall not be allowed after 2200 hours and the licensee shall be required to clear the external areas of glasses and glass receptacles at that time and that there be prominent signage informing patrons of the restrictions.

**Reason – as the premises are located in a residential area, the conditions are considered necessary to ensure that their operation does not cause unreasonable noise and disturbance to those living in the vicinity 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.**

i:\minutes\lpbk2April

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR 58 MAIN ROAD, DENHOLME (DOCUMENT "H").**

Commenced: 1525  
Adjourned: 1535  
Re-convened: 1545  
Concluded: 1550

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Walls and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Holmes, Applicant's representative  
Mrs Garcha, Applicant  
Mrs Chatta, Witness

**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 explained that the applicant owned both 56 and 58 Main Road. The premises had always been a commercial property and had previously been a greengrocer store. The applicant was an experienced shop owner and the intention was to move her family to the premises and operate a convenience store. The applicant's representative confirmed that the applicant was diligent and would have a part-time assistant. It had been proposed that an internal and external CCTV system would be installed at the premises. It was noted that a Ward Councillor had objected to the application, however, the applicant's representative indicated that the reasons related to planning issues. The applicant's representative confirmed that the applicant would be living on site with her young family and would not want there to be any anti-social behaviour on the premises. In relation to the objection, the applicant's representative added that Forester Court was some distance from the premise.

The Council's legal officer questioned whether the applicant would be willing to accept conditions that addressed the licensing objectives in relation to a "Challenge 25 Policy", the provision of staff training and the installation of a CCTV system to an acceptable standard. In response the applicant's representative confirmed that the aforementioned conditions would be accepted.

**Decision**

**That having considered all valid representations made by parties to the hearing; valid representations made 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 A CCTV system (with satisfactory internal and external coverage) of a standard acceptable to West Yorkshire Police and the Licensing Authority be installed at the premises and be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 1.2 An appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**
- 1.3 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:** It is considered that the above conditions are necessary to ensure the proper management and monitoring of the premises in order to ensure alcohol is not purchased or supplied to those underage – protection of children from harm and prevention of crime and disorder licensing objectives.

Chair

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

i:\minutes\lpbk2April

THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

**RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR BARGAIN BOOZE, 59 SALTAIRE ROAD, SHIPLEY (DOCUMENT "I").**

Commenced: 1551  
Adjourned: 1555  
Re-convened: 1600  
Concluded: 1605

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Walls and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mrs Sherratt, Licensing Consultant  
Mr H Singh and Mr S Pal Singh, Applicants

**Representations:**

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

The applicants' representative explained that the purpose of the application was to extend the permitted hours for the sale of alcohol of the licence by two hours in the morning and an additional hour in the evening. The premises currently opened at 0600 in order to sell newspapers and customers had asked if they could purchase alcohol at this time. The applicants' representative confirmed that the applicants were family friends as well as being business partners and had been in business for many years. The business was part of a franchise and would be a convenience store. The parent company provided support in respect of a comprehensive training package and the store complied with the "Challenge 25" policy. The applicants were aware of their responsibilities and had passed test purchases. The applicant's representative stated that the objections from residents were speculative and not accepted. The premise was currently trading successfully and the extension to the licence would not alter the situation.

The Chair questioned whether there was a condition on the licence in respect of a CCTV system. The licensing officer confirmed that there was currently no requirement for a CCTV system. The applicant's representative confirmed that a CCTV system had been installed at the premises, internally and externally, and indicated that the applicant would accept a condition to formalise this on the licence.

**Resolved -**

**That having considered all valid representations made by parties to the hearing; valid representations made during the statutory period, the published statement of licensing policy and relevant statutory guidance, the Panel grants (in part) the application for variation subject to the following conditions:**

- 1.1 A CCTV system (with satisfactory internal and external coverage) of a standard acceptable to West Yorkshire Police and the Licensing Authority be installed at the premises and be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 1.2 An appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**

**Reason: It is considered that the above conditions are necessary to ensure the proper management and monitoring of the premises in order to ensure alcohol is not purchased or supplied to those underage – protection of children from harm and prevention of crime and disorder licensing objectives.**

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

**Reason: It is considered that the above condition is necessary in order to ensure that the Licensee takes all steps in their control to prevent public nuisance in the form of litter in the area – 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