

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Keighley/Shipley Area Licensing Panel to be held on 2 April 2012.

H

Subject:

Application for a Premises Licence for 58 Main Road, Denholme.

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
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Overview & Scrutiny Area:

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



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

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

Amandeep Kaur Garcha.

A copy of the application is included at Appendix 1.

2.2 The Premises

58 Main Road, Denholme

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 Sunday: 06.30 to 23.00

2.4 Steps proposed by the applicant to address the Licensing Objectives

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

Display of notices
Taking under 21 policy

b) Public safety will be achieved by;

First Aid
Clearly lighted shop floor
Emergency exit

c) Prevention of public nuisance will be achieved by;

None

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

None

e) General – all four licensing objectives

Installation of CCTV

Staff training

2.5 Relevant Representations Received

Interested Parties

A letter of representation has been received from a Ward Councillor. The letter raises concerns of noise and nuisance being caused to nearby residents by customers of the premises.

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 6 (prevention of public nuisance).

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 15 February 2012.
2. Letter of representation.

13. BACKGROUND DOCUMENTS

Application form, plan etc.

City of Bradford Metropolitan District Council

www.bradford.gov.uk

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/We AMANDEEP KAUR GARCHA
(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 <u>58 MAIN ROAD</u> <u>DENHOLME</u>		LICENSING UNIT 15 FEB 2012 LEG/LIC/
Post town <u>BRADFORD</u>	Post code <u>BD13 4BL</u>	

Telephone number at premises (if any)

Non domestic rateable value of premises

£ 4600 Band B

RM 13/2/12

Part 2 – Applicant Details

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

£190

Please tick Yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | <input type="checkbox"/> | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Chapter 2 of part 1 of the
 a. 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
- h) the chief officer of police of a police force in England and
 Wales

please complete section (B)

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

GARCHA

AMANDEEP KAUR

Please tick ✓ Yes

I am 18 years old or over

Current postal address if different from premises address

5 TRINITY PLACE

Post Town

HALIFAX

Postcode

HX1 2BD

Daytime contact telephone number

01422 348040 / 0740030335

Email address (optional)

~~Amangarcha@~~

AMANGARCHA80@yahoo.com

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
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

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)

This is a very Substantial Stone Build property comprising of two terrace houses knock through. The premises comprise large shop unit to the ground floor leading to an office area and store, Substantial accommodation comprising, lounge, kitchen, First floor double bedroom, w.c. and Bathroom second bedroom and large Attic room. To the rear is a garage.

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)

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

✓

In all cases complete boxes N, O and P

L1575661

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	
				Outdoors	
Day	Start	Finish		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	
				Outdoors	
Day	Start	Finish		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					

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	Finsh	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	<input checked="" type="checkbox"/>
				Both	
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Mon	06.30	23.00			
Tue	06.30	23.00			
Wed	06.30	23.00			
Thur	06.30	23.00			
Fri	06.30	23.00			
Sat	06.30	23.00			
Sun	06.30	23.00			
			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)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
Name <i>AMANDEEP KAUR GARCHA</i>
Address <i>5 TRINITY PLACE</i> <i>HALIFAX</i>
Postcode <i>HX1 2BD</i>
Personal licence number (if known)
Issuing licensing authority (if known)

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)

[Faint handwritten notes and markings are visible in this section, but they are illegible.]

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)

Day	Start	Finish
Mon	06.30	23.00
Tue	06.30	23.00
Wed	06.30	23.00
Thur	06.30	23.00
Fri	06.30	23.00
Sat	06.30	23.00
Sun	06.30	23.00

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)

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)

Installation of CCTV
Staff training

b) The prevention of crime and disorder

Display of Notices
taking under 21. policy

c) Public safety

First Aid
clearly & lighted shop floor
Emergency exit

d) The prevention of public nuisance

e) The protection of children from harm

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 Amandeep Kaur Garcha

Date 10/2/12

Capacity

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 Amandeep Kaur Garcha

Date 10/2/12

Capacity

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19)	
5 TRINITY PLACE HALIFAX	
Post town <u>HALIFAX</u>	Post code <u>HX1 2BD</u>
Telephone number (if any) <u>0740030335</u>	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <u>amangarcha80@yahoo.com</u>	

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.

APP2

From: Cllr Margaret Eaton
Sent: 28 February 2012 12:10
To: Julian Jackson
Subject: Old Bronte Model Shop, Main Road, Denholme

Dear Julian

I have been contacted by Denholme Town Council regarding a proposal for a model shop to an off licence. The TC and local residents wish to support the proposal and I wish to support them.

As they have not been officially informed of the proposal, I am understanding, so would be grateful if you would let me know which office they have this objection.

A considerable amount of trouble was experienced when the off licence was granted. Even more problems when the old paper shop, at the top of Static Road, and nuisance caused to nearby residents was never-ending.

The nearby Co-op has problems, but at least is contained in an area. If this permission is granted it will cause parking problems, yellow lines, congestion with parking on Parkinson Rd - yellow line.

With Forester Court being immediately opposite any disturbance is a problem, and many residents were very frightened when they heard a disturbance.

Best wishes

Cllr Baroness Eaton
Bingley Rural Ward

clo

*City Hall
Bradford
BD1 1HY*