

# City of Bradford Metropolitan District Council

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## Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Tuesday 17 April 2012 at City Hall, Bradford

### Procedural Items

#### DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

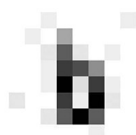
### Hearing

#### Bradford Panel

1. Application for variation of a premises licence for Co-op Late Shop, 53 Bradford Road, Thorpe Garth, Idle, Bradford (Document "I")

#### Keighley and Shipley Panel

2. Application for a premises licence for Small World, 20 Russell Street, Keighley (Document "J")



**RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR CO-OP LATE SHOP, 53 BRADFORD ROAD, THORPE GARTH, IDLE, BRADFORD**

Commenced:	1430
Adjourned:	1512
Reconvened:	1520
Concluded:	1522

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Sajawal Hussain and L'Amie

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Hanson – for the Co-operative Society  
Mr Arnot – Solicitor

**Representing Interested Parties:**

Councillor Sunderland – Ward Councillor

**Representations:**

The Licensing Officer in attendance summarised the background to the application and valid representations received as set out in Document "I".

The Solicitor acting on behalf of the applicant then made representations in furtherance of the application, stressing that it came from a long established major retailer which understood its licensing responsibilities and had procedures in place to ensure they were adhered to.

He explained that the retailer had a national due diligence officer and had a good relationship with responsible authorities wherever it operated. He also explained the measures undertaken to ensure that all staff operating a till fully understood their responsibilities. He further advised that the electronic cash register system used had in-built "alerts" for all age restricted sales.

He then spoke in respect of these premises, advising that there had been no reported difficulties and that there was a good relationship with the Police and Environmental Health. He stressed that this branch was regarded as a convenience store and that local customers required longer hours to suit their individual needs. This application was part of an operation to extend hours for as many as 2,000 convenience stores. The opening hours of the store had recently been increased and there had been no problems arising from that. He advised that the request for hours of operation on a Sunday were to reflect that Sunday was now a working day for a lot of people.

Members of the Panel asked questions in respect of the application regarding the size of the store, its location on the street and the nature of neighbouring businesses. They were advised that the store was a good sized unit rather than a small shop as it comprised 3000m<sup>2</sup> trading space. It was sited across nos. 51 and 53 Bradford Road and neighbouring units included take-away food outlets and a pet food store.

The Chair of the Panel clarified that the hours of operation were as requested because normal trading hours may be required for Good Friday in future.

No responsible authorities were present at the hearing so the Panel moved on to take representations from interested parties.

A Ward Councillor was in attendance and spoke on behalf of her constituents. She advised that she had been involved in work to prevent anti-social behaviour by young people in the village and that for many residents, alcohol and young people was a big concern. Her constituents had informed her that they were very worried by this application and that they felt unable to voice their fears directly. She had therefore undertaken to attend this hearing to voice those concerns. She advised also that the extended hours of operation had caused upset among local residents, many of whom were elderly.

There were no questions of the Ward Councillor.

In conclusion, the Ward Councillor stated that local residents preferred the licensed hours to remain as they were and the applicant's solicitor advised that, in the absence of any information to show that the applicant was not a good licensee or that there were problems directly attributable to these premises, the Panel should consider whether it was necessary to deny the application.

#### **Decision -**

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

- 1.1 That a CCTV system (with satisfactory internal and external coverage) 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 That 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 that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**

**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.**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR SMALL WORLD,  
20 RUSSELL STREET, KEIGHLEY (DOCUMENT "J)**

Commenced:	1525
Adjourned:	1555
Reconvened:	1605
Adjourned:	1615
Reconvened:	1640
Adjourned:	1645
Reconvened:	1655
Adjourned:	1700
Reconvened:	1702
Concluded:	1705

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Sajawal Hussain and L'Amie

**Parties to the Hearing:**

**Representing the Applicant:**

Ms Atkins – applicant  
Mr Medley – DPS

**Representing Responsible Authorities:**

PC Marshall – WY Police

**Representations:**

The Licensing Officer in attendance summarised the background to the application and valid representations received as set out in Document "J" and advised that the applicant had already agreed to the conditions requested by the Environmental Health Officer.

The applicant attended the meeting and spoke in support of the application, expressing some concern that the installation of CCTV would be prohibitively expensive for the organisation as its core activity was the provision of opportunity for young people to make music and that the intention was to sell alcohol on only three nights per month. She also considered the conditions required by the Police on the inspection of first aid kits and the closure of doors and windows to be prohibitive.

The Council's legal advisor noted that any condition imposed in respect of doors/windows would not affect normal access or egress from the premises.

The applicant further advised on the straitened financial circumstances of the organisation which aimed to put 90% of its very limited income into its face to face work with young people in the community. She also considered that the Police conditions appeared severe compared to other licenses. She particularly pointed out that daily logs would be difficult given that the building would not be in daily operation as a licensed premises.

The Chair invited the Police representative to respond to those concerns and he stated that the proposed conditions were to protect the people running the venue as well as the public. He also stated that he would be happy for the logs to be kept when the premises were being used for the sale of alcohol.

Members then questioned the applicant on the reason for a late terminal hour for the sale of alcohol and were advised that late entertainment represented the organisation's only opportunity to generate funds.

The Chair clarified, for the benefit of all those present, that although it was not uncommon for applicants to discuss issues with responsible authorities in advance of a hearing it would be this Panel which set any conditions considered applicable if a licence were to be granted.

The Police Officer present went on to make his representations in respect of the application expressing concern that the hours applied for could have the cumulative effect of non-stop entertainment for 60½ hours. He advised that the premises were near residential properties and that he had concerns about the impact upon those residents once the word had spread about entertainment being provided at Small World. He stressed again the importance of CCTV.

Members queried what would be regarded as the nearest noise sensitive premises and were advised that it was the nearest residence to the premises which could be affected; it did not mean the nearest residence which raised an objection.

In conclusion, the applicant stressed that the reason behind the application was not to hold very long events but to achieve flexibility for a range of events.

The Chair clarified that the applicant understood that when the premises were undertaking licensable activities the licensing objectives must be adhered to and that, if there were a requirement for CCTV it would have to be satisfied before the licensable activities could commence.

## **Decision -**

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

### **1.1 Hours of licensable activities:**

#### **Sale of alcohol**

<b>Friday</b>	<b>1900 to 0430</b>
<b>Saturday</b>	<b>1200 to 0430</b>
<b>Sunday</b>	<b>1200 to 2030</b>

#### **Provision of Plays**

<b>Sunday to Thursday</b>	<b>0830 to 2100</b>
<b>Friday &amp; Saturday</b>	<b>0830 to 2400</b>

#### **Provision of films/provision of live music/provision of recorded music/performance**

**of dance/anything similar/ provision of facilities for making music/ provision of facilities for dancing/ anything similar**

<b>Monday to Thursday</b>	<b>0830 to 2100</b>
<b>Friday</b>	<b>1030 to 0430</b>
<b>Saturday</b>	<b>1030 to 0430</b>
<b>Sunday</b>	<b>1030 to 2100</b>

- 1.2 That noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible at the nearest noise sensitive premises.**
- 1.3 That all external doors and windows to the licensed premises, where regulated entertainment is being provided shall remain closed during the course of the entertainment, other than for normal access and egress.**
- 1.4 That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.**
- 1.5 That a CCTV system (with satisfactory internal and external coverage) 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.**
- 1.6 That 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 that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**
- 1.7 All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level within one month of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police and authorised local authority Licensing Officers on demand.**
- 1.8 An incident book shall be kept and maintained on the premises at all times. The book shall detail in brief incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to the Police/Authorised Licensing Officers on demand.**
- 1.9 The venue will be a member of the Keighley pub watch scheme. The DPS/Premises Licence Holder must attend at least 80% of pub watch meetings in a 12 month period.**
- 1.10 The DPS will fully co-operate with any proactive Police operations such as drugs dog searches.**
- 1.11 An accredited first aid training person MUST be on duty at all times when the premises operate for Licensable activities.**

- 1.12 Complete first aid kits must be located in each of the bar areas and function room and be readily available to staff at all times. The kits will be inspected weekly and replenished daily. An endorsed log sheet will be contained in each kit.**
- 1.13 No person under the age of 18 years shall be allowed on the premises after 2315hrs.**

**Reason: It is considered that the above conditions are necessary in order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents and to prevent the sale of age restricted products to underage customers; and to monitor compliance with the law – Prevention of Public Nuisance Objective; Protection of Children from Harm Objective and Prevention of Crime and Disorder 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 MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER