

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Friday 30 November 2012 in Committee Room 3, 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

- 1. Application for a Premises Licence for Tuco's, 54 Kirkgate, Silsden (Document "D")**



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR A PREMISES LICENCE FOR TUCO'S, 54 KIRKGATE, SILSDEN (DOCUMENT "D").

Commenced: 1100
Adjourned: 1140
Reconvened: 1200
Adjourned: 1205
Concluded: 1210

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Ellis and Swallow.

Parties to the Hearing:

Representing the Applicant:

Mr Azeem – Applicant
Mr Najib – Manager, Applicant's representative
Mr Asquith – Local Resident, Witness

Representing Responsible Authorities:

Ms Syed - Environmental Health, Bradford Council

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was noted that the Council's Environmental Health Unit had submitted a representation in relation to the impact of the extended hours on the neighbourhood and had requested that the business operated within the planning consent.

The Council's legal officer stated that planning consent was separate to the granting of a licence and indicated that he would be interested to know if the applicant had applied for an extension of the planning permission.

The applicant addressed the Panel and explained that the resident who had submitted a complaint lived between 300 – 400 yards away and there were two other takeaway premises and a public house between his business and Elliott Street. He confirmed that his immediate neighbours did not have an issue with the premises and he had received letters of support as well as a favourable petition. Litter was collected from the vicinity of the premises and the police were kept updated.

The applicant's representative then called his witness, who made the following comments:

- There were two public houses between the business premises and Elliott Street.
- There had been a third public house and nightclub, but this had now closed.
- There were other takeaways in the area.
- One of the public houses had a late licence.

In response to questions from the Panel, the applicant's representative confirmed that there were residential properties above the business premises in the vicinity, however,

they were not all rented out and that there was a public house in the area that sometimes had a late licence.

The applicant's representative then stated the following points:

- He worked at the premises.
- He undertook a nightly patrol for litter and was the only person to do so in the area.
- The immediate neighbours did not have an issue with the late opening hours on a weekend.
- The other takeaways in the area had planning consent until 0130 and 0230 hours.
- The last orders at the public house were at 0130 hours.
- Other businesses had a late licence and it was unfair that this was the only takeaway that had to close at 2300 hours.
- The only reason why 0300 hours had been requested was to ensure that legislation was not breached.

In response to the latter comment, the Council's legal officer explained that a breach would still occur if the applicant did not apply for planning consent. The applicant's representative replied that the granting of a premises licence was his first step and he would then request planning consent.

In response to further queries from the Panel and the Council's legal officer, the applicant's representative confirmed that:

- He picked up litter from wherever he saw it and whether or not it came from his premises. The majority of people walked from the public house to his premises and, therefore, the litter and noise issues on Elliott Street were from premises in that area. Notices in relation to noise and litter were on display and he did not permit people to loiter in the area outside the premises.
- The majority of trade was from customers who came to the shop, though they had recently commenced a delivery service.
- The last time for deliveries was 2300 hours and it would not be extended.
- The extended licence was for the benefit of customers that came into the premises. There was a great deal of support for the business in the area.

The Council's Environmental Health officer then informed the Panel of the following points:

- Silsden was a small pretty village with a main high street that was very busy.
- There were clusters of takeaway premises.
- The premises was close to the river.
- The high street was a mixture of shops and residential properties.
- Elliott Street was a short distance from the premises.
- Concerns had been raised by the resident of the flat above a neighbouring shop in relation to youths loitering outside the premises.
- The premises was licensed to open until midnight on Friday and Saturday.
- Alcohol increased the likelihood of nuisance.
- Environmental Health had concerns in relation to the extension of the opening hours until 0300 hours.
- The planning hours restricted the opening times and protected the amenity of the street.
- The late opening would cause problems to environmental health and planning.

The Panel and the Council's legal officer then questioned the Council's Environmental Health officer who confirmed that:

- Kirkgate was a busy road during the day, however, the traffic decreased after 2000 hours and it was quiet at 2230 hours. This was based upon personal experience.
- Other premises in the vicinity closed at midnight.
- The closing time of the public house was not known.
- A resident had stated that young people loitered outside the premises, but this had not been personally observed.
- If permission was granted to 0300 hours then this would encourage young people to loiter in the area.

In conclusion the Council's Environmental Health officer stated that if the opening hours were extended to 0300 hours then this would add to the problems in the area, despite the good intentions of the owner, and the current closing time of midnight was reasonable.

The applicant's representative explained that any issues could be resolved. He reiterated that local residents used the premises and wanted the business to open until later. The property was located on a main street where other premises were open late and it seemed unfair. Local residents did not have a problem with the proposed opening hours and the only representation submitted was irrelevant to the premises. Litter was cleared from the area and young people who frequented the premises were informed that they could not loiter outside. The business had links to the public house and were in contact with the police. Finally the applicant's representative stated that he wanted fair opening hours and had requested a licence until 0300 to ensure that regulations were not breached.

Following an adjournment the Chair reported that the opening hours of other premises had been clarified and questioned whether the applicant would accept a closing time of 0200 hours on Friday and Saturday. In response the applicant's representative confirmed that this would be acceptable.

The Chair also reminded the applicant that the planning consent would need to be extended.

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) Hours of licensable activities:

Sunday to Thursday	2300 to 0000
Friday and Saturday	2300 to 0200

Reason: To prevent noise, disturbance and nuisance to residents in the vicinity of the premises - prevention of public nuisance objectives.

Chair

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