

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Tuesday 5 February 2013 in Committee Room 4, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

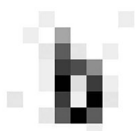
Councillor Swallow disclosed her membership of the Co-operative Society in the interests of clarity.

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 Variation of a Premises Licence for Co-op Late Shop, 38-42 Station Road, Burley in Wharfedale, Ilkley (Document "E")**



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

**RECORD OF A HEARING FOR A VARIATION OF A PREMISES
LICENCE FOR CO-OP LATE SHOP, 38-42 STATION ROAD,
BURLEY IN WHARFEDALE, ILKLEY**

Wharfedale

Commenced: 1030
Adjourned: 1142
Reconvened: 1207
Adjourned: 1210

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Khaliq (Chair), B M Smith and Swallow.

Representing the Applicant:

Mr Graham – Solicitor
Mr Round – Area Manager
Ms Arnold – Designated Premises Supervisor
Mr Williment – Store Manager

Representing Responsible Authorities:

Mr Farmer – Environmental Health Officer

Representing Interested Parties:

Mr Fox – local resident

Representations:

The Licensing Officer in attendance presented the information set out in **Document “E”** in respect of the application for a variation of the premises licence for the Co-op Late Shop, 38-42 Station Road, Burley in Wharfedale.

She advised that the variation was to allow the sale of alcohol three hours earlier than the current permitted hours on Monday to Saturday and five hours earlier plus half an hour later on a Sunday. She explained the representations that had been received from the Environmental Health Department and local residents in objection to the application.

The Solicitor for the applicant then spoke in support of the application, advising that the Co-op was the fifth largest retailer in the country with 3,800 stores employing 76,000 staff. This particular store was a local convenience store and as such, provided a facility for local people to purchase items when suitable for them. The Co-op was an experienced retailer which understood its responsibilities fully and which had long established procedures for the sale of restricted items, including alcohol.

These procedures included the employment of a risk manager who ensured policies were properly followed, a full exam based training scheme and the use of tills which had built in prompts to ensure age restriction policies must be followed for items such as alcohol. Also, stores already followed the “Challenge 25” policy for alcohol sales.

He noted that statutory authorities such as the Police had raised no concerns about the application and advised that the application was part of a country-wide initiative by the Co-op to extend its permitted hours to respond to changing customer demand.

He referred to the representations received, noting that they mentioned late night sales and reminded the Panel that these were already permitted and that the variation was mostly in respect of earlier hours. He advised that the store was already open for general business at 0500 and closed at 2100 and there were no current plans to change those hours.

In his view, the objections received were not sufficient to prevent the variation being granted as the majority referred to matters such as deliveries which did not fall under the licensing objectives. Concerns about crime and anti social behaviour were relevant but he considered it significant that the Police had not commented on those issues.

In response to a question from a Panel Member about the ongoing Environmental Health investigation at the premises and after clarifying that the issue was not germane to consideration of the sale of alcohol at the premises, he advised that the outstanding issue with Environmental Health was in respect of the delivery of newspapers and that an arrangement had been made to deliver to a point 30m away from the store. After that, papers were carried manually into the premises to minimise noise disturbance. He also clarified the amount of newspapers and magazines delivered each day.

Another Member queried how many customers used the store between 0500 and 0800 and was advised that it was a low number but that delivery drivers and youngsters with paper rounds from the store also arrived very early.

Members questioned the current opening hours and the usual times when alcohol was sold. They also queried how regularly the Challenge 25 policy had to be used.

In response, they were advised that there was no current plan to open beyond 2100 even though the licence ran until 2300. If the local demand justified it, the store may open later but that would be a commercial decision. He stated that alcohol was mainly sold in the evening and that the Challenge 25 policy was regularly used and all incidents were kept in a written record.

A local resident was in attendance and advised that he had been unaware of the hours being applied for and that his main concern had been the prospect of the store being open later in the evening, causing disturbance to him as a very near neighbour. He advised that the agreement described for the delivery of papers to the store was not being abided by and caused a great deal of early morning disturbance.

The Panel then heard representations from the Council's Environmental Health Officer who advised that his main concern was that, as the problems of noise and disturbance from newspaper deliveries were unresolved, the application for extended hours would exacerbate those problems. He was therefore concerned for the amenity of the nearest residents.

Members of the Panel questioned him about the period the store had been in existence, what steps had been taken to resolve the problems described and whether he had any specific concerns about the sale of alcohol.

He stated that the premises had been a newsagent for 30 years; that parking for delivery vehicles had been agreed but not adhered to but that he had no specific concerns about the sale of alcohol at the premises.

The Solicitor for the applicant questioned the Environmental Health Officer to ensure that he appreciated the hours being applied for and that he understood that issues around newspaper deliveries did not fall within the licensing objectives.

The local resident then spoke in objection to the application, reiterating his concerns about noise and disturbance from deliveries. He had feared that the store would open later in the evening and hoped that the Co-op had no plans to do so.

In response to questions from the Panel, he confirmed that, although his main concern was about deliveries he also had problems of noise from staff at the store being excessively noisy early in the morning. He also advised that he had lived in his present home before the Co-op had taken over the premises and that problems had only started once the store had been taken over. He advised that the only issue now unresolved was that of the deliveries.

In conclusion, the Environmental Health Officer reiterated that his concerns were about noise and disturbance due to deliveries and that the Co-op may seek to exploit their full licensable hours of operation.

The Solicitor for the applicant concluded by reminding the Panel of its obligations under current guidance to permit the sale of alcohol during shop opening hours unless there was good reason not to.

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 as applied for.

Note: When announcing the decision, the Chair stated that, having heard the concerns of local residents and the Environmental Health Officer, he would like to see all parties working together to resolve the issues of noise and disturbance that had been raised at this meeting.

Chair

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

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