

## Report of the Assistant Director Corporate Services to a Hearing before the Bradford Area Licensing Panel to be held on 17 February 2009.

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### Subject:

Application for a Review of a Premises Licence for Idle Village Off Licence, 10 Bradford Road, Idle, Bradford.

### Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol for consumption off the premises.

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Suzan Hemingway  
Assistant Director Corporate Services  
(City Solicitor)

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

**Portfolio:**

**Corporate**

**Improvement Committee Area:**

**Corporate Improvement Committee  
Safer and Stronger Communities**



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Ward: Idle & Thackley

1. **Summary**

1.1 **Premises Licence Holder**

Balwant Singh.

1.2 **Designated Premises Supervisor**

Balwant Singh

A copy of the Licence is included at Appendix 1.

1.3 **The Premises**

Idle Village Off-Licence, 10 Bradford Road, Idle, Bradford, BD10 9PP

1.4 **The Current Licence**

The premises have a Premises Licence allowing the sale by retail of alcohol for consumption off the premises.

Hours of licensable activities:

Monday to Sunday: 10.00 to 23.00

1.5 **Steps agreed in the Operating Schedule by the Licensee to address the Licensing Objectives**

a) Prevention of crime and disorder

All existing external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.

All staff (including temporary staff) employed shall be adequately trained in good customer safety, customer care, compliance with the law, child protection issues and alcohol awareness.

The existing CCTV System installed at the premises shall 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 available to the Licensing Authority or a Responsible Authority on request.

The Licensee shall at all times maintain a “zero tolerance” policy with regard to illegal drugs, including appropriate staff training in detection and prevention.

b) Public Safety

All emergency lighting and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

A CCTV system shall be installed at the premises to cover the external area at the front of the premises and shall 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 available to the Licensing Authority or a Responsible Authority on request

c) Prevention of public nuisance

The Licensee shall ensure that security and other external lighting used are maintained in such a position so as to avoid light pollution to nearby residents.

d) Protection of children from harm

The Licensee shall enforce an effective recognised “proof of age policy” at all times and ensure appropriate staff training in its operation.

e) General – all four licensing objectives

The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

The Licensee shall ensure that the consumption of alcohol does not take place outside the premises.

**1.6 Conditions Attached after Hearing**

Not applicable.

**2. Applications Received asking for a Review of the Licence**

**2.1 Responsible Authorities**

West Yorkshire Police have submitted an application for review due to alleged sales of alcohol to children, the conduct of the licensee and incidents alleged to be connected to the underage sales.

There has also been a breach of Condition 7 of the Licence, as it was found that the CCTV system is not capable of recording for the required period.

A copy of the application for review is attached at Appendix 2.

Included with the application are supporting documents from West Yorkshire Police and Others.

A copy of the supporting documents is attached at Appendix 3. (In the interests of economy this document has been sent to Members of the Panel only.)

## 2.2 Interested Parties

A local resident has also submitted an application for review due to alleged sales of alcohol to children and anti-social behaviour by youths congregating outside the premises.

A copy of the application for review is attached at Appendix 4.

## 3. Representations

### 3.1 Interested Parties

Two letters of representation and a petition have been received from local residents regarding the consumption of alcohol and anti-social behaviour by youths congregating outside the premises. Concerns are also raised about damage to property and litter problems.

Members may wish to consider the issue of vicinity in respect of the following street;

Pool Court, BD3 9AH.

A copy of the representations is attached at Appendix 5.

## 4. 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. Paragraph 5.99 to 5.111 of the Guidance specifically details how applications for review of licences should be determined.

An extract of the Guidance is attached to this report at Appendix 6.

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.

## 5. **Statement of Policy Issues**

- 5.1 The following parts of the Licensing Policy are of particular importance; Part 4 (the prevention of crime and disorder), Part 6 (prevention of public nuisance) and Part 7 (the protection of children from harm).

- 5.2 The Annexes to the Policy sets out various types of model condition that could be considered.

## 6. **Legal Options**

- 6.1 Members may:

- (a) Refuse the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the Licence.

- 6.2 Should the licensee 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 within 21 days of being notified of the decision.

## 7. **Financial and resource appraisal**

- 7.1 There are no apparent finance or resource implications.

## 8. **Other implications**

### 8.1 **Equal Rights**

There are no apparent equal rights implications.

## 8.2 **Community safety implications**

There are no apparent community safety implications.

## 8.3 **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. **Not for publication documents**

9.1 None

## 10. **The Role of the Panel**

10.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application for review of the premises licence.

## 11. **Appendices**

1. Premises Licence.
2. Application for Review submitted by West Yorkshire Police.
3. Supporting documents from West Yorkshire Police & Others. (In the interests of economy this document has been sent to Members of the Panel only.)
4. Application for review submitted by a local resident.
5. Representations from local residents.
6. Extract from the Government Guidance.

## 12. **Background documents**

Licence, representations etc

Licensing Act 2003

**Premises Licence**

**BD/PRA1196**

## Part 1 - Premises Details

### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Idle Village Off-Licence

10 Bradford Road, Idle, Bradford, West Yorkshire, BD10 9PP.

Telephone 07894193797

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	10:00am	11:00pm

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
No restrictions		

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

## Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Balwant Singh

44 Whiteways, Bradford, West Yorkshire, BD2 4BT.

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Balwant SINGH

44 Whiteways, Bradford, West Yorkshire, BD2 4BT.

### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BD/PER1602

Issued by Bradford

Original Issue Date: 25/07/2007

(Annual Fee Date under Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Page 1 of 4

## Licensing Act 2003

### Premises Licence

BD/PRA1196

#### ANNEXES

##### Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence;-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

##### Annex 2 - Conditions Consistent with Operating Schedule

All four Licensing Objectives:

3. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.
4. The Licensee shall ensure that the consumption of alcohol does not take place outside the premises.

##### **The Prevention of Crime & Disorder:**

5. All existing external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.
6. All staff (including temporary staff) employed shall be adequately trained in good customer safety, customer care, compliance with the law, child protection issues and alcohol awareness.
7. The existing CCTV System installed at the premises shall 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 available to the Licensing Authority or a Responsible Authority on request.
8. The Licensee shall at all times maintain a "zero tolerance" policy with regard to illegal drugs, including appropriate staff training in detection and prevention.

##### **Public Safety:**

9. All emergency lighting and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.
10. A CCTV system shall be installed at the premises to cover the external area at the front of the premises and shall 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 available to the Licensing Authority or a Responsible Authority on request.

##### **The Prevention of Public Nuisance:**

11. The Licensee shall ensure that security and other external lighting used are maintained in such a position so as to avoid light pollution to nearby residents.

##### **The Protection of Children from Harm:**

Original Issue Date: 25/07/2007

(Annual Fee Date under Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Page 2 of 4



Licensing Act 2003

**Premises Licence**

**BD/PRA1196**

ANNEXES continued...

12. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

Not Applicable.

G:\Legal Services\LLC & Licensing\Licensing\DEV\TEMPLATE\LIC.STD\LICENCE CONDITIONS\MILE VILLAGE OFF LICENCE - BDPRA1196

Licensing Act 2003

## Premises Licence Summary

BD/PRA1196

### Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Idle Village Off-Licence

10 Bradford Road, Idle, Bradford, West Yorkshire, BD10 9PP.

Telephone 07894193797

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	10:00am	11:00pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
No restrictions		

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

#### NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Balwant Singh

44 Whiteways, Bradford, West Yorkshire, BD2 4BT.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

#### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Balwant SINGH

#### STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

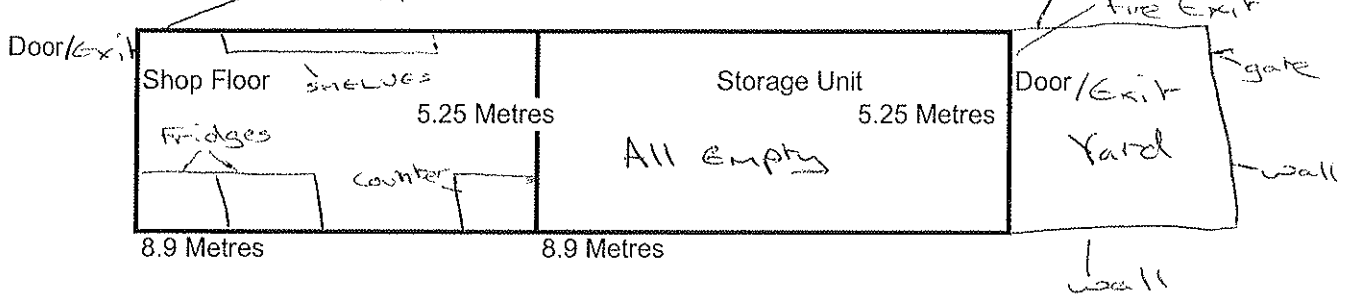
No restrictions

Original Issue Date: 25/07/2007

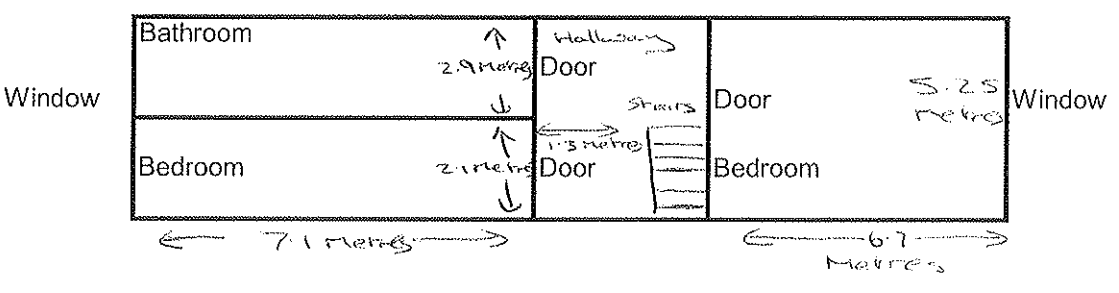
(Annual Fee Date under Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

# THE PROPERTY KITCHEN OR GAS SUPPLY

Ground Floor Plan



First Floor Plan





**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE 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 that 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, (insert name of applicant) West Yorkshire Police

- Apply for the review of a Premises Licence under Section 51
- Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or Club Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description:

Idle Village Off Licence, 10 Bradford Road, Idle

Town/City: Bradford

Postcode: BD10 9PP

Name of premises licence holder or club holding club premises certificate (if known):

Mr Balwant Singh

Number of premises licence or club premises certificate (if known): BD/PRA 1196

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

- An interested party (please complete A or B below)
  - (a) a person living in the vicinity of the premises
  - (b) a body representing persons living in the vicinity of the premises
  - (c) a person involved in business in the vicinity of the premises
  - (d) a body representing persons involved in business in the vicinity of the premises
- A responsible authority (please complete C below)
- A member of the club to which this application relates (please complete A below)

**A – Details of individual applicant**

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode: LD17

Daytime contact telephone number:

E-mail address (optional):

**B – Details of other applicant**

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Daytime contact telephone number: \_\_\_\_\_  
E-mail address (optional): \_\_\_\_\_

**C – Details of responsible authority applicant**

Mr  
Surname: Tyson Forename(s): John  
Address: Trafalgar House, Nelson Street  
Town/City: Bradford Postcode: BD5 0DX  
Daytime contact telephone number: 01274 376695  
E-mail address (optional): bradford.licensing@West Yorkshire Police

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

These premises have the benefit of a Premises Licence which authorises the sale by retail of alcohol on each day of the week between 10:00am and 11:00pm for consumption OFF the premises only.

The licence was granted in July 2007 to Mr Balwant Singh who is both the Premises Licence Holder and Designated Premises Supervisor. At the time the licence was granted, a number of conditions were attached to the licence.

The grounds for this review are as follows:

Since the opening of the premises there have been a number of complaints made to the police, Trading Standards and the Local ward Councillor in respect of the conduct of the premises and incidents which are alleged to have been connected to them as a result of alleged sales of alcohol to persons under the age of 18 years of age.

Since the 1<sup>st</sup> June this year Trading Standards have received four complaints from members of the public and a notification from West Yorkshire Police. This resulted in a certain course of action, including warning letters being sent to Mr Singh.

West Yorkshire Police have also been aware of problems in respect of sales to persons under the age of 18 years and the subsequent problems that have ensued in the area.

To this end both the inspector in charge of the Neighbourhood Policing Team and the Divisional Licensing Officer have made visits to the premises to address their concerns with Mr Singh who on occasions has not been present, but without success.

At the beginning of October 2008 a meeting took place between the police and Mr Singh at Eccleshill Police Station, after discussing all the issues of concern, Mr Singh agreed to an action plan and was given a written copy for his own use.

The police are of the opinion that since that meeting there has been no improvement and the quality of life for the local community remains the same and the problems are continuing in particular at weekends.

A condition of the licence is that a CCTV system shall be maintained in good working order and footage shall be kept for at least 28 days.

The CCTV has been seized by the police and on examination has been found not to comply with the above condition, in that it was not capable of recording for the required period.

In addition since the meeting between the police and Mr Singh, Police Officers have viewed footage recorded since that date which has shown sales of alcohol and cigarettes to young persons under the age of 18 years who are known to the viewing Officers concerned.

The persistent sales of alcohol to young persons, despite advice and warnings from Police and Trading Standards Officers is continuing to have an adverse effect on all the Licensing Objectives and accordingly it is requested that the Premises Licence is reviewed by the Licensing Authority.

Please provide as much information as possible to support the application (please read Guidance note 2)

[Empty form area for providing application information]

**RESTRICTED**

Have you made an application for review relating to this premises before? NO  
If 'YES', please state the date of that application:

If you have made representations before relating to this premises, please state what they were and when you made them:

- Please 'check' appropriate box(es)
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
  - 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 3 – Signatures** (please read Guidance note 3)  
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature: ..... Date: 06-01-09  
Capacity: District Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):  
Mr  
Surname: Forename(s):  
Address:  
Town/City: Postcode:  
Telephone number (if any):  
If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):



## RESTRICTED

### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

**Application for a review of a premises licence or club premises certificate 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.

We KATHLEEN R. VARLEY (insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>10 BRADFORD Rd, IDLE</u>	
<u>OFF LICENSE</u>	
Post town <u>BRADFORD</u>	Post code (if known) <u>BD10</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>OFF LICENSE</u>
--

Number of premises licence or club premises certificate (if known) <u>1</u>
--

**Part 2 – Applicant details**

I am

Please tick ✓

- |   |  |
|---|--|
| 1) An interested party:   |  |
| a) A person living in the vicinity of the premises                                  | <input checked="" type="checkbox"/> please complete (A) or (B) below |
| b) A body representing persons living in the vicinity of the premises               | <input type="checkbox"/> please complete (A) or (B) below            |
| c) A person involved in business in the vicinity of the premises                    | <input type="checkbox"/> please complete (A) or (B) below            |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> please complete (A) or (B) below            |
| 2) A responsible authority  | <input type="checkbox"/> please complete (C) below                   |
| 3) A member of the club to which this application relates                           | <input type="checkbox"/> please complete (A) below                   |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname

First names

VARLEY

KATHLEEN R

Please tick

I am over 18 years old or over

Current address

14 STANLEY ST, ~~8~~ IDLE,  
BRADFORD

Post Town

BRADFORD

Postcode

BD10 9PS

Daytime contact telephone number

07968373887

Email address (optional)

\_\_\_\_\_

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Not notified of any Planning application or License application for OFE sales of Alcohol & Tobacco products

Since opening level of disorderly behaviour amongst groups of youths gathering near premises has increased.

Premises in an area containing Elderly Persons Flats.

People, Cars etc arriving constantly until early hours of morning.

Please provide as much information as possible to support the application (please read guidance note 2)

Since these premises began operating as an off License numerous times local residents have had to call the Police to prevent gangs of youths from attacking each other.

The license holder is supplying alcoholic drinks to under 18s leading to anti social behaviour around the area.

Please tick ✓

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures** (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date 19/12/08 .....

Capacity Local Resident .....

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

**Notes for guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment)) or from Bradford Metropolitan District Council (<http://www.bradford.gov.uk/council/licensing>), your local licensing authority.

Mr Sean Gardner  
6 Bradford Rd  
Idle  
BD10 9PP

5/1/09

RE: Licensing Review, Idle Village Off Licence

Dear Sir/Madam,

I am writing to you to express my concerns regarding the continued licensing of Idle Village Off Licence.

Since this licence was first granted there have been a number of incidents involving young people attracted to the area by the easy availability of alcohol and cigarettes.

Due to the deteriorating situation I felt compelled to contact the police who have issued me with incident reference numbers.

You may be able to obtain further information on these from the police.

Incident Ref No	Date
1465	14/5/08
1180	11/8/08
1154	27/10/08
1459	18/11/08
1220	1/12/08

00 JAN 2009

These incidents usually follow the gathering of small or large groups of young people who accost passers by requesting they obtain cigarettes or alcohol on their behalf from Idle Village Off Licence.

The cider, vodka, alcopops or strong lager are usually consumed in the immediate area leading to...

- Anti social behaviour (shouting, swearing, spitting and abusive language - especially if confronted)
- Graffiti on walls, doors, windows of houses and on cars
- Littering of the above mentioned alcohol containers which are usually smashed on the road opposite the off licence and in the alleyway which leads to the elderly residential flats

Specific criminal damage to local residents property and vehicles has included, destroying street signs, bracking fencing, drainpipes torn down, T.V. aerial cables and phone lines torn from walls, smashing car headlights and ripping off aerals and door mirrors as well as deliberately triggering car alarms or house alarms by kicking doors.

Idle Village was always well served by responsible alcohol retailers without the accompanying intimidation and siege mentality brought upon local people since this licence was first granted.

Please give serious consideration to revoking this licence to sell alcohol.

Yours sincerely



# NEIGHBOURHOOD WATCH

## **BRADFORD Ward 13**

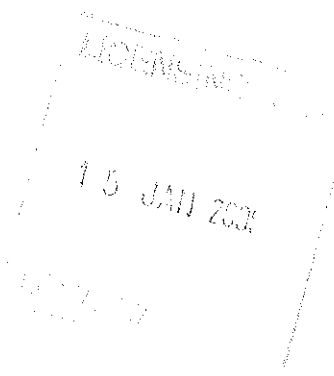
**Co-Ordinators: Brian Peach and Les Hooson**

As advised by one of your telephone advisors with regard to a petition regarding the Off licence in Bradford Road , Idle. We have collected the signatures , addresses and Post Codes as told and would like the problem of under age drinking, urinating, shouting, swearing, and intimidating people, looking through windows, drunk in the side streets leading to disabled and elderly people living in this area, is something we have had enough of. We must point out this problem has only occurred since the off License was opened.

On behalf of The Neighbourhood Watch,

Yours Faithfully

L Hooson  
11 Hampton Place, Idle, Bradford, BD10 9PL



# NEIGHBOURHOOD WATCH

We have been asked by one of our Member's if we would start a petition with regard to the Notice on Bradford Road concerning the Off Licence. On account of Supplying Alcohol to Under Age Persons causing drunken youths intimidating people. Rubbish and broken glass thrown about.

Name

Address

Signature

L. HOOSON - 11 HAMPTON PLACE - BD10 9PL

D. ALLEN - 17 HAMPTON PLACE - BD10 9PL

J DAVIES  
HAMPTON PLACE BD10 9PL

S. EARLE 41, Hampton Place BD10 9PL

K. BROWN 15. HAMPTON PL. BD10 9PL

H. BROWN 15. HAMPTON PL. BD10 9PL

J HOOSON 11 HAMPTON PLACE BD10 9PL

M. Bowden 23 Hampton Place. BD10 9PL

Peter Booth 27, Hampton Place BD10 9PL

W. FEARNLEY 83, IDLECROFT RD, BD10 9TN

J. FEARNLEY 83 IDLECROFT RD - BD10 9TN.

Spencer 2 MEERFIELD PLACE IDLE  
BD10 9PH.

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Name Address Signature

MR. B. PEACH 14, HAMPTON PLACE BD10 9PL

MRS F. PEACH " " BD10 9PL

ISLAY 10 HAMPTON PLACE BD10 9PL

JWILLIS " " BD10 9PL

C Woodcock 16 Hampton Place BD10 9PL  
BD1

Hendrick 18 HAMPTON PLACE  
BD10 9PL

M. Mc DONALD 20 " " BD10 9PL

S. Eklind 12 " " BD10 9PL

U. Ashworth 35 " " BD10 9PL

K Hall 33 " " BD10 9PL

V Hall 33 " " D10 9PL

B Hughes 45 " " E10 9PL

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Name

Address

Signature

L CREWE 55 Stonebridge BD10 9TW

B LAMAN STONEBRIDGE BD10 9TW

J A D ~~STON~~ 4 Stonebridge BD10 9TW

M P RUSSELL 49 STONEBRIDGE BD10 9TW

M Buelohousey STONE BRIDGE N

K VAUGHAN 9 Stonebridge BD10 9TW

H Matthews 24 Stonebridge BD10 9TW

J. Pure 22 Stonebridge BD10 9TW J

M Scrafe 40 Stonebridge Pam Smith

D. O'GRADY 25 HAMPDEN PLACE B10 9TW J

P. MANNING 51 STONEBRIDGE BD10 9TW J

B. C. ROBINSON 50 STONEBRIDGE BD10 9TW B

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Name

Address

Signature

D. WHITELEY 53 STONEBRIDGE BFD. BD10 4TW

L MILNER 52 STONEBRIDGE BFD BD10 9TW

P Margatroyel 48 STONEBRIDGE BD10 9TU

ST DUBAL 20, STONEBRIDGE IDLE BD10

J. HESLOP 42 STONEBRIDGE IDL

M GANBOK 5 STONEBRIDGE IDLE BD10 9

E BROSCHON ~~STONEBRIDGE~~ BD10

M Pickles 27, Stonebridge Idle BD10

B NEWBERRY 3 STONEBRIDGE BD10 9TU

J WATKINSON 45 STONEBRIDGE IDL

J Pickles 27 Stonebridge Idle BD10

M Bell 54 STONEBRIDGE BD10 9

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Name

Address

Signature

A J DAY 38 STONEBRIDGE BD10 9TW

J NICZYPORUK 36 STONEBRIDGE BD10 9TW

M TAYLOR 29 STONEBRIDGE BD10 9TW

J RENTON 28 Stone BD10 9TW

R RENTON 21 STONEBRIDGE BD10 9TW

A RENTON 21 STONEBRIDGE BD10 9TW

P JAMES 17. STONEBRIDGE BD10 9TW

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Name Address Signature

E Walling 16 Stanley Street Idle B710 9PS

J. (M. R. P. H. K.) 69 IDLE (POST RD) IDLE BRADFORD  
BD 9 7TN

MRS. A. C. W. 12 STANLEY ST IDLE BDD 9PS Mrs.

Mrs P Singh 75 Bradford Road  
BD10 9LR

J. W. Mack 4 Stanley Street Idle

Gloria In c Donald 15 Brady  
Idle Bd 10 - 9PS.

Phyllis Oates 7 Southcote Place Idle BD

D Jones 5 Southcote Place Idle.

R JONES 5 SOUTHCOTE PLACE IDLE

J. Bennett 27, Pool Court BD

E PROZIER 3. SOUTHCOTE PLACE BD

J H. Midgley  
K Midgley 1. SOUTHCOTE  
IDE GREEN  
VILLA.

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Name

Address

Signature /

S. Hogg 1 Moorfield

S. Hogg 3 " "

P. Hogg 13 " "

F. Cordial 67

J. W. Wong 24 Bradford Rd.

M. S. Leaker 22 N 11 BD10

5 SOUTHCO

R. M. M. BD10 9PF

SOUTHCO

D JONES BD10 9PF



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Name

Address

Signature

SIMON KEENEY 3 HAMPTON PLACE BD10 9PL

DARREN WATSON, 1 HAMPTON PLACE BD10 9PL

PAULINE PEDLEY, 19 HAMPTON PLACE

STUART WILKINSON 12 NORTH FORD

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MR BRENDAN EGAN & MISS LISA JOHNSON  
8 NORTH FOLD  
IDLE  
BRADFORD  
BD10 9PD

15th January, 2009

Department of Legal & Democratic Services  
Licensing Team  
Room 402  
City Hall  
Bradford  
BD1 1HY

Dear Sir or Madam,

**SUBJECT: REVIEW OF LICENCE FOR IDLE VILLAGE OFF LICENCE**

I am writing this letter in response to the attached notice of the review of the licence of the 'Idle Village Off Licence'. Unfortunately we (my partner & three children) have the misfortune of owner occupying the adjoining property to the 'Off-Licence' in question. Since this establishment opened for business I can honestly say that we have experienced nothing but problems resulting from actions of the employees and customers of this store.

Both my partner and I have witnessed on many occasions 'obviously' & 'quite clearly' underage children leaving this Off-License having obtained alcohol. We have expressed our clear concerns regarding this to the owner of this establishment on a number of occasions. The reaction to these complaints have varied from agreement that offences had occurred followed by a brief improvement before returning back to before, or on other instances they have expressed disbelief that there is actually a problem with this at all.

The proprietor has also confirmed upon enquiry by us that they have a proof of age policy operating, yet when our son now 18yo has made attempts, prior to & since coming of legal age, to purchase alcohol or smoking related items from this shop, he has not once been asked to confirm his age.

After blatantly supplying these 'underage' customers with alcohol the proprietor & staff show a contemptuous lack of respect for the surrounding residents. As these kids then create no end of anti-social actions that result from this supply. It has now become an extremely regular occurrence (almost every weekend) that we have drunken children arguing, shouting, smashing bottles and generally causing nuisance & disorder. It has now become intolerable as nothing appears to be done to prevent this and the mayhem continues. We have again approached the proprietor regarding this and made firm our concerns.

On a number of occasions we have confronted these anti-social 'drunken' jobs when they have been carrying out their despicable behaviour. We have been met by threats of violence and tirades of abuse, from these clearly intoxicated adolescents.

January 15, 2009

What makes these disturbances even worse is that this 'Off-License' remains open until 11pm (if not later on occasions). This just results in the disorderly congregation of young people outside this property and the walkway opposite, extending well beyond any respectful and acceptable time for the 'good' residents of this area of Idle. This store should not be permitted to open to these times in an area where families and old people live.

We have also on many instances complained to the owner with regard to the unacceptable noise coming from the internal & external of this store into the very early hours. We have experienced people within the upper regions of the property shouting, screaming and music blaring out until 4am in the morning. This is totally unacceptable behaviour and shows a distinct lack of respect to the neighbouring residents on all sides of this shop.

I honestly believe that this store has had & is continuing to have a detrimental affect on the village of Idle & on the well being of its residents. The locality is now strewn with the debris left by the customers of this 'Off-License' plus the surrounding Takeaways & Pubs. There is clear evidence of the many instances of drunken criminal damage by these drunken young people to the properties in and around the Green.

If it had been made clearly public at the time of the original application (as it certainly was not) that this property was applying for a license to supply alcohol then we and every other resident that we have spoken would have wholeheartedly opposed it at the time for the very problems that are now occurring. My partner & I whilst having no problem whatsoever with the owner of this shop, he has on a number of occasions apologised for the many disturbances (and I can assure you there has been many) we would certainly oppose a renewal of the license for this premises to sell alcohol. We feel that the village of Idle is already well catered for with premises such as these.

Sincerely,

Mr Brendan Egan & Miss Lisa Johnson

# 11. Reviews

## THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

### REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

### POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

## REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.