

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 4 August 2009 in the Saville Room, 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 Clevedon, Ben Rhydding Drive, Ben Rhydding, Ilkley (Document "H").**
2. **Application for Variation of a Premises Licence for the 147 Snooker Bar, Lyceum House, Bradford Lane, Bradford (Document "B").**
3. **Application for a Premises Licence for Idle Village Off-Licence, 10 Bradford Road, Idle, Bradford (Document "C").**



2006-2007
Improving Rural Services
Empowering Communities



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR CLEVEDON, BEN RHYDDING DRIVE, BEN RHYDDING, ILKLEY

Commenced:	1020
Adjourned:	1040
Reconvened:	1045
Concluded:	1046

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee.

Parties to the Hearing:

Representing the Applicants:

Mr Warren, applicant

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representations as set out in Document "H", and advised the Panel that the applicant had indicated that he would be prepared to amend his application to restrict the hours to 2300.

In response to questions from Panel Members, the applicant:

- indicated the location of the premises and bar area on the site map
- advised that past experience led him to believe that no more than six events would be held in a year
- agreed to accept a condition in respect of keeping CCTV footage for 28 days, should the Panel deem that appropriate
- explained that he intended to recruit an experienced landlord who would then train other bar staff
- explained that Clevedon had a membership policy and that any applications from non-residents would be vetted by him in line with that policy
- stressed that, while there would not be an age restriction as such, the age of patrons would settle at around the age of residents and their family members, who were usually in their 40's, 50's and 60's.

In conclusion, the applicant stressed that the operation of a bar was important to the amenity provided to residents of Clevedon. As it would be detrimental to the sale of properties at Clevedon if the bar did encourage rowdy behaviour, the bar would only be permitted to operate in an appropriate manner for the nature of the complex.

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 That the sale of alcohol be restricted to the hours of 1100 to 2300.
- 1.2 That a CCTV system with internal and external coverage to be operational and used at all times the premises are open to the public for licensable activities and to be maintained in good working order. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.

Reason: To limit noise and disturbance to local residents late at night - prevention of public nuisance objective.

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 AN APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR THE 147 SNOOKER BAR, LYCEUM HOUSE, BRADFORD LANE, BRADFORD

Commenced:	1046
Adjourned:	1115
Reconvened:	1130
Concluded:	1135

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee.

Parties to the Hearing:

Representing the Applicants:

Mr Lalli, applicant

Representing Interested Parties:

Mr Raynor, local resident
Mr Hindle, local resident
Mrs Dennis, local resident
Mrs Capuvano, local resident

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representations as set out in Document "B". She advised the Panel that the applicants had now agreed to the conditions suggested by the Environmental Health Officer and that, since the petition had been submitted, two of the petitioners had withdrawn their objections.

The applicant outlined to the Panel the policies and procedures that he had put in place at the bar, including internal and external CCTV; the presence of a duty manager at all times and monitoring of noise levels outside the premises.

He advised that no complaints in respect of noise and disruption, damage to property or anti-social behaviour had been addressed direct to him. He stressed that the surrounding area comprised many commercial premises including other pubs and restaurants and detailed the other premises in the locality with late licences. He explained the measures he had put in place to minimise noise outside the premises from the smoking area and taxis dropping off or collecting patrons.

He stressed that all staff were trained to observe the licensing objectives and that his clientele comprised mainly a more mature age range. He outlined further work that was being undertaken at the premises to provide services to attract this age range, such as a carvery.

The Chair ascertained that there were two separate outdoor areas and confirmed which of those the Environmental Health Officer had referred to in his written representations.

The Council's solicitor confirmed with the applicant that he would be prepared to formalise his present policy on the prevention of underage drinking by the inclusion of a condition on the licence, should the Panel consider that appropriate.

He also ascertained that the applicant personally trained other staff on the licensing objectives and maintained a handbook of training undertaken.

A local resident queried why a member of staff had recently caused trouble in the street outside the bar and was informed that that person was no longer employed by the bar.

The resident then outlined his objection to the application, stressing the level of noise and damage to property suffered by residents in the vicinity of the bar. His concern was that an increase in the hours of operation would effectively turn the bar into a nightclub and that the damage would increase accordingly. He was concerned that, as the bar was outside the City Centre, the Police would not be able to attend promptly. He asserted that the objectors who had withdrawn had done so after the applicants had visited them.

He concluded his objections by stating that his main concerns were the excessive noise levels emanating from the bar and the damage caused to residents' property. He also stated that he was concerned about younger clientele being attracted to the bar by a later opening hour which would be after other local premises had closed.

In response to a question from the Chair, he confirmed that, in response to recent events, the Police had not been called by local residents and that he was unaware of the neighbourhood policing team. He advised that, in previous years, the Police had been called and that it had taken up to 45 minutes for them to attend, by which time the offenders had left the area.

The applicant refuted that he had pressurised any resident into withdrawing their application. One of the objectors who had withdrawn was in attendance and confirmed that, even though she had withdrawn her objection, she remained concerned about the proposed late opening and the noise and disturbance in the street.

In conclusion, the objectors maintained their objections to the late hours while the applicant stated that he did not consider the proposed hours to be a problem and stressed that he did not consider that the problems in the street could be blamed on the patrons of the 147 bar.

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 in part, subject to the following conditions:

1.1 That the licensable activities be restricted as follows:

Sale/supply of alcohol

Monday to Thursday	1000 to 0030
Friday and Saturday	1000 to 0100
Sunday	1200 to 0030

Playing of recorded music and provision of live music

Monday to Thursday	1000 to 0000
Friday and Saturday	1000 to 0030
Sunday	1200 to 0000

- 1.2 Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premise shall not be audible at the nearest noise sensitive premises between 22.00 hours and 10.00 hours.**
- 1.3 All outward opening 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 No amplified sound, including music is to be played or projected outside the premises.**
- 1.5 The rear outdoor drinking area at the right hand side of the building is to be cleared of customers no later than 22.00 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.**
- 1.6 Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.**
- 1.7 No licensable activities or alcohol shall be allowed or customers be permitted to take out or consume alcohol in the front outdoor drinking area at the left hand side of the building after 23.00.**
- 1.8 That prior to use of facilities for making live music, a noise limiting device be fitted in the premises in consultation with the Environmental Protection Department in order to ensure that no amplified sound be audible at the nearest noise sensitive premises.**
- 1.9 That a CCTV system with internal and external coverage to be operational and used at all times the premises are open to the public for licensable activities and to be maintained in good working order. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 2.1 That a 'Challenge 21' proof of age policy be implemented on the premises.**

Reason: In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using and leaving the premises – Prevention of Crime and Disorder Objective and to prevent the sale of age restricted products to underage customers – Protection of Children from Harm Objective.

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 AN APPLICATION FOR A PREMISES LICENCE FOR
IDLE VILLAGE OFF-LICENCE, 10 BRADFORD ROAD, IDLE, BRADFORD**

Commenced:	1140
Adjourned:	1405
Reconvened:	1415
Concluded:	1420

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee.

Parties to the Hearing:

Representing the Applicants:

Miss Bagry, applicant
Mr Cordingley, representing the applicant

Representing Responsible Authorities:

Sergeant Colligan, West Yorkshire Police
PCSO Watson, West Yorkshire Police

Representing Interest Parties:

Mrs Varley, local resident
Mr Niland, representing Mrs Varley
Mr Peach, local resident
Mr Hooson, local resident
Councillor Sunderland, representing Mr Hooson

Observers:

PC Dawson, West Yorkshire Police
Councillor Ward, Ward Councillor

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representations as set out in Document "C" and requested whether a representation from Ley Fleaks Road should be considered or if that address was too distant. The Panel considered that it should be discounted.

The applicant's representative made a full presentation on her behalf, stressing the following points in particular:

- although the original submission had been until 2300, the applicant could now modify that to 2200 each day
- this was an entirely new application which should not be judged by events of the past

- the applicant was a qualified solicitor who, due to the present economic situation, was in a position to fully commit to the management of these premises. She had attended the Innkeepers Association Course and had obtained a personal alcohol licence
- there had been significant press coverage in respect of the application
- the applicant had met with Police on three occasions in an effort to improve matters. Those discussions had been extremely constructive and the applicant had also delivered 100 letters to local residents, without any response
- she had spoken to local residents and attempted to speak to Ward Councillors, but without success
- although the issue of the sale of alcohol to underage people had been raised, there had not been a prosecution in respect of the matter
- there was an issue with anti-social behaviour in the village but that was not directly attributable to these premises. There were a number of other off-licences, pubs and takeaways in the village also
- the family members previously involved in running the off-licence would have no involvement in the future.

The applicant then spoke on her own behalf, stressing that the business was family run and that she was confident she could turn things around. She stated that she did not dispute that there was anti-social behaviour in Idle but was determined that the shop should not contribute to that. She considered that there was hostility towards the shop, based on a fear that nothing would change in the future but stressed that it would not be in her interest to allow matters to go unchanged as it would just result in a review being called. In her efforts to rebuild relationships with the community she asserted that she had attended meetings with the Police and been on the licensing course. She stressed her efforts to contact the community and stated that she would be willing to work with the Residents Association. She argued she was well aware of her responsibility and had already agreed with the Police to install CCTV, including sound recording, both inside and outside the shop. She stated she was considering installing a mosquito device to deter youths from congregating outside the shop.

In response to questions, she stated that:

- she had worked in the shop previously when the previous licence was revoked
- a local man would be employed to work in the shop alongside her and would be appropriately trained
- the only family member who would work in the shop would be her mother
- the shop was owned by her brother
- she did not condone underage sales and was confident that the use of CCTV would act as a deterrent
- she would ensure anyone working in the shop would be properly trained and aware of the licensing objectives
- she did not dispute that anti-social behaviour had occurred but did not accept that the shop had sole responsibility
- she had not yet employed any new staff as she was awaiting the outcome of this meeting
- her experience of the licensing trade consisted of working in her father's shop on Manningham Lane
- she had considerable experience of training people as she had trained a team of 20 on legal matters and considered those skills to be transferable
- she would ensure that people did not congregate or drink outside the shop by working with the Police and by providing CCTV footage where necessary

The local Police Community Support Officer also attended the meeting and outlined the impact that the shop had had on the local community. She advised that she had covered this area for two years and that, during that time, there had been a significant increase in the number of young people coming into the village, loitering there, attempting to buy alcohol or persuade adults to buy it from them. She appreciated that there were other off-licences in the villages but she had not been called to them.

She advised that a lot of the residents in the vicinity of the shop were aged over 60 and that they had made complaints of anti-social behaviour and nuisance. She spent approximately 90% of her working time in the area. She had never seen Miss Kaur working in the shop.

In response to questions, representatives of the Police confirmed that young people had been seen outside the shop with the distinctive type of carrier bag provided by the shop and that they had run away when approached. It was suspected that the young people had bought alcohol in the shop.

The Police representatives also advised that the premises had caused ongoing problems, that the three meetings that had been held with the applicant were most unusual as one usually sufficed. They were concerned that their suggestion of a 6.00 pm closing time had been ignored and that the premises had continued to cause a disproportionate level of complaint right up to its closure at the weekend. They noted that, in addition to their concerns about the terminal hour for the sale of alcohol, they had ongoing concerns about the management of the shop.

Local residents and their representatives also attended the meeting and outlined their concerns, stressing that the problems in the vicinity of the shop had persisted right up to the weekend and that, if the application were granted, most local residents would be very disappointed. Residents confirmed that youths had been seen with the shop's carriers and with alcohol and stressed that they had concerns about the family's control over the premises. It was confirmed that many of the nearest residents to the shop were elderly and that the nearest premises were specifically designed for older people and the operation of the premises was having a significant impact on those residents.

In conclusion, the Police representative highlighted that:

- the applicant had completely denied residents' concerns
- the applicant had worked alongside those family members about which the Police had concerns
- there was an unprecedented level of concern about the premises from local residents
- a disproportionate amount of Police time was given over to dealing with the premises
- there was ongoing concern about the effect on the behaviour of children who had drunk alcohol and who were found outside the premises.

The representative speaking on behalf of the residents concluded their representations by requesting that the application be refused due to the negative impact of the premises on the village.

The applicant's representative concluded by stressing that this was a new application from a new applicant, that only a few of the residents of the ward were present here today and that the Police representations had not been supported by statistical data.

Decision:

That having considered all valid representations made by the parties to the hearing in relation to the application, the published statement of licensing policy and relevant statutory guidance; the Panel refuses the application for a premises licence.

Reason: In coming to its decision, the Panel notes the challenging location of the premises, the history and evidence of unauthorised sale of alcohol to young persons from the premises and the anti social behaviour of young people in the immediate vicinity of premises leading to the revocation of the previous licence. Having considered also the close family connections between the applicant, the previous licensee and other members of the family who own the premises and have worked in the shop, the Panel considers that refusal of the licence is justified in order to meet the following licensing objectives:

- **Protection of children from harm**
- **Prevention of crime and disorder**
- **Prevention of Public nuisance**

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

Chair

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