

City of Bradford Metropolitan District Council

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Record of a Hearing of the Bradford Licensing Panel held on Tuesday 17 December 2009 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

Councillor Ferriby disclosed a personal interest in that she had a minor acquaintanceship with one of the objectors present for the application for Nuttall Road Off-Licence. As the interest was not prejudicial, she remained in the hearing throughout.

ACTION: *Assistant Director, Corporate Services (City Solicitor)*

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearings

1. **Application for a Premises Licence for After Hours, 1111-1113 Bolton Road, Bolton Junction, Bradford (Document "L").**
2. **Application for a Premises Licence for A&Z Groceries, 1041 Bolton Road, Bradford (Document "K").**
3. **Application for a Premises Licence for Nuttall Road Off-Licence, 69 Nuttall Road, Bradford (Document "M").**
4. **Urgent Item – Update on the Application for a Review of a Premises Licence for the Cobbydale Social Club, 5 Hayhills Road, Silsden (Keighley and Shipley Licensing Panel Document "K" – previously circulated).**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR AFTER HOURS, 1111-1113 BOLTON ROAD, BRADFORD

Commenced: 1025

Adjourned: 1110

Reconvened: 1125

Concluded: 1128

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Steel, Applicant

Representing Interested Parties:

Mrs Thomson

Representations:

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

The applicant spoke in support of his application, stating that this was the first such application that he had made and he was concerned that he had not conveyed his business model sufficiently well, which had meant that local residents had objected.

He stressed that he intended the business to be primarily based on deliveries with only a small level of over the counter sales. He hoped that this would mean that most of the objectors' fears would prove unfounded.

In response to questions from the Panel and the Council's legal officer, he advised that:

- he intended to run the business as a "takeaway" with both telephone and website sales from a stock list
- customers could collect their order or have it delivered, having first confirmed their suitability to purchase alcohol
- he would be prepared to accept restricted hours for over the counter sales
- the premises would be secured by a "magna-lock" and both promotional literature and the frontage of the store would make the opening hours quite clear
- he did not intend to compete with wholesale suppliers but would be available to trade customers as an emergency supplier, for example to local Indian restaurants
- he explained where vehicles would be parked and presented photographs of the rear and side of the premises to show the available parking
- he would be prepared to operate a "Challenge 25" proof of age policy
- he would install CCTV once he had obtained a premises licence and would be prepared to keep CCTV records as required by the responsible authorities.

The objector to the application then questioned the applicant about deliveries to the premises. The applicant advised that he intended to stock the premises himself from a cash and carry rather than having direct deliveries.

In response to other questions from the objector, he advised that the petition in support of his business had been circulated around the BD2 area and that some signatories did live some distance away from the premises. He also confirmed that he had complied with the requirement to advertise the application by notice on the shop front and in the local press.

The Council's legal officer reminded the Panel that it had the discretion to give such weight to petitions as it considered appropriate, especially when signatories were not local.

The objector to the application then made representations, outlining her concerns about parking, increased crime, harm to young people passing the shop to go to school and advising that there were plenty of other local shops where alcohol could be brought.

She was reminded that the Panel was only permitted to consider the licensing objectives when making a decision and that it could not consider issues that would be judged as planning matters.

She then reiterated her concerns for the local area in respect of the Council's prevention of harm from alcohol misuse policy and advised that local supermarkets had stopped late night sales of alcohol and the sale of Alcopops and powerful ciders. She was concerned that this application was contrary to that ethos of alcohol awareness.

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 The hours of licensable activity to be as requested, save that over the counter sales from the premises shall cease at 2300.**
- 1.2 Between 2300 and 0600 the premises shall be properly secured and appropriate signage displayed to ensure that customers are aware of the restriction on the hours of over the counter sales as specified in 1.1 above.**
- 1.3 That an appropriate proof of age policy, incorporating the principles of the "Challenge 25" Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**
- 1.4 A CCTV system (with satisfactory internal and external coverage) shall be installed at the premises and maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 1.5 There shall be no deliveries to the premises between the hours of 2300 and 0600.**

1.6 There shall be no disposal of waste between the hours of 2300 and 0600.

Reason: To prevent noise and disturbance to residents in the vicinity of the premises – prevention of public nuisance objective and to provide adequate monitoring of the premises in order to ensure the prevention of the sale of alcohol to underage persons – protection of children from harm and prevention of crime and disorder.

Having announced the decision, the Chair advised the applicant to take advice from his Neighbourhood Policing Team about the operation of a "Challenge 25" policy. He was also advised to have proper procedures in place to ensure that internet sales were only made to people who were over the age limit for the sale of alcohol.

Chair

**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR
A&Z GROCERIES, 1041 BOLTON ROAD, BRADFORD**

Commenced:1128

Concluded:1145

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Afsan Raja, Applicant
Mr Zaheer

Representing Interested Parties:

Councillor Chadwick, representing Mr Cragg, Mr Rahim and Mr Attwood

Representations:

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

The applicant then made representations in support of his application, stating that there was demand from his existing customers for alcohol to be sold from the premises.

In respect of the objections, he agreed that there had been problems of littering and with young people congregating but he advised that he had now resolved those issues.

During the course of questioning by the Council's legal officer, the applicant stated that he had not yet become a recognised Designated Premises Supervisor (DPS).

The Panel took legal advice on whether it could proceed with the application and, after being advised that no application could be granted where there was no DPS, it made the following decision.

Decision

That in the light of the information presented that the nominated Designated Premises Supervisor (DPS) had not yet acquired the status of being a personal licensee, the Assistant Director, Corporate Services (City Solicitor) be authorised to make further enquiries as to the status of the proposed DPS and to give advice to the applicant as appropriate.

Chair

**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR
NUTTALL ROAD OFF-LICENCE, 69 NUTTALL ROAD, BRADFORD**

Commenced: 1150

Adjourned: 1225

Reconvened: 1232

Concluded: 1233

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Imran, Applicant

Representing Interested Parties:

Mr Morris-Armitage

Mrs McKay

Mr and Mrs Armstrong

Representations:

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

The applicant then made a detailed presentation in support of his application, stating that he had worked in the licensed trade for twelve years in various capacities, including door supervisor and PCSO. As a consequence, he was well acquainted with the relevant legislation and was aware of the need to be vigilant about age checks.

He stated that he appreciated the residents' concerns and concurred that, at present, the area outside the proposed shop was a place used by youths to gather and where there were suspicions of drug dealing. He considered, however, that once the shop was open, the area would be well lit, CCTV would be in operation and he would be present, which would all be measures to deter such activity.

He also undertook to establish neighbourhood watch in the area if that were required by residents; to attend any meetings necessary to promote the licensing objectives; to regulate deliveries and to limit the sale of alcohol to 9.00 pm in order to allay the fears of local residents. He stated that he was a local resident himself, so had the same view of the neighbourhood as others.

In response to questions, he stated that:-

- he would operate a Challenge 25 policy for deliveries by handing alcohol over to responsible persons with the requisite proof of age
- he would clean up the area and control litter outside the shop

- he would be willing to maintain CCTV records for 28 days and make them available to the relevant authorities
- the correct hour for the licence to commence would be 0800, not 0700 as previously stated
- he would bring stock to the shop at 0600-0700, before opening time and would then move his vehicle
- the nearest neighbours had not objected and the application had been properly advertised, as required.

The objectors then addressed the Panel in respect of their concerns, stating that their objections were largely in respect of the location of the premises. As it was in a quiet area away from the main road, they were concerned that it would attract youths and encourage undesirable behaviour in a residential area.

They were especially concerned that, with a drop in centre for the homeless nearby, there would be a focus for homeless people with alcohol problems. They were also concerned about the example being set to local young people.

The Chair of the Panel advised residents to become involved with their local PACT meeting. The Council's legal officer also cautioned that the Panel could not take into account speculative fears about future problems which were not already in evidence.

The objectors concluded their representations by stating that they were concerned that the premises would become a magnet for local young adults.

The applicant concluded by stressing that he was part of the local community and had no intention of causing trouble for that community.

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 The hours of licensable activity shall be 0800 to 2100 Monday to Sunday**
- 1.2 A CCTV system (with satisfactory internal and external coverage) shall be installed at the premises and maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request**
- 1.3 The Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**
- 1.4 That an appropriate proof of age policy, incorporating the principles of the "Challenge 25" Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**

Reason: To prevent noise and disturbance to residents in the vicinity of the premises – prevention of public nuisance objective and to prevent the sale of alcohol to underage persons – protection of children from harm and prevention of crime and disorder.

Chair

RECORD OF AN UPDATE ON A HEARING FOR AN APPLICATION FOR REVIEW OF A PREMISES LICENCE FOR THE COBBYDALE SOCIAL CLUB, 5 HAYHILLS ROAD, SILSDEN

Commenced: 1233

Concluded: 1245

Present:

Members of the Panel:

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

Update

The Council's legal officer advised that he wished to present an oral update on an application for a review of the premises licence for the Cobbydale Social Club which had been previously heard by the Panel on 26 October 2009.

He stated that the item was required to be considered urgently in view of the fact that there were no scheduled meetings of the Panel in the near future and in view of the proximity of the date when the matter was due to be heard in court as an appeal.

The Chair concurred with that view and allowed the legal officer to make his oral update as an urgent item, notwithstanding that a report had not been made available five clear working days before the meeting, in accordance with paragraph 9.4 of Part 3B of the Council's Constitution.

The legal officer advised that, since the decision of the Panel held on 26 October 2009, the Licensee's solicitors had appealed to the Magistrates and had suggested that further discussions take place with the Council to find a solution. Those discussions had ensured that the revised hours for regulated entertainment would be accepted and a noise limiting device would be installed as would ventilation systems.

The legal officer further advised that should those conditions be satisfactorily achieved, the appeal could be settled and the suspension period could be waived.

Having considered the legal officer's advice, the Panel made the following decision.

Resolved -

- (1) That the Assistant Director, Corporate Services (City Solicitor) be given delegated authority to settle the pending appeal against the decision of the licensing authority after review of the licence, subject to;**
 - 1.1 The applicant accepting the reduced hours set by the Panel on 26 October 2009.**
 - 1.2 Confirmation of satisfactory installation and efficient functioning of a noise limiting device and ventilation systems in the premises on the recommendation of relevant Environmental Health officers.**
- (2) That, subject to (1) above and on the basis that the applicant withdraws their appeal, the 14 day suspension period be waived.**

Chair

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