City of Bradford Metropolitan District Council

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

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Subject:

Application for a Premises Licence for A & Z Groceries, 1041 Bolton Road, Bradford

Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises.

Suzan Hemingway Assistant Director Corporate Services (City Solicitor)

Report Contact: Melanie McGurk

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Portfolio:

Corporate

Improvement Committee Area:

Corporate Improvement Committee Safer and Stronger Communities









Ward: Bolton & Undercliffe

1. Summary

1.1 The applicant

Mr Afsan Raja. A copy of the application is included at Appendix 1.

1.2 The Premises

A & Z Groceries, 1041 Bolton Road, Bradford

1.3 **Designated Premises Supervisor**

Afsan Raja

1.4 **Application**

The application is for the grant of a Premises Licence for the sale/supply of alcohol for consumption off the premises.

Hours of licensable activities:

Monday to Sunday 07.00 to 22.00

1.5 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

Age restrictions.

b) Public Safety will be achieved by;

CCTV cameras.

c) Prevention of public nuisance will be achieved by;

Litter clearance.

d) Protection of children from harm will be achieved by;

Proof of age cards (ID).

e) General – all four licensing objectives

Having a personal licence holder on premises.

2. Relevant Representations Received

2.1 Interested Parties

Local Residents – 4 letters of representation have been received from local residents. The representations raise concerns of underage drinking and increased

anti-social behaviour and noise nuisance from youths congregating in the area. The residents also have concerns about glass bottles and other litter being left around the premises.

The letters are attached at Appendix 2.

3. Legal Appraisal

- 3.1 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
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.

4. Statement of Policy Issues

- 4.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder), Part 6 (prevention of Public Nuisance) and Part 7 (protection of children from harm).
- 4.2 The Annexes to the Policy sets out various types of model condition that could be considered.

5. **Legal Options**

- 5.1 Members may:
 - (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or

- (c) Refuse the application for a premises licence.
- 5.2 Should the applicant 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.

6. Financial and resource appraisal

6.1 There are no apparent finance or resource implications.

7. Other implications

7.1 Equal Rights

There are no apparent equal rights implications.

7.3 Community safety implications

There are no apparent community safety implications.

7.4 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.

8. Not for publication documents

8.1 None

9. The Role of the Panel

9.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

10. Appendices

1. Application form received 4 November 2009. (In the interests of economy this document has been sent to Members of the Panel only. A public

inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk). Letters of representation.

2.

11. **Background documents**

Application form, plan etc

Cash 1-5-8-

City of Bradford Metropolitan District Council

www.bradford.gov.uk

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

Application for a premises licence to be granted under the Licensing Act 2003

| PLEASE READ THE FOLLO | WING INSTRUCTIONS FIRST |
|--|--|
| Before completing this form please read the guida If you are completing this form by hand please your answers are inside the boxes and written in You may wish to keep a copy of the completed fo | write legibly in block capitals. In all cases ensure black ink. Use additional sheets if necessary. |
| licence under section 17 of the Licensing Act : | (insert name(s) of applicant) apply for a premises 2003 for the premises described in Part 1 below tion to you as the relevant licensing authority in et 2003 |
| Part 1 – Premises Details | |
| Postal address of premises or, if none, ordnar | nce survey map reference or description |
| Post town BRADFORD | Post code BD2 4LN |
| Telephone number at premises (if any) | 01274 634458 |
| Non domestic rateable value of premises | E4,760 Band B |
| Part 2 – Applicant Details | £190 |
| Please state whether you are applying for a Premis | ses Licence as: |
| | Please tick _ |
| a) an individual or individuals* | please complete section (A) |
| b) a person other than an individual* | |

i. as a limited company please complete section (B) ii. as a partnership please complete section (B) as an unincorporated association or please complete section (B) Other (for example a statutory corporation) please complete section (B) a recognised club please complete section (B) a charity please complete section (B) The proprietor of an educational establishment please complete section (B)

d)

| f) A health service body | please complete section (B) |
|---|-----------------------------------|
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | please complete section (B) |
| *If you are applying as a person described in (a) or (b) please conf | Please tick ✓ |
| I am carrying on or proposing to carry on a business premises for licensable activities; or | which involves the use of the |
| I am making the application pursuant to a Statutory function; or A function discharged by virtue of Her Majesty's prerent | ogative |
| (A) INDIVIDUAL APPLICANTS (fill in as applicable) | |
| Mr Mrs Miss Ms Surname First names | Other title (for example, Rev) |
| RAJA AFSAN | |
| | Please tick ✓ |
| I am 18 years old or over | |
| Current postal address if different from premises address | |
| Post Town Postcode | BO2 ZAZ |
| Daytime contact telephone number | |
| Email address (optional) | |

| SECOND INDIVIDUAL APPLICANT (if applica | ble) |
|---|--|
| Mr Mrs Miss Surname | Ms Other title (for example, Rev) |
| | |
| | □ Please tick ✓ |
| I am 18 years old or over | |
| Current postal address if different from premises address | |
| Post Town | Postcode |
| Daytime contact telephone number | |
| E-mail address (optional) | |
| (B) OTHER APPLICANTS Please provide name and registered address or registered number. In case of a partnership please give the name and address of each partnership. | of applicant in full. Where appropriate please give any or other joint venture (other than a body corporate), y concerned. |
| Name | |
| Address | |
| , | |
| | |
| Registered number (where applicable) | |
| Description of applicant (for example, partners | nip, company, unincorporated association etc.) |
| Telephone number (jf any) | , |
| E-mail address (optional) | |

Part 3 Operating Schedule

| | Day | Month | Year | |
|--|-------------|-------------|----------|---|
| When do you want the premises licence to start? | | | | |
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| Marine Call II Programme Call III Programme Call II | Day | Month | Year | · · · · · · · · · · · · · · · · · · · |
| If you wish the licence to be valid only for a limited | | | | |
| period, when do you want it to end? | | | <u> </u> | |
| | | | <u> </u> | |
| If 5000 or more people are expected to attend the premi | ises at any | one time, | please | |
| state the number expected to attend | | | | |
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| Please give a general description of the premises (please | read guidar | nce note 1) | | |
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What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

| Provision of | Fregulated entertainment Please | tick ✓ | | |
|---|--|-------------------------|--|--|
| a) | plays (if ticking yes, fill in box A) | | | |
| b) | films (if ticking yes, fill in box B) | | | |
| c) | indoor sporting events (if ticking yes, fill in box C) | | | |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | | | |
| e) | live music (if ticking yes, fill in box E) | | | |
| f) | recorded music (if ticking yes, fill in box F) | | | |
| g) | performance of dance (if ticking yes, fill in box G) | | | |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | | | |
| Provision of | entertainment facilities for: | processing | | |
| i) | making music (if ticking yes, fill in box I) | | | |
| j) | dancing (if ticking yes, fill in box J) | | | |
| k) | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fil in box K) | | | |
| Provision o | of late night refreshment (if ticking yes, fill in box L) | A CONTRACTOR AND A STAN | | |
| Sale by retail of alcohol (if ticking yes, fill in box M) | | | | |

In all cases complete boxes N, O and P

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| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick () (please read guidance note 2)</th <th>Indoors Qutdoors</th> | Indoors Qutdoors |
|---|-------|--------|---|------------------|
| Day | Start | Finish | - | Both |
| Mon | | | Please give further details here (please read guidance note 3) | |
| Tue | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 4) | |
| Thur | | | | |
| Fri | · | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | |
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| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) | Indoors Outdoors | |
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| entert | g or wres ainment d days and t | - | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please lead guidance note 2) | Indoors | |
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| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
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| | | | outdoors or both – please tick (/) (please read guidance note 2) | Outdoors | | | | | |
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| that falling within (i) or | | | Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance | Indoors | | | | | |
| (j) Standard days and timings (please read guidance note 6) | | | note 2) | Outdoors | | | | | |
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| Sat | | | guidance note 5) | | | | | | |
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| | ight refre | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please | Indoors | | | | | |
| (please | read guidan | ce note 6) | read guidance note 2) | Outdoors | | | | | |
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| rd days and | timings | Will the sale of alcohol be for consumption on or off the premises or both please tick (✓) (please read guidance note 7) | On the premises Off the premises | | |
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| | ord days and read guidant Start 0700 0700 0700 0700 | 0700 2200 0700 2200 0700 2200 0700 2200 0700 2200 0700 2200 | the premises or both – please tick (*) (please read guidance note 6) Start Finish 700 2200 State any seasonal variations for the sale of alcohol (please read guidance note 7) Non standard timings. Where you intend to use the premalcohol at different times to those listed in the column or (please read guidance note 5) 700 2200 700 2200 700 2200 | the premises or both – please tick (🗸) (please read guidance note 6) Start Finish O700 2200 State any seasonal variations for the sale of alcohol (please read guidance not of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) O700 2200 Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) | |

| State the | name an | d details | of the | individual | whom | you | wish | to | specify | on | the | licence | e as |
|-----------|----------|-----------|--------|------------|------|-----|------|----|---------|----|-----|---------|------|
| premises | supervis | sor | | | | | | | | | | | |

Name AFSAN RAJA

Address 433 IDLE ROAD

BRADFORD

· WEST YORKSHIRE

Postcode 802 2AZ

Personal licence number (if known)

IN PROGRESS OF APPLYING.

Issuing licensing authority (if known)

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| ancilla | ary to the | use of the | It entertainment or services, activities, other entertainment or matters premises that may give rise to concern in respect of children (please |
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| read g | uidance r | iote 8) | |
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| open Standa | s premise to the pu rd days and read guidar | blic timings | State any seasonal variations (please read guidance note 4) |
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| Mon | | | |
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| Wed | | | Non standard timings. Where you intend to open the premises to be open to the |
| Thur | | | public at different times from those listed in the column on the left, please list. (please read guidance note 5) |
| Fri | | | |
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P
Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

Having a personal license holder on premises,

b) The prevention of crime and disorder

Age Restrictions

CCTY Cameras

Litter Clearance

e) The protection of children from harm

Proof of age cards (ID).

| I have enclosed a plan of the premises | V |
|---|---|
| I have sent copies of this application and the p applicable | an to responsible authorities and others where |
| | y the individual I wish to be premises supervisor, if |
| I understand that I must now advertise my app | lication |
| I understand that if I do not comply with the ab- | ove requirements my application will be rejected 🦞 |
| IT IS AN OFFENCE, LIABLE ON CONVIC THE STANDARD SCALE UNDER SECTION TO MAKE A FALSE STATEMENT IN OR APPLICATION | ON 158 OF THE LICENSING ACT 2003 |
| Part 4 – Signatures (please read guidance not | e 10) |
| Signature of applicant or applicant's solicitor or note 11). If signing on behalf of the applicant plants | |
| Signature | |
| Date 28-10-09 | |
| | |
| Capacity OWNER. | |
| For joint applications signature of 2 nd applicant agent. (please read guidance note 12). If signing capacity. | or 2 nd applicant's solicitor or other authorised on behalf of the applicant please state in what |
| Signature | <u>:</u> |
| Date | , |
| Capacity | |
| | |
| Contact Name (where not previously given) an associated with this application (please read gu | d postal address for correspondence iidance note 19) |
| | |
| | |
| | |
| | |
| | |
| Post town | Post code |
| Telephone pumber (if any) | |
| If you would prefer us to correspond with you | by e-mail your e-mail address (ontional) |
| in you would projet us to correspond with you | by Chains your Chains addition to topicalist |
| | |

I have made or enclosed payment of the fee

Please tick /

Notes for guidance

- Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes offsupplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- 3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g.
 Christmas Eye.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

1 1100 1 01 1

Melanie McGurk

From:

Cllr Howard Middleton

Sent:

02 December 2009 09:23

To:

Melanie McGurk; '

/ahoo.com'

Subject:

FW: A-Z Grocers, Bolton Road

Importance: High

Melanie McGurk - Licensing Team, Bradford MDC

Objection from Local Resident, I have forwarded it on to you before the deadline in case you had not received it.

. .]

----Original Message----

From:

[mailto:

0.

Sent: 01 December 2009 20:31 **To:** Cllr Howard Middleton

Subject: A-Z Grocers, Bolton Road

Dear Mr Middleton

Re Alcohol Licence application – A-Z Grocers, Bolton Road

We strongly object to the granting of a licence for the above premises.

Since this premises started trading there has been a substantial increase in the number of adolescents congregating in gangs at the rear of the shop. The amount of rubbish, cans, bottles, paper, wrappers etc is now an ever-increasing problem and so are acts of vandalism. Our property has been subject to graffiti and, as the houses (bungalows) are situated quite low one of the adolescents climbed onto a neighbour's roof.

The adolescents regularly trespass on property, urinate in public and use foul and abusive language.

In our opinion the granting of a licence to sell alcohol would only increase the problems we are already experiencing.

The close proximity of other establishments licensed to sell alcohol, two shops further up Bolton Road, one on Bolton Lane and a Public House, should also negate the necessity of granting another licence to an establishment in this area to sell alcohol.

Yours sincerely
Mrs
Mr
Ashboure Gardens
Bradford
BD2 4AE

Melanie McGurk

From:

@blueyonder.co.uk

Sent:

28 November 2009 15:56

To:

Melanie McGurk

Cc:

Cllr Howard Middleton

Bolton Road Bradford BD2 4HT

28th November 2009

Melanie McGurk Senior Licensing Officer City of Bradford MDC Room 402 Forth Floor City Hall Bradford BD1 1HY

Re:

Licensing Application

A & Z Groceries

1041 Bolton Road Bradford BD2 4HT

We wish to register our objection to the above application for the following reasons:

These premises regularly attract groups of under age children, who congregate in the immediate area, smoking cigarettes and creating litter and noise. On two occasions we have reported this anti-social behaviour to the police.

A number of the shop customers consider our garden wall to be a "bench" to smoke and consume their purchases and our garden to be a repository for their "tab ends", used cans, bottles and wrappers.

We believe that the granting of an alcohol license can only exacerbate this situation.

Yours sincerely

Mr'.

Bolton Road

Bradford

BD2 4LN

24th November 2009

Re: Licensing Application for sale of alcohol at A&Z Groceries, 1041 Bolton Road, Bradford

To The Licensing Team

Dear Sir/Madam,

I have recently been informed of an application made by A&Z Groceries for a Premises Licence for the Sale of Alcohol. I would like to state my objection on the following grounds:

- Increase in Vandalism, Alcohol Abuse and Anti-Social Behaviour
 - o At the rear of residences of 1045 to 1049 there is a unadopted road which has been continually used by teenagers/school children for smoking and alcohol/drug abuse. The local police authority have subsequently investigated & found evidence on A&Z Groceries for sale of tobacco products to under-age children which has now been significantly reduced with the aid of local ward councillors pressing for neighbourhood policing patrols in the area.
 - o In the main, school children visit A&Z Groceries granting a Premises Licence will increase supply of alcohol to under-age children and increase anti-social behaviour in the area. Furthermore glass bottles and litter will be on the increase at the rear of A&Z Groceries and the unadopted road.
- The Existence of Alcohol Outlets in the Area
 - o There are a number of outlets in the area for the supply of alcohol in the area, namely public houses and 24 hour supermarket premises. There is no commercial demand for an increase in supply of alcohol availability.

Finally, it is with regret that Mr Afzal of A&Z Groceries has considered such an application without due consideration for the consequences of supplying alcohol which will further increase litter, antisocial behaviour and frighten the elderly and vulnerable residents in the immediate vicinity.

Yours Sincerely

Mr ...

To: Licensing Team, Bradford MDC, Room 402 4th Floor City Hall, Bradford, BD1 1HY

CC: Councillor Howard Middleton

Melanie McGurk

From:

Licensing Team

Sent:

23 November 2009 08:07

To:

Melanie McGurk

Subject:

FW: General Licensing Enquiry Form - A & Z Groceries 1041 Bolton Road, BD2 4LN

A visitor to your site has submitted the form "General Licensing Enquiry Form" (http://www.bradford.gov.uk/bmdc/contact_us/online_forms/licensing_enquiry_form.htm)

SUBMITTED DATA

Subject

A & Z Groceries 1041 Bolton Road, BD2 4LN

Full Name

Address

. Ashbourne Gardens

Postcode

BD2 4AE

Email Address

· ..co.uk

Telephone Number 01274

Please give any relevant licence number(s) not known

Details

I hope I've used the correct contact section to just inform you of my concerns regarding the proposed license application for A & Z Groceries. The shop already seems to be a haunt for youths, who regularly congregate outside it. They have caused a few problems with local residents and I hope you take this into account when considering adding alcohol to the situation.