

**Report of the Assistant Director Corporate Services to a Hearing before
the Bradford Area Licensing Panel to be held on 30 March 2010**

N

Subject:

**Application for a Premises Licence for the Dick Lane News, 146-148 Dick Lane,
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
Senior Licensing Officer
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E-mail: melanie.mcgurk@bradford.gov.uk

Portfolio:

Corporate

Improvement Committee Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



BRADFORD
CITY OF PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

1.1 Background

The applicant currently holds a Premises Licence in respect of 148 Dick Lane, but is extending the premises into 146 Dick Lane.

The existing Licence authorises the sale/supply of alcohol for consumption off the premises with the following permitted hours;

Monday to Saturday:	08.00 to 23.00
Sunday:	10.00 to 22.30
Good Friday:	08.00 to 22.30
Christmas Day:	12.00 to 15.00
Christmas Day:	19.00 to 22.30

1.2 The applicant

Mrs Sukhjinder Cheema. A copy of the application is included at Appendix 1.

1.3 The Premises

Dick Lane News, 146-148 Dick Lane, Bradford

1.4 Designated Premises Supervisor

Mrs Sukhjinder Cheema

1.5 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 23.00
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1.6 Steps proposed by the applicant to address the Licensing Objectives

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

None

b) Public Safety will be achieved by;

None

c) Prevention of public nuisance will be achieved by;

None.

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

None

e) General – all four licensing objectives

None.

2. Relevant Representations Received

2.1 Responsible Authorities

West Yorkshire Police – In order to address the prevention of crime and disorder and protection of children from harm objectives, the Police have requested that the following conditions are placed on the Licence;

A CCTV system shall be installed at the premises and be of a standard acceptable to the Licensing Authority and West Yorkshire Police, 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 made available to the Licensing Authority or a Responsible Authority on request. The CCTV installation shall be viewed by West Yorkshire Police prior to the opening of the premises.

A personal licence holder shall be present on the premises between 19.00 and 23.00 hours when licensable activities are taking place.

A Challenge 21 policy shall be implemented.

Initially the applicant agreed to the above conditions being placed on the Licence, but has since confirmed that although she agrees to the CCTV and personal licence holder being present, she does not agree to the condition regarding the Challenge 21 policy being placed on the Licence.

The representation is 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) 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 February 2010.
2. Representation from West Yorkshire Police.

11. Background documents

Application form, plan etc

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 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.

I/we SUKHJINDER CHEEMA (insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>DICK LANE NEWS</u> <u>146-148 DICK LANE</u>	
Post town <u>BRADFORD</u>	Post code <u>BD4 8LJ</u>

Telephone number at premises (if any)

Non domestic rateable value of premises

£ ?

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- Please tick
- a) an individual or individuals* ☒
 - b) a person other than an individual*
 - i. as a limited company ☐
 - ii. as a partnership ☐
 - iii. as an unincorporated association or ☐
 - iv. Other (for example a statutory corporation) ☐
 - c) a recognised club ☐
 - d) a charity ☐
 - e) The proprietor of an educational establishment ☐

please complete section (A)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

LICENSING UNIT

04 FEB 2010

LEG/LIC/

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)

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

☐
☐

I am making the application pursuant to a

- Statutory function; or
- A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐

Mrs ☒

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

First names

cheema

sukhjinder

Please tick ✓

I am 18 years old or over

☒

Current postal
address if different
from premises
address

148, DICK LANE
BRADFORD
BD4 8LT.

Post Town

Bradford

Postcode

BD4 8LT.

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐
Surname First names

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 of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please give a general description of the premises (please read guidance note 1)

2 shops, part of 3 terraced shops.

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 regulated 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:

- 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, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

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Sale by retail of alcohol (if ticking yes, fill in box M)

✓

In all cases complete boxes N, O and P

A

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)	Indoors	
				Outdoors	
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)		
Sat					
Sun					

B

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	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur					
Fri			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
			Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
					Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)
			Indoors		
			Outdoors		
Both					
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun					

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		
					Indoors
			Outdoors		
			Both		
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon					
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri					
Sat			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Sun					
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
					Day	Start
Mon						
Tue						
Wed						
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Fri						
Sat						
Sun						
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)			

M

Sale of alcohol Standard days and timings (please read guidance note 6)			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 <input checked="" type="checkbox"/> Both
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4) 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)	
Mon	07.00	23.00		
Tue	07.00	23.00		
Wed	07.00	23.00		
Thur	07.00	23.00		
Fri	07.00	23.00		
Sat	07.00	23.00		
Sun	07.00	23.00		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	sukhjinder cheema
Address	148, DICK lane Bractord.
Postcode	BD4 8LJ.
Personal licence number (if known)	BD1PER0273
Issuing licensing authority (if known)	city of Bractord Metropolitan District Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	

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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

Date 04/02/10

Capacity owner of the business

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19)

148 DICK LANE
A3

Post town Bractord

Post code BD4 8LJ

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. 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 off-supplies 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
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.
11. 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.

**Licensing**

Licensing Department
 Trafagar House
 Nelson Street
 Bradford
 BD5 0DX

Tel: 01274 376695

Fax: 01274 376787

Email:

susanne.dawson@westyorkshire.pnn.

police.uk

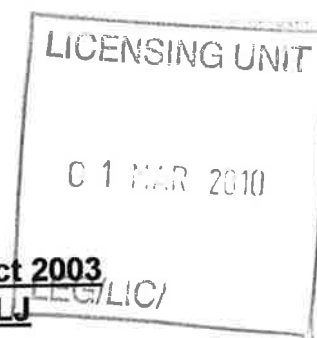
Website:

Your ref: New Application

Our ref:

26th February 2010

Licensing Team
 City of Bradford Metropolitan District Council
 Legal & Democratic Services
 4th Floor, City Hall
 Bradford
 BD1 1HY



Grant of Premises Licence, Licensing Act 2003
146-148 Dick Lane, Bradford BD4 8LJ

I refer to the application in respect of the above premises, dated 4TH February 2010, which was received by the police on 8TH February 2010 and also my letter dated the 19th February 2010.

Further discussions have taken place with the applicant's representative, Mrs Sukhjunder Cheema and Police enquiries into the application have now been completed and I now make further representations to replace the original.

The application is to operate the premises for the sale of alcohol between 07:00hrs and 23:00hrs Monday through to Sunday.

The police have proposed and the applicant has agreed to the following:-

1. CCTV to be installed at the premises of a standard acceptable to West Yorkshire Police and the Licensing Authority, and to be made available to the Licensing Authority and Responsible Authorities on request. CCTV to be installed and viewed by West Yorkshire Police prior to opening of premises.

2. A personal licence holder to be present between the times of 19:00hrs and 23:00hrs Monday through to Sunday.
3. A check 21 policy to be in place at the premises.

The proposed requirements requested by the police are considered necessary to address all four of the Licensing Objectives.

Should the above be agreed then the police would have no objections to the application.

Yours faithfully

Su Dawson
Pc 5413
Licensing Officer
Bradford South