

## **Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Monday 12 April 2010 in Committee Room 3, 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**

#### **Bradford Panel**

1. **Application for a premises licence for Dobre Bo Polskie Supermarket, 31 Grattan Road, Bradford (Document "O")**

#### **Keighley and Shipley Panel**

2. **Application for a premises licence for Martinez Wines, 35 The Grove, Ilkley (Document "M")**



2006-2007  
Improving Rural Services  
Empowering Communities



BRADFORD IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**RECORD OF A HEARING FOR A PREMISES LICENCE FOR DOBRE BO POLSKIE SUPERMARKET, 31 GRATTAN ROAD, BRADFORD (DOCUMENT "O").**

Commenced: 1005  
Adjourned: 1050  
Re-convened: 1100  
Concluded: 1105

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors L'Amie (Chair), Ferriby and Pullen.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Close, Applicant's representative  
Mr Ali, Applicant

**Representing Interested Parties:**

Mr Chand, Local businessman  
Mr Ndiwanyu, Local businessman

**Observers**

Mrs Close  
PC Dawson, West Yorkshire Police

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant's representative informed the Panel that all statutory notices had been complied with as per the guidelines. He pointed out that no representations had been received from responsible authorities, however, he acknowledged the objections submitted by local business premises.

The Council's legal officer stated that the applicant's representative had not made any reference to the objections and views submitted and suggested that this would be beneficial. In response the applicant's representative indicated that he had no comments to make at this stage.

An objector was present at the meeting and explained that he owned the adjacent business premises and that his letter of representation outlined his objections. The Council's legal officer informed the Panel that issues in relation to business competition were not a licensing matter. The objector then confirmed that he had concerns with regard to the low wall opposite the premises which could become a gathering point for people drinking on the street.

A Member questioned how the applicant would address the issue raised and in response the applicant's representative tabled an extract of the DCMS Guidance on the Licensing Act. He stated that the licence was for the sale of alcohol for consumption off the premises and that the applicant was not responsible for controlling people when they had left and were away from his premises. Any conditions relating to public nuisance would, therefore, be unjustified. In response to a query from the Chair, the Council's legal officer clarified that the main responsibility of the licensee was to ensure that only those permitted to purchase alcohol did so and, therefore, initiatives such as 'Challenge 21' were relevant. It would be the responsibility of the police to ensure that there were controls in place to deal with issues arising from the purchase of alcohol by a person over the age of 18 years when they were away from the vicinity of the premises. In response the applicant's representative confirmed that the premises benefited from an internal and external CCTV system and that footage would be made available to the police on request.

Another objector addressed the Panel and confirmed that he owned a number of premises in the vicinity. He stated that there were already a number of outlets in the area that sold alcohol and raised concerns in relation to the security of the surrounding premises. He explained that people congregated in an area to the rear of the premises after purchasing alcohol and stated that the police had been involved on several occasions. Litter was also left for the property owners to clear and a number of cars had been broken into.

In relation to the statement that vehicles had been broken into, the Council's legal officer indicated that there was no evidence that these incidents had been caused by premises that sold alcohol off the premises and in particular this premise. The objector confirmed that he had been in the area since 2003 and that the issues had commenced when premises that sold alcohol off the premises had opened. The Council's legal officer replied that a link had to be established, the police had not objected to the application and evidence had not been submitted to the Panel.

In response to Members' questions, the applicant confirmed the following:

- The premises were a supermarket.
- It would cater mainly for Polish people.
- He spoke a little Polish.
- The Challenge 21 policy meant that if the person was over 18 years then they could be sold alcohol.
- He had undertaken the required licensing training and he would train his staff.

In conclusion the objectors commented that they were concerned with how the applicant would deal with issues when he spoke little Polish and indicated that they did not believe that another off licence outlet was required in the area.

The applicant's representative reported that the applicant had previously operated a successful business in Wakefield for three years. All the statutory requirements had been met. The premises had previously been empty and had now been refurbished. A CCTV system had been installed and the applicant would become a member of 'City Centre Beat'. The premises would sell a variety of goods and other members of staff would be fluent in Polish.

## **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 condition:**

- 1.1 That the premises shall be a member of and actively participate in West Yorkshire Police's City Centre Beat scheme and have on the premises an approved radio connection to link the premises with other members of City Centre Beat and the Bradford City Centre CCTV control room.**

**Reason: To provide adequate monitoring of the premises in order to ensure the prevention of the sale of alcohol to underage persons and to assist in the control of anti-social behaviour associated with customers in the vicinity of the premises – protection of children from harm and prevention of crime and disorder.**

Chair

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

i:\minutes\lpbk12Apr

THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR MARTINEZ WINES, 35 THE GROVE, ILKLEY (DOCUMENT "M").**

Commenced: 1105  
Adjourned: 1135  
Re-convened: 1145  
Concluded: 1150

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors L'Amie (Chair), Ferriby and Pullen

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Cocker, Applicant

**Representing Interested Parties:**

Mr Moorhouse, Local resident  
Mrs Moorhouse, Local resident  
Mrs Whitham, Local resident

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant addressed the meeting and explained that the proposal was to have a bar and hold wine tasting events in the lower ground floor, which could require the use of a small public address system. The provision of regulated entertainment had also been applied for, however, this would be for the playing of live acoustic music only on special occasions. The applicant confirm that two members of staff already possessed a personal licence and he was to attend the training shortly.

The Council's legal officer questioned whether the applicant would be agreeable to a condition forbidding amplified music performances in the premises being placed on the licence. The applicant confirmed that he would accept such a condition.

The applicant stated that the entertainment would not be all day or everyday and that the aim was to achieve a pleasant relaxed atmosphere in the premises. He had applied for licensable activities all day as people passed the shop at all times and the tasting of wine was also better undertaken in the morning. The smoking area would be to the front of the premises and noise and disturbance to local residents would be discouraged. The emergency exit door to the rear of the premises would be used for this purpose only and would not be opened during the summer, as it was covered by strict regulations. The applicant acknowledged the undesirability of bottle collection during the late evening/early morning and the resulting noise disturbance and indicated that he was happy to cease collection after 2100. He indicated that he had been open with residents about the changes and the business had a good reputation within Ilkley.

The Council's legal officer queried whether a condition restricting the collection of bottles could be placed on the licence and the applicant confirmed that he would be happy to restrict the collection time to 0900 to 2100.

An objector was present at the meeting and explained to the Panel that the premises were close to residential properties for the elderly. She stated that the proposed application would result in noise disturbance from the playing of music, the closing of car doors and bottle disposal. Smokers could also encroach onto the adjacent public garden.

In response the applicant reiterated that the rear door would be used as an emergency exit only and that the smoking area would be to the front of the premises, opposite other businesses. He acknowledged the concerns that customers may use the public park, but he was unable to control this. The applicant confirmed that a condition restricting the use of the rear emergency exit would be acceptable and added that all the doors in the premises were already alarmed.

Another objector addressed the meeting and stated that the rear door was very close to her property. Concerns were raised in relation to the type of music to be played and whether the sound could be contained. The Council's legal officer reported that the applicant had agreed that there would not be any amplified music played in the premises. He then asked the applicant if the ventilation within the premises was adequate or whether there would be a temptation to prop open the rear door. The applicant confirmed that there were two hatches to the front of the property which would provide sufficient ventilation.

The objector then queried the hours applied for and the possible noise disturbance from the premises. In response the applicant explained that the proposal was to run wine education courses on Monday and Tuesday evenings. The bar would be open on Wednesday, Thursday and Friday evenings and would be open on Saturday and Sunday during the day, however, there was no intention to remain open after 1800 on a Sunday unless it was a Bank Holiday. The Panel were informed that other establishments in the area were open until 1800 on Sunday. The applicant stated that the business was already successful and he did not wish to jeopardise this.

The objectors summarised their concerns in relation to the noise disturbance and that people could congregate in the public gardens.

In conclusion the applicant stated that he did not want to disrupt residents and had tried to appease their complaints. He had also provided residents with his personal number in case of any complaints.

## **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 and restrictions:**

### **1.1 Hours of regulated entertainment:**

**Sunday 1000 to 2200 (otherwise as applied for)**

### **1.2 That the consumption of alcohol in the external areas of the licensed premises shall not be allowed.**

- 1.3 That the external fire escape door to the rear shall not be used other than as an emergency exit.**
- 1.4 That amplified music shall not be permitted in the premises.**
- 1.5 That the disposal or collection of waste bottles and glass receptacles shall not take place between the hours of 2100 and 0900 on any day.**

**Reason:** In order to ensure that the Licensee takes all steps in their control to limit and takes steps to address issues of noise and disturbance to local residents from regulated entertainment taking place at the premises, from the disposal of bottles and glass receptacles and from patrons using and leaving the premises – Prevention of Public Nuisance.

Chair

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

i:\minutes\lpbk12Apr

THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER