

Record of a Hearing of the Bradford Licensing Panel held on Monday 16 August 2010 in Committee Room 5, 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 the BRM Convenience Store, 48 Otley Road, Bradford (Document "A")



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Improving Rural Services
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2010-2011
COUNCIL OF DISTRICTS

Suzan Herringway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE BRM CONVENIENCE STORE, 48 OTLEY ROAD, BRADFORD (DOCUMENT "A").

Commenced: 1020
Adjourned: 1055
Re-convened: 1110
Concluded: 1115

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Sajawal Hussain and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Mr V Dhand, Designated Premises Supervisor - Applicant

Representing Interested Parties:

Miss Begum, local resident
Mr Ali, witness
Mr Caudray, witness
Mr Khaliq, witness

Observers:

Councillor Amin
Councillor Khaliq
Mr Ali
Mr Baikzad
Mr Farooq
Mr Mansoor
Mr Saif

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 Panel and explained that there had been an off-licence on the site previously and that the building had then been demolished and re-built. He confirmed that he had worked in an off-licence environment for the past 10 years and he currently owned a premise in Baildon. He reported that spot checks had been undertaken at his business in Baildon by West Yorkshire Trading Standards and that he operated a 'no identification, no sale' policy.

With regards to some of the issues raised by objectors, the applicant confirmed that the premises was situated on a busy main road, however, he could not do anything about the provision of a pedestrian crossing. He explained that he had installed an internal and external CCTV system. He reported that he had worked with the local police in Baildon and the anti social behaviour around his premises there had improved.

The applicant stated that residents in the area had commented that a shop was required in the area. He mentioned a petition that had been signed in support of the premises, however, the Council's legal officer confirmed that it could not be accepted as it was not within the permitted timescale.

Members of the Panel and the Council's legal officer then questioned the applicant and received the following responses:

- At his business premises in Baildon he had retained the CCTV tapes and helped the police.
- That anyone who looked under 25 years of age was requested to produce identification with a picture such as a passport or driving licence.
- His staff would be sent on a training course to obtain a Personal Licence and two out of his four staff already had one.
- The step quoted as 'bottle bans' meant that he would not allow people to consume alcohol in the area outside of the premises.

The objector informed the Panel that a petition had been submitted against the granting of the licence. Local residents were then called as witnesses and provided the following information:

- That there was a prior history of anti social behaviour at the premises.
- That the previous owner had been attacked.
- That there was a hostel across the road where people with alcohol misuse issues resided.
- That there was no pedestrian crossing over the road and the safety of children was at risk.
- That the community did not want an off-licence.
- That the blue notice had not been displayed for the statutory 28 days.
- That the applicant had said that he had spoken to the hostel and they had not objected to the application.
- That the misuse of alcohol created anti social behaviour.
- That it would be noisy around the premises.
- That the elderly residents were worried.
- That there were other shops in the area that sold alcohol.

In response to the pedestrian crossing issue, the Council's legal officer explained that it was not a licensing matter. With regards to the statutory notice, he confirmed that the Licensing Authority was satisfied that it had been given. The licensing officer then clarified that an enforcement officer had visited the premises, further notices had been displayed and people were aware of the application.

The local residents were then questioned by the Panel and the Council's legal officer and confirmed that:

- There was another premise that sold alcohol around the corner from the hostel.
- They did not have a connection to the business that they lived above.
- They had not objected to the licence of the business they lived above as it was not near to the hostel.
- That the hostel had been there for 2 years.
- That the previous problems would start again and the other off-licences in the area were not near to resident's flats.
- That the previous owner of the premises had been attacked and there was a history of anti social behaviour in the area.

In conclusion the objector stated that the licence should be refused due to possible anti social behaviour, noise nuisance and the congregating of youths. The community felt unsafe and the premises would take up police time.

The applicant re-iterated that he had a CCTV system and would contact the police in relation to anti social behaviour.

The Council's legal officer indicated that the Panel may place conditions on the premises in relation to the implementation of a 'Challenge 25' scheme, the installation and maintenance of a suitable CCTV system and that the area around the premises be kept clear of refuse. The applicant confirmed that this would be acceptable.

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 prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering and that they do not congregate in the immediate vicinity of the premises.**
- 1.2 That the Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse including glass bottles.**
- 1.3 That a CCTV system (with satisfactory internal and external coverage) be installed at the premises and 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 kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 1.4 That the licensee regularly liaises with the local community police and cooperates with any initiatives in the area to address issues of anti social behaviour.**
- 1.5 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: 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, address issues of possible anti social behaviour in the immediate vicinity of the premises – Prevention of Crime and Disorder Objective and public nuisance 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.