

## **Record of a Hearing of the Bradford Licensing Panel held on Friday 17 December 2010 in Committee Room 3, City Hall, Bradford**

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### **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 360 Great Horton Road, Bradford (Document "G")**
2. **Application for a premises licence for 6 Torre Road, Bradford (Document "H")**
3. **Application for a variation of a premises licence for Dog & Gun, 1001 Harrogate Road, Apperley Bridge, Bradford (Document "I")**



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**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR  
360 GREAT HORTON ROAD, BRADFORD (DOCUMENT "G").**

Commenced: 1015  
Adjourned: 1040  
Re-convened: 1055  
Concluded: 1057

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Dredge and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Sadiq – Applicant's Representative  
Mr Hanif - Applicant

**Representing Responsible Authorities:**

Ms Thompson – Environmental Health, Bradford Council

**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 began by informing the Panel that there were other take-away premises in the immediate vicinity that operated until 0200 hours. The locations of the aforementioned premises were then outlined to Members. It was also noted that the applicant's family lived in the flat above the premises.

The Council's legal officer reported that the premises in question did not have planning permission for a restaurant and that the business would not be able to operate until valid planning permission was granted. The Council's Planning Department would be notified of this to ensure that no breaches of legislation occurred.

The representative of the Council's Environmental Health Department explained that they had not been informed as to who resided in the flat above and had been concerned that the business would disturb the occupiers. These concerns had now been allayed as it had been clarified that the applicant and his family lived in the flat. It was also pointed out that three of the shops in the parade were take-away premises.

The applicant was then questioned with regard to deliveries, noise disturbance and litter and in response the applicant's representative reported that:

- there would only be one delivery vehicle;
- the customer base would be 70% footfall and 30% deliveries.
- vehicle movement would not be an issue at the rear of the premises as there was a main road to the front with plenty of parking provision.
- the hours applied for were 2300 to 0200 hours.
- deliveries would cease at midnight but the premises would remain open until 0200

hours.

- litter and recycling bins would be provided.
- the area outside the premises would be cleared of litter by staff.

The Council's legal officer questioned whether the applicant would accept a condition on the licence in relation to the area outside of the premises being kept clear of litter and in response he confirmed that he would.

The representative of the Council's Environmental Health Department explained to Members that they had concerns with regard to the residential properties in the vicinity and noise from vehicle movement. There was limited parking and the lane to the rear of the premises was narrow. It was believed that complaints would be received as noise issues had been previously investigated in the area. The applicant's representative confirmed that the business had full consent from the occupiers and indicated that another take-away would be opening in an adjacent property.

The Council's legal officer then questioned what the Council's Environmental Health Department would accept as a reasonable outcome. The representative suggested that the proposed operating hours terminating at 0200 hours was unacceptable in a residential area and it was pointed out that the Planning Department policy guidelines specified that take-away premises closed at midnight if they were not within the City Centre.

## **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 Hours of licensable activities:**

**Monday to Sunday: 2300 to 0000**

### **1.2 That no noise is to be audible at the nearest residential premises during the hours of licensable activities.**

### **1.3 That the disposal of waste in to externally located receptacles shall not take place between the hours of 2300 and 0700 on any day.**

### **1.4 That the Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**

**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 – Prevention of Crime and Disorder Objective and Prevention of Public Nuisance Objective**

Footnote: The applicant was advised that planning permission should be obtained prior to the commencement of the take-away/restaurant business.

Chair

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

**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR 6 TORRE ROAD, BRADFORD (DOCUMENT "H").**

Commenced: 1100  
Adjourned: 1145  
Re-convened: 1155  
Concluded: 1200

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Dredge and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Mahmood – Applicant

**Representing Interested Parties:**

Mr Dharni – local businessman  
Mrs Furnish – local resident  
Mrs Jones - local resident  
Mr Kay - local resident  
Mrs McGrath - local resident

**Observers:**

Ms Dharni  
Mr Dharni  
Mr Smith

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. With regard to the submitted petition, the Council's legal officer stated that for the addresses to be relevant they must be close enough to the premises as to be reasonably likely to be affected by it and that the Panel would give appropriate weight to the petition based upon what had been presented.

The applicant informed Members that he had been at the premises for three months and had not witnessed any anti-social behaviour or come across any broken glass in the vicinity of his business. He indicated that he would be willing to keep the area outside his premises clean and that he was thinking of installing additional lighting and CCTV cameras. In relation to the petitioners he stated that some of them lived a considerable distance from his shop and that he had a letter from a resident which explained that they had been coerced into making a complaint. In response the Council's legal officer stated that the letter could not be accepted as evidence as it had not been disclosed in advance of the hearing.

The applicant stated that the objectors were concerned about anti-social behaviour and that premises in the nearby vicinity were selling alcohol and cigarettes to those under age. He reported that in response to complaints submitted regarding his premises, West

Yorkshire Trading Standards had carried out a test purchase, which had been refused and he had received a letter confirming the result of the investigation.

Members and objectors then questioned the applicant on the proposed steps to prevent underage sales, the proposed installation of CCTV, the 'Challenge 21' scheme and staff training. In response the applicant confirmed that:

- signs were displayed on his premises and he would install extra lighting and CCTV cameras.
- anyone who looked under the age of 21 had to provide proof that they were over 18 years of age under the 'Challenge 21' scheme.
- he was willing to take steps to resolve any of the objections.
- he would ensure that the staff were trained and experienced.

The lead objector then addressed the meeting and made the following points:

- That he was the sub-postmaster at Cooper Lane and represented all the petitioners.
- That all the provisions and training should be in place prior to the business being established.
- That the business proprietor should be able to provide information on the products being sold.
- That crime, disorder and noise disturbance could be linked to alcohol sales.
- That there were 17 outlets where alcohol was available within the vicinity.
- That groups of youths congregated around premises that sold alcohol in the area until late.
- That there were already problems in the Buttershaw area and the granting of another licence would not help.
- That prevention was better than cure.

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

- His premises sold alcohol, however, he had taken into account the concerns of customers and residents and closed the shop at a reasonable time.
- He attended meetings organised by Trading Standards and they had indicated that the area had a reputation for anti-social behaviour.
- The major issue in the area related to underage sales. Young people congregated around shops and asked older people to purchase alcohol for them which constituted anti-social behaviour.
- There were 17 other outlets in the area that sold alcohol.
- The majority of the people that had signed the petition were genuine.

Other objectors were present at the meeting and raised the following concerns:

- That parking was an issue in the area for residents and businesses.
- That another business selling alcohol until 2300 hours was not required.
- That anti-social behaviour was a problem in the area.
- That the shop should remain as it was and not be turned into another bargain booze premises.
- That litter could be thrown into residents' gardens.
- That residents would not feel safe if there were drunken people in the area.

The Council's legal officer explained that parking was not a licensing issue and could not be taken into consideration. Any issues regarding parking would have been dealt with at

the planning application stage of the process. He indicated that if residents did have any issues then they should contact their local Ward Councillor.

In response to the comments made the applicant stated that he would reduce the opening hours, as he wanted the residents to be happy. The Chair acknowledged the applicant's offer.

In summation the lead objector confirmed that there were enough problems in respect of alcohol and young people drinking in the area and that the granting of this licence would add to the existing problems.

In response the applicant stated that he would undertake any necessary steps to meet the concerns of residents, such as the installation of CCTV cameras. He reported that even though allegations had been made regarding his premises, the residents would not be troubled by his business.

The Chair then questioned the hours of other businesses in the vicinity and it was confirmed that the nearest premises was licensed until 2300 hours.

## **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 the Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**
- 1.2 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.**
- 1.3 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 and that staff should be appropriately trained in the principles of the policy.**

**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 – Prevention of Crime and Disorder Objective 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.**

**RECORD OF A HEARING FOR AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR DOG & GUN, 1001 HARROGATE ROAD, APPERLEY BRIDGE, BRADFORD (DOCUMENT "I").**

Commenced: 1205  
Adjourned: 1300  
Re-convened: 1320  
Adjourned: 1325  
Re-convened: 1328  
Adjourned: 1330  
Re-convened: 1335  
Concluded: 1340

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Dredge and Ahmed.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Coen – Applicant's Solicitor  
Mr Shirley – Applicant (Punch Taverns)  
Mrs Riordan – Applicant (Punch Taverns)  
Ms Craick – Designated Premises Supervisor  
Ms Clark – Solicitor's Assistant

**Representing Interested Parties:**

Mrs Crossley – local resident  
Mr Johnson – local resident  
Mr & Mrs Kitson - local residents  
Ms Sargent - local resident  
Mr Swidrak - local resident

**Observers:**

Mr Newton

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was noted that the application proposed an amendment to Condition 15 (which related to children being permitted on the premises until 2200) of the operating schedule and that the request for outdoor entertainment had been removed by the applicant. As a consequence Environmental Health had withdrawn their objection.

The applicant's representative informed the Panel that the premises current hours of licensable activities was until midnight, however, the variation to the licence requested that an additional two hours to the licence and the provision of live music indoors only. The amendment to the condition would permit children on the premises until 2200 hours. He explained that the Designated Premises Supervisor (DPS) had been at the premises since August 2010, had ten years experience in the trade and was also the Licensee at another

premises in Eccleshill. The applicant's representative explained that the premises were a local traditional pub within a community. A refurbishment of the kitchen had been planned and the idea was to serve food at lunch time. A mixed clientele and age group frequented the premises and there was no intention to alter the premises or attract a different customer base. It was noted that the premises currently traded Thursday to Saturday until 0200 hours and Environmental Health had confirmed that they had not received any complaints. If granted the proposed variation to the licence would provide greater flexibility and would not be used seven days per week. The applicant's representative reported that live music was part of the application and the plan was to provide music from 12 noon to 1600 hours on a Sunday and occasionally on a Friday and Saturday from 2000 to midnight. He informed Members that the properties adjacent to the premises had not objected to the variation application and the nearest objection was from a resident on Meadow Road. In conclusion the applicant's representative stated that the premises were well run and this would continue.

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

- The smoking area was situated behind the public house within the car park.
- That drinking outside was not conditioned and there were signs on display regarding noise disturbance to neighbours.
- Currently recorded music was permitted until 0200 hours and no complaints had been received. There were two sets of doors to the outside of the premises which operated on self-closing arms. These were kept shut except for access and egress.
- There were no plans to enclose the smoking area as this would be a breach of the regulations.
- That only one representation had been received from the residents of Meadow Road.
- No complaints had been received regarding noise nuisance from the premises, therefore, no additional measures were required.

A number of objectors were present at the meeting and made the following comments:

- That the noise from the premises would disturb their baby and they also worked from home.
- That a great deal of noise came from the premises on Thursday to Saturday especially during the summer months.
- That the premises were in a residential area.
- That no complaints had been submitted as the noise had been restricted to weekends.
- If there was noise disruption during the week then complaints would be made.
- That there were already problems with the noise from the Stansfield Arms.
- That the noise from the extra music licence would be disruptive.
- That people leaving the premises and walking along Cavalier Drive were noisy.
- That complaints may not have been submitted as people might not be aware of the application.
- That the opening of the doors at the premises would create disruptive noise.

The applicant's representative then questioned the objectors and was informed that:

- There had been no reason to complain before. The premises currently held an event every summer and it was noisy, however, it was only once per year.
- The noise from live music would be different and residents were concerned.
- Noise was expected from the premises, however, it would not be fair on residents if



this occurred seven days per week.

- Complaints regarding noise would be submitted if problems occurred.
- Residents were concerned in relation to the possible noise disturbance, especially in relation to the live music as it would be louder and that customers would be leaving the premises late at night and causing noise and disruption.

In conclusion a representative of the objectors stated that they were mainly concerned about the noise and associated discomforts to residents. They were opposed to the proposed extended hours and music licence due to the potential noise and crime and disorder issues.

The applicant's representative informed the Panel that the premises benefited from new management and were well run, which would continue. He reported that the nearest neighbours to the premises had not objected to the application and no representations had been received as there were no problems. He acknowledged that the residents had concerns with regard to the changes and what they perceived could happen, however, the applicant had accepted that to allow live music until 0200 hours was rather ambitious and that midnight would be more appropriate. The general noise issues had been resolved and he confirmed that the DPS would be happy to address any concerns raised by residents or they could contact Environmental Health.

The Council's legal officer questioned whether the applicant's concession applied to the request for an additional hour within the non standard timings. In response the applicant's representative confirmed that they were also content to restrict them to midnight.

Following an adjournment the Panel delivered their decision, however, the applicant's representative stated that a proposed condition regarding the prohibition of drinking outside could not legally be imposed on the licence. Further deliberations ensued and the Panel informed the applicant's representative that the condition could be imposed but would only cover Sunday to Wednesday after midnight. The Chair suggested that in order to be neighbourly and address potential noise issues, the condition should ensure that the consumption of drinks and alcohol was not allowed outside after 2200 hours. Following a consultation the applicant's representative confirmed that the applicant was willing to offer that the condition be restricted to after midnight, seven days per week. This was then accepted by the Panel.

## **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 for variation of the licence in part subject to the following conditions:**

### **1.1 Varied hours of licensable activities:**

#### **Live Music (indoors only)**

**Monday to Friday: 1800 to 0000**

**Saturday and Sunday: 1200 to 0000**

#### **Recorded Music (indoors only)**

**Sunday: 1000 to 0000**

#### **Sale/Supply of Alcohol**

**Sunday to Wednesday: 1000 to 0100**

- 1.2 That the consumption of alcohol and other drinks in the external area of the licensed premises shall not be allowed after 0000 hours.**

**A further additional hour to the above is granted for the sale and supply of alcohol and recorded music only for the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend, including the Thursday prior to Easter Bank Holiday weekend.**

**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 – Prevention of Crime and Disorder Objective and Prevention of Public Nuisance Objective**

Chair

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

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