

Report of the City Solicitor to the meeting of the Bradford Area Licensing Panel to be held on 17 December 2010.

G

Subject:

Application for a Premises Licence for 360 Great Horton Road, Bradford.

Summary statement:

Application for a new premises licence for the provision of late night refreshment.

Suzan Hemingway
City Solicitor

Portfolio:

Corporate

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Overview & Scrutiny Area:

Corporate



2006-2007
Improving Rural Services
Empowering Communities



Service to the City

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. SUMMARY

The application is for the grant of a Premises Licence for the provision of late night refreshment.

2. BACKGROUND

2.1 The applicant

Mr Mohammed Hanif. A copy of the application is included at Appendix 1.

2.2 The Premises

360 Great Horton Road, Bradford

2.3 Designated Premises Supervisor

Not required

2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Provision of late night refreshment

Hours of licensable activities:

Monday to Sunday: 23.00 to 02.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Drug usage policies in form of notice.
Have adequate lighting.
Join the licensed premises community.

- b) Public safety will be achieved by;

Adequate emergency lighting installed.
Fire exits.
First Aid provision.

- c) Prevention of public nuisance will be achieved by;

Install sound proof shop front.
No on site music policy.
Litter management policy to be adhered to by all staff, and notify customers.

Day time hours for deliveries.

Noxious cooking odour control using appropriate filters.

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

Nothing stated.

- e) General – all four licensing objectives

Training all staff members on licensing issues.

2.6 Relevant Representations Received

Responsible Authorities

Environmental Health – The representation relates to the prevention of public nuisance objective. The Environmental Health Officer has concerns regarding odour and noise causing a nuisance and disturbance for local residents.

The representation is attached at Appendix 2.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

Legal Appraisal

- 4.1 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
- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 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.

Statement of Policy Issues

- 4.6 The following parts of the Licensing Policy are of particular importance; Part 6 (prevention of Public Nuisance).

- 4.7 The Annexes to the Policy sets out various types of model condition that could be considered.

5. 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 & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Referred to in part 4 of this report.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent sustainability implications.

9.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 4.1 of this report.

9.5 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.

9.6 TRADE UNION

Not applicable

9.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

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

12. APPENDICES

1. Application form received 12 November 2010. (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).
2. Representation from Environmental Health.

13. BACKGROUND DOCUMENTS

Application form, plan etc.

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.

cash in safe
I/we MOHAMMED HANIF (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>360 GREAT HORTON ROAD</u>		LICENSING UNIT 12 NOV 2010 LEG/LIC/
Post town <u>BRADFORD</u>	Post code <u>BD7 1QJ</u>	
Telephone number at premises (if any)		
Non domestic rateable value of premises		<u>£ Not APPLICABLE IN PRESENT CIRCUMSTANCES</u>

Part 2 – Applicant Details

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

	Please tick ✓	
a) an individual or individuals*	<input checked="" type="checkbox"/>	please complete section (A)
b) a person other than an individual*	<input type="checkbox"/>	please complete section (B)
i. as a limited company	<input type="checkbox"/>	please complete section (B)
ii. as a partnership	<input type="checkbox"/>	please complete section (B)
iii. as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
iv. Other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c) a recognised club	<input type="checkbox"/>	please complete section (B)
d) a charity	<input type="checkbox"/>	please complete section (B)
e) The proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f) A health service body	<input type="checkbox"/>	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	<input type="checkbox"/>	please complete section (B)
h) The chief officer of police of a police force in England and Wales	<input type="checkbox"/>	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

HANIF

MOHAMMED

Please tick ✓

I am 18 years old or over



Current postal address if different from premises address

360 GREAT HORTON ROAD

Post Town

BRADFORD

Postcode

BD7 1QJ

Daytime contact telephone number

07740822936

Email address (optional)

abdulqalaam@gmail.com

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			
0	1	0	1	2	0	1	1

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

Day		Month		Year			

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)

- THE PREMISES AT PRESENT IS A TERRACED HOUSE WITH THE FRONT ROOM FACING GREAT HORTON ROAD. THE HOUSE HAS FOUR FLOORS INCLUDING BASEMENT. AT PRESENT THE PREMISES HAS NOT BEEN USED FOR ANY BUSINESS.
- WE ARE WANTING TO USE THE BASEMENT AND FRONT ROOM AS PART OF A HOTFOOD TAKEAWAY.
- THE BASEMENT WILL BE USED AS THE KITCHEN AND STORAGE, AND THE NOW FRONT-ROOM AS SERVING. FRONT-ROOM WILL HAVE COUNTER MADE WITH A LIFT TROLLEY CONNECTION TO THE BASEMENT KITCHEN.

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) | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) | performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | | |
|----|--|--------------------------|
| i) | making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☒

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	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat					
Sun			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)		

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	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri					
Sat					
Sun			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)		

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			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			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)
Fri			
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				Both		
Tue			Please give further details here (please read guidance note 3)			
Wed				State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri			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)			
Sat						
Sun						

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	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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	
Day	Start	Finish	Both					
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
Mon					
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

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			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)		
Thur					
Fri					
Sat			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)		
Sun					

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	Finish	Please give further details here (please read guidance note 3) PROVIDE TAKE-AWAY FOOD DURING SPECIFIED HOURS.		
Mon	11 PM	2 AM			
Tue	11 PM	2 AM			
Wed	11 PM	2 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	11 PM	2 AM			
Fri	11 PM	2 AM			
Sat	11 PM	2 AM	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)		
Sun	11 PM	2 AM			

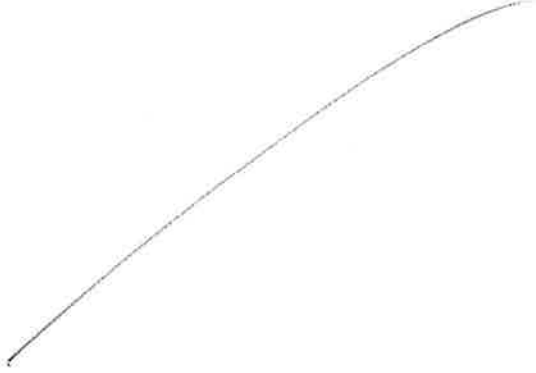
M

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	
				Both	
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
Name
Address
Postcode
Personal licence number (if known)
Issuing licensing authority (if known)

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	
Mon			
Tue			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)
Wed			
Thur			
Fri			
Sat			
Sun			

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)

-
- Training all staff members on licensing issues
-

b) The prevention of crime and disorder

- Drug usage policies in form of notice
- Have adequate lighting
- Join the licensed premises community

c) Public safety

- Adequate emergency lighting installed
- Fire exits
- First Aid provision

d) The prevention of public nuisance

- Install sound proof shop front
- no on site music policy
- litter management policy to be adhered by all staff, and notify customers.
- Day time hours for deliveries
- Noxious cooking odour control using appropriate filters

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 12-11-2010

Capacity

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)

MOHAMMED HAWIF
360 GREAT HORTON RD

Post town BRADFORD

Post code

BD71QJ

Telephone number (if any)

07740 822936

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

abdulqalaam@gmail.com

Memo

To: Licensing
City Hall
Channing Lane
Bradford.

Department of Environment and Neighbourhoods

Environmental Protection
6th Floor
Jacobs Well
Bradford
West Yorkshire BD1 5RW

From: Maureen Thompson

Tel: (01274) 437069
Fax: (01274) 74839
Email: maureen.thompson@bradford.gov.uk

Date: 22nd November 2010

Application for Premises Licence.

Location: 360 Great Horton Road, Bradford. BD7 1QJ

I have concerns about this application. I envisage problems with noise at residential properties should this property trade until 02:00 hours. As a takeaway there maybe problems controlling noise and odour from this property.

I have checked with planning and there is no application to change the use of this property.

Regards

Maureen

RT Mrs M. Thompson.
Environmental Health Officer

