

# City of Bradford Metropolitan District Council

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## Record of a Hearing of the Bradford Licensing Panel held on Monday 14 February 2011 in Committee Room 1, City Hall, Bradford

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### Procedural Items

#### DISCLOSURES OF INTEREST

Councillor Amin disclosed a personal interest in the application as the applicant lived in his ward and he had, on one occasion, visited the premises. As the interest was not prejudicial he remained in the meeting during consideration of the item.

***ACTION: City Solicitor***

#### INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

### Hearing

**Application for a premises licence for Ronak Banqueting and Buffet, 36 Clayton Road, Bradford (Document "J")**



**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR  
RONAK BANQUETING & BUFFET, 36 CLAYTON ROAD, BRADFORD**

Commenced: 1415  
Adjourned: 1520  
Re-convened: 1600  
Concluded: 1605

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Amin (Chair), Chadwick and L'Amie.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr P Maquire and Mr B Thompson – Applicant's Representatives  
Mr W Arshad – Applicant  
Mr Arshad – Applicant's Business Partner

**Ward Councillor:** Councillor Flowers

**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 outlined the application and measures which his client had taken, including the organisation of a meeting with local residents, to allay the fears that local residents had expressed about the business operation. He outlined conditions which had been agreed with Environmental Health and an agreement to inform West Yorkshire Police of events which would be held in the premise's function room.

He reported the previous history of the premises and his belief that the representations were unfounded and based on the way in which the business had been operated previously. It was explained that the hours requested were necessary to bring business to the premises; that no alcohol would be served but that customers could bring their own drinks to the buffet. An agreement had been reached with a local taxi firm that horns would not be sounded outside of the premises and waste and deliveries would not be allowed between 2300 and 0700 hours. The applicant's intention to work closely with local residents and responsible authorities was reported.

In response to questions about the capacity for car parking in the area the Council's Legal Advisor explained that highway safety and parking were not licensing issues and would be the subject of a planning application. He reminded the applicant that should a license be granted planning permission must be obtained prior to the commencement of the business.

A number of issues were raised to which the following responses were provided:-

- The function room could be hired by any member of the community but was primarily aimed at family gatherings such as weddings.
- Alcohol would not be served but guests could bring their own refreshments to the venue.
- The premises comprised of a function suite to the rear of the premises and a restaurant at the front. Capacity for the function suite was 176 and the restaurant could seat 100 people.
- The application was for the entire premises and included the function room and restaurant areas. There were no plans to provide a takeaway service.
- Letters received in support of the business were from people who had attended the residents meeting. It had not been known where the senders of the letters lived in relation to the premises.
- Hirers of the function room were required to sign a contract to ensure that they would use the car parking facilities available at the premises.

A Ward Councillor questioned the provision of car parking facilities and reported that on a visit to the area the previous evening the car park had been empty and cars had been parked on the highway. In response it was explained that the contract to use the car park was for the hirers of the function room only.

People smoking and drinking in the street and cans disposed of in the vicinity of the premises were also raised by the Ward Councillor. The Council's Legal Advisor explained that the applicant would only be responsible for his customers and for litter which emanated from the premises. The applicant explained arrangements for the provision of waste bins at the premises.

A local resident addressed the meeting to outline his personal representation and those in his capacity as Chair of Lidget Green Community Partnership.

He explained that he was delighted that the building was now in use and his concerns were based on the previous history of the facility. Problems experienced through parking nuisance and alcohol twelve months earlier were reported. In his capacity as Church Warden at St Wilfred's Church he explained his understanding of problems which could be experienced when hiring out a function room. The community partnership were concerned that the Lidget Green area was kept tidy.

He continued to discuss previous problems experienced with parking and highway safety and incidents when residents had been unable to access their homes. He was reminded that the Panel could not take account of parking issues which were the responsibility of the planning department. It was explained that the public safety licensing objective related to the safety of the premises although it was acknowledged that local residents may not know the channel to which highway issues should be referred.

It was reported that, contrary to the applicant's statement, the venue's use of the Church car park had been refused.

Concern was raised that some residents who had submitted representations about the application had not been invited to the meeting held by the applicant.

In response to questions it was explained that there were two other restaurants in the vicinity and one public house in operation.

A Ward Councillor addressed the meeting and reiterated that the use of the premises was welcomed and that derelict premises were not wanted in the area. He was also of the view that the applicant had a keener understanding of the concerns of residents than previous operators of the facility.

He believed the premises had not received planning permission and although he acknowledged that parking and highway safety would be included in such permission he expressed concern about potential disturbance those issues could cause to residents.

He requested Members consider the location of the premises which were in close vicinity to residential houses. He drew their attention to a family with small children living only two metres away and to a number of representations made by other residents living close by. Residents were concerned that the fire doors and stores located at the rear of the premises, and accessed by a nearby public footpath, would cause a disturbance. Fears were also expressed about customers congregating outside of the premises late at night. He suggested a reasonable cut off time for licensable activity to cease would be before 0200 hours to prevent disturbance to residents.

The capacity of the venue was questioned and the potential for public disorder and safety if access to nearby homes was blocked was raised. He requested that the hours of operation and capacity of the venue should be limited.

In response the Council's Legal Adviser explained that no representations had been received about the hours requested. The Fire Authority had their own regulations about the capacity of the venue. The Ward Councillor pointed out concerns reported in a letter of representation contained at Appendix 2 to Document "J".

The applicant confirmed that the Fire Authority had inspected the premises. The capacity for the banqueting hall was 176 and the restaurant seated 100 people. It was explained that the previous capacity for the venue had been 600.

Conditions which could be imposed to prevent noise and disturbance at the venue were considered by Members and the applicant confirmed his acceptance of such conditions.

In summary the applicant outlined his lack of responsibility for the previous operation of the facility and explained that he would have no authority over people in the area who were not customers of the venue. It was reported that 125 invitation letters to the public meeting had been delivered in the area and one of the people making representations had recently visited the premises for a meal. Customers would not be allowed to smoke at the rear of the premises and arrangements were in place to dispose of trade waste.

**Resolved -**

**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 noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible at the nearest noise sensitive premises.**
- 1.2 That the fire doors to the licensed premises shall not be propped open during hours of operation except for emergency access and egress.**
- 1.3 That West Yorkshire Police shall be notified seven days in advance of any proposed events in the function room.**
- 1.4 That deliveries and the disposal of waste shall not take place between 2300 and 0700 on any day.**

**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 the premises and from the disposal of waste and address issues of possible anti social behaviour in the immediate vicinity of the premises – Prevention of Crime and Disorder and Public Nuisance Objectives.**

**Footnote: The Licensee is reminded of the need to obtain any necessary planning approval for the proposed use.**

Chair

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