

## Record of a Hearing of the Bradford Licensing Panel held on Wednesday 2 March 2011 in Committee Room 1, City Hall, Bradford

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### Procedural Items

#### CHAIR'S ANNOUNCEMENT

The Chair announced that, as Councillor Townend was unable to attend the meeting, her place on the Panel had been filled by Councillor L'Amie.

#### DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

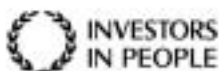
#### INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

### Hearing

**Application for a premises licence for the Sparrow, 32 North Parade, Bradford (Document "K")**

**Application for a premises licence for Kelmore Convenience Store, 34 Kelmore Grove, Bradford (Document "L")**



**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE SPARROW, 32 NORTH PARADE, BRADFORD (DOCUMENT "K").**

Commenced: 1400  
Adjourned: 1435  
Re-convened: 1440  
Concluded: 1445

**Present:**

**Members of the Panel:**

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

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Hall ) applicants  
Mr Husak )

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in **Document "K"**.

She advised that the application had been amended to withdraw the request for performance of live music. She also advised that the two conditions requested by West Yorkshire Police had been agreed by the applicants.

The applicant then advised that he had very recently received a letter from the objector in which she had withdrawn her objection after being satisfied by his assurances that she would not suffer any noise nuisance or disturbance from the premises. He went on to describe his application for a European café bar purveying a sophisticated range of products, stressing that there would be no cheap drinks promotions or encouragement of the type of customer attracted by such promotions.

He noted that, although the hours of licensable activity applied for were wide ranging, he did not envisage opening beyond traditional pub hours on a regular basis.

The Council's legal officer in attendance advised the Panel that, as the letter from the objector had not been sent to the Council's licensing officer, it was very difficult to verify its authenticity. It would be a matter for the Panel to give due weight to its contents when making its decision.

He went on to question the applicants about the hours of operation that they wished to be considered and, after some discussion, the hours requested were clarified as:-

- Sunday to Wednesday 1030-2300
- Thursday to Saturday 1030-0000
- New Years Eve 1030-0200

Members of the Panel then questioned the applicants in respect of:

- the relative locations of The Sparrow and the objector's home

- the intention to serve hot drinks to take out
- the acoustic report now provided
- the intention to apply for a pavement café permit

In response, the applicants advised that:-

- the objector's home was not on the same level as the proposed area for playing music and there was no longer any intention to play live music
- there was no intention to provide hot drinks to take away in the evening
- the acoustic report was provided to allay concerns about noise nuisance. There was no intention to play music at levels over those recommended in the report as it would be much too loud for patrons as well as neighbours.
- there was an intention to apply for a pavement café permit and it was understood that there were restrictions attached to such a permit

## **Decision**

**That, having considered all the 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 The hours of licensable activities shall be:**

**Sunday to Wednesday 1030 to 2300  
Thursday to Saturday 1030 to 0000  
New Years Eve 1030 to 0200**

**1.2 The premises shall be a member of the City Centre Beat Scheme and will remain a member whilst the scheme continues.**

**1.3 That an appropriate proof of age policy, incorporating the principles of the 'Challenge 21' Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 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; and that appropriate signs advertising the Campaign be displayed.**

**1.4 No amplified sound is to be audible at the nearest residential premises during the hours of licensable activity**

**Reason: To prevent noise and disturbance to residents in the vicinity of the premises – Public Nuisance Objective, to ensure proper liaison with the police in addressing issues of disorder that might occur – 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 PREMISES LICENCE FOR THE KELMORE CONVENIENCE, 34 KELMORE GROVE, BRADFORD (DOCUMENT "L").**

Commenced: 1445  
Adjourned: 1505  
Re-convened: 1515  
Concluded: 1520

**Present:**

**Members of the Panel:**

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

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Thandi – applicant  
Mr Jordan – applicant's representative

**Representing Interested Parties**

Mr Jadav – objector  
Mr Thompson – objector's representative

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in **Document "L"**.

The applicant's representative presented the application on behalf of his client, stressing that the applicant fully understood his obligations under the Licensing Act and outlining the steps he would take to address the licensing objectives.

He noted that both the applicant and the objector had presented petitions in respect of their opposing points of view and that, on both petitions, some of the signatories lived some distance away. He did not consider, however, that the petition in opposition to the application carried sufficient weight to demonstrate that the application should not be granted.

The Chair asked for guidance in respect of the concept of 'vicinity' with regard to petitions and the Council's legal officer in attendance advised that the Act did not provide a definition and the associated guidance merely referred to "those who lived close enough to be affected". The Council's legal officer further advised that it would be difficult to give more than limited weight to any petition as they were put together in circumstances outside the Council's control.

The Chair further pointed out that the licensing objectives did not include considerations about there being sufficient similar businesses in the area.

In answer to questions, the applicant confirmed that:

- the conditions required by the Police were acceptable to him

- CCTV was available and ready to be installed
- he would personally implement training and had an up to date training manual

The objector's representative then spoke on behalf on his client, voicing his fears that it may prove very difficult for the applicant to uphold the licensing objectives as he had practical experience of that in his own business and knew how problematic it had been. He particularly had concerns about youths congregating in the area and the safety of children and the elderly.

In response to questions, he stated that:

- other licensed premises in the area included a branch of Tesco which opened 24 hours and his client's business opened at 0800
- his concerns around the applicant's suitability centred on the effect on his client's business if the licensing objectives were breached at the Kelmere Convenience
- he considered holding a licence for the first time to be very difficult, especially as the applicant was inexperienced.

## **Decision**

**That, having considered all the 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 A CCTV system shall be installed at the premises, be of a standard acceptable to the Licensing Authority and West Yorkshire Police 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 available to the Licensing Authority or a Responsible Authority on request.**
- 1.2 That an appropriate proof of age policy, incorporating the principles of the 'Challenge 21' Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 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; and that appropriate signs advertising the Campaign be displayed.**

**Reason: In order to ensure that the Licensee takes all steps in their control to monitor compliance with the law and to prevent the sale of age restricted products to underage customers – Prevention of Crime and Disorder Objective and 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.**