### **City of Bradford Metropolitan District Council**

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Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Bradford Area Licensing Panel to be held on 21 May 2012.

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#### Subject:

Application for a Premises Licence for Kubus Mini Market, 107 Little Horton Lane, Bradford.

#### **Summary statement:**

Application for a new premises licence for the sale of alcohol for consumption off the premises.

John Major Portfolio: Assistant Director

Report Contact: Melanie McGurk

Senior Licensing Officer Phone: (01274) 431873

E-mail: melanie.mcgurk@bradford.gov.uk

**Overview & Scrutiny Area:** 

**Environment & Waste Management Safer & Stronger Communities** 







#### 1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

#### 2. BACKGROUND

#### 2.1 The applicant

Mr Alan Hassan Sharif

A copy of the application is included at Appendix 1.

#### 2.2 The Premises

Kubus Mini Market, 107 Little Horton Lane, Bradford.

#### 2.3 Designated Premises Supervisor

Mr Alan Hassan Sharif

#### 2.4 Application

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises

Hours of licensable activities:

Monday to Saturday: 09.00 to 23.00 Sunday: 09.00 to 22.00

#### 2.5 Steps proposed by the applicant to address the Licensing Objectives

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

None

b) Public safety will be achieved by;

First Aid Provision Provision Emergency Lighting

c) Prevention of public nuisance will be achieved by;

Secondary Glazing/Soundproofing Noise patrol of the local area Not using external areas after a certain time

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

CRB check of staff involved looking after young people

Proof of age scheme Challenge 21

e) General – all four licensing objectives

Staff Training on Licence issues Installing a suitable CCTV system following consultation with the West Yorkshire Police

#### 2.6 Relevant Representations Received

#### Individual, Body or Business

A petition and letter of representation have been received. The representations raise concerns of sales of alcohol by proxy and anti-social behaviour, noise nuisance and criminal damage by youths and other patrons congregating in the area. The representations also raise concerns about glass and other litter being left outside the premises and residents homes. The petition and letter are 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 4 (prevention of crime and disorder), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm).
- 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 greenhouse gas emissions impacts.

#### 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.

#### 12. APPENDICES

- 1. Application form received 29 March 2012. (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. Petition and letter of representation.

#### 13. BACKGROUND DOCUMENTS

Application form, plan etc.

## City of Bradford Metropolitan District Council

www.bradford.gov.uk

Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RWCENSING UNIT Application for a premises licence to be granted under the Licensing Act 2003 2 9 MAR 2012 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 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. ALAN SHARFF (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 LITTLE HORTON LANE Post town BRANGOIZN Post code OB() BD5 07592520004 Telephone number at premises (if any) 6,300 band 6 EF Non domestic rateable value of premises Part 2 - Applicant Details LICENSING UNIT Please state whether you are applying for a Premises Licence as: Please tick Yes please complete section (A) a) an individual or individuals\* b) a person other than an individual\* i. as a limited company please complete section (B) ii. as a partnership please complete section (B) iii, as an unincorporated association or please complete section (B) iv. Other (for example a statutory corporation) please complete section (B) a recognised club please complete section (B) a charity please complete section (B) d) the proprietor of an educational establishment please complete section (B) a health service body please complete section (B) a person who is registered under Part 2 of the Care please complete section (B) Standards Act 2000 (c14) in respect of an independent

hospital

a. Health and Social on of a regulated	egistered under Chapter Care Act 2008 in respect activity (within the meani thospital in England	t of the carrying	please complete section (B
h) the chief officer of Wales	f police of a police force i	n England and	please complete section (B)
If you are applying as	a person described in (a)	or (b) please confirm:	Please tick ✓ Ye
<ul> <li>I am carrying o for licensable a</li> </ul>		n a business which inve	olves the use of the premises
Mr Mrs Surname	Miss	Ms First names	Other title (for example, Rev)
SHARIF		ALAN	MASSAH
			Please tick ✓ Yes
I am 18 years old or o	47 427		V 2 ms V VA Stand
Current postal address if different from premises address	13 ST WI	LERIDS	CRESCENT
Post Town	BRADEORI	Postco	de BD7 2LQ
Daytime contact telep	hone number	159252	2004
Email address (option	ai)	A11A	

## Part 3 - Operating Schedule

If you wish the license to have	alid anh. for a 15 16 16	Day	Month	Year	
If you wish the licence to be va period, when do you want it to	end?				
f 5000 or more people are exp	pected to attend the pre	mises at any o	ne time nle		
state the number expected to a	attend	moco at any o	ne time, pied		
Please give a general descripti	ion of the premises (plea	ase read guida	nce note 1)	10.80	
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	1.16				

Mrs Miss	Ms Other title (for example, Rev)
urname	irst names
	Please tick ✓ Yes
am 18 years old or over	
Current postal address if different rom premises address	
Post Town	Postcode
Daytime contact telephone number	
E-mail address (optional)	
B) OTHER APPLICANTS  lease provide name and registered address of applegistered number. In case of a partnership or othe	olicant in full. Where appropriate please give any rjoint venture (other than a body corporate), please give
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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)

Provisio	n of regulated entertainment	Please tick ✓ Yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performance of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking box H)	yes, fill in
Provision	of entertainment facilities for:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking box K)	yes, fill in
Provision	n of late night refreshment (if ticking yes, fill in box L)	
Sale by r	etail of alcohol (if ticking yes, fill in box M)	

In all cases complete boxes N, O and P

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Plays Standard days and timings (please read		nd	Will the performance of a play take place indoors or outdoors or both − please tick (✓)	Indoors				
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Day	Start	Finish		Both				
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enter Stand timing	ng or wr rtainmer dard day gs (pleas	nt s and se read	Will the boxing or wrestling entertainment take place indoors or outdoors or both − please tick (✓) (please read guidance note 2)	Indoors Outdoors
guida Day	Start	Finish		Both
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Wed			State any seasonal variations for the provision music (please read guidance note 4)	on of facilities for making		
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Wed			State any seasonal variations for the entertain description to that falling within (e), (f) or (g)		
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Sale of alcohol Standard days and timings (please read guidance note 6)		nd	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	V
		ead		Off the premises	
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	09:00		of alcohol at different times to those listed in	use the premis n the column o	ses for the sale n the left,

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name ALAN HASSAN SHARIF

Address 13 ST WILFRIDS CIRESCENT BRADFOIRD

Postcode BD7 ZLO

Personal licence number (if known) , BD / PER 3326

Issuing licensing authority (if known) , Bran (2011)

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)

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	O1:00	23:00	
Tue	09:00	23100	
Wed	60:00	23:00	Non standard timings. Where you intend to open the premises to be
Thur	9;00	23:00	open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	00,90	23:00	
Sat	09:00	23: w	
Sun	09:00	27:00	

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)
OHAVING A PERSONAL LICENCE HOLDER ON THE PERSONSES
O STAPT TRAINING ON LICENCE ISSUES
B) INSTAllING A SUITABLE CCTU SUCTEM FOLLOWING

CONSULTATION WITH THE WEST YORKSHIRE POLICE

b) The prevention of crime and disorder

c) Public safety

FIRST AID PROVISION PROVISION EMERGENCY LIGHTING

d) The prevention of public nuisance

SECONDARY GLAZING/SOUND PROFING NEIGE PATROL OF THE LOCAL AREA LOT USING EXTURNAL FIRMOS ARBAS AFTER ACCERTAIN TIME

e) The protection of children from harm

CRB CHECK OF STAFF INVOLVED LOOKING AFTER YOUNG PEOPLE PROOF OF AGE SCHEME CHALLENGE 21

		4.1.434							
	Plea	se tick ✓ Yes							
X	I have made or enclosed payment of the fee	/							
0	I have enclosed the plan of the premises	0							
	<ul> <li>I have sent copies of this application and the plan to responsible authorities and other where applicable</li> </ul>	s V							
	<ul> <li>I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable</li> </ul>	U							
	I understand that I must now advertise my application	V							
	<ul> <li>I understand that if I do not comply with the above requirements my application will be rejected</li> </ul>								
	IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STAND IDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN INNECTION WITH THIS APPLICATION								
	art 4 - Signatures (please read guidance note 10)								
	gnature of applicant or applicant's solicitor or other duly authorised agent. (See guidar signing on behalf of the applicant please state in what capacity.	nce note 11).							
7	Signature								
	Date 28/03/2012								
	pacity LOASE HOLDER								
	r joint applications signature of 2 <sup>nd</sup> applicant or 2 <sup>nd</sup> applicant's solicitor or other autho	rised 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

Post code

with this application (please read guidance note 19)

Post town

Telephone number (if any)

#### Notes for guidance

- 1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- 3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

WR.

Cittle Horton Cone Cittle Horton

Branford, 1805 OBU

W. Yorkshire

1 2 APR 2012

LEG/LIC/

Sta April, 2012

Dear licersing defartment at Bradford Council, To an writing in Carless at the application for an alcohols licerce Put forward by the new 'Kubus' ruh; howket at 107 little Horton lave, Little Horton, Bradford

My strangest Carlet is more to do with late right fowdhoss and children Sending in advits to purchase alcohol beverages etc. The last pubs and Clubs Shut Very many years ago, there were always many problems as it is from Cate right Whiters. There was often young people smashing up some of the garden ornaments an hearby Ann plage of Sawrey Le. Other damage would be bottles left fouring with Wink as top of Cal surfaces and various scrapes and ups left by drink customers. The problem would also recome very persistent. There was always a lot of raise and disruption to the labe right early hours leave of the mediate vicinity which is mostry a quiet and peaceful esidential area.

of 18 years there has been no off liver within the 10 Cale and the closest shops selling alcohol are always cocated a molley street BD7 & Park food BDS and there is also a nearby Samsburys on Great Hortan food, inversity Campus. This 18 yr Plus Peace is Very likely to

be disrupted by the opening of a litersed premises at 107 little Horfan Cane.

we must also take into account that this is a Carselvathen area and the residents wish to uphold and members this tradition relating to Property, any alcohol freely sold from a shop will only encourage custom to create the damage and vandalism of these the buildings and well membered gardens, as well as cause the Police to respand when do not have much resources to be dealing with more disruption in the area.

Another Carlem would use Children whom more often than not are misbehaved and there is a very big risk that they will attempt to buy alcohol from the shop by sending in adults who they trust. These Children are impressionable and a libered premises will further add to the unjury and nasty behaviour that is often associated with alcohol. The shop will accordage drukards and haveless as well as teeragers from hanging would the front of the shop area. Cars with Young People hanking homs will also be a Phoblen

The Vast majority of the locals do not wout this shop to letel all Glob because of the associated problems that it will bring it has brown present and future because the shop in its entirery lafets for the bast knote and future because the shop in its entirery lafets for the bast knote and runnity, there is more likely to be an authleak of though and roudiness locally, as has often been the lase in those release.

Therefore we would be gratefy it you could Plevent true all i Cathon for the literal being successful.

yours sherely

# LITTLE HORTON LANC. BDS.OBU.

MR.

OBJECTION LETTER & SIGNED PETITION DOCUMENT OPPOSING THE SHOP KEEPER/S AT KUBIS MINI MARKET 107 LITTLE HORTON LANE, LITTLE HORTON, BRADFORD - APPLICATION FOR A LICENCED PREMISES. THIS DOCUMENT STATES A COLLECTIVE AND UNIFIED OPPOSITION HELD BY THE LOCAL AREA RESIDENTS OF THE NAMED STREETS BELOW.

19th April, 2012.

Dear Licensing Department, Jacobs Well, Bradford Council.

On behalf of myself as resident and the local community residents whom all voice concern at the alcohols licence application made by the shop keepers at 'Kubus' Mini Market 107 Little Horton Lane, BD5. Little Horton.

This petition of signatures and comments takes into account the deeply held views of those who are object and oppose the application and would be the most affected by it. These residents live around the proposed site. These are; Little Horton Lane, Ann Place, Neal Street, Sawrey Place, Melbourne Terrace & Melbourne Place and Howard Street.

Our collective concern and rejection of the applicants proposal is more to do with the daily disturbance and late night nuisance and associated problems that would be brought to a residential locality in the event of a licence being granted.

There are already very many nightclubs and off licences trading nearby to local communities and their residences and very many problems have arisen for them.

For those of us who reside around the shop that has made the application, there is much recent and current negative history. There are accounts of drunks vandalising neighbours cars, breaking bottles and smashing residents windows. Urinating and defacating on residents doorsteps, setting wheelie bins on alight, emptying the contents of the wheelie bins onto the ground. Damaging council owned street furniture, bins, signs & posts. Ringing doorbells, late night arguments, teenagers hanging around, underage drinkers, constant emergency call outs, general trouble-making. Cars honking their horns and causing parking problems where there is not much parking left.

The granting of an alcohols licence will disturb the peace and order to create general problems of noise and disturbance, disorder for residents and the immediate neighbourhood. This area is normally peaceful by day and night. We do not want this application to be granted. Please reject it on the reasons and issues given.

Yours Sincerely.

Please see attached signed petition and accompanying comments of opposition by residents.

LICENSING UNIT

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