

City of Bradford Metropolitan District Council

www.bradford.gov.uk

(mins.dot)

Record of a Hearing of the Bradford Licensing Panel held on Tuesday 12 June 2012 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

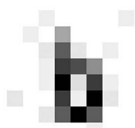
No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

1. **Application for Variation of a Premises Licence for Chutneez, 51 Swain House Road, Bradford (Document "A")**



INVESTORS
IN PEOPLE



2009-2010
Positive engagement
of older people
2006-2007
Improving Rural Services:
Empowering Communities



RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR CHUTNEEZ, 51 SWAIN HOUSE ROAD, BRADFORD (DOCUMENT "A")

Commenced: 1400
Adjourned: 1430
Re-convened: 1445
Concluded: 1450

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Hussain – applicant

Observer: Councillor Middleton

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representation received as set out in Document "A".

The applicant then spoke in support of his application, stressing that he had operated the business for seven years and had never encountered any problems. He stated that he ensured his customers used the litter bins provided and that, as the majority of his custom was on a delivery basis, he did not consider littering to be a problem from his premises. He also undertook to turn off the music at his premises if it disturbed his neighbours. He noted that young people would always congregate in groups and did not think they were attracted by his premises. He advised the Panel that one of the complainants was no longer unhappy and that it was important to him to be on good terms with his neighbours as they were his customers too.

Members questioned the applicant about the nature of the premises either side of his business, the hours of their operation, his reasons for the application and the issue of audible music.

In response, they were advised that Chutneez was situated in a row of shops including an off-licence, hardware store and bakery, with the off-licence opening latest until 8.00 pm. The application was being made in order to extend the business and the music was simply from the radio playing in the shop for the waiting customers to listen to. In response to a question from the Panel's legal advisor, the applicant confirmed that the business did little in the way of delivery business after midnight and that he would prefer the variation of his licence to be until 0200.

The Panel then moved on to consideration of the two letters of representation that had been received and asked questions in respect of the number of times the Police had been called, the extent of the waiting area, the operating time of the nearby Chinese takeaway, the number of customers calling at Chutneez at any one time, whether the applicant lived on the premises and how the trade waste and litter was dealt with.

In response, the applicant advised that the Police had never been called as a result of a complaint but that, as the local Police Station was very near, officers often called in as customers; there was both an interior seating area and a car park; the nearby Chinese takeaway opened until 11.00 pm; there were only one to two customers at a time at Chutneez; the applicant did not live on the premises; trade waste was kept in a locked private yard to the rear of the premises and the Council removed it; the applicant had two litter bins inside the premises and two outside and tidied the exterior every Friday, however he did not litter-pick the frontage otherwise.

In conclusion the applicant stressed that he had made the application in order to improve his business.

Before adjourning to deliberate the Chair confirmed that the applicant would have no objection to being required to keep the exterior of the premises clean and to ensure that there was no noise nuisance.

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 for variation subject to the following conditions:

- (1) That, except for the purposes of access and egress, all external doors and windows be kept closed while the premises are in use.**
- (2) That the license holder shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**

Reason: It is considered that the above conditions are necessary in order to ensure that the Licensee takes all steps in their control to limit nuisance from litter, noise and disturbance to local residents – Prevention of Public Nuisance Objective.

NB: Having announced the decision of the Panel, the Chair advised the applicant that his present planning consent only permitted trading until midnight and that he would not be able to trade later until the consent had been changed.

Chair

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