

Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Monday 24 September 2012 in the Saville Room, 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.

Hearings

Bradford Panel

- 1. Application for a premises licence for 53-55 Whetley Lane, Bradford (Document "D")**

Keighley and Shipley Panel

- 2 Application for a premises licence for the Co-op, 162 Main Street, Addingham (Document "C").**



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



Suzan Hemingway, City Solicitor

Bradford Panel

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR
53-55 WHETLEY LANE, BRADFORD**

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Commenced: 1430
Adjourned: 1445
Recommended: 1450
Concluded: 1455

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Khaliq and B M Smith.

Representing the Applicant:

Mr Campbell – Legal Advisor
Mr D Patel – Applicant

Representing Interested Parties

Mr Hussain – local resident

Representations:

The report of the Assistant Director, Environmental and Regulatory Services (**Document “D”**) presented an application for a new premises licence for the sale of alcohol for consumption off the premises at 53-55 Whetley Lane, Bradford.

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document “D”.

The Applicant’s legal advisor pointed out that the letters of representation referred to only two of the four licensing objectives these being the prevention of Crime and Disorder and the Prevention of Public Nuisance.

In response to those representations and in presenting the application he reported that the applicant had already installed CCTV equipment at the premises. He explained that the cameras were constantly recording; the footage was retained for four weeks; there were 16 cameras recording the interior and exterior of the premises and that should any incidents occur the responsible authorities would be able to identify the employees concerned. It was maintained that the applicant, with installation of the CCTV equipment, had gone above and beyond his responsibilities and that he operated strict policies to prevent inappropriate sales and that he was aware of the risk of proxy sales being attempted.

It was stressed that all employees wore identification badges; they were all trained to NVQ level and the applicant had a strict policy which did not allow sales to underage customers or those who appeared to be under the influence of alcohol. The applicant operated two other stores in the area both of which were convenience and off licence premises and he was unaware of any issues in the local area which would cause concern to residents. The store at 53-55 Whetley Lane would generate five new jobs in the community.

The premises had been previously operated as an 'off Licence' but more recently the store had become a derelict site. It had now reopened as a convenience store and customers were enquiring about the provision of alcohol. It was believed there were sufficient safeguards in place and that the applicant had undertaken all in his control to satisfy the licensing objectives.

Members questioned the distance to other licensed stores in the area. The applicant's legal representative reported they were located within 400 metres although representations in Document "D" referred to a distance of 50 yards.

The ability to adequately manage three licensed stores was discussed and the applicant reported that he was the holder of a personal licence. His son also worked in the business operating over three sites and had recently been awarded a "Bradford Means Business" award.

A representative of local residents addressed the meeting and reported problems occurring in the area with people congregating on the pathway drinking alcohol and using drugs. He also claimed that large delivery vehicles were unloading crates onto the road, preventing people parking and causing an obstruction for residents.

Photographs of people on the pavement and of graffiti in the vicinity were circulated. The Council's Legal Advisor questioned the relevance of the photographs as they did not refer to the store under discussion. The Chair reminded those present that the Panel could not consider police or highway issues.

The local resident explained that the police had been contacted and had met residents to discuss antisocial behaviour in the area. He believed all the problems in the area arose from the sale of alcohol but was reminded by Members that no representations had been received from the police.

In summation he explained that he had not come particularly prepared for the hearing but wanted to reason with Members and explain his view that the granting of the licence would degrade the area. He referred to the existence of two other licensed premises in close proximity and his belief that the provision of alcohol was causing a nuisance in the area with people drinking from 0900 hours. He reported that a baby had been recently injured by a beer can littered in the road. The Chair reminded him of the four licensing objectives which the Panel could consider and explained the review procedure should problems occur if the licence was granted.

The applicant's legal representative concluded with his belief that appropriate safeguards were proposed and that those safeguards were commensurate with the level of risk and the needs of the local community. He believed that different levels of tolerance would be applied to perceived disturbance and that no sustainable submission regarding public nuisance had been made.

Members questioned whether CCTV footage would be available to responsible authorities if they wished to substantiate the claims made by the local resident. The applicant's legal representative confirmed the applicant's compliance and explained that the other stores he had operated in the area since 1979 had previously assisted with investigations into a road traffic accident. He also confirmed that the applicant would have no objection to the standard condition about CCTV being placed on a licence should they be minded to approve the application.

Resolved –

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 That an appropriate proof of age policy, incorporating the principles of the ‘Challenge 25’ Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 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.**
- 1.2 That a CCTV system (with satisfactory internal and external coverage) be installed at the premises 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 be available to the Licensing Authority or a Responsible Authority on request.**

Reason - It is considered that the above conditions are necessary in order to ensure that the Licensee takes all steps in their control to ensure the proper management and monitoring of the premises in order to ensure alcohol is not purchased or supplied to those underage and to limit disturbance to local residents from patrons using the premises – Protection of Children from Harm Objective and Prevention of Public Nuisance Objective.

(Melanie McGurk – 01274 431873)

Keighley and Shipley Panel

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE CO-OP, Craven
162 MAIN STREET, ADDINGHAM**

Commenced: 1455
Adjourned: 1545
Reconvened: 1550
Concluded 1555

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Khaliq and B M Smith.

Parties to the Hearing:

Representing the Applicant:

Mr R Arnott – Legal Representative
Mr P Clark – West Yorkshire Co-op
Mr S Round – West Yorkshire Co-op

Representing Interested Parties

Mr and Mrs Porritt, Mr B Firth, Ms P Laycock and Mr M Greensmith representing local residents

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representation received as set out in Document “C”.

The applicant’s Legal Representative then spoke in support of the application, stressing that the Co-op were the fifth largest retailer in the country operating 3,800 stores and that they had 9.2 million members. It was proposed that the store in Addingham would open in March 2013 operating as a convenience store. The application had been submitted to provide customers with the ability to purchase alcohol. The store would not operate solely as an ‘off licence’ and it was envisaged that alcohol would account for approximately 15% of the turnover.

The applicant company was a very experienced retailer with sophisticated and well thought out policies. A Risk Manager would liaise with the statutory authorities and ensure policies and procedures were adhered to. A detailed training guide was circulated to Members to evidence the measures taken by the business to ensure their stores were operated correctly. Induction programmes for new employees included training on the restriction of age related products which was followed by a four hour examination. Until new employees had passed the examination they would not be allowed to progress in the business. A buddy system was in place to ensure new employees were mentored by more experienced staff and until the store manager and their buddy were confident that staff were adequately trained they would not be allowed to serve age restricted products. Regular refresher training was provided to all employees.

The equipment installed at the new store would include CCTV digital recording equipment and sophisticated tills which would not allow a transaction to be completed until all age related checks had been completed. The tills would electronically store details of refused sales and that information would be analysed centrally to highlight if particular stores were experiencing problems. The layout of the store would be designed to ensure that alcohol was provided furthest from the entrance. Spirits could be kept behind counters and purchases would be supervised by staff and CCTV cameras. Five personal licence holders would be employed at the store and those employees would have received accredited training.

The applicant's Legal Representative stressed that the new store would provide 15/16 new local jobs. The hours of operation requested had been reduced in response to a meeting with the local Parish Council. Discussions with a local police officer had confirmed that there were no issues with anti social behaviour in the area and no objections had been received from the Council's Environment Health department.

The Council's Legal Representative advised that as there was no police presence at the meeting the reported statement from the local police officer must be considered as hearsay and would be given the appropriate weight by Members.

In response to questions from local residents they were assured that CCTV camera location would ensure they did not cover private property. A claim that the application had been publicised during the August holiday period when residents would have been away and that the notices were displayed away from the public footpaths was discussed. The Council's Legal Representative advised residents of the requirements of the Licensing Act and assured them that those requirements had been complied with. It was believed that the representations received demonstrated that the publicity notices had been observed by residents. It was questioned why the applicant had been allowed to reduce the hours of operation without that amendment being publicised. In response it was explained, by the Council's Legal Representative, that the applicant was permitted to volunteer to restrict the hours requested. It was not felt that residents had been prejudiced by that restriction.

Local residents addressed the meeting and raised the following concerns:-

- Young people would know how to 'circumvent the rules' and they would purchase age restricted products.
- Existing problems with young people in the nearby park would be exacerbated by the granting of the application.
- There was a proliferation of clubs and pubs selling alcohol after 7pm.
- Problems relating to alcohol abuse and disorder existed but at a management level.
- Addingham enjoyed a low crime rate. There was no police presence in the village.
- The premises license would create noise disturbance particularly with unloading in the early morning and evening.
- No real commercial activity took place in the village on a Sunday and residents wished for the 'status quo' to remain.
- Provision of CCTV would not necessarily be a deterrent.
- Incident 'log ins' were an 'after the event' situation.
- Burglar alarms may go off and increase noise disturbance.
- Youths attracted by the store and congregating in the area would cause noise and possible disturbance.
- There had been 18 letters of objection. A petition which had been signed by 150 people had not been accepted.
- Older people would purchase alcohol for underage customers.

A number of concerns about highway, parking and public health issues were raised. The Council's Legal Representative advised of the four licensing objectives which could be considered by Members and explained that Members did not have the authority to consider other issues at the hearing.

In response to questions from the Panel it was explained that the petition referred to had not been submitted to the Licensing Officer as this had been created after the time period for the receipt of representations had expired.

In summary the local residents asked, if the license was granted, would they have the opportunity to appeal to magistrates. The Council's Legal Representative advised them of their rights. The potential to apply for a review should the license be granted and subsequent problems arose was explained.

The applicant's Legal Representative, in summation, maintained that customers should have the opportunity to purchase alcohol after 1900 hours in the village. He believed the onus was on the objectors to demonstrate that if granted the applicant would be unable to promote the four licensing objectives.

Resolved -

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 That a CCTV system (with satisfactory internal and external coverage) be installed at the premises to the written satisfaction of 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 be available to the Licensing Authority or a Responsible Authority on request.

1.2 That the hours of licensable activities be amended as follows:

Monday to Sunday: 07.00 to 22.00

Reason - It is considered that the above conditions are necessary in order to ensure that the Licensee takes all steps in their control to ensure the proper management and monitoring of the premises in order to ensure alcohol is not purchased or supplied to those underage and to limit disturbance to local residents from patrons using the premises – Protection of Children from Harm Objective and Prevention of Public Nuisance Objective.

(Melanie McGurk – 01274 431873)

Chair

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

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