# **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 24 September 2012.

D

# Subject:

Application for a Premises Licence for 53-55 Whetley Lane, Bradford.

# **Summary statement:**

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

John Major Assistant Director

Environmental & Regulatory Services

Report Contact: Melanie McGurk

Senior Licensing Officer Phone: (01274) 431873

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

**Portfolio:** 

**Environment & Waste Management** 

**Overview & Scrutiny Area:** 

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







Ward: Toller

### 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 Dinesh Patel

A copy of the application is included at Appendix 1.

#### 2.2 The Premises

53-55 Whetley Lane, Bradford.

# 2.3 Designated Premises Supervisor

Mr Dinesh Patel

# 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 18.00 Sunday: 10.00 to 15.00

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

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

CCTV installation

Adequate lighting

Refusal register on site and ready for inspection should the need arise

b) Public safety will be achieved by;

Refusal of sale of alcohol

c) Prevention of public nuisance will be achieved by;

None

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

No I.D. no sale

Strict compliance on age restricted products Refusal register on site

e) General – all four licensing objectives

Staff already pre-trained (NVQ Level) with 15 years licensing experience

# 2.6 Relevant Representations Received

## Individual, Body or Business

Two letters of representation have been received. The representations raise concerns of street drinking, anti-social behaviour, noise nuisance and criminal damage by youths and other patrons congregating in the area.

The letters 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) and Part 6 (prevention of public nuisance).
- 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 23 July 2012.
- 2. Letters of representation. The signatures have been removed from these documents. The original correspondence has been checked by Licensing Officers to confirm that the letters have been signed. Original letters will be available for Members' inspection at the meeting.

#### 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 5RW

# Application for a premises licence to be granted under the Licensing Act 2003

# 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 inside the 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.

IME DINESH PATEL (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

Post	1 - Premises Details  tal address of premises or, if none, ordnan 3 - 55 WHETLEY LANE  RADIOLO	ce survey map reference or descript	tion
Pos	town BDK 9EE BRANGED	Post code BDY 9EE	388
Tele	ephone number at premises (if any)	0777 980 1234	LICENSING UN
Non	domestic rateable value of premises	£ 7,000 I checked &F	
Pari	t 2 – Applicant Details		2 3 JUL 2012
Pleas	se state whether you are applying for a Premi	ises Licence as: Please tick ✓ Yes	LEG/LIC/
a)	an individual or individuals*		omplete section (A)
b)	<ul> <li>a person other than an individual*</li> <li>i. as a limited company</li> <li>ii. as a partnership</li> <li>iii. as an unincorporated association or</li> <li>iv. Other (for example a statutory corporate)</li> </ul>	please control please	omplete section (B) omplete section (B) omplete section (B) omplete section (B)
c)	a recognised club	<u> </u>	omplete section (B)
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# Part 3 - Operating Schedule

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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

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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)

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a)	plays (if ticking yes, fill in box A)	1 000
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)	420
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 yes, fill in box H)	ijbelli i
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i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	1442
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	la se
Provisio	n of late night refreshment (if ticking yes, fill in box L)	
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In all cases complete boxes N, O and P

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Issuing licensing authority (if known) CITY OF BRANGOD MET	. COUNCIL

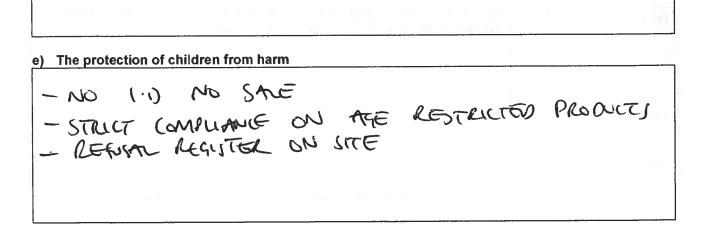
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Part 4 – Signatures (please read guid	dance note 10)
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For joint applications signature of 2 <sup>nd</sup> a	pplicant or 2 <sup>nd</sup> applicant's solicitor or other authorised agent.
please read guidance note 12). <b>If signin</b>	g on behalf of the applicant please state in what capacity.
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	with you by e-mail, your e-mail address (optional)

#### Notes for guidance

- 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.

### **Melanie McGurk**

From: [ @hotmail.co.uk]

**Sent:** 28 August 2012 12:24

To: Melanie McGurk
Subject: RE: off license

My full postal address is: Whetley Grove Bradford West Yorkshire BD89ED

I would be grateful if you could reply to me via my contact number or postal address. Thank you

Subject: FW: off license

Date: Fri, 24 Aug 2012 10:42:03 +0100 From: melanie.mcgurk@bradford.gov.uk

To:

#### Dear Sir/Madam

I refer to your email below and would be grateful if you could supply your full postal address, as I am unable to consider your representation without this information. Please also be aware that, under the Licensing Act 2003, the Authority must give a copy of your representation to the applicant, including your name and address.

If you require further information please do not hesitate to contact me.

#### Yours faithfully

#### **Melanie McGurk**

Senior Licensing Officer

Environmental & Regulatory Services

City of Bradford Metropolitan District Council, 6th Floor (North), Jacobs Well, Bradford, BD1 5RW

Telephone: 01274 431873 Fax: 01274 432109

Web: www.bradford.gov.uk

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Please consider the environment before printing this email.

From: [mailto: Sent: 23 August 2012 21:39

@hotmail.co.uk]

To: Licensing Team

# Subject: off license

I am writing in regards to the application of an off licence for 53-55 Whetley Lane. We have three off licences on Whetely Lane. We do not need any more. I have many reasons but my main reason is: Nuisance behaviour caused by alcohol which can affect the quality of life for those living around it. Street drinking can intimidate people, cause disorder and nuisance and degrade our public space so that it becomes

a "no-go" area for residents and the community.

If you would like me to elaborate on this matter please do not hesitate to contact me via email or my contact number:

## Melanie McGurk

Subject: FW: Off License Application - Whetley Lane (Junction with Fairbank Road)

From: [mailto: @yahoo.co.uk]

Sent: 21 August 2012 13:11
To: Planning Applications

Subject: Off License Application - Whetley Lane (Junction with Fairbank Road)

Hello,

I have tried using the public access system to register my concerns regarding the above application however there has been a message stating that there is an IT problem and it is not available. I am therefore sending you my concerns via e-mail

My main concern is that this Off Licence will be the fourth one on Whetley Lane (Patsons, JD Market and Eastern European market being the curent three.) Considering the increased level of anti social behaviour including ,but not limited to, gangs of youth congrating outside these premises , increased graffitti and general unruly behaviour the new premises will accentuate the current issues.

The panel should carefully consider whether there is a need for Mr Dennis (who owns Patsons) to have another off licence 50 yards from Patsons. As I have alluded to earlier this is a residentail area and is already well served by the current premises and I urge the panel to not approve the current application as this would add to the growing issues in the neighbourhood.

Please acknowledge saf reciept of this e-mail

Regards

Mr Whetley Grove Bradford BD8 9ED

