

Record of a Hearing of the Bradford Licensing Panel held on Wednesday 3 April 2013 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 a Premises Licence for Wibsey Convenience Store, 195
Wibsey Park Avenue, Bradford (Document "K")**



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR A PREMISES LICENCE FOR WIBSEY CONVENIENCE STORE, 195 WIBSEY PARK AVENUE, BRADFORD (DOCUMENT "K").

Commenced:1010
Adjourned: 1040
Reconvened: 1045
Concluded: 1050

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Normandie - Applicant's legal representative
Mr Iqbal - Applicant

Representing Interested Parties:

Councillor Thornton

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant informed the Panel that he had recently taken over the premises. He explained that there was a great deal of demand for alcohol in the area and the other premises that were licensed were some distance away. He confirmed that he owned another off-licence premises and did not have a problem with youths or litter. The premises were covered by a CCTV system inside and outside. In relation to anti-social behaviour, the applicant reported that he had contacted the owners of the adjacent business premises who had stated that they did not have a problem with people loitering. He had also spoken to local residents and they had not raised any issues of vandalism. The business would be targeting local shoppers and the concerns raised by residents would be addressed. The applicant stated that he was willing to be flexible in respect of the licensable hours and re-iterated that the other licensed outlets in the vicinity were too far away for local residents.

In response to Members' questions, the applicant confirmed that:

- The first floor of the adjoining property was occupied by tenants.
- He was willing to be flexible in relation to the hours requested and was trying to cover the opening times so that the premises would be licensed.
- Experienced staff had been moved to the new premises. Youths had already tried to purchase cigarettes but had been refused. A purchase could not be made without identification.
- He was happy to accept a condition regarding the CCTV system and the Challenge 25 Policy.
- He was happy to accept a condition regarding litter and had recently cleared the

- area of litter, as it could attract rodents.
- Three new members of staff had been employed, but the more experienced staff had been moved from his other shop to the new premises.
- The staff would be trained.
- In relation to anti-social behaviour, people would be asked to move away from the premises. He had not experienced any problems as his customers were local residents and if there were issues then the perpetrator would be barred from the premises.
- He split his time between his two premises.

A Ward Councillor was present at the meeting and addressed the Panel explaining that he was representing a number of his constituents who wished to remain anonymous. He questioned that if the Panel were minded to grant the application, how would the concerns of his constituents be addressed. The hours of licensing requested were an issue along with the threat of increased anti-social behaviour and youths gathering in the area. Members were informed that there had been reports of damage to fences and the consumption of alcohol would add to the damage and littering in the area. The Ward Councillor requested that consideration be given to the robustness of the measures put in place. The business was close to Wibsey Park and the granting of the licence could add to the issue of late night drinking and disturbances. He confirmed that he was reassured by the applicant's statement, but requested that the licensable hours were given due consideration.

The Chair queried what hours would be deemed as reasonable by residents and in response the Ward Councillor stated that 0800 to 2000 hours would be acceptable, as it was primarily the late hours that caused an issue. The Chair indicated that no representations had been submitted by responsible authorities, therefore, there were no circumstances that could be taken into account. The premise was not currently licensed, so anti-social behaviour could not be attributed to the business. It was noted that there were other off-licences in the vicinity and it would not be fair to limit the opening hours. The Chair acknowledged that there may be issues in the future, however, local residents had the right to request a review at any point.

In conclusion the Ward Councillor requested that the concerns of his constituents were taken into account. He acknowledged that the premises was not currently licensed and not responsible for the anti-social behaviour in the area, however, the potential for the issue to be made worse should be considered.

The applicant's representative stated that the applicant operated an existing outlet and would accept the proposed conditions. The premises benefitted from experience staff and a CCTV system. The alcohol for sale would be monitored and an identification process operated. A new fascia would also be installed to improve the visibility inside and outside the premises.

Following a brief adjournment the Chair informed the applicant that the Panel were proposing to licence the sale of alcohol from 0700 to 2200 hours Monday to Sunday and place conditions on the licence in respect of litter clearing, the CCTV system, the Challenge 25 Policy and staff training. The applicant confirmed that he would accept the proposed licensable hours and all the conditions. The Chair indicated that the proposed conditions covered the issues raised by residents and reiterated that a review of the premises licence could be requested.

Decision

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 subject to the following conditions:

(1) Hours of licensable activities:

Monday to Sunday 0700 to 2200

- (2) No licensable activities shall take place at the premises unless or until a CCTV system (with satisfactory internal and external coverage) of a standard acceptable to and to the written satisfaction of West Yorkshire Police and the Licensing Authority has been installed at the premises. The approved CCTV shall 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.**
- (3) 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 that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**
- (4) All staff employed in the premises must be adequately trained in their responsibility for enforcing the proof of age policy, all relevant conditions of licence and all relevant licensing laws.**
- (5) That the Licensee 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 proper supervision of the premises in order to deter and ameliorate any anti-social behaviour; minimise disturbance to nearby residents, ensure compliance with the licensing laws and ensure that juveniles do not gain access to alcohol. Prevention of public nuisance, prevention of crime and disorder and protection of children from harm objectives.

Chair

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

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