

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Monday 23 January 2012 in Committee Room 3, 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 71 Kirkgate, Silsden (Document "F")



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR A PREMISES LICENCE FOR 71 KIRKGATE, SILSDEN (DOCUMENT "F").

Commenced: 1410
Adjourned: 1455
Re-convened: 1515
Concluded: 1520

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Amin (Chair), Dredge and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Mrs Sherratt, Licensing Consultant
Mrs Shafiq, Applicant
Mr Arshad, Designated Premises Supervisor

Representing Interested Parties:

Mr Bamford, Local Resident

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. The Council's legal officer queried who had signed the application and it was confirmed that the applicant had signed the form using her husband's surname.

The applicant's representative explained that the premises was an off licence and had requested to be licensed from 0800 hours until 2300 hours Monday to Friday and until 2200 hours on a Sunday. It was a family run business and they had taken a ten year lease on the premises. The applicant would be the premises licence holder and had previously worked in another off licence for two years. The Designated Premises Supervisor (DPS) was more experienced having sold alcohol for the past four years and he was also a registered SIA doorman. The applicant's representative confirmed that the applicant and DPS would manage the business with assistance from the applicant's husband. The premises had been renovated to a convenience store by the applicant and it was anticipated that another member of staff would also be required. It was noted that the premises did not have CCTV at present, however, the intention was to install a system prior to selling alcohol in the premises and the applicant was agreeable to a condition being placed on the licence in respect of this. With regards to training, the applicant's representative reported that the DPS had recently been trained to Level 2 of the Personal Licence and the applicant was also amenable to a condition being placed on the licence. No objections to the licence had been received from Responsible Authorities and doubt was placed upon the relevance of the representations from residents. The applicant's representative stated that the issues raised were historical events and related to the Conservative Club. The representations should not be based upon speculation and the Review process was available to residents.

In response to questions, the applicant's representative confirmed that:

- It was not relevant for an off licence to have a drugs policy.
- The premises would operate a Challenge 21 Scheme.
- A CCTV system would be installed prior alcohol being sold on the premises.
- The premises was already trading as a convenience store.
- The store was currently open from 0500 hours until 1800 hours Monday to Saturday and until 1400 hours on Sunday.
- The owner of the business would not necessarily run the premises as the DPS was more experienced and lived in Silsden.
- The proposed policies would be monitored and staff would be appropriately trained. The business had to be permitted to sell alcohol before it could prove its position and it would be wrong to refuse the licence based upon speculation.
- A specific condition regarding the clearing of litter in the immediate area of the store would be more appropriate than that originally submitted.
- Customers would be requested to respect the neighbours and signs could be displayed asking patrons to leave quietly.
- The requirement for children to be accompanied by an adult was not necessary or realistic, however, if the Panel were minded to place a condition on the licence then a reasonable time would be 2200 hours.
- The applicant and DPS were experienced shop workers but were not used to completing application forms, therefore a number of proposals had been submitted which were not relevant.
- The training package covered proxy purchases and gave appropriate advice, however, it was a difficult issue.

An objector was present at the meeting and raised concerns in relation to litter around the premises and questioned how the applicant proposed to alleviate the issue. In response the applicant's representative confirmed that there were already three litter receptacles outside the premises which were emptied by the Council. A condition regarding the clearing of litter in the immediate vicinity of the premises had been offered by the applicant and if this was breached then prosecution action could be undertaken.

The Council's legal officer queried whether the premises had considerate loading arrangements in place and if a condition restricting the timing of the delivery of glass bottles would be acceptable. The applicant's representative stated that the issue of deliveries had not been raised as a contentious matter, however, should the Panel wish to place a condition on the licence then reasonable timings would be from 2200 hours to 0800 hours.

In conclusion the applicant's representative reiterated that a condition on the licence would deal with the issue of litter. There had not been any objections received from Responsible Authorities and there was no evidence of anti-social behaviour at the premises. Residents would also be able to submit a Review to the Panel if necessary. The applicant's representative then requested that the licence be granted with conditions.

Decision

That having considered all valid representations made by parties to the hearing; valid representations made 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 the delivery of glass receptacles shall not take place between the hours of 2200 and 0800 on any day.**

- 1.2 That the Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**
- 1.3 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 31 days and be available to the Licensing Authority or a Responsible Authority on request.**
- 1.4 That an appropriate proof of age policy, incorporating the principles of the 'Challenge 21' Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 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, new style driving licence or a Proof of Age Standards Scheme (PASS) card displaying their photograph; and that staff should be appropriately trained in the principles of the policy; and that appropriate signs advertising the Campaign be displayed.**
- 1.5 That the Refusal Book 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 limit noise and disturbance to local residents and prevent public nuisance in the form of litter in the area; that the Licensee takes all steps in their control to prevent the sale of age restricted products to underage customers; and to monitor compliance with the law – Prevention of Public Nuisance Objective; Protection of Children from Harm Objective and Prevention of Crime and Disorder Objective.

Chair

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

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER