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# Agenda for a meeting of the Bradford District Licensing Panel to be held on Tuesday, 25 April 2017 at 2.00 pm in Committee Room 1 - City Hall, Bradford

#### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
BM Smith	M Slater	Hawkesworth

#### Notes:

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- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

#### From:

To:

Parveen Akhtar City Solicitor Agenda Contact: Claire Tomenson Phone: 01274 432457 E-Mail: claire.tomenson@bradford.gov.uk





#### A. PROCEDURAL ITEMS

#### 1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.
- (4) Officers must disclose interests in accordance with Council Standing Order 44.

#### 2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.





If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

#### **B. BUSINESS ITEMS**

#### 3. MUNCH BOX, 55 HIGH STREET, QUEENSBURY, BRADFORD 1 - 26

The Assistant Director, Waste, Fleet and Transport Services will present **Document "Q"** which outlines an application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

Members are invited to consider the information and documents referred to in Document "Q" and, after hearing interested parties, determine the related application.

(Melanie McGurk – 01274 431873)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER





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# Agenda Item 3/



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## Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 25 April 2017.

Subject:

Application for a Premises Licence for the Munch Box, 55 High Street, Queensbury, Bradford, BD13 2AD

#### Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

John Major	Portfolio:
Assistant Director	
Waste, Fleet & Transport Services	Neighbourhoods & Community Safety
Papart Contact: Malania MaCurk	Overview & Scrutiny Areas
Report Contact: Melanie McGurk Senior Licensing Officer	Overview & Scrutiny Area:
Phone: (01274) 431873	Corporate
E-mail: melanie.mcgurk@bradford.gov.uk	Colpolate
E-mail. melane.mcgurk@bradiord.gov.dk	



City of Bradford Metropolitan District Council



Report to the Licensing Panel

Ward: Queensbury

#### 1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

#### 2. BACKGROUND

#### 2.1 The applicant

Mr Surjit Singh Johal. A copy of the application is included at Appendix 1.

#### 2.2 The Premises

Munch Box, 55 High Street, Queensbury, Bradford, BD13 2AD.

#### 2.3 Proposed Designated Premises Supervisor

Mr Surjit Singh Johal.

#### 2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Sale of alcohol for consumption off the premises
- Provision of late night refreshment (from 23.00)

Hours of licensable activities:

Monday to Sunday: 07.00 to 00.00

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

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

Fully lit interior. Alcohol is supervised at all times.

b) Public safety will be achieved by;

First aid is available on site. However it is a takeaway business. Front of shop is kept tidy and presentable.



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c) Prevention of public nuisance will be achieved by;

No noise from the takeaway above normal levels. All litter is removed from shop front.

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

Proof of age scheme in place Challenge 21. Signage is apparent. Alcohol is supervised by staff.

e) General - all four licensing objectives

Off premises consumption only.

#### 2.6 Relevant Representations Received

#### Individual, Body or Business

A letter of representation has been received from a local resident which raises concerns of noise from people congregating in the area and anti-social behaviour by patrons who have consumed alcohol.

The letter of representation is attached at Appendix 2.

#### 3. OTHER CONSIDERATIONS

#### Legal Appraisal

- **3.1** 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
- **3.2** The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- **3.3** 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.
- **3.4** Only "relevant representations" 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.



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**3.5** 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**

- **3.6** 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).
- **3.7** The Annexes to the Policy sets out various types of model condition that could be considered.

#### 4. OPTIONS

- 4.1 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.
- **4.2** 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.

#### 5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

#### 6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

#### 7. LEGAL APPRAISAL

Referred to in part 3 of this report.

#### 8. OTHER IMPLICATIONS

#### 8.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.





#### 8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

#### 8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

#### 8.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

#### 8.5 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.

#### 8.6 TRADE UNION

Not applicable.

#### 8.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

#### 9. NOT FOR PUBLICATION DOCUMENTS

None.

#### 10. **RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s).





### 11. APPENDICES

- 1. Application form received 27 February 2017.
- 2. Letter of representation.

### 12. BACKGROUND DOCUMENTS

Application form, plan etc.





APPI

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Wed	07.00	0.00			
Thur	07.00	0.00	Non standard timings. Where you intend to u of alcohol at different times to those listed in please list. (please read guidance note 5)		
Fri	07:00	0.00			
Sat	07.00	0.00			
Sun	07.00	000			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

08

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Name SURSIT SINGH JOHAL
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Address

HOME - MOSSY BANK CLOSE QUEENSBURY BROFORD

Postcode BD13 1PX

Personal licence number (if known)

Issuing licensing authority (if known)

### K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

L		•	
Hours premises are open to the public Standard days and limings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			
	open Stand timing guidar Day Mon Tue Wed Thur Fri Sat	open to the pu Standard days timings (please guidance note ( Day Start Mon Tue Wed Thur Fri Sat	open to the public       Standard days and timings (please read guidance note 6)       Day     Start       Finish       Mon       Image: Tue       Wed       Image: Thur       Fri       Image: Tue       Image: Thur       Sat       Image: Tue       Image

M Describe the steps you intend to take to promote the four licensing objectives: a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9) Off premises consumption only b) The prevention of crime and disorder Fully lit noterior. Alcohol is supervised at all times c) Public safety First and is available on site However it is a takeousy business. Front of shop is kept tidy and presentable. d) The prevention of public nuisance No noise from the takeaucy above normal lavels. All littler is removed from shop front. e) The protection of children from harm Proof of age scheme in place challenge 21 signage is apporent. Alcohal is supervised by staff 26

#### Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises

\*e: \_

....

- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature		
Date	(8)2	17
Capacity	0 WNER	

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

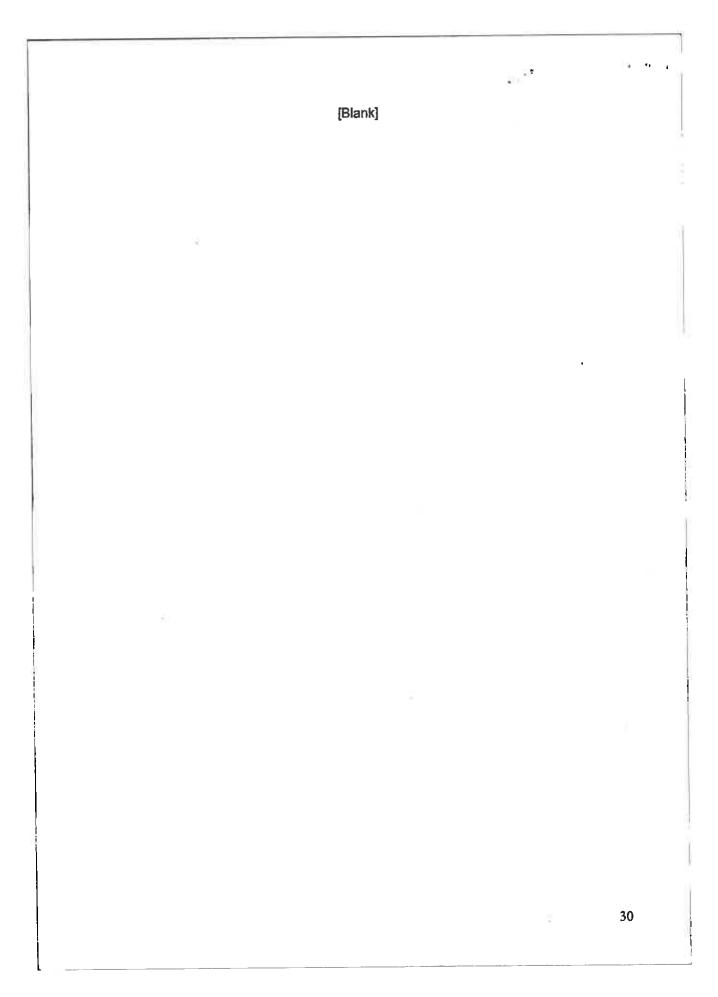
Post town	Post code
Telephone number (if any)	



#### Notes for guidance

- 1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be 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.
- 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

City of Bradford MDC
www.bradford.gov.uk
Licensing Team, Argus Chambers, Hall Ings, Bradford, BD1 1HX
Consent of individual to being specified as premises supervisor
1. SURTIT SINGH SHAL (full name of prospective premises supervisor, of 19 MOSSY BANK CLOSE, QUEENSBURY, BD13 IPX (home address of prospective premises supervisor) hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a Premises Licence by SURTIT SINGH BOHAL (full name of applicant) relating to a premises licence BD/ for MUNCHBOX, SS HIGH STREET, QUEENSGULY, BRADENCO BD13 2AD
(name and address of premises to which the application relates) and any Premises Licence to be
granted or varied in respect of this application made by SURSIT SINGH JOHAL
(full name of applicant) concerning the supply of alcohol at MUNCHROX, SSHIGH STREET, QUCENSBORY, BROFFRO, BD132AD
(name and address of premises to which application relates).
I also confirm that I am applying for, intend to apply for or currently hold a Personal Licence, details of which I set out below.
Personal Licence number BD/PER 359 5
(insert personal licence number, if any)
Personal licence issuing authority BRATEORD COUNCIL
(insert name and address of personal licence issuing authority)
SURJIT SINGH JOHAL Name (please print)
18-2-2017 - Dated



APP 2

#### **Melanie McGurk**

From:	Licensing Team
Sent:	24 March 2017 13:31
То:	Melanie McGurk
Subject:	Representation - Munchbox

-----Original Message-----From: <u>auto-responder@bradford.gov.uk [mailto:auto-responder@bradford.gov.uk]</u> Sent: 23 March 2017 19:23 To: Licensing Team Subject: Online Form Submission - Make an enquiry about licensing

SUBMITTED DATA Title : Mr Forename : Surname : Telephone : 01274 Email : @yahoo.co.uk Address:

HIGH PEAL COURT QUEENSBURY BRADFORD BD13 2HF Subject: Munchbox, 55 High Street, QUEENSBURY Details: Objection to licensing application for the above premises.

I would like to register my objection to the licensing application for the following reasons.

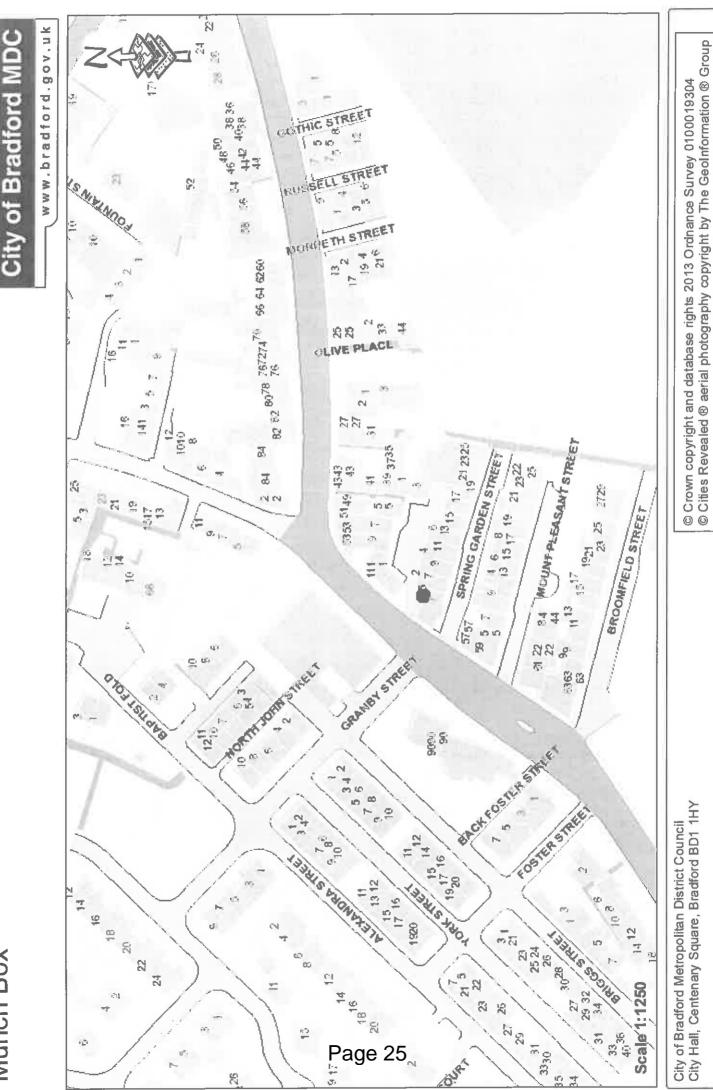
The application is to sell alcohol from 7am to midnight from Monday to Sunday. There are already other premises selling alcohol nearby and additional premises are not required. This will merely attract rowdy elements to the area, especially as the Munchbox sells food, leading to potential disorder. This will have a detrimental effect on public safety.

Further there is the potential for public nuisance by numbers of people gathering in the centre of Queensbury. These premises have in the past been used by children during the day buying food and refreshments. Exposing them to the effects of people possibly suffering from the affects of alcohol is not conducive to their education or well being.

The Munchbox is situated at a main bus stop and again people going about their peaceful business waiting for transport do not need to be pestered by groups or individuals who may have come from nearby licensed premises already having consumed alcohol to purchase food and further alcohol.

There is very little parking nearby. Indeed the road outside these premises as already mentioned is a bus stop with restricted parking for buses only. I have personally often seen other vehicles parked in the bus stop illegally. Allowing the Munchbox to sell alcohol will only aggravate this problem with potential road safety matters ensuing. I can see only problems arising should this application be granted without any benefits to the local community.

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Date Printed - 30 March 2017

Munch Box

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