



## **Agenda for a meeting of the Bradford District Licensing Panel to be held on Tuesday, 30 January 2018 at 11.00 am in Committee Room 4 - City Hall, Bradford**

### **Members of the Committee – Councillors**

<b>LABOUR</b>	<b>INDEPENDENT</b>
<b>M Slater Engel</b>	<b>Morris</b>

### **Notes:**

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- 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:**

Parveen Akhtar  
City Solicitor

Agenda Contact: Claire Tomenson

Phone: 01274 432457

E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### **To:**

## **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. BIEDRONKA EXPRESS, 312 KEIGHLEY ROAD, BRADFORD** 1 - 16

The Assistant Director, Waste, Fleet and Transport Services will present a report, **Document “K”** which outlines an application for a new premises licence for the sale of alcohol for consumption off the premises.

**Members are invited to consider the information and documents referred to in Document “K” and, after hearing individuals, bodies or businesses, determine the related application.**

(Melanie McGurk – 01274 431873)

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

This page is intentionally left blank



## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 30 January 2018.**

# K

---

### **Subject:**

**Application for a Premises Licence for the Biedronka Express, 312 Keighley Road, Bradford, BD9 4EY.**

### **Summary statement:**

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

---

John Major  
Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

### **Portfolio:**

**Neighbourhoods & Community Safety**

### **Overview & Scrutiny Area:**

**Corporate**

## 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

Miss Jurate Simkeine. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Biedronka Express, 312 Keighley Road, Bradford, BD9 4EY.

### 2.3 Proposed Designated Premises Supervisor

Miss Jurate Simkeine, who does not currently hold a personal licence.

### 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

Hours of licensable activities:

Monday to Sunday: 09.00 to 21.00

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

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

The premises will be used only to sell alcohol. Nobody will be allowed to consume alcohol on the premises.

- b) Public safety will be achieved by;

Nobody will be served if it is noticed that they are over the limit of consuming alcohol which they will be danger for public safety.

- c) Prevention of public nuisance will be achieved by;

There will not be any noise during serving the customers when they buy alcohol.

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

Anybody who appears to be under the age of 18 would be asked to show their

ID to prove that they are over the age of 18.

e) General – all four licensing objectives

None.

## **2.6 Relevant Representations Received**

### **Individual, Body or Business**

A representation from a Ward Councillor and a petition from local residents have been received, which raise concerns of an increase in anti-social behaviour, criminal activity, youths congregating near the premises and individuals consuming alcohol in close proximity of the premises and disposing of bottles/cans in local gardens. Residents also have concerns that children will have access to alcohol.

The representation and petition are 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.

**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), Part 6 (Prevention of Public Nuisance) and Part 7 (Protection of Children from Harm).

**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. RECOMMENDATION**

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.

## **11. APPENDICES**

1. Application form received 5 December 2017.
2. Representation and petition.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.

This page is intentionally left blank

## Melanie McGurk

---

**From:** Licensing Team  
**Sent:** 02 January 2018 07:53  
**To:** Melanie McGurk  
**Subject:** 312 Keighley Road - Representation

**From:** Cllr Mohammad Shabbir  
**Sent:** 01 January 2018 19:09  
**To:** Licensing Team  
**Subject:** 312 Keighley Road

Dear Sir/Madam

I understand that there is an application for a license to sell alcohol from a new store at 312 Keighley Road.

I have had a number of local residents approach me expressing their concerns about another off license in the area. There is already a reputable long standing business that serves as the local post office that sells alcohol to local community. This business is well established and responsible and has existed for any yeas. Also within a half mile radius there are five other establishments including Quix, Sainsbury, Nisa, another on Valley Road and another next to Manningham Park.

Residents biggest concern is that this shop will bring and attract problem drinkers to the area, increase in anti social behaviour, have an adverse impact on local trading and other businesses. The evidence of the increased anti social behaviour and problem drinkers/drug users is evidenced regularly in the Telegraph and Argus especially BD7, BD8 and BD9.

I therefore on behalf of local residents raise these concerns to you and object to a license being approved for this establishment.

Yours sincerely

CLLR M. SHABBIR  
HEATON WARD

Sent from my Samsung Galaxy smartphone.



Keighley Road  
Bradford  
West Yorkshire  
BD9 4EX

M:  
T:  
F:

E: @ .co.uk

Licensing Team  
Department of Place  
3<sup>rd</sup> Floor Argus Chambers  
Hall Ings  
Bradford  
BD1 1HX

29<sup>th</sup> December 2017

Dear sir/madam

We are acting on behalf of the local residents who have asked me to forward their petition to prevent a premises license being granted to Mr Jurate Simkeine of 312 Keighley Road, Bradford, BD9 4EY.

Any correspondence and communication can me made to myself at the address on this letter.

Your Faithfully

Mr

# Petition to Object to granting of Premises license

Petition summary and background

On 5/12/2017 an application was lodged with Bradford Council for the issuing of a premises license at 312 Keighley Road, Bradford, BD9 4EY by Jurate Simkeine. This will allow the shop to sell alcohol at that location.

The local residents and community would like to object to the granting of this license on the following grounds:

## 1. Prevention of Crime & Disorder

The availability of cheap alcohol will cause drunken behavior leading to damage to local property. Also criminal activity may increase in the area by attracting those wanting to consume alcohol but without financial means to purchase, who then turn to committing theft locally to fund the purchase of alcohol.

## 2. Public Safety

Just until recently there has been a persistent problem of individuals consuming alcohol in close proximity of 312 Keighley Road and then disposing of bottles/cans in local gardens. This has diminished since the local newsagents has increased the price of alcohol. We feel if the license is granted this problem will reappear and may increase leading to public safety concerns.

## 3. Prevention of Public Nuisance

The availability of alcohol at the location will lead to an increase in disorderly behavior from those consuming the alcohol in the vicinity. The access to cheap alcohol may also lead to youths congregated near the shop and in the alley way behind the shop causing grievance to the local residents and property especially if they consume excessive amounts of alcohol.

## 4. Protection of Children from Harm

There are a number of fast food outlets in the area which are busy with school children at lunchtime from the local schools. This will give these children access to the readily available alcohol right next to where they buy their lunch.

Keighley Road is a busy road with many children walking past the shop on their way to school and evening faith classes, they will feel threatened and scared if individuals or groups are drinking outside the shop.

**WE THE UNDERSIGNED ARE CONCERNED CITIZENS WHO OBJECT TO THE GRANTING OF THE PREMISES LICENSE FOR THE REASONS OUTLINED ABOVE.**

Printed Name	Signature	Address	Comment	Date
		Fendalen Grave BD94LF		
		buddy Street BD94LL		
		Alum Dr. <del>of</del> <del>region</del> PP95LS		17/12/17
		AIREVILLE AV. SHIPLEY BD18 3AF		17/12/17
		Red Beck Vale, Shipley BD18 3BN		17/12/17
		Lynthorne Lane BRADFORD - BD9 4EZ		17/12/17
		Bennsley road - Bradford		
		Carston drive BRADFORD - BD9 4NL		
		Lynthorne - BD9-4E		17/12/17
		Rydal Avenue BD9 4LS		18/12/17
		GRANVILLE KAMP BD9 4FE		
		PARK GROVE BD9 4TY		18/12/17
		BRAD FORD RD		

Commitment	Date
Toller Drive BDA SNU	16/12/17
Fringinghill TCR RI	
Fringinghill BDA	17/12/17
FRIZINGHALL BDA	17/12/17
FRIZINGHALL BDA	17/12/17
FRIZINGHALL BDA	17/12/17
FRIZINGHALL BDA	17/12/17
FRIZINGHALL	
FRIZINGHALL	17/12/17
FRIZINGHALL BOA.	17/12/17
FRIZINGHALL	17/12/17
FRIZINGHALL	17/12/17

D

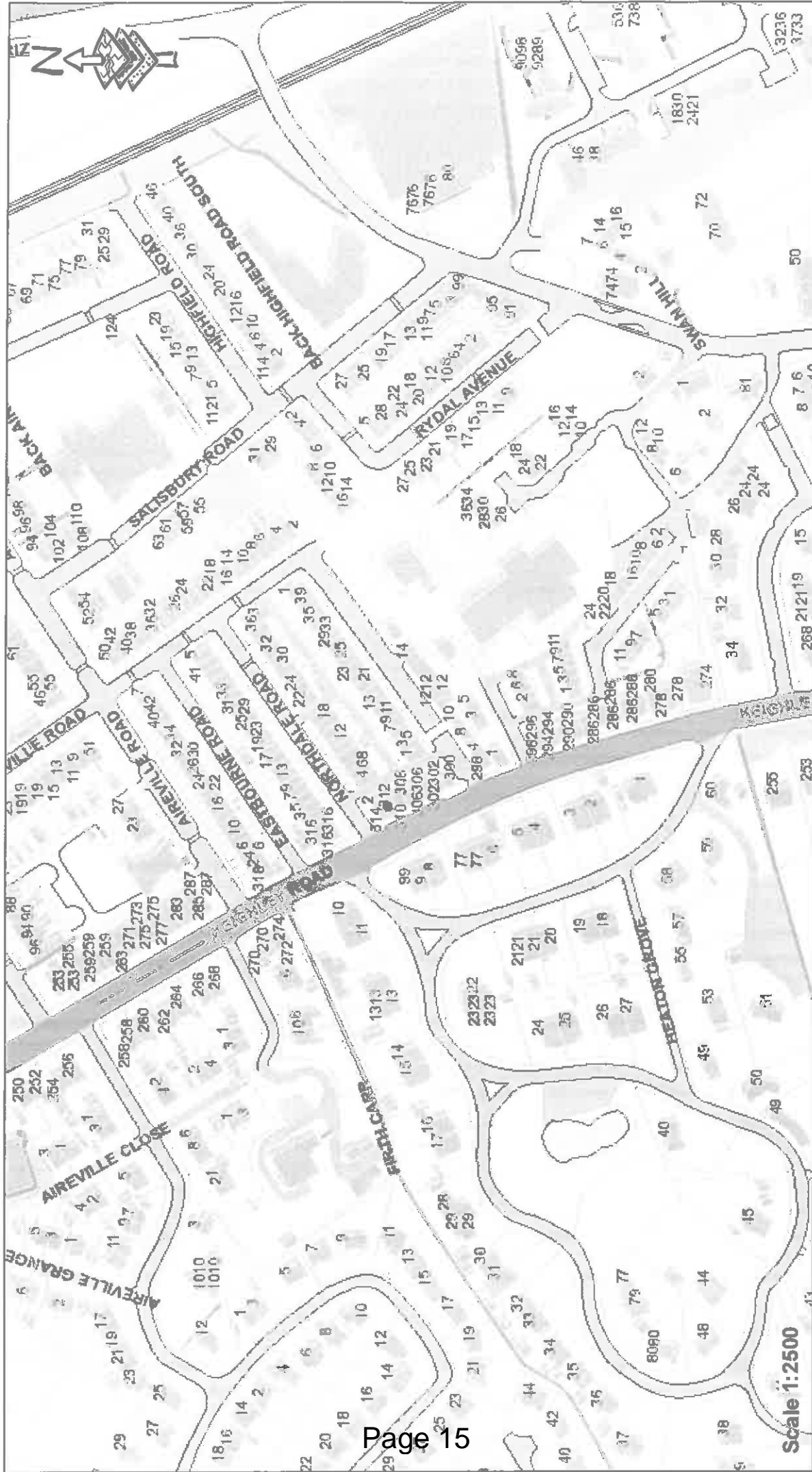
Comment	Date
HENTON GROVE	21/12/17
- HEAZOLDN GROVE	Not complete 21-12-17
Airmilk Rd	Bed Influence - 22/12/17
FRIZLINGHALL BDR <sup>90%</sup> 400	23/12/17
FRIZLINGHALL	23/12/17
FRIZLINGHALL	24/12/17
FRIZLINGHALL	24/12/17
Airmilk Rd ~	24/12/17
R FRIZLINGHALL	24/12/17
FRIZLINGHALL	24/12/17
FRIZLINGHALL	25/12/17
FRIZLINGHALL	25/12/17
FRIZLINGHALL	26/12/17



17

Comment	Date
Freight, 17/12/17	17/12/17
Woodview Terrace 308 TAH	17/12/17
Banpley Road	17-12-17
SHAY DRIVE	17-12-17
Woolens Drunkards on streets	17-12-17
Airmile Rd Noise	18/12/17
Southview	18/12/17
-Aurora Road	18-12-17
HERFEN ROAD F-HALL	18-12-17
NORTHDALE ROAD	18-12-17
GROVE ROAD	19-12-17
-WIGHTON ROAD	20-12-17
Gamble road	21-12-17

Printed Name	Signature	Address	Comment	Date
		LYNTHORNE ROAD		18-12-17
		LYNTHORNE RD		18-12-17
		Fernhill road		18-12-17
		1 Carltons Drive		
		UXANA Drive		18-12-17
		NOXWOOD - 1872 SHIPLEY		21 DEC 2017



This page is intentionally left blank