

## **Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 26 April 2018 in Committee Room 4 - 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

### **Hearings**

Application for a Premises Licence for Jelani's, 21 Crag Road, Shipley (**Document "O"**)

**JELANI'S, 21 CRAG ROAD, SHIPLEY**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR JELANI'S, 21 CRAG ROAD, SHIPLEY (DOCUMENT "O")**

Commenced: 1005

Adjourned: 1055

Reconvened: 1105

Concluded: 1110

**Present:**

**Members of the Panel:**

Bradford District Licensing Panel: Councillors M Slater (Chair), Hawkesworth and Morris

**Parties to the Hearing:**

**Representing the Licensee:**

Mr W Jelani, applicant

Mr Jelani, supporting the applicant

**Interested Party:**

Mr Ford-Crook, representing objectors

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the premises was currently operating after 2300 hours under Temporary Event Notices. It was noted that no steps had been proposed to meet the licensing objectives, however, this was not a requirement and two letters of representation had been received on the grounds of noise, nuisance and litter. A letter in support of the application had been submitted by a Ward Councillor.

The applicant addressed the Panel and explained that he had opened the premises, which had previously traded as a fish and chip shop, two months ago and due to very limited footfall during the day, he had decided to open after 2300 hours. He had then received a letter from the Council's Licensing Team requesting that a premises licence was submitted. The applicant stated that only two objections had been received and he had contacted a Ward Councillor who had provided a letter of support. He informed the Panel that he was providing jobs for local people and believed that he should be granted a licence for the hours requested. With regards to the concerns raised he indicated that any nuisance that occurred outside his premises was not his responsibility, however, he was not aware of any incidents that had occurred and would have contacted the police if witnessed. In relation to litter, Members were informed that there was a large bin outside the property.

In response to queries from the Panel, the applicant clarified that:

- There was a large litter bin outside the premises.
- Customer sales amounted to £75 to £100, of which £75 was from delivery sales, so the business was approximately three quarters delivery based.
- He had a driver and van for deliveries.
- He had not seen any disruptions outside his premises and if he did witness any incidents he would contact the police.
- Litter would be removed from the area if it was not clear at the end of the night.
- Signs asking patrons to respect residents could be installed.
- He was happy to resolve any issues with his neighbours.
- It was his choice to close at 0130 hours on Friday and Saturday.
- He was unsure of the opening times for the previous fish and chip takeaway.
- His delivery van did not park on the grassed area.
- He was not aware of customers parking on the grassed area, but would stop them if they did.
- Parking was available at the rear of the premises.
- He did not know where his customers parked.
- Incommunities had visited and checked for noise, but there was none coming from his shop.
- He wished to amend the opening hours on Friday and Saturday to 0200 hours. If he stopped taking orders at 0130 hours he would need to clean up after.
- He would not remain open after the licensable hours.

In response the licensing officer confirmed that a licence was not required for the purpose of cleaning the premises after closing time. If the last order was received at closing time the premises could still provide the food.

The applicant then provided the following responses to questions from the interested party:

- The class A5 use was stated within the lease from Incommunities.
- He had been advised to place expandable foam around the extractor fan by the Council's Environmental Health Unit.
- He had ordered the silencer for the extractor fan as advised by the Environmental Health Unit.
- He had not been aware of the residents' medical conditions and would have resolved the issues immediately. He was not aware of any fighting outside his premises and did not have any customers from the public house.
- A new fan and box had been installed in order to reduce the noise.
- The premises had previously been a fish and chip shop and the fan had always been there. It had been in a bad condition, so he had installed a new fan and box and had now ordered a silencer.
- Only a few residents had made complaints.
- He would try to limit the noise for the neighbours.

In relation to the Environmental Health matter, the legal representative informed the Panel that it was covered by different legislation and they could only consider the issue up to the point that they felt it was a nuisance.

The interested party then stated that the Ward Councillor should have supported the residents and reiterated that they did not want to hear the noise anymore.

The interested party then responded to questions, stating that:

- A vehicle parked on the grass and pavement.
- A neighbour had informed him that patrons of the public house had started to fight outside the shop.
- The range in the fish and chip shop had been connected directly to an internal flue.

A Member then asked the applicant why the fan had been changed to an external one and why the internal flue system was not being used. The applicant explained that he did not supply fish and chips and the premises did not have a fryer.

In conclusion the interested party stated that there had not been any issues when the premises had been a fish and chip shop, however, there was now noise from the extractor fan.

The applicant reported that he had changed the fan due to complaints, however, objections had still been submitted about the noise. Incommunities had stated that there was not a problem with the noise and he had spent money on the business.

The interested party added that the residents did not want to close the business, however, the fish and chip shop had been open during the day and if the licence was permitted there would be noise and disturbance on an evening.

#### **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:**

**(i) Hours of licensable activities:**

<b>Sunday to Thursday</b>	<b>2300 to 0000</b>
<b>Friday and Saturday</b>	<b>2300 to 0100</b>

**(ii) That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.**

**Reason - It is considered that the above conditions are necessary to minimise noise disturbance to nearby residents – prevention of public nuisance objective.**

**Chair**

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

