

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 30 October 2018 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

Hearings

Application for a Premises Licence for 39 Oak Lane, Bradford, BD9 4QB

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR 39 OAK LANE,
BRADFORD, BD9 4QB**

Commenced:1311
Adjourned:1437
Reconvened:1512
Concluded:1518

Present

Members of the Panel

Bradford District Licensing Panel: Councillor Slater (Ch), Councillor Godwin and Councillor Whitaker

Parties to the Hearing

Representing the Applicant

Mr Muhammad – applicant

Mr Tahir – applicant's representative

Interested Parties

Mrs Jahangir – local resident

Mrs Younis - local resident

Mrs Parveen – local resident

Mrs Hussain – local resident

Mrs Zafreen – local resident

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “H”**) outlining an application for a new premises licence for the sale of alcohol for consumption off the premises at 39 Oak Lane, Manningham.

The Panel was advised that eight letters of objection had been received from local residents in respect of the application.

The applicant's representative spoke in support of the application, stating that he did not consider the objections to be valid as it was possible to address the residents' concerns by other means. He considered that the prevention of crime was primarily a matter for the Police as the application was for the sale of alcohol off the premises; he also noted that CCTV was already in place as was a good standard of lighting. He stressed that the building had already been extensively refurbished and access and safety had both been improved. On the issue of public nuisance, he pointed out that staff at the premises were trained to deal with nuisance customers. On the issue of the protection of children from harm, he stressed that the applicant had other businesses so was already well aware of policies such as Challenge 21 and Challenge 25. He advised that general problems of anti-social behaviour in the area could not be attributed to this premises as they were not yet operational. He also pointed out that the premises were situated in a purpose built row of retail units, which already included takeaways and a cash & carry. He concluded by stressing that the applicant would deal with local concerns in a proper manner if given the opportunity to do so.

The Chair then questioned the applicant's representative on issues raised in the application including his assertion that public safety would be achieved by the use of first aid and that nuisance would be prevented by not using external areas after a certain time. In response, the representative clarified that all staff would be trained in first aid by a staff member who was already trained and that the applicant did not intend to trade outside the hours applied for and that he would not provide external seating which may encourage people to linger.

The Chair also queried whether the applicant's other businesses sold alcohol and was advised that they did. The Chair then went on to ask how the personal licence holder intended to be on the premises at all times, as stated on the application. He was advised that this was incorrect and that the applicant intended to have trained staff on the premises at all times. The Chair also asked whether CCTV was already in place and if so, how long images were retained. He was informed that CCTV was in place and that images were kept for a period of four weeks.

A Panel Member then asked whether the applicant would operate this business if his application were not granted and was informed that it would not be viable without that element as the expected customer base was predominantly eastern European and customers would expect to buy alcohol along with their other purchases.

In response to a question about the length of the hours being applied for, it was confirmed that, although the application was for the period 0800 to 2300, the store would be open from 0900 to 2100 only. A Member questioned whether a shorter period for licensable activities would reduce the potential for risk to children. The applicant's representative took that point on board but maintained that other processes were in place to protect children.

Local residents then questioned the applicant and his representative, asking why the procedures for obtaining the correct planning consents had not been followed and whether that meant the applicant would observe the correct procedures in respect of the licensing regulations. They also expressed concern about littering from discarded bottles and cans and queried how the applicant would mitigate against that. In response, the applicant's representative stated that any planning consents would not affect this hearing as it was confined to licensing matters and that consumption of alcohol off the premises meant that littering was the responsibility of the purchaser but that the applicant intended to ensure that customers did not linger in front of the premises or immediately consume any alcohol bought. He also noted that, in the letters of objection, reference had been made to dissatisfaction with the Council's response to littering locally and commented that it was unfair to hold his client personally responsible for a problem throughout the locality.

Residents stated that there were already eight similar businesses in the area and that there were significant issues of littering in respect of broken bottles and empty cans. They asked how another such business would benefit the area. The applicant's representative responded by stating that, as there were similar premises in the area, there was an established level of demand and that his client intended to operate his business appropriately. He also noted that the premises had been empty for some time so bringing it back into use would benefit the area.

Residents then questioned how the issue of additional customer parking would be managed and were informed that the shared parking to the rear of the block of retail units was available to all customers.

The local residents then spoke in support of their objections, stating that they considered their human rights would be breached if the application were granted. They explained that they did not feel able to use the local park or allow their children to play out as a result of the concentration of off-licences in the area. They highlighted that these premises were on a school route and that the hours applied for would conflict with the school run. They explained that the problems of littering and anti-social behaviour in the area were already very serious.

They considered that another similar premises would exacerbate existing problems and that increasing access to alcohol meant an increased risk of harm to local young people in what was already a deprived area. They gave personal examples of how the conditions in the area had adversely affected their family lives and stressed that, while they would welcome and patronise a new general store, they felt very passionately about the negative impact of another off-licence.

In response, the applicant's representative stressed that existing problems could not be attributed to this application as the store was not yet operational and queried the link being made between the sale of alcohol and anti-social behaviour such as drug use. Residents stated that, in their opinion, alcohol and drug use were linked and that increasing the problem would do nothing to help resolve it.

The applicant's representative then stated that the responsibility for child welfare lay with parents and guardians who could supervise them on the school run.

In conclusion, residents stressed that the safety of their children was paramount and that the high number of existing off-licences was already causing problems in the area which would worsen if more were to open.

A Panel Member then queried how the applicant could give assurances that the licensing objectives would be observed if planning considerations had already been ignored. She was advised that the applicant had been informed by his landlord that there was no requirement to apply for additional planning consents but that he would now make his own enquiries.

In conclusion, the applicant's representative stressed that the business was not yet operational and that issues currently being experienced could not be attributed to it. Anti social behaviour and littering must be dealt with by other agencies and the applicant had plans to put measures in place to ensure his premises operated appropriately.

Resolved –

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) The hours of licensable activities shall be Monday to Sunday 0900 to 2100.**
- (2) The Premises Licence Holder shall ensure that the external area around the perimeter of the premises is kept clear of litter and refuse.**

- (3) 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.**
- (4) An appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign shall 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.**

Reason: It is considered that the conditions are necessary to ensure compliance with all four of the objectives of the Licensing Act and to prevent crime and disorder at the premises; to deter and ameliorate any anti-social behaviour and protect children from harm.

Chair

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