

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 24 January 2019 in Committee Room 5 - 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

Application for a Premises Licence for the Sale of Alcohol for Consumption off the Premises and the Provision of Late Night Refreshment at Shell Saltaire, 72 Bingley Road, Shipley

APPLICATION FOR A PREMISES LICENCE FOR SHELL SALTAIRE, 72 BINGLEY ROAD, SHIPLEY

RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AND THE PROVISION OF LATE NIGHT REFRESHMENT AT SHELL SALTAIRE, 72 BINGLEY ROAD, SHIPLEY

Commenced: 1000
Adjourned: 1040
Reconvened: 1055
Concluded: 1058

Present

Members of the Panel

Bradford District Licensing Panel: Councillor M Slater (Chair), Councillor Azam and Councillor Godwin

Parties to the Hearing

Representing the Applicant

Mr Charalambides – Counsel
Mr Lockett – Agent

Interested Parties

Ms S Burkey – Local Resident/Spokesperson
Mr D Glenister – Local Resident
Ms N Ayres – Local Resident

Observer

Mr G Robertson – Local Resident

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “P”**) which outlined an application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

Counsel for the applicant then made detailed representations in support of the application, explaining that the premises were an established twenty four hour convenience store and that the purpose of the application was to regularise its offer to include the purchase of alcohol, in line with other Shell convenience stores. He explained the layout of the store to the Panel, pointing out that the space that would be dedicated to the display of alcohol was very small. He also highlighted that none of the responsible authorities which had been consulted had sought to make representations and that those representations which had been made were on the basis of anxiety rather than evidence.

He went on to explain that this type of store meant that there was a forecourt which was well lit and covered by a very good quality CCTV system as it was also a petrol station. The cashpoint was also included in this coverage and so was very safe to use.

He highlighted that there had been no reviews of licences for such premises and pointed out that this was an important point to bear in mind when considering this application and others like it. He advised that the operating schedule attached to the application had been based on established good practice and that he was confident that it would work well. He stressed that the company did not want crime and disorder or anti-social behaviour at this or any other site; it was both bad for business and bad for the local community, whose custom the company wanted. He was surprised that staff had expressed concerns about tackling anti-social behaviour as this had not been raised during staff reviews. He also highlighted that this site had sold age restricted products for some time and had experienced no problems. He concluded by reminding the Panel that no responsible authority had sought to make representations and that it was not appropriate to regard concerns and anxieties as evidence. He was confident that the operating schedule proposed for these premises addressed the concerns of local residents and urged the Panel to grant the application.

The Chair ascertained through questioning that a CCTV system was already in situ and that facilities for the provision of hot drinks and heated snacks were also in place but were not yet used after 11.00pm.

In response to a question from a Panel Member, Counsel advised that the premises were primarily a convenience store which also sold fuel. He also confirmed that twenty four hour sales were being applied for as a matter of policy as all Shell premises held the same type of licence.

The Member queried whether sales of alcohol from this type of premises encouraged drink driving and was advised by Counsel that no link between the two had been found and no premises had ever been reviewed on those grounds. He also confirmed that he had no concerns about the premises attracting people to buy alcohol after local pubs had closed as the expense of products in the store meant that type of customer would not be attracted.

In response to a question regarding the sale of alcohol before 10.00am and the prevention of children from harm, he advised that staff at the premises were experienced at selling other age restricted products and in using the Challenge 25 policy. Shell had adopted the safeguarding agenda and had experienced no problems in respect of the safety of children.

A Member asked if the company had tried to alleviate the concerns of local residents and was informed that this had not been considered necessary as there was no evidence that the problems feared by residents were occurring. Counsel stressed that, where it could be shown that problems were happening, the company always worked to resolve them. He also stressed that, if residents remained concerned, they could apply for review of the licence. He considered that the residents' concerns would be resolved by the operating schedule, the use of CCTV, staff training and reviews, the location of spirits behind the counter and the operation of the Challenge 25 policy.

The spokesperson for local residents then made representations in objection to the application, considering that the representations of Counsel were somewhat disingenuous as residents were in regular dialogue with Shell about anti-social behaviour at these premises. There was also an on-going problem of petrol theft and running the red light outside the premises. She was very disappointed that the Police had chosen not to comment on this application as a great deal of anti-social behaviour had been reported,

including the congregation of people on the forecourt late at night. When challenged about this, staff at the premises had stated they could not deal with it, nor would they call the Police. The spokesperson had witnessed drug dealing at the premises herself and stressed that objections were not being made on fears alone but on a factual basis.

Another local resident stated that the CCTV system was not deterring anti-social behaviour at the moment, in spite of it being described as of good quality.

Another resident stated that she considered that, in a built up residential area such as this, it was common sense that people would buy alcohol from these premises after other licensed premises in the locality had closed.

The Chair asked residents to indicate the frequency of the problems that they were experiencing and was advised that some issues such as public urination were witnessed on a weekly basis while others such as jumping the red lights happened multiple times each day. He was also advised that late night noise was particularly bad in the summer.

In conclusion the spokesperson for local residents stressed that she considered that a twenty four hour licence in this location would increase crime and disorder to local residents and expressed disappointment that Shell had chosen not to speak to local residents before coming to this hearing.

Counsel for the applicant concluded by stressing again that no responsible authority had chosen to make any representations nor provide any evidence of the incidents now reported. He argued that Shell could not be held responsible for poor driving and pointed out that a fence had been erected at the premises for residents' benefit. He also stressed that if drug dealing was taking place on the premises, it would be investigated. Shell did not want that type of anti-social behaviour and it did want local residents to feel able to use the store. He confirmed that, where there was an identifiable problem, Shell always worked with local residents to address it.

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 as applied for.

ACTION: Assistant Director, Waste, Fleet and Transport Services

Chair

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