

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 6 March 2019 in Committee Room 4 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received at the commencement of the meeting but, during the course of the item in respect of the application for a late night refreshment licence for Tong Fried Chicken, Councillor Riaz Ahmed, who was in attendance as the applicant's representative, disclosed an interest for the sake of clarity, that he also served on the Area Planning Panel (Bradford).

Action: City Solicitor

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

New Premises Licence for the Provision of Late Night Refreshment for Tong Fried Chicken, 2 Railway Street, Bierley, Bradford.

RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR THE PROVISION OF LATE NIGHT REFRESHMENT FOR TONG FRIED CHICKEN, 2 RAILWAY STREET, BIERLEY, BRADFORD

Commenced: 1005
Adjourned: 1026
Reconvened: 1040
Concluded: 1042

Present

Members of the Panel

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

Parties to the Hearing

Representing the Applicant:

Mr Ali – applicant

Councillor R Ahmed – representing the applicant

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “T”**) which outlined an application for a new premises licence for the provision of late night refreshment for Tong Fried Chicken. Members were also advised of a representation in objection to the application that had been received.

The applicant then made a brief presentation in support of his application, stating that he had been in business for six years and had never received a complaint during that time. He explained that neighbouring businesses were already able to trade until 0200 and had also not experienced any problems.

The applicant’s representative then made a detailed presentation in respect of the application, stating that he had made three separate site visits at different times of the day without noting any problems. He confirmed that the applicant had been trading for six years without any problems or any critical reports from West Yorkshire Police or the Licensing Team. He stated that the public house referred to in the objection had long since closed and that the local incident involving a shooting was not relevant to this application. He explained that these premises were situated on a main road alongside other businesses which were open until 0200 and considered that the objection was not a relevant consideration as it was based on concerns about what may happen in the future. He noted that, if there were problems as a result of this application being granted there was a process in place for addressing that issue and asked that the application be granted as requested.

Members questioned the applicant and his representative on the existence of CCTV at the premises and the issue of an extant planning condition which would limit the hours of operation to midnight.

In response, the applicant confirmed that CCTV was already in place and that he was aware of the planning condition, which predated him taking on the premises and had been necessary to protect residential amenity when the former public house was in operation.

A member asked the applicant to confirm his current hygiene rating and was informed that it was presently 3.5. He also confirmed, in answer to a question from the same member, that the reason for the application was customer demand.

The applicant's representative also confirmed that his constituent was aware of the planning restriction but noted that the two processes were governed by different legislation and that he would have to make a new and separate application to change the planning condition.

The Senior Licensing Officer advised all parties to the hearing of the wording of the planning condition which was presently in force and the panel's legal advisor confirmed that, as the two processes were distinct, it would be possible for this panel to approve the application for a licence and an application to be made under the planning legislation separately. He also advised that it would not be necessary for this panel to impose a condition in respect of the planning condition as it could still be enforced under planning legislation.

The applicant's representative made a closing submission, stressing that his constituent had clarified matters; that he was well aware that planning and licensing were two different issues and that he realised that he would need to reapply to vary the planning permission to trade after midnight. He reiterated that there had been no problem in respect of these premises and that other local businesses traded until 0200. He stated that there was demand for such trade in the area and that the applicant was at a disadvantage by not being able to meet that demand. He advised that all licensing requirements were being met and that CCTV was already installed at the premises. He concluded that, although it was a takeaway premises, trade was mainly catered for by delivery.

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:

- **That the licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.**
- **That no licensable activities shall take place at the premises 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 Responsible Authority on request.**

Reason – it is considered that the conditions are necessary in order to ensure compliance with the objectives of the Licensing Act.

Note: Having announced the decision of the panel, the Chair advised the applicant that if he began to trade beyond midnight before obtaining the necessary planning permission he could be susceptible to planning enforcement proceedings.

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.

