

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 10 April 2019 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 MRH East Bowling

RECORD OF A HEARING FOR A PREMISES LICENCE FOR MRH EAST BOWLING, WAKEFIELD ROAD, BRADFORD

Commenced:1015
Adjourned:1050
Reconvened:1055
Concluded:1100

Present

Members of the Panel

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

Parties to the Hearing

Representing the Applicant:

Mr Leaning – Area Manager, Malthurst Retail Limited
Mr Botkai – Solicitor

Interested Parties

Mr Singh – objector
Mr Abdullah – objector

Observers

Mrs & Mrs McHugh – local residents

Representations

The Assistant Director Waste, Fleet and Transport Services presented **Document “V”** 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 at MRH East Bowling.

The solicitor for the company made representations in support of the application, giving the background to the company and explaining that it now owned 824 licensed petrol stations, of which over 500 were twenty-four hour premises. This particular store had been acquired recently from another company which had not sold alcohol in any of its stores. Malthurst was in the process of applying for licenses for all the premises which it had acquired from that company.

The solicitor referred to the relevant legislation which, he stated, presumed in favour of granting such applications and highlighted that no objections had been received from any of the responsible authorities. He then addressed the objections received from local residents and noted that objections made on the basis of competition for trade were not relevant; that there was no evidence of the alleged anti-social behaviour and that there was no proven link between sales of alcohol at petrol stations and drink driving. He pointed out that it was possible to drive to the neighbouring off-licence or to a supermarket and purchase alcohol. He noted also that attaching any weight to the petition appended to one of the letters of objection would be difficult as it was not possible to assess how the petition was garnered.

He advised that the store used a night pay till between the hours of 2300 and 0600; that a Challenge 25 system would be operated; that both a refusal log and an incident log would be kept; that CCTV was already in place and that the sale of alcohol would be restricted to exclude high strength beers/ciders or single cans of alcoholic drink.

A member asked the Panel's legal advisor if, having approved the application, anti-social behaviour subsequently occurred, a review of the licence would be possible. He was informed that this was the case.

Another member queried the need to sell alcohol at these premises on a 24 hour basis. He was informed that it was merely part of the estate policy for this company. The applicant's solicitor also advised that, if the fears of local residents did come to fruition, the company would always take steps to address problems. He therefore urged residents to contact the company in the first instance if there was a problem.

A local businessman attended the meeting and spoke in objection to the application, stating that he had concerns about public safety and that he feared the effect on his own business if another nearby business was permitted to sell alcohol.

Another local resident stated that he lived very close to the premises and already encountered a lot of difficulty and disturbance from users of the garage, particularly large HGV wagons. He also reported a severe littering problem from garage users. A member queried whether these concerns were able to be considered under the licensing objectives and was informed that they were not.

In conclusion, the applicant's solicitor advised the panel that a positive consequence of hearings such as this was that it afforded a good opportunity for residents to meet with representatives of the company. He undertook to provide contact details to the resident who was experiencing problems to try to address those outside of this process. He also noted that, in terms of this hearing, none of the objections raised would have a significant effect on the licensing objectives.

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.

NOTE: having announced the decision, the Chair reminded all those present that, anyone who considered that the terms of the licence were not being complied with could apply for a review of the licence.

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.