

## **Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 19 November 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 Abrakadabra Store, 13 Town Gate, Wyke, Bradford, BD12 9PA

**ABRAKADABRA STORE, 13 TOWN GATE, WYKE, BRADFORD BD12 9PA**

**RECORD OF A HEARING FOR APPLICATION FOR A PREMISES LICENSE FOR THE SALE OF ALCAHOL FOR CONSUMPTION OFF THE PREMISES AT ABRAKADABRA STORE, 13 TOWNGATE, WYLE BRADFORD**

Commenced: 1025  
Adjourned: 1120  
Reconvened: 1130  
Concluded: 1135

**Present**

**Members of the Panel**

**Bradford District Licensing Panel:** Councillor Slater (Ch), Councillor Dodds and Councillor Sullivan

**Parties to the Hearing**

**Applicant**

Miss Patrycja Dominika Andrukianiec

**Representing the Applicant:**

Ms June Clarke JMC Licensing Consultant

**Representations**

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document "I"**) which outlined an application for a Premises Licence authorising the sale of alcohol for consumption off the premises at Abrakadabra Store, 13 Town Gate, Wyke, Bradford BD12 9PA. The report outlined the application and the steps proposed by the applicant to address the Licensing Objectives. It noted that representations had been received in the form of two letters from Ward Councillors which raised concerns of anti social behaviour in the area which was close to a recreation ground and included a play area.

The applicant's representative addressed the Panel on the applicants behalf. She explained that the applicant had come from Poland to make a life for herself in this country in 2004. She was a single mother with four children of her own and one adopted child. She had worked constantly since 2004 and had 8 years experience selling alcohol in retail settings. She had saved to buy a business. She had previously worked in care homes and part time in retail. She had been in business in the Abrakadabra Store for 2 months and had been quite successful but needed to sell alcohol to keep sales going.

The representative stated that in her experience overseeing 570 Co-op retail outlets she was of the opinion that if they lost their licenses they would close as this equated to losing 25% of their business. She did understand that alcohol abuse was an issue throughout the country but pointed out that a lot of licensees were very responsible. She stated that the

premises had been granted three temporary event notices in the previous month and that monitoring visits had been carried out by licensing officers and the police. The police officer had said that it was a very quiet area but if she had problems to get back to them. The applicant had not experienced any problems. When she was asked by her representative about the recreation park she said that she had only seen people dog walking there. The representative noted that the applicant had one male member of staff in the shop who worked 16 hours a week with the applicant working 50 hours. There had been an increase in business since selling alcohol. The applicant had 3 children who were still at home that she needed to support. Her youngest child did unpaid work from 7am to 3pm, she was the victim of an attempted attack in the bus station so the applicant now paid £20 per day for her taxi fares. The applicant wanted to employ her daughter in the business at the weekend but could not afford to.

The representative went on to confirm that at the end of the last temporary event notices, the licensing officer conducted a visit to check that all of the alcohol had been removed and was satisfied that this had been done. The police were also satisfied.

When asked by her representative whether she was aware of any problems in the area, the applicant stated that the only problem she was aware of was the Italian restaurant over the road being burgled. She confirmed that she does not sell cigarettes.

The representative added that the applicant was extremely industrious and that she considered that the application was robust with stringent conditions regarding CCTV. The applicant had confirmed that she would be willing to keep purchasing records. All spirits would be kept behind the counter. When she was not on the premises she would be contactable by phone. Challenge 25 would be operated. She would keep a refusals book. The Panel was shown an example of a compliance box that she would use which included Staff Training Material, Incident Book, Refusal Book, Section 57 Notice, Barred Customer Book, Challenge 25 posters, Polite Neighbour Notices and Warning Proxy Signs for Adults. The representative stressed that this supported all of the 4 licensing objectives and could be inspected by authorised visitors. It was noted that the applicant also worked part time in another shop and operated all the due diligence there.

The representative referred to the concerns expressed by Councillors which she respected and understood in view of the incidents of antisocial behaviour in the recreation ground. She took them on board but pointed out that if the police had any concerns regarding anti social behaviour they would be at the hearing and they were not. She noted that everyone had concerns about different areas which was a reflection of the society that we lived in. She added that the police were patrolling on foot and seemed to have everything in control. She concluded that in the two months that the applicant had run the business she had not experienced any problems and this was confirmed by the applicant.

The Chair questioned the licensing officer about the temporary event notices and was advised that the applicant was allowed up to 21 days on temporary event notices. She had been granted two 7 day event notices and one 4 day event notice, making a total of 18 days and no objection had been received from the police.

The Chair referred to the plan attached to the application set out in the appendix to Document "1" and questioned the shelf marked "tobacco". The applicant confirmed that this was an empty shelf and that at the present time she did not sell tobacco.

The Chair noted that the ratio of tobacco to dry goods shown on the plan was 50:50. The

applicant responded that at present the shelf marked wines was used for toiletries and that a small amount of wine would be sold which would be behind the counter with the spirits.

The Council's Legal Officer asked where beer would be kept in the event that the license was granted and the applicant responded that it would be kept on a shelf in the fridge.

A Panel member noted that from his experience as a former police officer he knew the area and was of the opinion that it was a quiet area and asked whether any report had been received from the police. The applicant responded that she did not have the report or the names.

The Council's Legal Officer asked for more detail of the applicants 8 years experience. The applicant responded that she was the manager of an off license in West Bowling for 3 years when she worked from 8am to 11 pm 7 days a week. She then worked in another off license from 2015 to the present, from 8am to 10am. She confirmed that this was 3 years full time and 4 years part time which did not equate to 8 years.

In response to a question from the Council's Legal Officer, the name of the licensing officer who visited the premises at the end of the temporary event notices was confirmed and it was noted that all of the alcohol had been removed and that there had been no breach of the temporary license.

When asked by the Council's Legal Officer how many other off licenses or public houses the applicant was aware of in the area she responded that Asda was a 15 minute walk and there was one public house.

Two Ward Councillor who had submitted representations attended the meeting. One of the Councillors addressed the Panel. He stated that there were 6 public houses within ½ mile of the premises and named them. He added that there were 7 off licenses in total excluding the application premises within a 10 minute walk. He noted that crime and anti social behaviour had been better controlled in the last 18 months because of police activity and the introduction of a Crime Watch scheme in the area. He added that the premises was close to a recreation area, a children's play area and was 5-6 minutes walk from a secondary school and that a lot of children caught busses from Town Gate. He was concerned at the proliferation of places selling alcohol in the area. He noted that the situation regarding anti social behaviour was under control but that it would not take much for it to become an issue again. He was of the opinion that the hours of 08.00 to 23.00 were excessive and suggested that 09.30 to 21.00 would be adequate given the number of off licenses in close proximity. He questioned who had been notified when the temporary event notices had been granted and noted that local Councillors had not been aware of this.

In response the Licensing Officer confirmed that the Police and Environmental Health were informed when the temporary licences were applied for and that only they could make representations.

In response to a question from a Panel member about off licenses in the immediate area the Ward Councillor confirmed that there was one approximately 100 yards away from the premises. The applicant contended that she had bought the business referred to and that it was now a beauty salon, to which the Ward Councillor replied that it had been open as an off license the previous day. He went on to note that there was a B&M store and Asda within approx. 200 yards, McKays within approx. 300 yards, Costcutter approx. 120 yards

and a Premier approx. 500 yards and the 6 public houses referred to were all in between.

A Panel member asked if the Business Watch scheme was operating successfully to which the Ward Councillor responded that not all businesses were on board but that police feedback was that it was operating reasonably well and that the situation was not as bad as it had been 18 months ago.

A Panel member asked whether they had received any complaints during the 2 months that the premises had temporary event notices. The Ward Councillor responded that he had only received a general complaint regarding the proliferation of licenses in the area. The other Ward Councillor stated that a specific complaint had been received about the sale of alcohol because they were not aware that temporary event notices had been granted.

A Panel member asked whether the Ward Councillors would be content if the license was granted for 09.30 to 21.00 to which the Ward Councillor indicated that they would be happier as serving alcohol in the early morning or late at night posed a clear danger. He added that he still had concerns but that the changed hours would reduce access in the area to alcohol early in the morning and late at night. The Panel member asked whether the other off licenses operated the same opening hours and the Ward Councillor responded that Asda was open from 06.00 to midnight. He added that Asda had more security and staff to monitor anti social behaviour and that a small shop was more vulnerable so he wanted to limit the early morning and late evening operating hours.

The applicants representative responded that she understood the Councillors concerns and took on board the suggested reduction in hours. She added that early morning trade amounted to a substantial amount of the business so the shop had to open at 8 am. She noted that people did not tend to buy alcohol early in the morning. She stressed that in the Licensing Act guidance there was a strong tendency to match the hours serving alcohol to the hours of trade. She gave the example that asking someone to wait until the designated time to buy alcohol encouraged conflict and undermined the licensing objectives. She stressed that this was a grocery store that would sell alcohol, not an off licence. She added that the alcohol would have to be out of view until the hours of sale and could not be on display. She added that the applicant was happy to close at 22.00 and suggested revised hours of 08.00 to 22.00. She stressed that the application was robust and that the police were happy with the licensing conditions.

#### **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 for the sale of alcohol for consumption off the premises Monday to Sunday 08.00 to 22.00.**

ACTION: Interim 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.**

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

