

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 23 January 2020 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

Hearing

Application for Variation of a Licence for McDonald's Restaurant, Rooley Lane, Bradford

**RECORD OF A HEARING FOR THE VARIATION OF A PREMISES LICENCE FOR
MCDONALD'S RESTAURANT, ROOLEY LANE, BRADFORD**

Commenced: 1135

Adjourned: 1210

Reconvened: 1215

Concluded: 1217

Present

Members of the Panel

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

Parties to the Hearing

Representing the Applicant:

Mr Shah – applicant

Mr Mohammed – associate

Ms Clover – applicant's barrister

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document "L"**) which outlined an application for variation of a Premises Licence to authorise the provision of late night refreshment from 0500 rather than 0700 as was currently stated on the licence.

Members were advised that a representation had been received from a local resident on the grounds of noise and nuisance.

The applicant's barrister made a detailed representation in support of the application, noting that this application was not for a licensable activity as such but that, as the opening hours were stated on the licence, it must be formally amended by making an application for variation of the licence. She considered it to be frustrating that a single objection triggered the need for a hearing and stressed that as it was permissible in law to serve hot food from 0500, the intention was to amend the licence to reflect that.

The premises had already been granted planning permission to open from 0500 and, as part of that application, the issue of nuisance had been addressed and a specialist report had been provided. That report had shown that the ambient noise at such a busy road junction would be very difficult to separate from noise at this location. The intention of this application was to ensure that the planning permission and the licence matched each other.

She highlighted that no responsible authorities had registered any concern in respect of the application; that the objector had never contacted the applicant direct to discuss his concerns and that no complaint had been made by any of the ward councillors. Rather, local councillors knew the applicant well and commended him for his community activities. He had three local McDonald's restaurants, two of which were 24 hour premises, and had a great deal of experience of running such establishments and of the need to be a good neighbour.

The applicant also made a representation in respect of his application, stressing his history in Bradford and his desire to provide employment in the District. He also stressed his desire to be a good neighbour.

Members asked questions in respect of the requirement for the extension in trading hours and were advised that there was a trading opportunity for the restaurant at that hour as it was located at the top of the M606 motorway.

In response to questions about the potential for disturbance to the objector from additional opening hours, the Panel was reminded by the applicant's solicitor of the requirement to balance the needs of customers against those of the objector. She also advised that there were no other objections to consider, including none from any of the responsible authorities.

Members asked for a précis of the noise nuisance report that had been provided for the purposes of planning permission and were advised that the main headline was that the constant road noise was so dominant that there was no demonstrable effect from these premises.

The Panel's legal advisor ascertained that there had been a brief period when the premises had opened from 0500 in error but that no complaints had been made during that period.

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.

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.