

Record of a Hearing of the Bradford District Licensing Panel held remotely on Tuesday, 15 December 2020

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

24 GENERAL MARKET, 489-491 LITTLE HORTON LANE, BRADFORD BD5 9BY

Commenced: 1410

Adjourned: 1457

Reconvened: 1520

Concluded: 1525

Present

Members of the Panel

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

Representing Responsible Authorities

Mr N Winchcombe– Environmental Health Officer

Representing the Applicant

Mr G Dixon

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “I”**) which outlined an application for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

It was reported that the applicant’s representative had indicated that the proposed DPS was to change from Mr Morad Omer to Mr Hemen Ahmad Hussein. West Yorkshire Trading Standards had no objection to the new DPS.

A member asked whether there was an existing license for the premises before the applicant took over. The Licensing Officer was not aware of any license.

A member asked whether a planning application had been made for a change of use of the premises. The Licensing Officer noted that the Planning Department had been notified of the application and had made no representations.

The applicant's representative advised the Panel that he had not been involved in the completion of the original application and had only recently been aware of the application. He confirmed that Mr Omer had rightly been withdrawn as the DPS. He added that the premises would be open 24 hours a day and the application to sell alcohol was for 24 hours however the applicant would agree to change the application for the sale of alcohol to 05.00 am to 02.00 am. He sought clarification from Environmental Health as it appeared that they wanted other trading to be from 05.00 am to 02.00 am and not 24 hours.

The Chair noted that the application did not include steps proposed by the applicant to address the Licensing Objective of Protection of children from harm and asked whether the applicant would accept a condition that he operate Challenge 25.

In clarifying the opening hours of the premises the applicant's representative confirmed that the applicant would agree to the sale of alcohol from 05.00 am to 02.00 am. It was noted that Environmental Health recommended that the business should open no earlier than 05.00 am and close no later than midnight. The applicant's representative pointed out the other businesses in the area operated 24hours and requested that this business operate the same as others in the area.

In response to a member's questions the applicant's representative indicated that 5 to 8 people would work in the shop selling alcohol and that it would be unusual to have the DPS present during all trading hours.

The applicant's representative responded to questions from the Council's Legal representative as follows:

- The applicant had no previous experience in the licensing trade but had experience in retail. He has gone through training and passed the Award for Personal License Holders (APLH) exam. He would put in place Challenge 25 and staff would be on the premises who could operate the CCTV.
- The DPS Mr Hussein was a license holder and Trading Standards had raised no objection.
- Mr Hussein had an industry registered training manual that covered Challenge 25 and other restricted products. Staff had to sign to say that they understood the procedure. Staff would be trained on downloading CCTV images.
- Of the 5 other late night premises in the area, 2 were off licenses.
- The number of schools in the area was unknown. It was noted that the risk to children of passing or visiting the shop was the same as visiting a supermarket that sold alcohol.

The Environmental Health representative reported that the premises were very close to residential properties that were affected by noise and disturbance. He noted that the premises had been closed for a lengthy period before being refurbished and opened. He did not want the business to open for 24 hours because of the levels of noise and disturbance. He recommended that it opened from 05.00 am to midnight which would be one hour later than Little Horton Pizza Bar on 493 Little Horton Lane.

A member questioned the opening and sale of alcohol from 05.00 am and asked whether there had been complaints regarding noise and disturbance from other premises in the area that were open 24hours.

The Environmental Health representative confirmed that based on concerns regarding the sale of

alcohol on premises that were open 24 hours he would recommend that the premises open from 05.00 am to midnight.

The applicant's representative was concerned that it had been assumed that because the applicant had no experience in the licensing trade he was not capable of implementing the Licensing Objectives and that because there were problems with other premises that operated 24 hours there would be problems with this one. He noted that no objection had been received from West Yorkshire Police. He confirmed that he could submit the application with full details of how the applicant would address the Licensing Objectives. He confirmed that the applicant would agree to the sale of alcohol from 05.00 am to 02.00 am.

It was noted that the proposed DPS was to be Mr Hemen Ahmad Hussein.

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;

That the hours of licensable activities shall be:

Monday to Sunday: 07.00 to 23.00

- (a) That an appropriate proof of age policy, incorporating the principles of the "Challenge 25" Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**
- (b) No licensable activities shall take place at the premises unless or 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 a Responsible Authority on request.**

Reason - it is considered that the above conditions are necessary to protect children from harm; minimise public nuisance and prevent crime and disorder – Prevention of Public Nuisance; Protection of Children from Harm and Prevention of Crime and Disorder Objectives.

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