

## **Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 29 April 2021 in**

### **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 Yara Jaga, 15 Laisteridge Lane, Bradford - Application For Variation to Extend Permitted Hours and The Addition of Late Night Refreshment Outdoors

#### **RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION TO EXTEND PERMITTED HOURS ON A PREMISES LICENCE AND THE ADDITION OF A LATE NIGHT REFRESHMENT HOUSE LICENCE FOR YARA JAGA, 15 LAISTERIDGE LANE, BRADFORD**

Commenced: 1000  
Adjourned: 1109  
Reconvened: 1130  
Concluded: 1132

#### **PRESENT**

##### **Members of the Panel**

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

##### **Parties to the Hearing**

##### **Representing the Applicant:**

Mr Mardon – applicant  
Mr Semper – Applicant’s representative

##### **Interested Parties**

Councillor Aneela Ahmed

## Representations

The Interim Assistant Director Waste, Fleet & Transport Services presented a report (**Document “N”**) which outlined an application for variation to extend permitted hours for the sale of alcohol for consumption off the premises and the addition of late night refreshment outdoors for Yara Jaga, 15 Laisteridge Lane, Bradford BD7 1QU. The panel was also advised of objections to the application which had been made by a ward councillor, a local residents association and an individual.

The applicant's agent joined the remote hearing and spoke in support of the application, explaining that it was for a variation to the licence of a well-established store which was already permitted to keep long hours. The variation would simply mean that the store could trade on a 24 hour basis. He explained that the applicant considered that there was a market for this from people working late hours such as shift workers.

He addressed the objections which had been made and considered that they were not relevant in terms of the licensing objectives. He also noted that there had been no representations from any of the Responsible Authorities in respect of this application. He considered that it was incumbent on the objectors to show how this application would undermine the licensing objectives and to have evidence to support their views. He noted that no supporting evidence had been submitted.

He went on to state that the operating schedule for these premises was fit for purpose and went through the local crime statistics that he had provided to the Panel, noting that they were very low and that therefore, the local perception of alcohol related anti-social behaviour was not borne out.

He also addressed the alcohol prohibition zone referred to in the objections and noted that there was no reference in the Bradford District licensing policy to such a zone. He stated that public space protection orders were always welcome as they meant that there were appropriate measures to deal with anti-social behaviour.

He re-iterated that there were no representations from any of the responsible authorities and reminded the Panel of the statutory guidance in respect of the sale of alcohol from shops and of the issue of littering being a matter for individual responsibility beyond the area immediately surrounding a premises.

He also addressed the issue of the likelihood of anti-social behaviour arising from these premises and advised that the shop was already open until 0330 and the Police or Council had never been called out. In his opinion, the sale of a modest amount of alcohol between 0330 and 0700 would not cause a spike in alcohol related poor behaviour. Such issues did not occur at all night garages or businesses such as Tesco extra and this applicant also had the right to be treated lawfully and fairly.

The Chair ascertained that the applicant did not wish to add anything to the statement made by his representative.

He also queried whether it was accepted that not all incidences of anti-social behaviour were reported to the Police, in response the applicant's representative did accept that but also noted that Police patrols had not reported any problems and reminded the Panel that the consideration of applications was an evidence based process.

A Panel Member questioned whether patrons of the next door pub would buy alcohol as they left those premises; what form the late night refreshment would take and what measures were taken to ensure litter was dealt with.

The applicant's agent responded by stating that he didn't know if the pub would be reopening and that there had never been any such problems previously and by reminding the Panel of the definition of late night refreshment.

The Member noted that there was a large area outside the shop frontage where people could gather to eat and drink and potentially litter and asked again about the nature of refreshments to be served.

The applicant advised that the pub had been closed for two years and was now a different type of business and that he had never sold hot food or drink.

As a result of that, his agent stated that the application for a late night refreshment licence was now withdrawn. He also stated that he would accept a condition in respect of littering. The Licensing Officer noted that there was already such a condition on the extant licence.

The remaining Panel Member considered that her questions had all been dealt with but advised the applicant's agent that his practice of stating "as per pre-existing premises licence" on the application did nothing to inform the Panel about this application.

The Panel's legal advisor also noted that the applicant's agent had expressed views in his submission which went beyond what was relevant, particularly in terms of his previous experience as a Police officer. He went on to question the agent in respect of whether the premises were located in a densely residential area; whether the residents' association were likely to have exaggerated their concerns and whether they were the most likely to have witnessed any anti-social behaviour as local residents.

In response, the agent concurred that the premises were in a highly residential area and stated that he had previously described the residents association as good people but referred again to the points he had made previously about the statutory guidance.

The legal advisor confirmed with the agent that the applicant did not now require a late night refreshment licence and that the application was to be considered only on the basis of the extended hours for the premises licence. He asked the applicant if he considered that the extended hours would be likely to cause an increase in littering, noise nuisance and anti-social behaviour in the area.

The applicant advised that he had never received any complaints about littering and that he had three litter bins outside his premises. He stated that the notice in respect of this application had been displayed for three weeks in his shop window but nobody had complained to him. The panels' legal advisor reminded him that, in fact, a local councillor, the residents association and a local individual had complained.

In response to further questions from the Panel's legal advisor, the applicant accepted that the premises were surrounded by residential properties and confirmed that he expected customers on a 24/7 basis if the application was granted.

A local councillor joined the hearing and spoke in objection to the application. She

highlighted that the residents association was also the local neighbourhood watch and stated her disappointment and upset that their concerns had been dismissed as irrelevant. She stressed that the issues complained of were very real to local residents and explained that she had witnessed patrons of the shop hanging around the curtilage drinking and littering. She also confirmed that residents had complained to her about the shop rather than approaching the Police as they were so overstretched. She had also witnessed the applicant outside the shop smoking shisha.

She advised that the shop was very close to the university and college and that it was not appropriate for young people to witness shop patrons outside the premises heavily in drink. There was also a school nearby and it would not be appropriate for young children to witness that either.

She had arranged a local litter pick with residents as the littering problem was so significant and it had been possible to identify some of that litter as coming from this shop.

In response to a question from a panel member, she confirmed that there was a public space protection order in force in the area and that, therefore, local wardens could warn members of the public about their behaviour and remove drink from them if necessary.

She also confirmed that residents had not considered asking for a review of the licence as neither they nor she had been aware of that option.

In closing, the local councillor stated that, after considering all the information presented, the applicant's agent had dismissed concerns as irrelevant, which she considered to be offensive. She stressed that the concerns of residents were very real and that issues in respect of the sale of alcohol were adversely affecting this area. Residents were experiencing noise and disturbance at 0300 and this was not good for the community. She requested that the application be refused and asked the applicant to work more closely with the community.

The applicant's representative then made his closing statement, stressing that he had not meant the concerns were irrelevant, just that they were not relevant to the licensing objectives. He offered to accept a condition that the licensee would use his best endeavours to disperse patrons from outside the shop and, while not dismissing the concerns of residents, referred again to the statistics which showed that Police calls to the area were very low and that none could be directly attributed to these premises.

#### **Resolved –**

**That having noted that the application had been amended to remove the element of late night refreshment the Panel 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; and having listened carefully to the applicant's representative, refuses the amended application on the grounds that, in the light of the evidence presented by the Ward Councillor, the Residents Association and an individual, it considers that the Prevention of public nuisance Objective cannot be met.**

ACTION: Assistant Director Waste, Fleet & 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