

## **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**

## **DISCLOSURES OF INTEREST**

All Members disclosed that they had previously considered an application on the site of the application being discussed. They declared that the application would be considered entirely separately and reviewed accordingly.

## **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

**CHA DONUTS, 3 FOOD COURT, INGLEBY ROAD, BRADFORD BD8 9AN -  
APPLICATION FOR A PREMISES LICENCE**

Commenced: 1215  
Adjourned: 1250  
Reconvened: 1300  
Concluded: 1305

**PRESENT**

**Members of the Panel**

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

**Parties to the Hearing**

**Responsible Authorities**

Ms C Williamson, Environmental Health

**Interested Parties**

Councillor Aneela Ahmed

**Representations**

The Interim Assistant Director Waste, Fleet & Transport Services presented a report (**Document “O”**) which outlined an application for the grant of a Premises Licence for the provision of late night refreshment to take place indoors for Cha Donuts, 3 Food Court, Ingleby Road, Bradford BD8 9An.

The panel was also advised of objections to the application which had been made by the Local Authorities Environmental Health Department, Bradford West Area Co-ordinator, a Traffic and Enforcement Officer and a ward councillor.

The applicant was not in attendance at the meeting and the Interim Assistant Director related the steps proposed by the applicant to address the Licensing Objectives.

A representative from the Council’s Department of Environmental Health addressed the meeting and reported continuing involvement with the site where the premises were located and complaints resulting in a Community Protection Notice being issued on 16 October 2020 to all units on the site. The notice prevented vehicle access to the premises between 2330 and 0700 hours and had been issued to curtail anti-social behaviour between those hours which was affecting residents living in the vicinity of the premises and affecting the highway. It was explained that there was also litter nuisance associated with that site and people accessing that site by car were driving recklessly and causing noise nuisance with music blasting from their vehicles.

A Panel Member questioned the duration of the Community Protection Notice and it was explained that the notice would remain whilst problems were experienced. Once the issues were resolved the notice could be withdrawn or closed. It was not felt that the problems had been resolved and a meeting was planned with the managers of the site shortly. In

response to questions about any request to customers to behave appropriately it was reported that, due to hostility which had been received from the previous approaches made to customers, Environmental Health Officers no longer visited the site alone and were accompanied by police officers. It was clarified that the hostility had been from customers and not from the managers of the site.

The Council's Legal Officer raised a number of issues for clarity and it was confirmed that failure to comply with the Community Protection Notice was a criminal offence and that there had been failures. The notice was issued to all five retail units on the site and the problems occurring were from all five of those businesses.

A Ward Councillor addressed the meeting and reiterated concerns documented in her representation included in Document "O". It was explained that this was a complex issue for Ward Councillors with huge gatherings of vehicles compromising highway safety in the area. It was reported that customers of the nearby supermarkets felt intimidated and that the traffic was blocked in all directions. The proximity of major road junctions was reported and the subsequent congestion caused from traffic using the site. An incident occurring on 24 April 2021 when residents had experienced severe delays in accessing the local supermarkets and when road junctions had been blocked for a period of 20 minutes was discussed. It was felt that the use of security personnel was not alleviating the issues as when the incident occurred on 24 April there had been nobody available to control or manage the situation.

Concern about the impact of traffic congestion on emergency service vehicles was raised. It was reported that an Ambulance station was located in the vicinity and the Bradford Royal Infirmary was close by. It was questioned why the applicant had made the application to trade until 0200 hours when the Community Protection Notice was already in place.

Incidents of anti-social behaviour were also raised by the Ward Councillor and a situation occurring previously requiring a heavy police presence on the site was reported. It was explained that there had been fire breathers on the site near to the supermarket's petrol station causing safety concerns. High ranking police officers had attended and had been confronted by patrons and business occupants. The area had schools and houses located close by and blockages to the highway affected the hospital.

In light of the problems occurring at the site it was requested that the application to extend the hours of operation be dismissed.

In response to Member questions it was confirmed that the only parking for the premises would be on the retail unit's car park or the highway. Due to the volume of traffic; inconsiderate parking and nuisance being caused local supermarkets would not allow patrons of the premises to park in their car parks. Local supermarket Lidl had erected barriers to prevent access to patrons who were sitting for long periods of time and playing loud music in their car park.

A Member questioned the attraction to the car park as the configuration on the application suggested this was a drive through venue. It was explained that patrons paid no regard to the drive through indicated. The site had become a different destination and major attraction. There were fish and chips; pizza; donut; tea and desert retail outlets. Patrons met in the car park to socialise with friends and ignored instructions to drive away. During the Covid pandemic there had been no regard for social distancing with patrons hugging

and shaking hands.

A Member referred to the application stating that there was indoor seating and questioned if there was sufficient parking available to accommodate those customers. In response it was explained that the car park had insufficient spaces for all the retail units located on that site. The representative from Environmental Health clarified that planning permission had been granted on the site for one retail outlet and the site had subsequently been split into a number of businesses. It was believed that some of the businesses did not have planning permission and it was felt that the parking area was insufficient for the number of premises now operating on that site. Following questions about planning enforcement it was confirmed that the Council's planning officers were involved with regard to that matter.

The Council's Legal Advisor asked the Ward Councillor on how many occasions she had visited the site and was informed that she lived locally; had not visited in her role as Ward Councillor but used the supermarket approximately twice per week and she had reported the incident on 24 April 2021 to the police. She drove through the area frequently and witnessed the problems occurring.

Following discussions about the drive through car park at other businesses located on the opposite side of the road it was explained that there were parking bays at the site under discussion but drive through lanes were not officially marked.

In summation the representative of Environmental Health confirmed that the problems were ongoing. Despite a meeting being arranged with the management of the site to try to curtail the complaints she reported incidents were still occurring and she maintained her objections to the application.

The Ward Councillor concluded that despite efforts being made to address the current issues she was requesting that the application be rejected.

#### **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 refuses the application on the grounds that, in the light of the evidence presented by the Ward Councillor; Environmental Health officer; Bradford West Area Co-ordinator and the Traffic and Enforcement Officer, it considers that the three following licensing Objectives cannot be met:**

- **Prevention of crime and disorder**
- **Prevention of public nuisance**
- **Public safety**

**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

