

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 8 June 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 VARIATION OF A PREMISES LICENCE FOR HARVEY'S,
SMIDDLES LANE, BRADFORD, BD5 9NS**

RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR HARVEY'S, SMIDDLES LANE, BRADFORD, BD5 9NS

Commenced: 1500
Adjourned: 1540
Reconvened 1553
Concluded: 1550

PRESENT

Members of the Bradford District Licensing Panel

Councillors Slater (Chair), Dodds and Hawkesworth

Applicant

Mr R Ahmady

Responsible Authorities

Ms C Caygill, Environmental Health

Representations

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document "B"**) which presented an application for the variation of a premises licence to extend the permitted hours for the sale of alcohol for consumption off the premises at Harvey's, Smiddles Lane, Bradford BD5 9NS.

The applicant's representative addressed the meeting and explained that local people had asked for the business hours to be extended. In response to the representation from Environmental Heath he reported that traffic in the area was busy and noisy for 24 hours per day, he could evidence on CCTV equipment that cars were in the vicinity 24 hours per day and three shops in the area already traded for 24 hours per day.

Members raised a number of questions to which the applicant provided the following responses –

- A proof of age policy was in place at the business.
- All staff were aware of training policies.
- The premises had traded without complaint for a number of years.
- The house next door to the business was owned by the applicant but no one resided there.
- The nearest occupied residence was 25 to 30 yards away.

In response to questions from the Council's Legal Adviser the location plan attached to the report was discussed and the applicant reported the residential properties in the vicinity of the premises which were occupied.

Following questions about the applicant's previous experience he clarified that he had been at the premises for 19 months and had formerly been a welder.

It was questioned how potential noise nuisance would be prevented and the applicant reported that he had CCTV equipment so he was aware how the business was operated if

he was not on the premises. There would be two members of staff working late at night and if complaints were received he would close the premises. The applicant stated that he had asked neighbours if they had objections to the variation of the licence and nobody had complained.

The availability of parking was queried and the applicant explained that most customers walked to the premises, however, customers were able to park outside the shop.

The hours of business were questioned and the operating arrangements were discussed. The applicant explained that premises were busy with children throughout the day and adults at night. A member of staff worked in the morning and the applicant took over at 2.00pm.

A representative from the Department of Environmental Health made an opening statement and reported concerns that there were residential properties surrounding the premises and parking was not allowed on the busy A6177 road on which the shop was situated.

She reported that there was no precedent in the area for the hours requested; the local supermarket closed at 10.00pm and the other premises did not operate for 24 hours. Previous complaints of noise nuisance in the area had been received.

Members questioned the degree of certainty she had that residents would be disturbed and she explained that because of previous experience of the area that conclusion had been made.

In response to questions about there being no representations or complaints from residents it was believed this was because the premises were currently closing at 11pm. Businesses in the area had previously opened later and complaints of noise disturbance had been received.

In a closing statement the applicant referred to premises in the Lumb Lane area which operated for 24 hours per day; was decorated with Christmas light and had a boxing machine outside. He stressed that the premises were located on a busy road near to a motorway, heavy wagons used that road late at night and he could not control the traffic noise. It was reiterated that there were at least two other premises in the local area who traded for 24 hours and if complaints were made he would close the shop.

In summation the representative from Environmental Health reiterated the representations made in Document "B".

Decision –

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 amendment of current condition five on the licence as follows: -

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 identify and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.

Reason - it is considered that the above condition is necessary to protect children from harm – Protection of Children from Harm Objective.

Action: Interim 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