

## **Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 16 June 2021 in the Banqueting Hall - 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

### **Hearings**

**APPLICATION FOR A PREMISES LICENCE FOR TORQUE RETAIL SERVICES,  
ANCHOR WORKS, HOLME LANE, BRADFORD BD4 6NA**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AT TORQUE RETAIL SERVICES, ANCHOR WORKS, HOLME LANE, BRADFORD BD4 6NA.**

Commenced: 1620  
Adjourned: 1730  
Reconvened: 1750  
Concluded: 1755

**Members of the Panel:**

Bradford District Licensing Panel:

Councillors Slater (Chair), Cunningham and Davies

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Collinson, Applicant  
Mr Brackup – legal representative

**Interested Parties: - local residents**

Mr Matthews & Ms Patton  
Mr Dale  
Mr & Mrs Smith

Observer – Mr Boothroyd

**Representations**

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document “D”**).

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the application requested the grant of a premises licence for the sale of alcohol for consumption off the premises. Nine representations had been received from local residents which raised concerns of increased noise nuisance from additional deliveries and collections of alcohol if the licence was granted. Concerns had also been raised regarding underage sales online, noise nuisance and anti-social behaviour caused by customers collecting alcohol from the premises, drinking in the street and litter problems. Details of the representations were appended to the report.

The applicant’s legal representative addressed the meeting and raised a preliminary matter which he wished the panel to consider. He questioned the necessity for the application made by his clients. He believed that as the applicant company did not sell alcohol from its premises but received deliveries of alcohol for distribution around the country the activities were not required to be licensable. He referred to a witness statement made by the applicant and it was confirmed that, with the exception of one interested party who had not provided email contact details, the statement had been served on all parties. The

Licensing Officer also explained that video footage had been submitted by the interested parties and she confirmed that it had been served on all concerned.

The Panel consulted the Council's legal representative on the necessity for the premises to be licensed. He advised that the matter was for the applicant's legal adviser to decide if to proceed and referred to the witness statement which confirmed that the applicant had applied for a licence in other areas including in Wakefield. Members were advised that the application had been made and should be considered unless the applicant wished it to be withdrawn.

The Licensing Officer explained that Section 190 of the Licensing Act 2003 provided that the sale of alcohol was to be treated as taking place where the alcohol was appropriated to the contract. It was explained that it would be the premises at this location which needed to be licensed. As an example it was reported that a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol was stored and specifically selected for, and despatched to, the purchaser would need to be licensed.

In response to questions the applicant's legal adviser confirmed that the business conducted in Wakefield was the same as was proposed at the Bradford site.

It was confirmed that the applicant wished to proceed with the application and his legal representative provided an opening statement. He referred to the witness statement presented which provided the background to the application and outlined the nature of the business. It was explained that Torque Retail was a logistics company which received goods to a central warehouse and distributed on behalf of third party customers to businesses or individuals. It was maintained that the distribution of alcohol did not add or detract from the company's existing business. It was stressed that people could not come to the premises and buy alcohol as the company did not sell alcohol. There would be no access to alcohol for members of the public or children as they were not allowed on the premises and that there was 24-hour security on the premises.

The applicant's legal representative stressed that the application was not akin to an application for a public house or office licence. He maintained that demand had increased for retailers to sell on line and that the holding and delivery of alcohol was only a small proportion of the business of the applicant company. He addressed the licensing objectives and claimed that these would not be compromised by activities of the company and reported that the applicant company operated in a highly regulated environment and movement of vehicles was regulated. There would be no increase in traffic, however, the goods being transported would be different. He referred to a witness statement made by the company secretary which had been circulated to all parties.

Following a detailed statement, the Panel raised a number of issues and questions to which the following responses were provided:

- If the licence were granted it would not result in additional vehicular activity; the deliveries would be incorporated into the existing delivery structure and there would not be any dedicated fleet of vehicles transporting alcohol.
- The company could not transport goods outside of the hours regulated by its Goods Vehicle Operator's Licence (GVO). The hours of operation contained on the application form included the times that warehouse operatives processed and packed the orders.

- Demand for alcohol delivery may increase but an increase in business was not being actively pursued.

The Council's legal representative questioned the likely increase in deliveries and was advised that future business was limited by warehouse capacity. There was a finite amount of space and the only way that the business could grow would be to acquire additional premises.

Local residents in opposition to the application addressed the meeting. Following advice from the Council's legal representative it was acknowledged that video footage which had been captured on a mobile device may contain images of private vehicles and that the residents were happy to summarise the footage captured and were happy that the footage would not be played.

They reported that they had been unaware of the proposed activities at the site and had reacted to the public notice which had been displayed. It was explained that local residents were unhappy with the noise generated by the company; the litter produced by the employees and the hours of operation at the site.

Members questioned if the local residents had objections about the company's diversification into the transportation of alcohol. The residents explained that the area suffered from crime and antisocial behaviour and that vehicle entry on site was excessive. It was claimed that the company did not adhere to the GOV.

The residents were asked to describe the footage they had captured. They reported that they had been advised by the Traffic Commissioner that the company had restrictions and the vehicles operation must cease at 2000 hours. The footage depicted wagons being loaded and engines running after that time. It was revealed that wagons were parked outside of residents' homes because they could not access the site. It was claimed that these incidents occurred all of the time and that the previous evening there had been wagons at the site at 2055 hours which were reversing and beeping as they drove. The noise had disturbed residents for 45 minutes whilst pallets had been loaded and shutters opened and closed. Before the hours of operation staff arriving for work were parking outside of private homes; they were littering the area and goods vehicles were leaving the site from 0645 hours.

In summation the local residents in objection to the application requested that the company be prevented from operating before 0800 and after 1800 hours. They did not want the premises licence to be granted but would accept the application if the company adhered to the hours of operation on its Goods Vehicle Operator's Licence

In conclusion the applicant's legal representative confirmed that he had listened carefully to the views of local residents. He referred to the response of the Office of the Traffic Commissioner to the residents' concerns which was appended to the report and explained that the regulations governed the vehicle fleet but did not control traffic into the site. He reiterated that the company operated in a highly regulated sector and was compliant with all statutory requirements. It was maintained that the application did not undermine the licensing objectives of the Licensing Act 2003 and it was requested that the application be granted.

**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.**

(Melanie McGurk – 01274 431873)

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

