

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 29 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 TACO BELL, INGLEBY HOUSE,
INGLEBY ROAD, BRADFORD BD8 9AP.**

Commenced: 1015
Adjourned: 1115
Reconvened: 1130
Adjourned: 1200
Reconvened: 1215
Concluded: 1220

Members of the Panel:

Bradford District Licensing Panel:

Councillors Slater (Chair), S Khan and Winnard

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “E”**) which outlined an application for the grant of a new Premises Licence for the provision of late night refreshment to take place indoors and outdoors. It was noted that representations had been received from the Bradford West Area Co-ordinator and a local resident.

The applicant’s spokesperson attended the meeting along with the applicant who was responsible for a number of Taco Bell outlets. He explained that the business was fresh food prepared quickly with 7,000 companies worldwide. He added that this franchise was Northern England and that many operated 24 hrs a day 7 days a week and that there had never been a review or censure at any of them.

He stated that his client was a responsible applicant. The store was open and trading until 2300 and was currently limited to deliveries as groundwork was being completed. They were hoping to open fully shortly. He explained how the licensing objectives would be addressed and that they had not previously been found wanting. He added that the premises were well lit, had CCTV and already had conditions in respect of noise.

He explained the location of other premises with late night or 24 hour licenses. He added that there was parking on site. He stated that there were residential properties on the other side of the road but that the activities would not cause a nuisance. The premises had an external area with picnic tables but principally it would operate as collection and delivery. There had been increased demand for deliveries around the clock and three shifts would be in operation.

He noted that it was creating a night time business that was not alcohol led and that promoted the diversity of Bradford and provided a variety of jobs. No request was being made for recorded music and the activities would not cause a nuisance in themselves.

He assured members that the premises would be monitored and any issues would be addressed. He added that the operation of a Late Night Refreshment licence did not automatically cause noise and that the operator was experienced in running such premises.

He added that the issue of cumulative impact could be raised but that would be very big

step to take and that Bradford's Licencing Policy did not identify any such area in its assessment. He referred to paragraph 8.6 of Bradford's Licensing Policy adding that if it was minded to consider the threshold was high then evidence would have to be produced.

He added that the residential objector did not live locally and that the application would not affect them. He noted the concerns that had been raised by objectors and explained that steps were in place regarding cleaning and removal of litter from the curtilage of the premises. He concluded that the concerns raised by the objectors were based on fears and he hoped he had given some assurance regarding this.

In responding to questions from Panel members it was confirmed that the premises had previously been a large car park for KFC which has been redeveloped for Taco Bell and that planning permission had been granted. With respect to antisocial behaviour, a risk assessment had been carried out and no direct link to the premises had been identified. There were well lit areas covered by CCTV which deterred anti-social behaviour. It was noted that matters of this nature were dealt with by the responsible authorities and they were silent today.

He explained that staff policies were in place for dealing with anti-social behaviour and CCTV would be used to monitor and gather evidence if necessary. Door supervisors would be used if necessary. The risk assessment did not show that this was necessary at the moment but they would be used if necessary. He stressed that it is not in their interests to become a source of anti-social behaviour and they were determined not to, by tackling such issues promptly and professionally. He confirmed that training would be given to all team members in dealing with basic complaints and that there would always be shift leaders and store managers who could deal with escalating complaints.

With respect to increased footfall he anticipated that they would be sharing of the existing customer base, but as they offered a different menu there may new customers. Regarding training he confirmed that full on the job training would be provided. He noted that sitting outside was weather and season dependent and that they had seen a massive increase in deliveries. He added that anti-social behaviour by drivers would not be accepted and that as the premises was located on a busy road the noise was not expected to be above the background level. With respect to how staff junior would enforce the zero tolerance on drugs it was noted that this would be passed to more senior experienced staff and possibly the police service to deal with. The need to utilise the most appropriate staff member was recognised.

In questioning the applicant the Council's Legal adviser referred to the Licensing Policy for the Bradford District 2021 - 2025 paragraph 8.5 Cumulative Impact and paragraph 8.6 Cumulative Impact Assessment, and noted that Council had made no assessment. The applicant's representative contended that the Council had made an assessment to reach the decision that there are no areas, however the Council's Legal adviser responded that the Council could still take on board issue of Cumulative Impact if there was evidence to do so.

In responding to questions from the Council's Legal adviser that applicant's representative confirmed that Morrison's had a 24 hour licence. McDonalds was 23.00-05.00 and KFC was till 03.00. The application was till 05.00 to give flexibility to trade, if the demand was not as expected then the hours could be drawn in. The current opening times were 11am to 11 pm. There would be a further shift until 05.00. Three shifts would operate from 11 am to 5 am, and two shifts would operate from 11 am to midnight. Each shift would be a

maximum 9 hrs. There would be a leader who managed the shift and Assistant Manager and Manager. The shift leader would run the shift and would be the Manager in Charge and would manage each shift. Each Manager and Assistant Manager works 45 hrs per week in branch.

He confirmed that there were 4 bins outside 1 inside. He confirmed that the external area was not trading at that time but the intention was to have 4-5 outside tables in a similar way to KFC. He confirmed that there were 9 parking spaces. Trading had been taking place since 24 June 2021. He confirmed that if there was anti-social behaviour outside the Team Leader would be expected to keep themselves as safe as possible, they will be trained in conflict resolution and if necessary escalate to the police. He confirmed that other than Morrison's he was not aware of and similar businesses with Late Night Refreshment Licences. He did not expect the premises to cause litter to residents and confirmed that what was seen would be collected. A litter pick was always carried out at shift handover, one prior to lunch peak, one at changeover at 2 – 3 pm, at hand over to the night manager, then at 9pm, then when the premises closed, bins were also changed when needed. Trade waste bins were indicated on the plan and there was a contract to collect them.

A local resident who had submitted a representation attended the meeting and referred to layout plans that had not been made available to the public. The meeting adjourned to allow copies to be distributed to all parties who were given time to consider them.

He noted that the plans did not show the relationship to the existing road. He was concerned about the build-up of traffic particularly because of the other outlets on the site he added that the number of premises on the site created considerable traffic nuisance.

He was concerned about the dangers of young people driving vehicles and eating a meal and other substances with friends, and felt that this was a public health hazard arising from Taco Bell's business.

He stated that consultations had been carried out regarding the Council's fast food policy with a number of stakeholders and had identified littering issues and dangers of a high level of fast food being available and also noise nuisance.

He expressed concern about the lack of clarity regarding the management of the premises at various times. He was also concerned about continuing rodent infestation in inner city areas often linked to fast food establishments. He also referred to the impact of fast food littering on destabilising communities, when people were faced with either living with it or moving this created unstable communities.

The Chair noted that it was usual for a licence to contain a condition that litter be cleared. He added that more widespread litter and rat infestation was a matter for the Council. He noted that in the case of anti- social behaviour the police could intervene.

The resident responded that most of the littering took place between midnight to 5am and it was difficult to identify people and vehicles littering and report them at that time.

A member suggested that the businesses in the area work together with residents to promote and encourage responsible behaviour.

The resident stressed that clear signage was essential to get the message across to

customers.

A member pointed out that the objection was not specific to Taco Bell and the resident confirmed that the objection was that unrestricted development in close proximity creates an environment where rats will increase, that there were several outlets in this area and this should have been considered. He also felt that there was an issue regarding Covid and driving in cars to the premises. He confirmed that he lived ¾ mile away from the premises.

In closing he referred to issues of staffing, layout, the close proximity of other establishments, the lack of clarity on coping with serious social nuisance, and the lack of clarity on potential traffic problems.

In closing the representative of the applicant contended that traffic was not an issue as planning permission was approved and highways was a consultee. He added that there was no lack of clarity regarding the management of the premises which was evident in the answers given to the Council's Legal adviser. He stressed that the business is a quick service restaurant not fast food. The menu is varied and balanced with fresh ingredients as well as treats. He confirmed that there would be no objection to a condition on littering but this was already their practice. He noted that he had covered the issue rat infestation. He was not sure of the relevance of the Covid period but the company had extended apps in other cities during Covid and there would be more apps to come. He stressed that they would always listen to communities and engage positively. He confirmed that refuse collection was provided on site and all litter cleared. He noted that responsible authorities had not made any representations, there was no evidence of cumulative impact and the officer who raised this was not there to be questioned. If granted the licensing objectives would always be promoted.

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 condition:-

- **That the licensee shall ensure that all external areas around the perimeter of the premises are kept clear of litter and refuse**

Reason – it is considered the above condition is necessary to promote the prevention of public nuisance licensing objective.

(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

