

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 26 August 2021 in Ernest Saville Room - 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 SMASHD 264 GREAT HORTON ROAD, BRADFORD BD7 1QJ

RECORD OF A HEARING FOR A PREMISES LICENCE FOR PROVISION OF LATE NIGHT REFRESHMENT TOTAKE PLACE INDOORS AT SMASHD, 264 GREAT HORTON ROAD, BRADFORD BD7 1QJ

Commenced: 1055
Adjourned: 1205
Reconvened: 1215
Concluded: 1220

Members of the Panel

Bradford District Licensing Panel:

Councillors Slater (Chair), Cunningham and M Hussain

Parties to the Hearing:

Representing the Applicant:

Mr Iqbal – Applicant
Ms Nizam – Applicant's representative
Mr Maliq

Interested Parties:

Councillor A Ahmed – Ward Member

Representations:

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document "I"**)

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 new premises licence for the provision of late night refreshment to take place indoors.

Representations had been received from Ward Councillors, four local residents and the Bradford West Ward Officer. A Ward Councillor had noted that allowing the application would contradict the planning decision for the premises. The representations raised concerns of increased noise and disturbance in a mainly residential area from customers chatting and cars being driven into the area late at night. Concerns were also raised regarding anti-social behaviour, litter problems and rodent infestations. The representations were appended to Document "I"

In an opening statement to the Panel the applicant's representative addressed the concerns raised as follows:

- The applicant had been unaware that a late night refreshment licence was required for the business. Once he had been made aware he had commenced the application process.

- The business was located opposite a derelict community centre and adjacent to other businesses. Residents lived behind and above the premises and had not complained about the application.
- It was not felt that anti-social behaviour would increase if the licence was granted as very few customers visited the premises. There was limited seating capacity and the majority of orders were placed over the telephone or online for delivery. Music was not played after 10pm.
- There were many businesses in the vicinity of the premises and it was not felt that the provision of one additional business would have a detrimental impact on the area.
- Rubbish outside of the premises would be cleared and bins would be placed inside of the premises for the use of customers. The premises took very seriously responsibilities for hygiene and had been granted a pest control certificate.

It was stressed that there were many businesses in the area and the applicant's representative asked for the business to be treated fairly and with parity with the other premises in the vicinity.

In response to questions from the Panel about neighbouring businesses it was claimed that all representations received were from residents living nearer to those establishments.

The demand for late night refreshment until 03.30 was queried and it was explained that similar businesses in the area opened until that time and there was a commercial benefit for the hours requested. Approximately three customers per hour would visit the premises and five to eight orders would be collected.

Following questions about litter and pest control it was reported that the applicant collected rubbish from outside of the premises and that litter bins would be placed outside. It was maintained that staff wanted to work in a nice environment and for the premises to look nice.

Members referred to documentation contained in the agenda pack which revealed that the planning permission granted for change of use of the premises stipulated that the premises should not be open for business between the hours of 2300 and 0700 and no customer should be served or make use of the premises between those hours. The applicant's representative stated that she had believed that the application under discussion was required and was advised that if the application was granted planning permission for the extended hours must be granted before those hours of operation could commence.

In response to questions from the Council's Legal Officer it was accepted that planning permission was required. The Applicant's Representative considered asking for the application to be adjourned but decided to proceed whilst acknowledging that planning permission must be sought. Assurances were provided that the implications of the premises not having planning permission were understood and that planning permission would override the application being considered for late night refreshment.

The capacity of the premises was discussed and it was confirmed that seating had been reduced from 15 to eight to adhere to COVID restrictions.

The potential increase in volumes of traffic was questioned and the applicant stated that delivery drivers collected multiple deliveries at one time and from other businesses in the area simultaneously. A view that traffic in the area could disturb local residents was

refuted and it was maintained that cars parked across the road from the premises. It was claimed that electric cars were used and that the orders were despatched very quickly without any disturbance.

The proximity of other local business was discussed further and the nature of those establishments was questioned.

A Ward Councillor addressed the meeting referring to written representations she had made. She stated that she would always encourage economic growth but believed that it should not be to the detriment of residents living in the area. Residents had indicated the difficulties experienced late at night when their children wanted to go to sleep or the more elderly wanted peace and quiet. The hours requested would increase noise in the area and be a burden on cleansing services because of additional rubbish. It was acknowledged that the applicant could control the premises but would not be able to control music from vehicles, doors opening or music playing.

It was explained that the business was located close to a four-way traffic junction and that traffic improvements in that area would be implemented. Examples of patrons of take away businesses eating food in their vehicles and littering the area were provided. It was maintained that despite the provision of a large refuse receptacle in the area this was always full and the area strewn with litter. It was reported that the nearest residential property was 20 yards from the business and a House of Multiple Occupation was very close by. The Panel were asked to consider that the Ward Councillor and those making representations knew the area well and worked closely with other organisations in the area. The hours of operation of other businesses in the area was referred to and a copy of those details was circulated to all parties. It was requested that the applicant worked within the hours of the planning permission granted.

In response to questions the Ward Councillor explained that there were approximately eight parking spaces for all businesses to use and that the highway improvements would not impact on that provision. The restrictions that were in the location of the premises were to prevent obstruction to people using a function hall in the area and prevent the exit being blocked.

A Member questioned special arrangements which he believed were made available at certain times and the Ward Councillor explained the Eid project when certain premises were allowed to open until 0200. Police and Ward Officers patrolled the area at those times to allow people to enjoy Eid celebrations. Work had been conducted with local businesses to allow families and girls to walk safely in the area during the project which unfortunately did attract fast traffic into the area.

A Member asked the Ward Councillor, with her local knowledge of the area, what a reasonable hour for termination of the application would be and she responded that, due to the proximity of residential properties and schools, midnight would be a reasonable time for business to cease. Operating hours of nearby businesses were discussed and it was accepted that some businesses were operating beyond permitted times causing noise and nuisance to residents

In response to questions regarding complaints about other businesses in the location the Ward Councillor explained that there were people in the area every evening; complaints were received about parking issues and blocked drives and the police and ward officers were patrolling the area. An event at a business attracting large volumes of traffic and

bringing the area to a standstill with hundreds of cars was reported. Police had been attacked at that time and disturbance had continued until late at night.

In conclusion the Ward Member asked the Panel to consider her written representations; the statement made at the hearing and the effect on the lives of local people who would be impacted by increased noise and rubbish in the area if the application were granted. She referred to planning conditions attached to the premises and requested that the business operated within those timescales.

In summation the applicant's representative stressed that all the issues raised referred to established businesses in the area. It was believed that the business had been penalised by going through the correct procedures and it would be unfair if the application was not 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 subject to the following condition:

- (1) That the permitted hours for the provision of late night refreshments shall be restricted to:-**

Monday to Sunday 23.00 to 02.00

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

ACTION: Interim 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

