



Agenda for a meeting of the Bradford District Licensing Panel to be held on Monday 25 October 2021 at 11.00 am in Ernest Saville Room - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE
M Slater Dodds	Winnard

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- On the day of the meeting you are encouraged to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Farzana Mughal
Phone: 07811 504164
E-Mail: farzana.mughal@bradford.gov.uk

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report. If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Farzana Mughal – 07811 504164)

B. BUSINESS ITEMS

3. **APPLICATION FOR A PREMISES LICENCE FOR HOWDY, 375-377 LEEDS ROAD, BRADFORD, BD3 9LY** 1 - 20

The Interim Assistant Director Waste, Fleet and Transport Services will present a report (**Document “L”**) which outlines an application for a Premises Licence for the provision of late night refreshment to take place indoors and outdoors at Howdy, 375-377 Leeds Road, Bradford, BD3 9LY.

Members are invited to consider the information and documents referred to in **Document “L”** and, after hearing interested parties, determine the related application.

(Melanie McGurk – 01274 431873)

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Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 25 October 2021.

Subject:

Application for a Premises Licence for Howdy, 375-377 Leeds Road, Bradford, BD3 9LY.

Summary statement:

Application for a new premises licence for the provision of late night refreshment to take place indoors and outdoors.

EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

Sue Spink
Interim Assistant Director
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the grant of a Premises Licence for the provision of late night refreshment to take place indoors and outdoors.

2. BACKGROUND

2.1 The applicant

Howdy28 Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Howdy, 375-377 Leeds Road, Bradford, BD3 9LY.

2.3 Designated Premises Supervisor

Not required.

2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Provision of late night refreshment to take place indoors and outdoors

Hours of licensable activities:

Monday to Sunday: 23.00 to 01.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

- a) Prevention of crime and disorder will be achieved by;

There is adequate lighting outside the restaurant and sensor lights, plus CCTV.

- b) Public safety will be achieved by;

CCTV within the premises and outside.

Fire exits accessible to the public within the premises if required.

Safe spaced seating arrangements have been made.

First aid provision available.



- c) Prevention of public nuisance will be achieved by;

All surrounding area and within the premises are tidied before, during and after closing time.

Noxious odours etc are controlled with adequate fitted filters and chimneys.

No large groups allowed to gather around outside.

- d) Protection of children from harm will be achieved by;

Children under the age of 16 must be accompanied by a responsible adult.

Safety measures are in place for children.

Wooden fencing outside around the premises near seating area, steps warnings and coloured lines.

- e) General – all four licensing objectives

The restaurant has CCTV installed within the premises as well as outside. This is monitored by management on their own personal phones and recordings on site.

2.6 Relevant Representations Received

Individual, Body or Business

A representation has been received from a local resident which raises concerns of anti-social behaviour, criminal activity, noise nuisance, litter problems and rat infestation.

The representation is attached at Appendix 2.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

- 3.2 The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.

- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying



this must be given that can be sustained.

- 3.4 Only “relevant representations” can be taken into account. In order to be “relevant” a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 3.6 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime & disorder) and Part 6 (prevention of public nuisance).
- 3.7 The Annexes to the Policy sets out various types of model condition that could be considered.

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

7.4 HUMAN RIGHTS ACT

The following rights are applicable:



Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

There are no apparent data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse the application for a premises licence.

9.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members



they may appeal to the Magistrates Court.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s).

11. APPENDICES

1. Application form received 30 July 2021. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
2. Representation from a local resident.

12. BACKGROUND DOCUMENTS

Application form, plan etc.





Licensing Team, Argus Chambers, Hall Ings, Bradford, BD1 1HX

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Howdy 28 Ltd (insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>Howdy 575 - 377 LEEDS ROAD</u>	
Post town	Post code
<u>BRADFORD</u>	<u>BD5 9LY</u>

Telephone number of premises (if any)

<u>01274 722277</u>

Non domestic rateable value of premises

£ <u>13500.00</u>

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

- Please tick as appropriate
- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
- i. as a limited company/limited liability partnership please complete section (B)
- ii. as a partnership (other than limited liability) please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

Registered number (where applicable)	12474970
Description of applicant (for example, partnership, company, unincorporated association etc.)	RESTAURANT
Telephone number (if any)	01274 722277
E-mail address (optional)	howdy_01@outlook.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

Howdy is a restaurant that serves hot food and beverages (non-alcoholic). No alcohol is served or sold on the premises. It adjoined to row of other shops.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- Please tick yes
- Provision of regulated entertainment**
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performance of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	23.00	01.00	Please give further details here (please read guidance note 4)		
	-	-			
Tue	23.00	01.00			
	-	-			
Wed	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) <i>Extra hours during Ramadan 23.00 untill 04.00 am</i> <i>Christmas 23.00 untill 02.00.</i>		
	-	-			
Thur	23.00	01.00			
Fri	23.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat	23.00	01.00			
Sun	23.00	01.00			

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Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Fri					
Sat					
Sun					

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Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	01.00	<p>Extra hours during Ramadan 25.00 till 04.00am.</p> <p>Christmas, Valentines day, Mothers & fathers day - 23.00 till 02.00.</p>
Tue	12.00	01.00	
Wed	12.00	01.00	
Thur	12.00	01.00	
Fri	12.00	01.00	
Sat	12.00	01.00	
Sun	12.00	01.00	
			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

The restaurant has CCTV installed within the premises as well as outside. This is monitored by management on their own personal phones and recordings on site.

b) The prevention of crime and disorder

There is adequate lighting outside the restaurant and sensor lights, plus CCTV.

c) Public safety

CCTV within the premises and outside.
Fire exits accessible to the public within the premises if required.
Safe spaced seating arrangements have been made.
First aid provision available.

d) The prevention of public nuisance

All surrounding area and within the premises are tidied before, during and after closing time.
Noxious odours etc are controlled with adequate fitted filters and chimneys.
No large groups allowed to gather around outside.

e) The protection of children from harm

Children under the age of 16 must be accompanied by a responsible adult.
Safety measures are in place for children.
Wooden fencing outside around the premises near seating area. Steps warnings and coloured lines.

Checklist

Please tick to indicate agreement

- payment of the fee to be made by bank card please call 01274 432240
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships

- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<p>Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership</p> <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work checking service which confirmed their right to work (please see note 15).
Signature	[REDACTED]
Date	29/7/21.
Capacity	MANAGER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	[REDACTED]
Date	29/7/2021
Capacity	MANAGER.

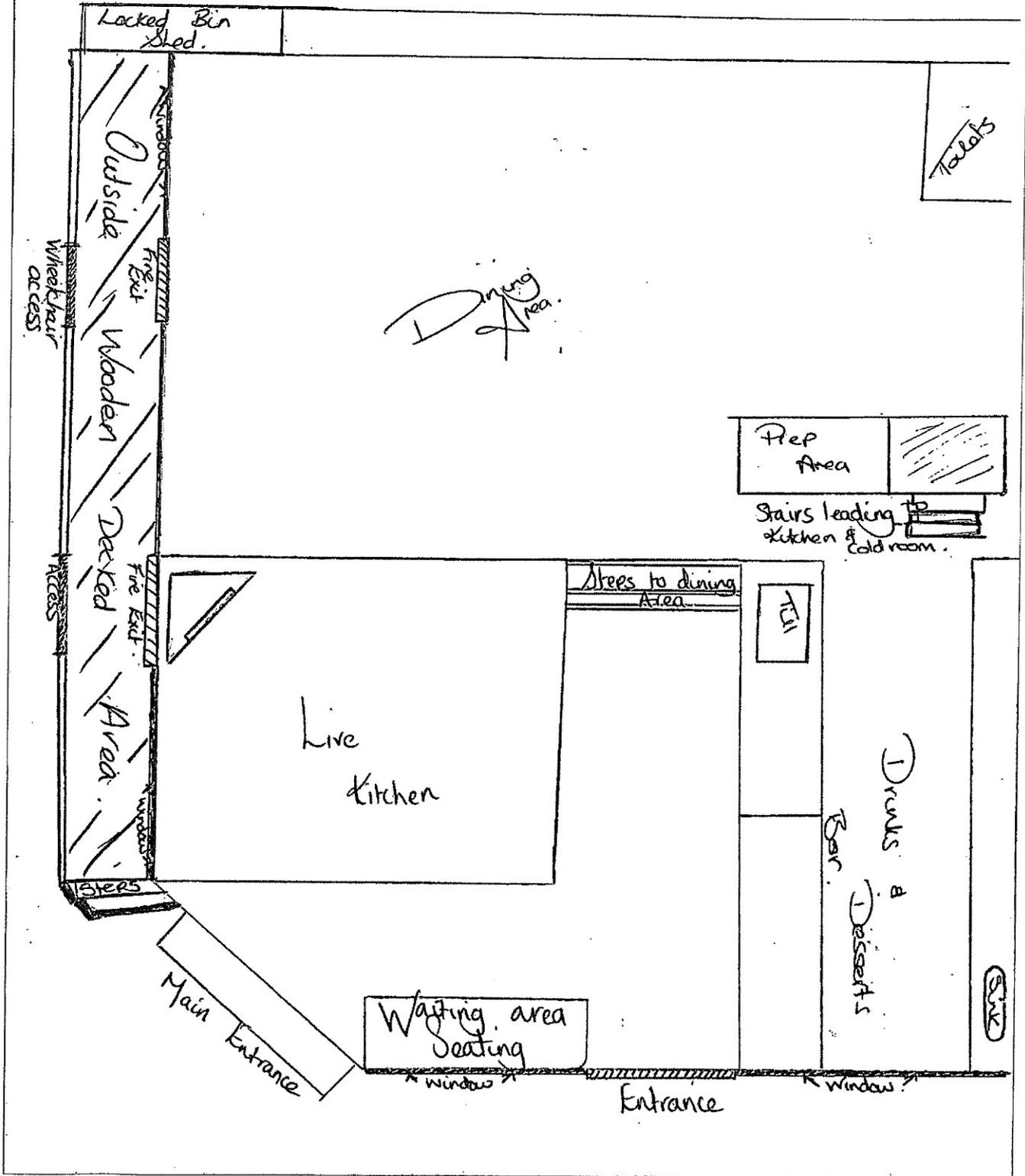
Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

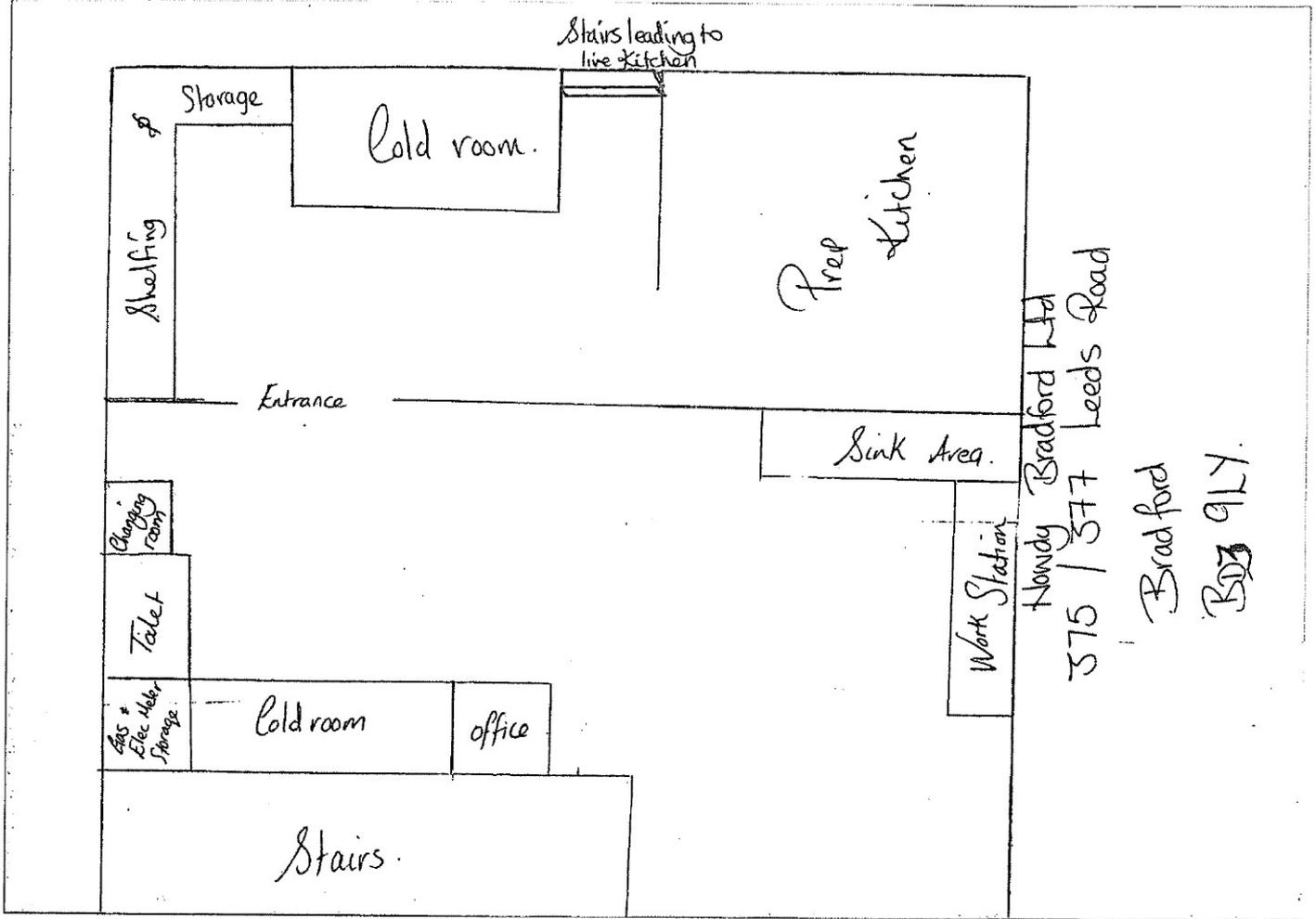
[REDACTED]

Howdy
375 - 377 LEEDS ROAD

Post town	BRADFORD	Post code	BD3 9LY.
Telephone number (if any)	01274 722277 / [REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
howdy-01@outlook.com.			

375 1377 Howdy Bradford Ltd
Leeds Road
Bradford
BD3 9LY.





Appendix 2

From: [REDACTED] [mailto:[REDACTED]@hotmail.com]

Sent: 29 September 2021 12:36

To: Licensing Team <Licensing@bradford.gov.uk>

Subject: BRA2172435

CAUTION: This email has originated from outside Bradford Council.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

DEAR SIR/MADAM

I like to request please dnt extend howdy leeds road time because

- 1) their customer park infront of our homes with full music on till late we have kids and elderly people in our homes
- 2) this is really small street and residents permits only their customer park here and we dnt have place to park or come out our house with car because they park right infront of entrance I called police and council loads of time about that
- 3) couples do sex in cars infront of our houses
- 4) drug dealers coming coming to sell on people parked
- 5) customers throw rubbish on roads which makes mess and brings rats to our houses
- 6) howdy throw rubbish on floor too if you visit right now you can see rats bigger than size of cats running up and down
- 7) their canopy will be on which makes really Loud noise

I like to request you please dnt allow them to open late and send some wardens regularly to our street

Regards

[REDACTED]

■ Gledhill Road Bradford BD3 9LX

[REDACTED]

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