

## **Minutes of a meeting of the Bradford District Licensing Panel held on Wednesday 17 November 2021 at 10.00 am in Council Chamber, City 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 REVIEW OF A PREMISES LICENCE FOR TODAY'S EXTRA BRADFORD, 14 GAIN LANE, BRADFORD BD2 3LW**

Commenced: 10:23  
Adjourned: 13:18  
Reconvened: 13:46  
Concluded: 13:55

#### **Members of the Panel**

Councillors Slater (Chair), Cunningham and Winnard

#### **Parties at hearing:**

**Environmental Health Officer:** Jeanette Howarth

#### **Representatives:**

Councillor Riaz Ahmed  
Councillor Kamran Hussain  
Local Residents

#### **Premises Licence Holder Representatives:**

Professor Roy Light - Solicitor  
Richard Baker – Agent/Director (RB Retail and Licensing Services Ltd)  
Nick Ramsden – Managing Director (DB Ramsden and Co)  
Mo Rouf – Designated Premises Supervisor  
Sajid Khalid – Store Manager  
Lisa Flear – HR Director

#### **Representations:**

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (Document "K") outlining an application for a review of a Premises Licence in respect of Today's Extra, 14 Gain Lane, Bradford, BD2 3LW.

The Licensing Officer advised the Panel that the application for a review had been made by residents and Environmental Health on the grounds of prevention of public nuisance and the prevention of crime and disorder.

Members were informed that residents had raised concerns in relation to noise, disturbance and anti-social behaviour from customers' congregating outside the premises. The representations were appended to (Document "O").

The Environmental Health Officer was present at the meeting and informed the Panel that a number of complaints had been received by local residents relating to excessive noise from loud music customers shouting, cars driving at high speed, alcohol and drug use.

Following complaints from residents, the Environmental Health Officer informed the Panel that the issues was primarily due to the premises was open to members of public 24 hours a day. The Environmental Health Officer recommended that the opening hours of the premises be reduced from 06:00 to 23:00 hours on Monday to Sunday in order to address the public nuisance objectives.

A number of objectors were present at the meeting including Ward Councillors, and at the request of the Chair, raised a number of points, including;

- issues relating to customers drinking late at night outside the premises;
- disturbance and anti-social behaviour was mostly during the nights from 11:00 pm to 4:00 am. This had a serious effect on the residents' amenity and wellbeing as it was keeping residents including children up during the nights when they had school and work in the morning;
- concerns related to litter, drugs and anti-social behaviour;
- customers would not use the premises car park and this was causing customers to park on the road which would add to noise when patrons arrived and departed from the premises; load music from the vehicles;
- vehicles parked on pavements and blocked drive ways and residents had to get vehicles moved;
- residents stressed that they did not wish for the premises to close down, however, suggested that the opening hours to be restricted to 23:00 hours.

Members were shown mobile phone recordings of customers making excessive noise and playing loud music from their cars in the early hours of the morning.

In response to the Panel's and the Legal Advisor's questions, the objector stated that the problems relating to loud music and excessive noise occurred everyday from 23:00 hours, in particular during the early hours at 02:00 and 03:00 hours, which had a detrimental impact on the young children who had to get up for school. Furthermore, the Panel was informed that Police had been called out on numerous times and the problems had progressed over the years, in particular during the pandemic. It was stressed that the Premises License Holder have not helped to alleviate the issues.

In response to the Legal Advisor's question, the objector stated that the shop door was opened to customers 24 hours a day and patrons would congregate outside the shop during the night.

The Premises License Holder representatives were present at the meeting, and at the request of the Chair, addressed the following points:

- the premises had been operating for many years which service the local community. It was acknowledged that the residents did not wish for the premises to close down, however, requested for the opening hours to be reduced. It was stressed that this would have an impact on the business;
- the DPS and Store Manager had over 10 to 16 years' experience of working in licenced premises with no issues;
- The Environmental Officers had not visited the premises and the recommendation to reduce the opening hours of the business was based on residents' complaints;
- the Premises Licence Holder accepted that some disturbance and loud music was from the customers outside the premises, whilst they would address any issues they could not be held responsible for any activities beyond the premises and did not accept that disturbance and noise nuisance occurred every day;
- it was recognised that the two petitions, the objectors and in support were signed by some of the same residents;
- sales after 23:00 hours were made through a night-hatch, therefore, it was acknowledged that customers queuing outside at weekends after 23:00 hours may give rise to noise nuisance at nearby properties. To address this, the store recommended to remain open to customers to 02:00 hours on weekends with extra staff employed to provide, together with a 'shunt lock' and panic button alarm system.

Notwithstanding, the concerns raised by residents, the Premises License Holder's solicitor recommended the Panel to impose a number of conditions to the license in order to address the issues; including:

- the premises entrance door would remain open to customers from 07:00 to 02:00 hours on Friday to Sunday to allow customers to enter the store to purchase goods;
- a shunt lock controlled by staff within the store to be fitted to the entrance door;
- a minimum of three staff on duty in the store from 23:00 to 02:00 hours on Friday to Sunday; and a minimum of two staff on duty from 02:00 to 07:00 hours on Saturdays and Sundays. One member of Staff to be SIA registered.
- the car parking areas to the rear and front of the store to be closed between 23:00 and 07:00 hours every night, except for the pedestrian walkway for customers to cross the car park at the front of the store to allow access to either the night pay window or the main doors. Staff at the premises would monitor the parking situation and act accordingly;
- appropriate notices to be displayed internally and externally advising customers that the premises were covered by CCTV cameras and that anti-social behaviour would not be tolerated and CCTV recordings including where necessary vehicle registration numbers would be made available to the Police for further action.

The Legal Advisor informed the Panel that in relation to the use of the car park, the requirement would be dealt under the planning regulations if a specific condition was

changed. Furthermore, the Panel acknowledged that closing the car park to customers during the night would cause further nuisance to residents.

The Legal Advisor referred to the training manual provided by the Premises Licence Holder. The Panel was informed that training to all staff had been undertaken from June 2019 to April 2021, with a six months' refresher course taken by some of the staff was also required.

In summing up, the Solicitor advised the Panel that the applicant was willing to speak with residents in order to resolve any issues.

In summing up, the Ward Councillors informed the Panel that the conditions suggested by the Premises License Holder representatives was not suffice to alleviate the issues raised by the residents and that other businesses in the area closed a reasonable time and put the well-being of neighbours first. Furthermore, closing the car park to customers during the night would only cause additional problems.

### **Resolved -**

**That having considered the evidence contained in the report of the Interim Assistant Director, Waste, Fleet and Transport Services (Document 'O'); 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 was minded that there be no change to the current permitted hours and that the following conditions be imposed: -**

- (a) that the premises entrance door remains open to customers from 07:00 to 02:00 hours on Friday to Sunday;**
- (b) that a shunt lock controlled by staff within the store be fitted to the entrance door;**
- (c) that there be a minimum of three staff on duty in the store from 23:00 to 02:00 hours on Friday to Sunday;**
- (d) that there be a minimum of two staff on duty from 02:00 to 07:00 hours on Saturdays and Sundays;**
- (a) that a minimum of one SIA registered door supervisor be employed at the premises from Friday to Sunday until the premises are closed and clear of customers;**
- (e) that the premises install a panic button behind the counter connected to the premises 24-hour alarm company monitoring facility. The panic button be audible in-store if activated;**
- (f) that the premises install a shunt lock which enables staff members to lock the entrance door remotely from behind the counter;**
- (g) that the premises install, operate and maintain comprehensive digital colour CCTV with accurate time and date generation which continually record whilst the premises are open for licensable activities;**

- (h) that all public areas of the licensed premises including entry and exit points be covered by CCTV which will record in any lighting situation, including any outside areas under the control of the premises licence holder;**
- (i) that the CCTV system record clear images permitting the identification of individuals, enable facial recognition images (a clear head and shoulder image) of every person entering and leaving, in any light condition;**
- (j) that all CCTV recordings be stored for a minimum period of 28 days with date and time stamping and viewable copies of CCTV recordings will be provided on reasonable request to the Police or Local Authority as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation);**
- (k) that additional/existing external lighting be installed, upgraded or re-positioned to provide improved visibility of the external areas. Professional installers will ensure that no additional light pollution will inconvenience nearby residents or road users; and**
- (l) that appropriate notices be prominently displayed internally and externally advising customers that the premises are covered by CCTV cameras and CCTV recordings including where necessary vehicle registration numbers be made available to the Police.**

**Reason – it is considered the above conditions are necessary to promote the prevention of Public Nuisance and Crime and Disorder licensing objectives. The above conditions must be implemented by the 28<sup>th</sup> February 2022.**