

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 2 February 2022 in Committee Room 1 - 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 47 WILSDEN ROAD, BRADFORD,
BD15 9AD**

Commenced: 1000
Adjourned: 1045
Reconvened: 1100
Concluded: 1105

Parties to the Hearing:

Members of the Panel:

Councillors Slater (Chair), Cunningham and Davies

Representing the Applicant:

Zubair Ali – Applicant
Janet Arkwright – supporting the applicant

Representations

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “U”**) which outlined an application for a new premises licence for the sale of alcohol for consumption off the premises in respect of 47 Wilsden Road, Bradford, BD15 9AD.

The applicant advised the Panel that the application was for the sale of alcohol on line and that no public would be allowed on the premises. He contended that the objectors misunderstood the nature of the application. He added that he was a business man providing jobs for the local community. He referred to the licensing objectives and confirmed that under no circumstances would the public be allowed on the premises to purchase alcohol, CCTV and fire alarms would be operative at all times, sales would be on line and all staff would be over 18 and would have enhanced DBS checks. He pointed out that there was a public house on the other side of the road to the premises and that to his knowledge none of the licensing objectives had been breached or nuisance caused to neighbouring properties in relation to the operation of that business so he could not foresee his business causing problems in relation to the licensing objectives.

In supporting the applicant Janet Arkwright confirmed that the property had 24 hour surveillance and that the applicant lived in close proximity and could respond to any issues very quickly. She referred to the question raised by an objector as to why as estate agent needed a licence and stressed that this was a sole independent business operating on the premises and that anyone accessing the estate agent would not have access to the business selling alcohol. She confirmed that the premises were in the ownership of the applicant. She reiterated that no public would be allowed on the premises, only workers and delivery drivers. They would use DPD couriers and the cut off for deliveries would be 6pm. The hours applied for had been on the advice of a licencing officer to take account of the Christmas period. She also contended that the residents, who had objected to the application did not understand the nature of the business thinking it was to be a

convenience store with off license, where in fact the sale of alcohol would be on line with collection and delivery by courier. She confirmed that a Challenge 25 policy would be in place, that advice had been taken from Trading Standards and that there would be strict rules regarding couriers checking the age of anyone under the age of 25 ID when delivering to premises.

When questioned by the Chair about the opening hours set out in paragraph 2.4 of Document "U" the applicant confirmed that no deliveries would be made after 9pm.

In responding to a question from the Chair the applicant confirmed that he owned numbers 47 Wilsden Road and 2 West Avenue.

In response to question from the Chair the applicant explained that when questioned by a neighbour he had confirmed to him that he did not intend to open a convenience store. The neighbour's concerns were regarding a convenience store and public coming late at night to the premises. He believed he had misunderstood the nature of the business and not realised that sales of alcohol would be on line. The applicant confirmed that deliveries would be within the UK and that the DPD drivers would operate a challenge 25 policy.

When questioned that applicant confirmed that the earliest delivery time would be around lunch time and that no early morning deliveries would be made. He confirmed that there was space for seven vans in front of the premises, that the road in front of the premises was very wide and that the applicant's architect had confirmed that parking would not be a problem. He confirmed that the residents of numbers 2 – 10 West Avenue had a parking space and that there were individual parking spaces for numbers 1-11 West Avenue.

A member asked whether the applicant would consider partnering with businesses such as Uber Eats or Just Eat who used a different delivery system and the applicant confirmed he had no intention to do so.

Janet Arkwright added that there was a local shop nearby that satisfied that market and that there was a large garage nearby that operated from 9am to 10 pm and generated more traffic than the applicant's business would do.

The applicant confirmed that he did not need planning permission for the business as the premises was an existing business.

In response to questions from the Council's legal representative the applicant confirmed that his two businesses, the off licence and estate agent were entirely separate in the premises. He further confirmed that delivery vans would park on Wilsden Road and that the door accessing the off licence and the door accessing the estate agents were separate from each other. He added that initially, he would employ 2 people in the business and that over the festive period this would increase to 3. He confirmed that their working hours would be from 11am to 9pm. He stated that he had originally applied for 3pm – 9pm but that following advice from a licensing officer he had changed the application to take account of festive periods such as Christmas. He confirmed that there would be no van deliveries or collections after 9pm but that staff would still be on the premises packaging after that time. He confirmed that a Challenge 25 policy would be in place in the contract with the courier DPD. He had confirmed with planning that he could have staff on the premises after 9pm as long as there were no members of the public. He confirmed that there would be a specific contract with the courier DPD regarding the delivery of alcohol and that the packaging would be clearly marked.

When questioned by the Licensing officer about the hours of operation the applicant confirmed that employees on the premises before 4pm would be packing for orders already made. He added that orders would only be received between the hour applied for and that a block could be put on on-line ordering beyond the hours applied for in the license. He confirmed that all orders would only be made between 4pm and midnight Sunday -Thursday, 4pm and 1.30am Friday –Saturday.

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 as applied for with the following conditions:

- **No licensable activities shall take place at the premises unless or until a CCTV system (with satisfactory internal and external coverage) of a standard acceptable to and to the written satisfaction of West Yorkshire Police and the Licensing Authority has been installed at the premises. The approved CCTV shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**
- **That an appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**
- **All sales of alcohol shall be remotely ordered and pre booked for delivery and there shall be no direct sales or collections by the purchaser from the premises.**
- **No collection of alcohol shall be made from the premises before 4pm and after 9pm.**

Reason – It is considered that the above conditions are necessary to ensure compliance with the Protection of Children from harm and the Public Nuisance objective of the Licensing Act.

ACTION: Interim Director, Waste, Fleet and 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

