

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 16 November 2022 in Committee Room 1 - City Hall, Bradford

Present - Councillors

Labour	Conservative	Green
Malcolm Slater (Chair)	Falak Ahmed	Celia Hickson

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.

APPLICATION FOR A PREMISES LICENCE FOR BETFRED, 9 FOLLY HALL ROAD, BRADFORD, BD6 1UL

Commenced: 10:00
Adjourned: 10:58
Reconvened: 11:07
Concluded: 11:10

Parties to the hearing:

Applicant

David Wheeler (Development Manager of Betfred)
Mike Owen (Solicitor)

Objectors

Mr and Mrs Eltoft

Legal Representatives

Robert Brown
Nighat Rasool (Observer)
Saika Razaq (Observer)

Licensing Officer

Melanie McGurk

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “M”**) which outlined the application for a new Betting Premises Licence (other than a track) in respect of Betfred, 9 Folly Hall Road, Bradford, BD6 1UL.

The Bradford District Licensing Panel carefully considered all the relevant information including:

- Written and verbal representations by all the parties
- The Licensing Conditions and Code of Practice
- Guidance to licensing authorities
- Gambling Act 2005 (A Statement of Licensing Principles for the Bradford District 2022-2024)

The Licensing Officer gave a brief summary of the application and informed the Panel that a single representation had been received from local residents that had raised concerns of anti-social behaviour, nuisance and noise caused by customers of the premises. Furthermore, concern was also raised of a risk to children being exposed to issues which might arise from the opening of the premises.

Whilst the applicant had not asked for the statutory default condition concerning the times of operation to be removed, it was noted the default times of permitted licensable activities of 7:00 am to 10:00 pm on each day of the week were applicable.

At the request of the Chair, the Applicant's Representative addressed the Panel, and by doing so, provided an overview of the history of Betfred and background of betting services in its entirety.

It was stated that the proposed application would enable Betfred to re-site its existing betting shop from 228 High Street, Wibsey, to 9 Folly Hall Road, Wibsey. It was confirmed that in the event of the application being granted, the existing licence for 228 High Street would be surrendered when the new premises would be opened.

The Panel was informed the current premises were tired and dated and did not allow Betfred to provide the quality of facilities. The new premises would offer better, modern and improved facilities for its customers and staff. Amongst the improvements would be a modern shop fit; better lighting; air conditioning; modern toilet facilities; improved staff facilities, and tea and coffee facilities.

The new premises' operating hours would be 9:00 am to 9:30 pm Mondays to Fridays; 8:30 am to 9:30 pm on Saturdays and 9:30 am to 8:00 pm on Sundays.

The Panel noted that planning permission was granted for the proposed application in July 2022, with no conditions attached. In addition, the existing premises were inspected by the Licensing Authority when undertaking a compliance assessment in 2018.

During the presentation, the Panel was shown a brochure containing photographs of the exterior and interior of the existing shop, together with the current and proposed layout plan.

The Applicant's Representative addressed the matters raised by the objectors and stated that no evidence whatsoever was provided to support the contention that the existing premises generated any crime and disorder; noise pollution and harm to the public, in particular, harm to children. The new premises were not significantly closer to any of the schools in Wibsey and only slightly closer to the bus stops.

Moreover, to alleviate the concerns, additional measures would be put in place, such as the air conditioning unit would be replaced by two smaller modern air conditioning units which would reduce energy consumption and would be quieter. The rear yard area would not be used as a customer entrance and would only be used by staff parking their cars and for emergency.

In response to the Panel, clarity was sought, there was no public access to the rear area as access would be controlled by a locked gate at all times and the key to the gate would only be given to staff. In addition, the applicant was not aware of any issues with the existing premises related to smoking.

In response to the Legal Advisor, clarity was sought, as Betfred owns the freehold of 228 High Street, they would ensure that the unit, once vacant, was occupied by tenants for purposes other than use as a betting shop.

At the request of the Chair, the objectors made their representation to the Panel, and in doing so, raised concerns with regard to the opening hours of the betting shop, in that the new site would be a bigger premise which would attract more customers and therefore a greater risk of trouble, adding that children would be affected by the opening of the new premises. Furthermore, they expressed concerns as to problem gambling in young people, and that children already climb on their fence, drink and smoke and possibly take drugs in the rear yard area. They also stated they might be disturbed by the clanging of the gate, especially at a later hour than at present.

The objectors shared an article to the Panel highlighting the armed robbery that took place at Betfred in 2016 with a shotgun and machete used, adding that the people of Wibsey were affected by this and the risk to people in the area.

The Panel was reminded that a report on Gambling Update was considered at the meeting of Corporate Overview and Scrutiny Committee on 13th January 2022. The report outlined the impact of problem gambling and harm caused.

On the matter of access to the gate, the objectors informed the Panel that the gate was also use by other local businesses. It was also stated that whilst Betfred had an appetite to provide tea/coffee facilities, this would have a knock-on effect on small local businesses that already provided this service.

In response to the Panel, the objectors confirmed that the car park was an existing issue by people gathering, drinking and smoking.

In the closing statement, the objectors stressed that the new premises would encourage more customers and the harm it had on children with persistence gambling families were at a much higher risk.

In the closing statement, the Application's Representative stated that on the matter of the armed robbery in 2016, it should be noted the none of the responsible authorities, including the Police had raised any objection to the proposed application. In addition, the new modern facilities would allow Betfred to enhance security features and arrangements, such as CCTV and panic button etc.

Furthermore, that whilst the concerns raised by the objectors were existing and not as a result of Betfred, with the vacant premises being occupied could potentially improve security in the area. He added that granting the application would not mean an increase in the number of betting shops in the area, as this was simply the relocation and updating of an existing betting shop.

In making its decision, the Licensing Panel carefully considered the application and all written representations, as set out within the report and the verbal representations made at the hearing.

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 principles and relevant statutory guidance, the Panel grants the application for a new Betting Premises Licence (other than a track) in respect of Betfred, 9 Folly Hall Road, Bradford, BD6 1UL.

FROM: Asif Ibrahim
Director of Legal and Governance
City of Bradford Metropolitan District Council

Committee Secretariat Contact: Farzana Mughal – 07811 504164

Chair

Note: The minutes are 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