

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 15 December 2022 in Committee Room 5 - City Hall, Bradford

Present - Councillors

Labour	Conservative
Councillor Malcolm Slater (Chair) Councillor Simon Cunningham	Councillor Geoff Winnard

Procedural Items

DISCLOSURES OF INTEREST

In the interest of transparency Councillor Cunningham disclosed that he lived in the Saltaire area; he was not representing that ward and he had no interest other than residing in the area. He remained in the meeting during consideration and voting on the application.

Action: Director of Legal and Governance

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR BARGAIN BOOZE PLUS, 59-61 SALTAIRE ROAD, SHIPLEY, BD18 3JN

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document "N"**) which outlined an application for variation to extend permitted hours for the sale of alcohol for consumption off the premises at Bargain Booze Plus, 59-61 Saltaire Road, Shipley BD18 3JN.

Members were advised that there had been 21 representations received, including two from Ward Councillors, which raised concerns of noise from customers congregating in the area and anti-social behaviour around the shop. There were also concerns regarding criminal behaviour and criminal damage to cars and property, litter problems and broken glass in the area. Details of all representations were appended to the report.

The applicant's representative addressed the meeting and explained that the business had changed hands and was now a small convenience store selling groceries. His client was a director of the new company which had been incorporated in June 2022. It had previously sold alcohol at discount prices but had changed direction since the new ownership and was now called Saltaire Mini Market. To demonstrate the new operating model

photographs had been provided to show that it was now a well-stocked grocery store selling everyday goods, chilled wine, beer and spirits.

It was maintained by the applicant's representative that it was for the applicant to demonstrate that he was capable of promoting the licensing objectives and for those making representations to show that the premises would undermine those objectives. He believed that there was not one shred of evidence which challenged or criticised the operation and that the application could only be rejected if evidence to the contrary was presented.

It was further maintained that the application had not received any representations from responsible authorities which the applicant's representative concluded that those expert bodies believed that the application did not undermine the licensing objectives and that the applicant was capable of promoting those objectives.

Crime statistics presented for the area were discussed and it was maintained that these were steady or declining.

A local resident had provided statistics for a wider area and it was stressed that there was no evidence to show crimes depicted were attributable to alcohol or alcohol provided by the applicant business and a suggestion that there was anti-social behaviour in the district was not supported.

It was explained that the proposed night hatch was to be used to serve customers at night time only. He reported that hatches were used effectively at other premises operated by the applicant company in the Halifax and Bingley areas.

Reassurances were provided by the applicant's representative that the applicant understood the concerns of residents about issues which might occur and that he was happy to accept conditions to ensure transactions took place inside of the store. The applicant had no intention to sell alcohol irresponsibly and wished to be an asset to the local community. He would consider any conditions which the Panel felt appropriate.

In responding to questions from Panel members the location of the proposed serving hatch was reported and confirmed that public access to the interior of the store would not be allowed after midnight.

A Member questioned if the application was to allow the sale of alcohol late at night and referred to difficulty in purchasing general grocery items through the hatch with customers being unable to select and choose items. In response it was explained that the likely custom during the night would be from shift workers or from customers who had forgotten urgent items such as nappies and baby care. The items and these were likely to be small items such as sandwiches or beer although the hatch would be able to accommodate items such as packs of nappies.

A Member acknowledging that residents were fearful of people leaving local public houses when they were inebriated and calling at the premises to purchase more alcohol, asked the applicant if he could assure him that the conditions on the licence were strong and robust enough to prevent potential risks.

The applicant's representative referred to the criminal offence of selling alcohol to

customers who were drunk and assured Members that people who were badly behaved would not be served and that signs would also be erected to ask patrons to be respectful of neighbours. He quoted case law maintaining that Members should not rely on presumption and believed there was no evidence to presume the risks feared by residents would occur.

As the premises were located in a residential area and without parking facilities Members questioned how the applicant would prevent public nuisance. In response the applicant's representative maintained that traffic concerns were not the panel's remit. He believed that most customers would travel to the business on foot. CCTV cameras could be conditioned to cover the vicinity of the premises and any incidents of anti-social behaviour would be dealt with by the applicant or responsible authorities.

The number of staff in attendance at night was questioned and it was explained that the serving hatch arrangements would require only one person to be on the premises. If customers were entering the business night time requirements would require two people to be on the premises.

It was asked if the applicant was aware the premises were located in a World Heritage site buffer zone and the installation of a serving hatch may require amended planning approval. The applicant's representative acknowledged that whilst planning and licensing regimes were separate that there may be some overlapping features. Licences could be issued with conditions that planning approval was sought.

The Council's Licensing Officer requested clarification that the premises licence holder's company name had changed to Saltaire Mini Market as the application was submitted by Global Mini Market Limited and it was confirmed that the change of name had occurred. The Council's Legal Officer questioned if the current CCTV coverage depicted the external areas of the premises and it was confirmed that it did.

A local resident who had made representations addressed the meeting and explained that he lived close to the premises and he witnessed problems with people walking from Saltaire to Shipley shouting and dropping litter. He provided crime statistics and photographs of the problems occurring. He questioned if the premises sold some of the goods referred to as he had not noticed vegetables or nappies on the photographs he had presented.

He referred to crime statistics which included Saltaire including incidents of drugs and other incidents not included in the applicant's evidence. He explained that there were incidences of people urinating, dropping rubbish and taking drugs by the garages located close to the premises under consideration. He believed that the crime statistics produced by the applicant were not fully representative of the area in which he lived and wished to continue to enjoy.

Members questioned if the problems occurring had been reported to responsible authorities and it was confirmed that some neighbours had made reports and whilst he knew of one arrest he was unsure of the outcome. A lot of people in that area had erected high fences to enable them to feel safe.

Members asked if anti-social behaviour was attributed to the previous licence holder of Bargain Booze Plus. The resident acknowledged the applicants right to refuse sales to badly behaved customers but questioned what would happen in those circumstances. It was believed that inebriated patrons would cause disturbance and was maintained that the

risk was not necessary as there was a local garage within five minutes' walk from the premises which had the benefit of security, was set back and fenced off.

Local residents felt that without the temptation to purchase more alcohol the risks of disturbance would be reduced.

In response to questions it was clarified that a number of pre-school; school age and college pupils resided in the area close to the business.

In summation the local resident explained that all the local residents who had made representations had done so independently. He re-iterated that there were a lot of young families living in the area who wanted to feel safe. He felt that crime had increased and referred to an article in a Leeds newspaper about the refusal of an application to serve alcohol for a 24-hour period.

In conclusion the applicant's representative explained that the local residents were the business they would like to attract. He did not believe you could compare the Saltaire to Leeds and that the police had made to representations to the application. He maintained that there was no evidence of the business contributing to problems in the area and that any evidence of drug dealing or anti-social behaviour near the garages should be taken up with the police. He believed it would be unfair not to grant the application whilst allowing the local garage to trade for those hours and that conditions could be imposed to address any concerns. It was reiterated that there had been no representations received from responsible authorities and requested that the application to vary the licence be granted

Decision

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, in part, subject to the amendment of the application to ensure that all sales are made within the premises.

Reason – it is considered that the above condition is necessary to minimise noise disturbance to nearby residents – prevention of public nuisance objective.

Action: Assistant Director, Waste, Fleet & Transport Services.

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

Committee Secretariat Contact: Jane Lythgow – 07970 411623

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