

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 20 March 2019.**

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**V**

### **Subject:**

**Application for a Premises Licence for MRH East Bowling, Wakefield Road, Bradford, BD4 7EJ.**

### **Summary statement:**

**Application for a new premises licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.**

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### **Portfolio:**

**Neighbourhoods & Community Safety**

### **Overview & Scrutiny Area:**

**Corporate**

## 1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises and the provision of late night refreshment.

## 2. BACKGROUND

### 2.1 The applicant

Malthurst Retail Limited. A copy of the application is included at Appendix 1.

### 2.2 The Premises

MRH East Bowling, Wakefield Road, Bradford, BD4 4EJ.

### 2.3 Proposed Designated Premises Supervisor

Mr Maharajan Rajaratnam.

### 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:-

- Sale of alcohol for consumption off the premises.
- Provision of late night refreshment.

Hours of licensable activities:

Sale of alcohol

Monday to Sunday: 00.01 to 00.00 (24 hours)

Late night refreshment

Monday to Sunday: 23.00 to 05.00

### 2.5 Steps proposed by the applicant to address the Licensing Objectives

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

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

b) Public safety will be achieved by;

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed on request to the licensing authority and police.

c) Prevention of public nuisance will be achieved by;

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

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

The Premises Licence Holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

e) General – all four licensing objectives

None.

## **2.6 Relevant Representations Received**

### **Individual, Body or Business**

A letter and a petition have been received from local residents who have concerns that the availability of alcohol 24 hours a day will result in greater amounts of anti-social behaviour in the community and encourage drink driving offences.

The letter and petition are 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 and disorder).

**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 EQUALITY & DIVERSITY**

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

### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

### **7.4 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.

### **7.5 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.

### **7.6 TRADE UNION**

Not applicable.

### **7.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

### **7.8 IMPLICATIONS FOR CORPORATE PARENTING**

There are no apparent implications.

### **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

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 31 January 2019.
- 2. Letter and petition from residents.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.