

## **Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 22 October 2020.**

**F**

---

### **Subject:**

**Application for variation of a premises licence for Family Shopper, 218 Huddersfield Road, Bradford, BD12 0AD.**

### **Summary statement:**

**Application for variation to extend permitted hours for the sale of alcohol for consumption off the premises.**

---

Susan Spink  
Interim Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

### **Portfolio:**

**Neighbourhoods & Community Safety**

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

**Corporate**

## 1. SUMMARY

The application is for variation to extend permitted hours for the sale of alcohol for consumption off the premises.

## 2. BACKGROUND

### 2.1 The applicant

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

### 2.2 The Premises

Family Shopper, 218 Huddersfield Road, Bradford, BD12 0AD.

### 2.3 Designated Premises Supervisor

Mr James David Chaloner.

### 2.4 Current Licence

The premises currently hold a Premises Licence with the following permitted hours;

#### Supply of Alcohol

Monday to Saturday:	08.00 to 23.00
Sunday:	10.00 to 22.30
Good Friday:	08.00-22.30
Christmas Day:	12.00-15.00
Christmas Day:	19.00-22.30

A copy of the premises licence is included at Appendix 2.

### 2.5 Application

The variation application has been submitted to extend permitted hours for the sale of alcohol for consumption off the premises.

Hours of licensable activities:

#### Supply of Alcohol

Monday to Sunday:	00.00 to 23.59 (24 hours)
-------------------	---------------------------

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

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

Attend community meetings with local police inspector, MP and public.  
24 hour CCTV – 16 cameras, colour, HD monitors visible to staff and customers  
police have access to footage at all times.

- b) Public safety will be achieved by;

Fire alarms.  
Good lighting.  
Electric doors.  
Full use of Covid-19 rules.  
CCTV can be seen live and on playback via mobile phone.

- c) Prevention of public nuisance will be achieved by;

No alcohol is consumed in/around premises.  
Any public nuisance reported to the police.

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

25+ rule used.  
I.D. required.  
Refusal log active.  
Checked daily.

- e) General – all four licensing objectives

Staff are aware of all four licensing objectives through personal licence training.  
Staff rota included the following staff who have P.L.  
James Chaloner, Darren Howe, Amy McNamara, Michelle Woodward, Samuel  
Wilson, Kevin Wilson.

## **2.7 Relevant Representations Received**

### **Responsible Authorities**

A representation has been received from the Environmental Health Department which has seen an increase in complaints about noise and general disturbance from premises that are open 24 hours a days. The complaints tend to be about noise and disturbance caused by people gathering outside the premises and also about noise from vehicles pulling up outside or near to the premises with their engines running and loud music playing.

For the aforementioned reasons, the officer objects to the application.

The representation is attached at Appendix 3.

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

A representation has been received from a Ward Councillor which raises concerns about the potential for anti-social gathering in the area and the knock on effect to nearby residents who are mainly elderly.

The representation is attached at Appendix 4.

### **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) and Part 6 (prevention of public nuisance).

**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 ASSESSMENT**

There are no apparent implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

### **9.1** Members may:

- (a) Vary a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Vary a premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse to vary the 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 10 August 2020. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on [www.bradford.gov.uk](http://www.bradford.gov.uk)).
2. Copy of current premises licence.
3. Representation from Environmental Health.
4. Representation from a Ward Councillor.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.