

# **Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 15 December 2020.**

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## **Subject:**

**Application for a Premises Licence for 24 General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.**

## **Summary statement:**

**Application for a new premises licence for the sale of alcohol for consumption off the premises.**

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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.

## 2. BACKGROUND

### 2.1 The applicant

Mr Taha Ali Said. A copy of the application is included at Appendix 1.

### 2.2 The Premises

24 General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.

### 2.3 Proposed Designated Premises Supervisor

Mr Murad Omer.

### 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.

Hours of licensable activities:

Sale of alcohol

Monday to Sunday: 00.00 to 23.59 (24 hours)

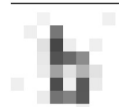
### 2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Working alongside the police and community officers we act as a centre hub to disable crime and deter anti-social behaviour. Our staff will wear high visibility uniform and on occasion be SIA trained. We will have floodlights surrounding the premises.

- b) Public safety will be achieved by;

All our staff will be adequately first aid trained so that they are able to assist in the case of an emergency. Our layout allows for disabled and blind people to attend and shop.



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

We will ensure all staff are adequately trained to deal with anti-social behaviour and practices in place so that any incidents can be adequately dealt with. Adequate notices regarding litter etc.

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

Our safety programmes are supported use information from registered child protection authorities so that we can early spot any issues.

- e) General – all four licensing objectives

I have several supervisors, one of whom will be at the premises at any given time. We will ensure 24-hour CCTV linked to the police and emergency services and ensure adequate staff training to ensure successful practice

## **2.6 Relevant Representations Received**

### **Responsible Authorities**

#### **West Yorkshire Trading Standards**

In order to address the prevention of crime and disorder objective, the West Yorkshire Trading Standards officer wishes to object to Mr Murad Omer being appointed as the designated premises supervisor (DPS), as seizures and test purchases of counterfeit/illicit tobacco were made from another premises which Mr Omer was running at the time.

The representation is attached at Appendix 2.

#### **Environmental Health**

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 day. 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.

The premises are near to residential properties and a business which has restricted hours.

The officer recommends that the business should open no earlier than 05.00 a.m. and close no later than 00.00 a.m. (midnight).

The representation is attached at Appendix 3.



### **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 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 26 October 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. Representation from West Yorkshire Trading Standards.
3. Representation from Environmental Health.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.

