



Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 29 April 2021.

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Subject:

Application for variation of a premises licence for Yara Jaga, 15 Laisteridge Lane, Bradford, BD7 1QU.

Summary statement:

Application for variation to extend permitted hours for the sale of alcohol for consumption off the premises and the addition of late night refreshment outdoors.

EQUALITY & DIVERSITY

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

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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 and the addition of late night refreshment outdoors.

2. BACKGROUND

2.1 The applicant

Mr Komar Ismail Mardan A copy of the application is included at Appendix 1.

2.2 The Premises

Yara Jaga, 15 Laisteridge Lane, Bradford, BD7 1QU.

2.3 Designated Premises Supervisor

Mr Komar Ismail Mardan

2.4 Current Licence

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

Supply of Alcohol for consumption off the premises

Monday to Wednesday:	07.00 to 23.00
Thursday to Saturday:	07.00 to 03.30
Sunday:	07.00 to 02.30

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 and the addition of late night refreshment outdoors.

Hours of licensable activities requested:

Supply of Alcohol for consumption off the premises

Monday to Wednesday:	23.00 to 07.00
Thursday to Saturday:	03.30 to 07.00
Sunday:	02.30 to 07.00

Late Night Refreshment

Monday to Sunday: 23.00 to 05.00

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

As per pre-existing Premises Licence.

b) Public safety will be achieved by;

As per pre-existing Premises Licence.

c) Prevention of public nuisance will be achieved by;

As per pre-existing Premises Licence.

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

As per pre-existing Premises Licence.

e) General – all four licensing objectives

This is an established convenience store with off-licence that operates until 03.30 hours on Thursdays, Fridays and Saturdays and until 02.30 hours on Sunday nights into Monday morning. Otherwise it closes at 23.00 hours. We believe that this regime of authorised hours for licensable activities has existed since 2019. Since that date, these premises have operated without any issue or incident and have provided a zero footprint for the emergency services. We simply wish to align these hours to those in common use eg with most 24 hour garages. To that end, we have assumed that the current conditions on the pre-existing premises licence are sufficient to promote the licensing objectives fully and that the operation of the business is functioning correctly. We will however welcome any suggestions from the Responsible Authorities if they believe that additional conditions are appropriate and proportionate.

2.7 Relevant Representations Received

Individual, Body or Business

Representations have been received from a Ward Councillor, a Residents Association and an individual. The representations raise concerns of anti-social behaviour, criminal activity and disturbance from intoxicated individuals.

The representations are 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 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 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.

7.4 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.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.8 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 5 March 2021. 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).
2. Copy of current premises licence.
3. Representations from other persons (Individual, Body or Business).

12. BACKGROUND DOCUMENTS

Application form, plan etc.