



Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 4 August 2021.

F

Subject:

Application for variation of a premises licence for 24 General Market, 489-491 Little Horton Lane, Bradford, BD5 9BY.

Summary statement:

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

EQUALITY & DIVERSITY

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

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

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

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 Designated Premises Supervisor

Mr Taha Ali Said.

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 Sunday: 07.00 to 23.00

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 requested:

Supply of Alcohol for consumption off the premises

Monday to Sunday: 23.00 to 07.00

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and

exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any visit by a relevant authority or emergency service

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

- b) Public safety will be achieved by;

None.

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

Notices will be displayed to ask customers to respect the neighbours and leave quietly. Internal notices will be displayed to ask customers not to gather outside the premise after 10pm at night.

The premises licence holder shall ensure that the external areas of the premises are kept clear of litter and refuse.

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

Legal notices will be displayed to warn minors ID checks are always used when the age of the customer is in doubt. All staff will be trained in challenge 25 procedures. Proof of training will be kept on the premises and updated every 6 months. A record of any incidents will be made and kept on site for inspection.

An appropriate proof of age policy, incorporating the principles of the "Challenge 25" Campaign be implemented. incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove that they are at least 18 years old by displaying

evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.

No licensable activities shall take place at the premises unless or until a CCTV system (with satisfactory internal and external coverage) of a standard acceptable to and to the written satisfaction of West Yorkshire Police and the Licensing Authority has been installed at the premises. The approved CCTV shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.

e) General – all four licensing objectives

Please see above.

2.7 Relevant Representations Received

Responsible Authorities

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 a number of residential properties and the Department understands that a number of elderly residents have contacted a Ward Councillor to complain about noise and anti-social behaviour connected to the premises.

The officer is of the opinion that granting a licence for the sale of alcohol 24 hours a day will not benefit the situation and therefore does not support the application.

The representation is attached at Appendix 3.

Individual, Body or Business

A representation has been received from a Ward Councillor, who has received complaints from elderly residents who live nearby regarding noise and anti-social behaviour and light pollution. The Councillor also has concerns regarding young people congregating outside the shop, mainly to use a punch machine.

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), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm).
- 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 state's 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 11 June 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. Representation from Environmental Health.
4. Representation from Individual, Body or Business.

12. BACKGROUND DOCUMENTS

Application form, plan etc.