

# Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 15 December 2022

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## Subject:

Application for variation of a premises licence for Bargain Booze Plus, 59-61 Saltaire Road, Shipley, BD18 3JN.

## 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.

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**Portfolio:**  
Neighbourhoods & Community Safety

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**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

Global Mini Market Ltd. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Bargain Booze Plus, 59-61 Saltaire Road, Shipley, BD18 3JN.

### 2.3 Designated Premises Supervisor

Mr Bahram Bahrami.

### 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: 06.00 to 00.00

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: 00.00 to 06.00

### 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.

The sale or supply of alcohol between the hours of midnight and 06.00 hours

must be by way of a serving hatch only.

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

As per pre-existing premises licence.

## **2.7 Relevant Representations Received**

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

Twenty-one representations have been received including two from Ward Councillors, which raise concerns of noise from customers congregating in the area and anti-social behaviour around the shop. There are also concerns regarding criminal behaviour and criminal damage to cars and property, litter problems and broken glass in the area.

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 CHILDREN AND YOUNG PEOPLE**

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 25 October 2022. 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. Representations from Ward Councillors and individuals.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.