

# **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 21 September 2023.**

**N**

---

## **Subject:**

**Application for a Premises Licence for 224 Toller Lane, Bradford, BD9 5BU.**

## **Summary statement:**

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

## 2. BACKGROUND

### 2.1 The applicant

Mr Akbar Zare. A copy of the application is included at Appendix 1.

### 2.2 The Premises

224 Toller Lane, Bradford, BD9 5BU.

### 2.3 Proposed Designated Premises Supervisor

Mr Akbar Zare.

### 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.

Monday to Sunday: 00.00 to 23.59

### 2.5 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 digital colour CCTV system. All public areas of the premises including all entry and exit points. The CCTV camera shall continually record whilst the premises are open to the public and recording shall be kept available for minimum 28 days. A staff member who is conversant with the operation of the CCTV system shall be present at all times. An incident log shall be kept at the premises for at least six months.

- b) Public safety will be achieved by;

We will conduct a suitable Fire Risk Assessment at the premises and implement necessary control measures.

Exit doors are regularly checked to ensure they function satisfactorily.



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 not to gather outside the premises after 10.00 pm in the night.

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

The external lighting will be placed on system that allows the brightness to be adjusted downwards after 23.00.

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 kept on site for inspection.

e) General – all four licensing objectives

The Challenge 25 will be in force.

## 2.6 Relevant Representations Received

### Individual, Body or Business

A representation has been received from individuals, who raise concerns of anti-social behaviour, criminal activity, noise and disturbance and the potential negative impact on the quality of life in the area, creating an unsafe environment for the public and neighbourhood.

The representation is attached at Appendix 2.

## 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 & 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 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 10 August 2023. 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 individuals.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.

