

# **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 28 November 2023.**

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## **Subject:**

**Application for a Premises Licence for Edward's Market, 253 Otley Road, Bradford, BD3 0LW.**

## **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.

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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 Molslem Jafari. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Edward's Market, 253 Otley Road, Bradford, BD3 0LW.

### 2.3 Proposed Designated Premises Supervisor

Mr Molslem Jafari.

### 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;

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

- b) Public safety will be achieved by;

An incident register will be maintained at the premises and made available to the authorities on request.

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

A register of refusals of alcohol will be maintained at the premises. The register



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will be made available for inspection by the police and an authorised officer of a responsible authority.

Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.

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

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID and Home Office approved proof of age ID card bearing the PASS hologram.

e) General – all four licensing objectives

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003, including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a police officer or an authorised officer of a responsible authority or (in the case of online training) within 48 hours.

## 2.6 Relevant Representations Received

### Individual, Body or Business

A representation has been received from an individual, which raises concerns of noise nuisance, rodent infestation at the premises and disturbance from intoxicated individuals loitering in the area.

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), Part 5 (public safety) 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 6 October 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 an individual.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.

