

Report of the Strategic Director Environment & Sport to the meeting of the Bradford District Licensing Panel to be held on 25 August 2016.

G

Subject:

Application for variation of a Premises Licence for Midland Hotel, Station Road, Ilkley, LS29 8HA.

Summary statement:

Application for variation to extend permitted hours for all licensable activities, to permit additional licensable activities (provision of films/performance of dance/provision of late night refreshment) extend the opening hours and attach an amended plan.

Steve Hartley
Strategic Director
Environment & Sport
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 the variation of a Premises Licence to extend permitted hours for all licensable activities, to permit additional licensable activities (provision of films/performance of dance/ provision of late night refreshment) extend the opening hours and attach an amended plan.

2. BACKGROUND

2.1 The applicants

Craft Union Pub Company Ltd. A copy of the application is attached at Appendix 1.

2.2 The Premises

Midland Hotel, Station Road, Ilkley, LS29 8HA.

2.3 Designated Premises Supervisor

Mr Bradley Weatherhead.

2.4 Current Licence

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

Sale/supply of alcohol

Monday to Sunday: 10.00 to 00.00
Christmas Eve/Boxing Day: A further additional hour to those stated above.
New Years Eve: 10.00 hours until the start of permitted hours the following day.
A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

Indoor Sporting Event

Monday to Sunday: 10.00 to 00.30

Performance of Live Music

Monday to Sunday: 10.00 to 23.00
A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

11.00 to 19.00 on each August Bank Holiday an outside DJ may be provided.



Playing of Recorded Music

Monday to Sunday: 10.00 to 23.30

A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

Opening Hours

Monday to Sunday: 10.00 to 00.30

Christmas Eve/Boxing Day: A further additional hour to those stated above.

New Years Eve: 10.00 hours until the start of permitted hours the following day.

A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

A copy of the Premises Licence is attached at Appendix 2.

2.5 Application

The variation application has been submitted to extend permitted hours for all licensable activities, to permit additional licensable activities (provision of films/performance of dance/ provision of late night refreshment) extend the opening hours and attach an amended plan.

Supply of alcohol/Provision of Films/Indoor Sporting Events/Live Music/Recorded Music/Performance of Dance

Monday to Sunday: 09.00 to 02.00

New Years Eve: 09.00 hours until the start of permitted hours the following day.

9.00 to 03.00 on Christmas Eve/Boxing Day and Fridays, Saturdays, Sundays and Mondays of every statutory Bank Holiday weekend.

Provision of late night refreshment

Monday to Sunday: 23.00 to 02.00

New Years Eve: 23.00 to 05.00

23.00 to 03.00 on Christmas Eve/Boxing Day and Fridays, Saturdays, Sundays and Mondays of every statutory Bank Holiday weekend.

Opening hours

Monday to Sunday: 09.00 to 02.30

New Years Eve: 09.00 hours until the start of permitted hours the following day.

9.00 to 03.30 on Christmas Eve/Boxing Day and Fridays, Saturdays, Sundays and Mondays of every statutory Bank Holiday weekend.



2.6 Steps proposed by the applicant to address the Licensing Objectives

- a) Prevention of crime and disorder will be achieved by;
As existing.
- b) Public safety will be achieved by;
As existing.
- c) Prevention of public nuisance will be achieved by;
As existing.
- d) Protection of children from harm will be achieved by;
As existing.
- e) General – all four licensing objectives
As existing.

2.7 Relevant Representations Received

Responsible Authorities

Environmental Health

A representation has been received from the Environmental Health Officer who has concerns that noise nuisance may cause problems for local residents. In order to address the prevention of public nuisance objective the Officer has requested that the following conditions are placed on the Licence;

1. The consumption of alcohol or food or any other drinks in the external areas of the premises shall not be allowed after 23.30 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.
2. All outward opening exit doors and all windows are to be kept closed when regulated entertainment is taking place other than for normal access and egress.
3. Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.
4. The Licensee shall patrol the area outside the premises during periods of entertainment to ensure that noise is not audible at the nearest noise sensitive premises.
5. Removal of refuse and emptying of bottle bins within the curtilage of the licensed premises shall not take place between the hours of 23.00 and 07.00.

The applicant has agreed to the conditions being placed on the Licence.

The representation is attached at Appendix 3



Individual, Body or Business

A letter of representation has been received from a local resident which raises concerns of noise and disturbance from loud music emanating from the premises late at night.

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 6 (prevention of public nuisance).

3.7 The Annexes to the Policy sets out various types of model condition that could be considered.



4. OPTIONS

4.1 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.

4.2 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.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

8.4 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.



8.5 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.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

9. NOT FOR PUBLICATION DOCUMENTS

None.

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 4 July 2016.
2. Copy of current Premises Licence.
3. Representation from Environmental Health.
4. Letter of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

