

Report of the Strategic Director Environment & Sport to the meeting of the Bradford Area Licensing Panel to be held on 12 September 2016.

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Subject:

Application for variation of a Premises Licence for Bold Privateer, 69 Wrose Road, Shipley, BD18 1HX.

Summary statement:

Application for variation to extend permitted hours for live and recorded music on a Friday and Saturday and remove the embedded conditions listed under Annex 1 of the Premises Licence.

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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 live and recorded music on a Friday and Saturday and remove the embedded conditions listed under Annex 1 of the Premises Licence.

2. BACKGROUND

2.1 The applicants

Punch Taverns PLC. A copy of the application is attached at Appendix 1.

2.2 The Premises

Bold Privateer, 69 Wrose Road, Shipley, BD18 1HX.

2.3 Designated Premises Supervisor

Mr Paul Andrew Loat.

2.4 Current Licence

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

Sale/supply of alcohol

Monday to Wednesday:	10.00 to 23.00
Thursday:	10.00 to 00.00
Friday & Saturday:	10.00 to 01.00
Sunday:	12.00 to 23.00
New Years Eve:	10.00 hours until the start of permitted hours the following day.

Performance of Live Music & Playing of Recorded Music

Monday to Saturday:	10.00 to 23.00
Sunday:	12.00 to 23.00
New Years Eve:	10.00 hours until the start of permitted hours the following day.

Opening Hours

Monday to Wednesday:	10.00 to 23.30
Thursday:	10.00 to 00.30
Friday & Saturday:	10.00 to 01.30
Sunday:	12.00 to 00.30



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

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 live & recorded music on a Friday and Saturday and remove the embedded conditions listed under Annex 1 of the Premises Licence.

Performance of Live Music

Friday & Saturday: 10.00 to 00.00

Playing of Recorded Music

Friday & Saturday: 10.00 to 01.00

Embedded Conditions

None of the restrictions on permitted hours prohibit:

- a. During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b. Consumption of the alcohol on the premises or the taking of the sale or supply of alcohol to any person residing in the licensed premises;
- c. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d. The sale of alcohol to a trader or club for the purposes of the trade or club;
- e. The sale or supply of alcohol to any canteen or mess, being a canteen in which the supply or sale of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
- f. The taking of alcohol from the premises by a person residing there; or
- g. The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h. The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.



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

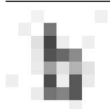
Environmental Health

A representation has been received from the Environmental Health Officer who is currently investigating an ongoing complaint regarding excessive noise breakout from the premises, affecting residents in Oakdale Drive, Wrose, during the provision of live music.

In order to address the prevention of public nuisance objective the Officer has requested that following;

1. That the provision of live music is restricted to 23.00 hours.
2. That the playing of recorded music is restricted to midnight on a Friday & Saturday.
3. That condition 13 is amended to:

The consumption of alcohol or food or any other drinks in the external areas of the premises shall not be allowed after 23.00 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.



The Officer has also commented that there is also the associated issue of noise from patrons leaving the premises, many of whom are on motorcycles and that condition 14 should be adhered to which states that;

All external doors and windows of the licensed premises shall remain closed after 22.00 hours, other than for normal access and egress.

The representation is attached at Appendix 3

Individual, Body or Business

Seven letters of representation have been received from local residents which raise concerns of an increase of noise and disturbance from loud music emanating from the premises later at night due to extended hours. Residents have also commented about noise and disturbance from patrons leaving the premises late at night and alleged breaches of permitted hours.

The representations are 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

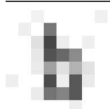
Ward Councillors have been notified of receipt of the application.

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 29 July 2016. 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. Letters of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

