

Minutes of a meeting of the Licensing Committee held on Friday 3 July 2015 at City Hall, Bradford

Commenced 1000
 Adjourned 1050
 Reconvened 1100
 Adjourned: 1155
 Reconvened: 1210
 Adjourned: 1230
 Reconvened: 1250
 Adjourned: 1255
 Reconvened: 1300
 Concluded 1330

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENTS	UKIP
Ellis	M Slater (Ch)	Leeming	Hawkesworth	Morris
M Pollard	Swallow (DCh)			
M Smith	Engel			
	Abid Hussain			
	Jamil			

ALSO PRESENT: Councillor Stelling
 Councillor Brown (Ward Councillor); Mark Hudson (Applicant); Mr and Mrs Stammers (Local Residents) for Minute 7
 Mr Tate (Applicant); Michelle Hazelwood (Applicant’s Legal Representative) Minute 8

Councillor Slater in the Chair

1. DISCLOSURES OF INTEREST

Councillor Morris disclosed an interest in Minute 7, The 3 Acres, Bingley Road, Lees Moor, Keighley as he was acquainted with the applicant. He did not participate in the meeting during consideration of that item.

Councillor Ellis disclosed an interest in Minute 7, The 3 Acres, Bingley Road, Lees Moor, Keighley as the car park of the premises under consideration was located in his ward. He left the meeting during consideration of that item.

Councillors Hawkesworth and Smith, as Ilkley Ward Members, disclosed an interest in Minute 8, Ilkley Cinema, 46-50 Leeds Road, Ilkley. They left the meeting during consideration of that item.



2. MINUTES

Resolved -

- (1) That the minutes of the Committee meeting held on 21 July 2014 be signed as a correct record (previously circulated).
- (2) That the minutes of the Licensing Panels held on the following dates be signed as correct records (previously circulated):

Bradford District Licensing Panel

9 June 2014	6 January 2015
28 July 2014	22 January 2015
12 November 2014	3 March 2015
25 November 2014	19 March 2015
23 December 2014	

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

4. APPOINTMENT OF SUB COMMITTEE

Previous Reference: Council Minute 63 (2004/05) and Minute 10 (2013/14)

At the meeting of Council on 19 October 2004 the membership and terms of reference for the Licensing Committee were approved and subsequently amended at the Annual General Meeting of Council on 21 May 2013. The Licensing Committee was formally required to appoint its sub committee as set out in the terms of reference for the 2015/16 Municipal Year

Resolved –

- (1) That the Bradford District Licensing Panel (sub-committee) be appointed, with the functions as indicated in the terms of reference approved by Council on 19 October 2004 and amended on 21 May 2013.
- (2) That the Licensing Panel shall comprise three members.
- (3) That the Bradford District Licensing Panel shall include the Chair of the Licensing Committee (or Deputy Chair when the Chair is unavailable) who shall chair the Panel and two other members of the Licensing Committee drawn on a rota basis.
- (4) That the quorum of the Bradford District Licensing Panel shall be three members.

ACTION: City Solicitor

5. PROPOSED STATEMENT OF LICENSING POLICY

The Assistant Director, Environmental and Regulatory Services presented a report (**Document "A"**) that set out the outcome of a public consultation exercise with respect to the new Statement of Licensing Policy for the District, as required by the Licensing Act 2003, and proposed a final draft for recommendation for adoption by full Council on 14 July 2015.

It was reported that the amendments to the policy largely related to a number of legislative changes to the Licensing Act, particularly further deregulation of entertainment, removal of obsolete provisions and updates to helpful terminology.

The main addition to the draft policy was the inclusion of information regarding the prevention of Child Sexual Exploitation within licenses premises under the Protection of Children from Harm objective and Members were directed to sections 7.5, 7.6 and 7.7 of the policy document.

Responses received to the document were reported and included the request of the Bradford City Centre Manager that consideration be given to including the North Parade/Manor Row area of the city centre within the Prime Entertainment Areas. It had been felt that within the last 12 months there had been an increase in new licensed premises in the area and that it would continue to grow into a strong, late night entertainment area. That request was also supported by West Yorkshire Police. A map of the Prime Entertainment Area was included in the policy document.

Following a detailed presentation the implications of deregulation of entertainment was questioned and it was explained that regulated entertainment for an audience up to 500 and up to 11pm, held in certain premises which were detailed in Statement of Licensing Policy, were now exempt and a licence was no longer required. Members were advised that the Council did have the power, if it was felt necessary, to bring an application to the Licensing Committee and ask that the deregulation should not apply. It was also confirmed that the Licensing Authority could ask for the review of a licence if premises were causing public nuisance. It was questioned if existing license holders had been made aware of the deregulation and it was reported that changes to the Licensing Act in 2012 had been widely publicised and guidance notes provided. Members acknowledged that license holders had a responsibility to keep abreast of legislative changes.

Members questioned why the authority would not impose any conditions to specifically require access for children to be provided at any premises, as referred to in the Protection of Children from Harm section of the policy, and it was explained that the authority acknowledged that the decision to admit children should be at the discretion of the licensee.

Concern was expressed that there had been no opportunity for update or training sessions on Child Sexual Exploitation (CSE) issues discussed in the Statement of Licensing Policy. In response it was agreed by the Council's Legal Advisor that documents would be provided to update Members on measures undertaken by the authority to address CSE.

During discussions on the Prime Entertainment Area for the district it was questioned if the cumulative impact on the number of licensed premises was considered in the policy. In response it was explained that the Licensing Act allowed for licensing authorities to adopt such a policy. It had not been felt necessary to do so in Bradford but the opportunity was available. To take advantage of that opportunity evidence must be gained; consultation undertaken and the issue discussed by Members.

The reference to the use of close circuit television cameras (CCTV) as a means of deterring and detecting crime in and outside of licensed premises referred to in the statement was discussed. Members were concerned that a condition to install CCTV could contravene planning permission at licensed premises. It was acknowledged that a Licensing Panel may not be aware of planning permission when considering applications, however, the Local Land Charges and Licensing Manager confirmed that her department did make applicants aware of planning conditions which could impact on the operation of licensed premises where they were informed of those during the application process.

A Member referred to a statement issued by the Parliamentary under Secretary of State for Communities and Local Government which had acknowledged the role that CCTV could play in stopping crime but had recognised that well run community pubs could be penalised with the imposition of conditions on their licences. The Home Office had since introduced a code of practice on the use of surveillance cameras to prevent the abuse or misuse of surveillance by the state in public places. It was agreed that the Statement of Licensing Policy should take account of that code of practice.

Resolved –

- (1) That, with an amendment to include reference to the Government’s Code of Practice on the use of Surveillance Cameras (at Section 4.3 and Annex A), the Committee recommends to Council that the document attached in Appendix 1 to Document “A” be adopted and published as the District’s Statement of Licensing Policy 2015-2020, pursuant to the Licensing Act 2003.**
- (2) That the Assistant Director Environmental & Regulatory Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.**

ACTION: Assistant Director, Environmental and Regulatory Services

6. REVIEW OF PREMISES LICENCE FEES UNDER THE GAMBLING ACT 2005

The Assistant Director, Environmental and Regulatory Services presented a report (**Document “B”**) that sought approval to maintain the current scale of gambling premises licence fees charged by the Licensing Service. Members were advised that the Under the Gambling Act 2005 the Council had responsibility for dealing with applications for gambling premises licences, gambling permits, lottery registrations and other miscellaneous permissions.

The Secretary of State had prescribed a series of bands for gambling premises licences, with a maximum fee payable for each band. Licensing Authorities must determine their own fees within these bands. Fees for permits and small lotteries were set by the Secretary of State. The maximum bands prescribed by the Secretary of State for Premises Licences were appended to Document “B”.

It was reported that fees must be set upon the basis of full cost recovery (including the cost of administering the licence system, processing applications, and seeking compliance); which should be reviewed annually. A costing exercise had been undertaken for premises licence applications, which took into account the full cost of administering and processing applications from receipt to issue of a licence, and ongoing enforcement costs. Calculations of costs consisted of a full proportional share of overheads including, accommodation, telephone, IT, printing, stationery and postage; staff costs including salary, pension, travel and subsistence and legal and central support costs had also been included.

The rationale for maintaining the current scale of fees was questioned and Members asked why inflation had not increased the amount required to cover costs. In response it was confirmed that when the fees had been set all costs which would be incurred were not known. It was acknowledged that a surplus amount may have been recovered at that time but with peaks and troughs in the number of applications any surplus would have been averaged out over the previous six years. The charging system had now been in place for a six year period and the Local Land Charges and Licensing Manager confirmed that the costs predictions were accurate and the fees could be justified. In response to discussions about future salary on costs expected due to changes in National Insurance contributions it was explained that it would not be possible to justify an increase to include projected costs at this time.

Resolved –

That the current scale of fees be maintained for 2015/16, as set out in Appendix 1 to Document “B”.

ACTION: Assistant Director, Environmental and Regulatory Services

**7. APPLICATION FOR A PREMISES LICENCE FOR FIELD Worth Valley
ADJACENT TO THE 3 ACRES, BINGLEY ROAD,
LEES MOOR, KEIGHLEY**

The report of the Assistant Director, Environmental and Regulatory Services (**Document “C”**) invited Members to consider an application for a new premises licence for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment.

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were advised that a representation had been submitted by a local resident and raised concerns of anticipated noise and disturbance from regulated entertainment and patrons accessing and leaving the site late at night. Concerns were also raised regarding vandalism, trespass, litter and damage to property. The letter of representation was appended to Document “C”.

The applicant addressed the Panel explaining that the application had been made to hold a charity music festival adjacent to the restaurant at the 3 Acres. The profit generated from the festival would have been donated to charity. A public safety liaison group had met to consider the event in April 2015 and had been attended by responsible authorities including Bradford Council Emergency Planning officers who had not raised any issues with the event. The festival had now been abandoned due to escalating costs and slow ticket sales which were attributed to the representation received and delays in the licensing procedure. It was hoped to reschedule the festival in the spring.

In response to questions about the timing of the application the licensing officer reported that, due to the proposed numbers attending the festival, the applicant had been asked to submit an application in February 2015. The application was received in May. Payment and plans needed to be in place before the application could be considered.

The applicant explained that the application was also in an endeavour to organise other events to expand his business at the 3 Acres. It was maintained that very few events would be held annually. Approximately five events could be held initially per annum increasing to approximately ten by the third year of operation. The music festival would be held over a two day period; music would cease by 22.30 on the Saturday and by 21.30 on

Sunday. The event would be a family orientated festival. Security staff would be employed to check the age of customers purchasing alcohol and to prevent any disruptive behaviour.

The applicant referred to the hours of licensable activity permitted at the 3 Acres and stressed that the only time he would use the maximum hours permitted would be when he was holding a wedding or party in the function rooms.

In response to questions from Members and the legal officer, the applicant confirmed that:

- Site notices had been erected informing local residents of the application.
- The field would not be suitable for events to be held during the winter months due to the inclement British weather.
- The last event of the year would be a bonfire in November and it was unlikely that events would be held after September.
- Not all events proposed would serve alcohol.
- The proposed location of the stage had been selected so it could be positioned on a concrete base which had housed a previous cricket pavilion as the field was on a slope. That location had been discussed with officers from Environmental Health.
- In addition to the charity function the application was being made to enable the applicant to build his business and would be an integral part of that business.
- The hours requested could not be reduced as events taking place in the field would need to be coordinated with the hours of the existing business at the 3 Acres.

The Senior Licensing Officer confirmed that the application being considered had no bearing on the premises license for the 3 Acres. The number of customers attending an event in the field would be of no detriment to the permitted number of customers on the existing premises licence.

A resident who had made representations addressed the meeting and made the following points:-

- The representation made was not in an attempt to stop events taking place but residents would like to be kept informed of events and their views to be considered.
- Bonfire events held in the field under consideration had resulted in fireworks hitting homes and a car being damaged.
- Solar panels were being installed in the area and the applicant had refused a request to relocate the firework display to prevent further damage.
- The application was vague and did not clarify the number of events to be held.
- A property in a private quiet location had been purchased to allow the residents to enjoy a peaceful rural life.
- It was feared that their quality of life would be impacted by entertainment being held in a field 20 feet from their windows till late at night.
- The privacy in gardens would be lost and gardens rendered unusable.
- Local residents had to be up early in the morning to attend work.
- The representation was not made to be disruptive; the need for the applicant to develop his business was understood and residents were prepared to make compromises.
- A Licensing Application for a beer garden at premises in Cullingworth had been refused because of the impact on residents in the area. It was feared that the application under consideration would have a devastating effect on the lives of residents.

The applicant explained that he could not relocate the firework display due to the location of horses and a nearby cattery and farm.

A Local Ward Member reported that friction had occurred between the applicant and his neighbour and he was trying to mediate between both parties. He explained that he was happy to continue with that role and facilitate communication between the two parties.

In summary the local residents confirmed that they did not wish to prevent charitable functions; they wished to work with the applicant and for him to consider their views to prevent their quality of life being eroded.

The applicant concluded by maintaining that a blanket application had been made but that each function would involve differing circumstances and numbers of attendees. The charity festival would be operated differently to a wedding in a marquee. The charity event which had been planned had included security fencing and other measures to ensure that disturbance to residents was minimised whilst keeping their properties visible for security purposes.

He confirmed that he would be happy to discuss individual events with Ward Councillors and residents and that he would not allow any events which would impact on the residents' lives.

Following a short adjournment, the Chair questioned whether the applicant would be prepared to reduce the hours requested. The applicant confirmed that he would accept a condition to cease at 2000 hours on Sunday and Bank Holidays but that a reduction in hours to 2300 hours on Fridays and Saturdays would be problematic. Following discussions about those hours Members were concerned that noise would continue in the area after the permitted hours as people dispersed from the events being held.

Resolved –

That, having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the Panel grants the application subject to the following conditions:

- (1) That the hours of licensable activity be:
Friday and Saturday: 12.00 to 23.00
Sunday and Bank Holidays: 12.00 to 21.00**
- (2) That the approval be restricted to licensable activities between 1 May and 30 September each year and that not more than six events per annum be permitted.**
- (3) That local residents in the immediate vicinity of the application site be informed of any event taking place 21 days prior to the event.**

Reason - It is considered that the above conditions are necessary in order to minimise disturbance to nearby residents. Prevention of public nuisance objective.

**8. APPLICATION FOR A PREMISES LICENCE FOR ILKLEY CINEMA, Ilkley
46-50 LEEDS ROAD, ILKLEY**

The report of the Assistant Director, Environmental and Regulatory Services (**Document “D”**) invited Members to consider an application for a new premises licence

for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment.

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was explained that a representation had been made by a local resident. The representation raised concerns of anticipated noise and disturbance from patrons attending the premises. The letter of representation was appended to Document "D".

The applicant's legal representative addressed the meeting and reported that the application was being made for a small, 56 seat, privately funded cinema. The facility had been supported by 43 local investors who wanted to reintroduce a cinema in the area since the closure of the previous facility four years ago. The development had utilised the old cooperative building which had been originally configured with a retail store on the ground floor and a public communal room on the first floor. It was intended that the cinema would once again open up the building as a cultural community facility. A small bar would be provided and customers would be able to take drinks into the boutique style cinema to enjoy whilst watching a film.

The access and egress to the facility had been designed to provide a safe dispersal of customers at the end of the screening and plans showing those arrangements were provided. Documents showing the floor plans, proposed elevations and features of the cinema together with aerial photographs illustrating the surrounding area and parking provision were circulated.

It was reported that the representation had been made from a resident living some distance from the premises. A photograph illustrating the location of the resident's property was provided. It was maintained that there were a number of residents living much closer who had not raised any objections to the application.

In response to questions it was confirmed that the outside areas where customers would disperse were only two yards away from the street and street lighting. The application was being made for alcohol to be consumed both on and off the premises in order to ensure that the balcony area of the cinema was covered by the license.

Resolved –

That, having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing principles and relevant statutory guidance, the Panel grants the application as applied for.

ACTION: Assistant Director, Environmental and Regulatory Services

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Committee.

minutes\Lct3July15

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER