

## **Record of a Hearing of the Keighley and Shipley Licensing Panel held on Wednesday 7 March 2012 in Committee Room 1, City Hall, Bradford**

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### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

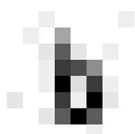
No disclosures of interest in matters under consideration were received.

#### **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

### **Hearing**

- 1. Application for a premises licence for York Street Sports & Social, York Street, Bingley (Document "G")**



**INVESTORS  
IN PEOPLE**



**2009-2010**  
*Positive engagement  
of older people*

**2006-2007**  
*Improving Rural Services:  
Empowering Communities*



**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR YORK STREET SPORTS & SOCIAL, YORK STREET, BINGLEY (DOCUMENT "G")**

Commenced: 1410  
Adjourned: 1430  
Re-convened: 1435  
Adjourned: 1535  
Re-convened: 1620  
Concluded: 1625

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Amin (Chair), Ahmed and L'Amie.

**Parties to the Hearing:**

**Applicant:**

Mr D Loynes

**Representing Responsible Authorities:**

Inspector Croasdale – West Yorkshire Police  
PC Marshall – West Yorkshire Police  
Ian Farmer – Department of Environmental Health

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. In response to questions it was explained that the applicant did not want to operate the premises as a registered club. The permitted hours allowed under the previous Club Premises Certificate were reported. The locations of other licensed premises in the area were also questioned.

The applicant addressed the meeting and explained that he had found the application form complicated to complete. He had requested the hours of operation submitted as a 'catch all' application so he would not need to keep applying for temporary event notices every time a function was arranged or he hosted a special event. He referred to other licensed premises in the area operating similar hours to the times he had requested without any conditions being imposed and he reported that a take-away business in the vicinity was also open until midnight. He was willing to reduce the hours requested as long as that was consistent with other licensed premises in the area.

In response to the concerns raised about potential noise disturbance the applicant explained that the concert room at the premises was sound proofed. He did not intend playing live music outside of the premises at a late hour except for occasional one off events like the Queen's Jubilee. The premises would ordinarily close at 2300 hours but he did not want to prejudice the commercial viability of the business by restricting the hours he could allow the function room to be used for private events such as weddings as these would be required to stay open later. It was also hoped to allow the room to be used by dance teachers to provide classes in Zumba dancing and keep fit.

In response to a number of questions the applicant responded as follows:

- He was happy with the restriction of licensable activities until 2300 hours mid week but required the flexibility to operate beyond that time at the weekend.
- The premises could accommodate up to 400 people.
- Nearby licensed premises were allowed to operate until 0030 hours with no conditions on their licence.
- The premises would employ a number of part time staff and, therefore, would expect to experience a high turnover of those staff. It would be difficult to maintain training levels if they were all required to be qualified to a minimum standard of BIIAB level 1 and first aid. The qualification would be a minimum requirement for the Assistant Manager.
- An age restriction would prevent the venue hosting any sports presentations and reduce the viewing of rugby or football matches by fathers and their sons. It was envisaged that the premises would be a facility for the local community and used by local sports teams.
- The commercial viability of the business would be hindered if guests at a private wedding or other family function had to take children home at 2100 hours.

In response to references to the operation of other licensed premises in the area a list of their hours of operation and conditions on their licences were circulated by the police. The licensing officers confirmed that there had been no problems reported at the nearest local licensed premise.

The applicant questioned what constituted outdoor licensable activities and was advised that it included the sale of alcohol, the consumption of food between 2300 and 0500 hours and provision of music.

Representatives from West Yorkshire Police addressed the meeting as follows:

- The police were not attempting to stop entrepreneurial activity.
- They had a good relationship with the local business community and the operation of a successful 'pub watch' scheme was reducing anti social behaviour.
- It was feared that the 'toxic mix' of alcohol being served after 2300 hours; the venue being 3 minutes walk from the vibrant night life in the local town centre and it being surrounded by 180 residential properties could cause problems.
- If the application were granted as applied for the applicant could operate until 0100 hours even if the applicant claimed he had no intention of doing so.
- The Police Licensing Officer had been in contact with the applicant and compromised on some of the conditions requested but there had been no response from the applicant since 25 January 2012.
- The Police were not prepared to compromise on the Protection of Children from Harm objective as the area had a history of underage drinking. Recent incidents, included a nasty injury to a child two weeks previously, were reported.
- A number of the nearby houses were occupied by the over 55's with a large proportion of those being home to 70/80 year olds. Family housing close by also accommodated a number of children whose sleep would be disturbed by noise from patrons using and leaving the premises.
- From experience of other licensed premises in densely populated areas it was maintained that the only manner which could be used to prevent noise disturbance to local residents was to restrict the hours of operation.
- The premises were located in an area of social deprivation which already experienced a number of problems. It was feared that it could become a focus for anti social behaviour, drugs and potential misuse of alcohol if the licence, as applied for, was granted.

- Functions and parties which required longer hours of operation could be accommodated by the use of a Temporary Event Notice.

In response to questions from the applicant about the control of other local premises and a view that customers could acquire a drink at a later hour in the very near vicinity it was explained that the application could not be compared with other local premises as they catered for a differing clientele and were frequented by elderly persons from the local flats.

The effective operation of the local pub watch scheme was dependant on the effective participation of all members and it was requested that a condition be placed on the licence to ensure at least 80% attendance at meetings in a 12 month period.

The police force would be 20% smaller in coming years. It took many of its resources to gather intelligence to instigate a review of premises. The conditions requested were to ensure the licensing objectives were adhered to; residents were not unduly disturbed and to ensure that a review of the licence would not be required in the future. It was claimed that the applicant had a history of night club operation and following liaison with the Bradford Licensing Officer it was feared that the application contained an element of subterfuge and was submitted to facilitate a night club operation at the premises.

The Environmental Health officer reported his belief that due to the close proximity of the premises to residential properties outdoor events would attract complaints. It was acknowledged that some noise dispersal from the premises could be controlled with the use of conditions on the licence but residents could still be disturbed by patrons walking through the area late at night. He was concerned that if hours of operation were not restricted many residents would suffer unnecessarily before a review process could be implemented.

In response to questions about noise disturbance during the Bingley Festival it was felt that the event could not be compared to the application under discussion as the festival was only held once per year and organised very differently.

In conclusion the representatives of West Yorkshire Police requested the panel consider all the conditions which they had requested to ensure that all the licensing objectives were met.

The representative of Environmental Health reiterated his request that licensable activity at the premises cease at 2300 hours and no outdoor entertainment be permitted.

The applicant advised that doors and windows had remained open during the period of refurbishment at the premises; this had not attracted any complaints and members of the close community had been eagerly awaiting the opening of the premises.

## **Decision**

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

### **1.1 Hours of licensable activities:**

<b>Sunday to Thursday</b>	<b>1000 to 2300</b>
<b>Friday and Saturday - except live music</b>	<b>1000 to 0000</b>
<b>Friday and Saturday - live music</b>	<b>1000 to 2300</b>

- 1.2 No licensable activities shall take place outdoors.**
- 1.3 That no consumption of alcohol or food in the outdoor areas shall be permitted after 2100 and prominent signage shall be displayed encouraging patrons to cooperate with this requirement.**
- 1.4 That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.**
- 1.5 That all external doors and windows to the licensed premises, where regulated entertainment is being provided after 2200 shall remain closed during the course of the entertainment, other than for normal access and egress.**
- 1.6 That no external doors to the licensed premises (including fire doors or patio doors) shall be propped open during the course of the regulated entertainment.**
- 1.7 At least two SIA registered door staff be employed on duty at the premises between 2000hrs and the close of premises on those days where it is proposed licensable activities take place beyond 2300hrs. At least one such door staff shall supervise entry to and exit from the premises**
- 1.8 During all periods of licensable activity any person under the age of 18 years must be accompanied by an adult. No person under the age of 18 years (including those employed in the premises) shall be allowed on the premises after 2100hrs.**
- 1.9 An incident book shall be kept and maintained on the premises at all times. The book shall detail incidents involving injuries to customers or staff, customer ejection or exclusion from the premises, customer refusal to serve alcohol or admittance to the premises, drug misuse or seizure, challenge of customers under the proof of age policy. Such matters shall be timed, dated and signed by the author and produced to the police/ authorised licensing officers on demand.**
- 1.10 That an appropriate proof of age policy, incorporating the principles of the "Challenge 25" Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**
- 1.11 The DPS will ensure full cooperation with any proactive police operations or investigations such as a drugs dog search of the premises and of all persons present.**
- 1.12 The Licensee shall ensure that whenever licensable activities take place there shall be at least one full time member of staff, who shall be designated as the duty manager, trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 and first aid. Complete first aid kits must be located in each of the bar areas and function room and be readily available to staff at all times. The kits shall be inspected daily and replenished daily. An endorsed log sheet shall be contained in each kit.**

- 1.13 The Licensee shall ensure that the DPS shall supply to West Yorkshire Police and the Licensing Authority, within 28 days of licensable activities commencing, details of all designated duty managers, including their full name and a photograph identifying such individual(s). Any changes from time to time to those persons designated as duty manager shall be notified to West Yorkshire Police and the Licensing Authority forthwith.**

**Reason: It is considered that the above conditions are necessary in order to ensure that the Licensee takes all steps in their control to limit disturbance to local residents from patrons using the premises; to prevent the sale of alcohol or exposure of drugs to underage persons and other patrons; and to ensure prosecutions can be secured should those steps be unsuccessful – Prevention of Public Nuisance Objectives, Prevention of Crime and Disorder Objective and Protection of Children from Harm objective.**

- 2. A CCTV system of a standard acceptable to West Yorkshire Police and the Licensing Authority shall be installed at the premises prior to the commencement of licensable activities.**
- i. The CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.**
  - ii. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.**
  - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to the police on demand.**
  - iv. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format, either disc or VHS to the police or licensing authority on request.**
  - v. The recording equipment and tape/discs shall be kept in a secure environment under the control of the DPS or a designated duty manager.**
  - vi. An operational daily log report must be maintained endorsed by signature of a competent person indicating the system has been checked and is compliant. In the event of any failings, actions taken are to be recorded.**
  - vii. In the event of a technical failure of the CCTV equipment the premises licence holder/DPS must report the failure to the police licensing officer immediately.**

**Reason: It is considered that the above conditions are necessary in order to monitor incidents of crime and disorder including breaches of licensing laws and to assist in detection and prevention of crime – Prevention of Crime and Disorder; Prevention of Public Nuisance and Protection of Children from Harm objectives.**

- 3. The Licensee shall ensure that the DPS will be a member of the Bingley pub watch scheme and will attend at least 80% of meetings in a 12 month period.**

**Reason: It is considered that the above conditions are necessary in order to ensure that the Licensee actively participates in coordinated initiatives of the police and other licensees in the area to improve good practice in the licensing trade and promotion of licensing objections – All of the licensing objectives.**

- 4. That no dancing or other regulated entertainment of an adult or sexual nature shall take place on the premises – Prevention of Children from Harm objective.**

**Reason: It is considered that the above condition is necessary in order to ensure that the Licensee takes all steps in their control to prevent the exposure of regulated entertainment of an adult or sexual nature to underage persons – Protection of Children from Harm objective.**

Chair

**Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.**

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