

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Keighley/Shipley Area Licensing Panel to be held on 16 August 2012.

B

Subject:

Application for a Premises Licence for Keighley Civic Centre, North Street, Keighley.

Summary statement:

The application for the grant of a premises licence for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment was withdrawn at the Keighley/Shipley Area Licensing Panel on 28 June 2012. A DPS has now been appointed and agreement reached with the Police who had made a representation.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:

Environment & Waste Management

Report Contact: Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Overview & Scrutiny Area:

**Environment & Waste Management
Safer & Stronger Communities**



INVESTORS
IN PEOPLE



2009-2010
Positive engagement
of older people
2006-2007
Improving Rural Services:
Empowering Communities



1. SUMMARY

The application for the grant of a premises licence for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment was withdrawn at the Keighley/ShIPLEY Area Licensing Panel on 28 June 2012. A DPS has now been appointed and agreement reached with the Police who had made a representation.

2. BACKGROUND

2.1 The applicants

Keighley Town Council.

2.2 The Premises

Keighley Civic Centre, North Street, Keighley.

2.3 Designated Premises Supervisor

Gavin Farrar

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 on the premises
- Provision of Regulated Entertainment
- Provision of Late Night Refreshment

Hours of licensable activities:

Sale of alcohol/Performance of live music/playing of recorded music/ provision of facilities for making music/ anything similar/provision of late night refreshment (from 23.00)

Sunday to Thursday: 09.00 to 00.00
Friday & Saturday: 09.00 to 02.00

Performance of plays

Wednesday to Saturday: 17.00 to 22.00

Performance of dance/anything similar/ /provision of facilities for dancing

Sunday/Wednesday/Thursday: 09.00 to 00.00
Monday & Tuesday: 09.00 to 22.00
Friday & Saturday: 09.00 to 02.00

2.4 Steps proposed by the applicant to address the Licensing Objectives

- a) Prevention of crime and disorder will be achieved by;

The centre has a police contact point and a partnership with West Yorkshire Police. To display adequate provision for the prevention of crime and disorder.

- b) Public safety will be achieved by;

The building has been designed with the inclusion of Local Authority guidance for emergency provision to be made: ie escape routes, emergency lighting, safety provision, seating arrangements and the limit of safe number attendants.

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

Absorption systems for noise management responsible for noise control, litter control, extraction units for cooking. Restricted hours for amplified music. Adequate provision for light and smell pollution.

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

Entertainment restricted to acceptable community requirement. All staff responsible for children will be C.R.B checked. No gambling events allowed. Adequate timing selection for children's events will be adhered to. All children's events will be attended by adults.

- e) General – all four licensing objectives

To provide safe environment for the running of social, civic, community and private events, all of which will be run by experienced professional providers.

2.5 Relevant Representations Received

Responsible Authorities

West Yorkshire Police – In order to address the licensing objectives, the Police requested that the following conditions were placed on the Licence;

1. 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.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale / supply of alcohol occurs.

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 request.

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

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format, either DISC or VHS to the Police / Local authority on request.

The recording equipment and tape/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police immediately.

2. All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing. Training records shall be kept on the premises and produced to the Police and authorised local authority Licensing Officers on request.

3. An incident book shall be kept and maintained on the premises at all times. The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to the Police/ Authorised Licensing Officers on request.

4. The venue will be a member of the Keighley Pub watch scheme. The DPS/Premises licence holder must attend at least 80% of pub watch meetings in a 12 month period. The DPS must also fully co-operate with proactive Policing Operations such as drug dog searches.

5. An accredited first aid trained person MUST be on duty at all times when the premises operate for Licensable activities.

6. 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 will be inspected regularly and replenished as required. An endorsed log sheet will be contained in each kit.

7. Any person under the age of 18 years must be accompanied by an adult.

8. No person under the age of 18 years shall be allowed on the premises after midnight.

9. The DPS will enforce a recognised proof of age policy i.e. challenge 21, challenge 25.

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

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

Legal Appraisal

- 4.1 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
- 4.2 The Council must also have regard to the guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 4.3 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.
- 4.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" 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.
- 4.5 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

- 4.6.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder), Part 5 (public safety) and Part 7 (protection of children from harm)
- 4.7 The Annexes to the Policy sets out various types of model condition that could be considered.

5. OPTIONS

Members are advised that as the outstanding issues have now been resolved, the Premises Licence has now been granted under delegated powers.

6. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Referred to in part 4 of this report.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent sustainability implications.

9.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 4.1 of this report.

9.5 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.

9.6 TRADE UNION

Not applicable

9.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

That the issue of the licence by the Assistant Director Environmental and Regulatory Services following agreement of licence conditions between the applicant and West Yorkshire Police be noted.

12. APPENDICES

None

13. BACKGROUND DOCUMENTS

None