

Report of the Assistant Director, Corporate Services (City Solicitor) to a Hearing before the Bradford Area Licensing Panel to be held on 13th May 2008.

AB

Subject:

Application for a Review of the Premises Licence for Harber Mills, 262 Thornton Road, Bradford 1.

Summary statement:

Application for Review of a Premises Licence authorising the sale/supply of alcohol, provision of regulated entertainment and provision of late night refreshment.

Suzan Hemmingway
Assistant Director Corporate Services
(City Solicitor)

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Portfolio:

Corporate

Improvement Committee Area:

Corporate Improvement Committee
Safer and Stronger Communities



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemmingway, Assistant Director Corporate Services (City Solicitor)



1. **Summary**

1.1 **The Licensee**

Mr Alan Briggs. A copy of the Licence is included at Appendix 1.

1.2 **The Premises**

Harber Mills, 262 Thornton Road, Bradford, BD1

1.3 **The Current Licence**

The premises have a Premises Licence authorising the sale/supply of alcohol, the provision of regulated entertainment and provision of late night refreshment, on the premises.

Hours of licensable activities:

Performance of live and recorded music and provision of facilities for live music, recorded music and dance:

Monday to Sunday 11.00 to 06.00.

Performance of dance (and entertainment of a similar description):

Monday to Sunday 22.00 to 06.00

Provision of late night refreshment

Monday to Sunday 23.00 to 05.00

Sale of alcohol

Monday to Sunday 11.00 to 05.00

1.4 **Steps agreed in the Operating Schedule by the Licensee to address the Licensing Objectives**

a) Prevention of crime and disorder

The Licensee shall at all times maintain a “zero tolerance” policy with regard to illegal drugs (including appropriate staff training in detection and prevention); and shall co-operate with the West Yorkshire Police’s “Drugs Watch” initiative or any similar scheme.

All existing external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.

b) Public Safety

The maximum number of persons attending the premises, where licensable activities are taking place at the site shall be;

Lower Ground Floor	250 persons at any one time
Ground Floor	110 persons at any one time.

The Licensee shall ensure that licensable activities do not take place on the first floor of the premises until all works detailed in the Schedule of Recommended Works by West Yorkshire Fire & Rescue Service dated 21 June 2006 , are completed to the satisfaction of West Yorkshire Fire and Rescue Service.

All emergency lighting and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

c) Prevention of public nuisance

The Licensee shall ensure that the external areas of the premises are kept clear of litter and refuse.

The Licensee shall maintain working arrangements with local taxi/private hire operators and take reasonable steps to communicate this to patrons in order to ensure orderly booking, arrival and departure of customers in such vehicles.

Staff shall be trained in efficient methods for ensuring customers leave the premises in a quiet and orderly fashion

d) Protection of children from harm

The Licensee shall enforce an effective recognised “proof of age policy” at all times and ensure appropriate staff training in its operation.

e) General – all four licensing objectives

The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

A Personal Licence holder shall be present on the premises when licensable activities are taking place.

Any CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.

1.5 **Embedded Conditions**

The Premises Licence is subject to embedded conditions following the conversion of the Public Entertainment Licence, issued under the Local Government (Miscellaneous Provisions) Act 1982), to a Premises Licence under the Licensing Act 2003, in accordance with the transitional provisions.

The embedded conditions are detailed in Appendix 1.

2. **Application Received asking for a Review of the Licence**

2.1 **Responsible Authority**

The West Yorkshire Police have submitted an application for review of the licence, following the death of a patron at the premises at an event in July 2007.

A copy of the application for Review is attached at Appendix 2.

Included with the application are statements from Police Officers following a Police enquiry into the incident. The application states that from this enquiry, it became apparent that underage persons were admitted to the premises and that drunkenness and drug taking took place on them.

A copy of the transcript of evidence from the Coroners Inquest is also included, at which a verdict of death from drug abuse was recorded.

A list of the supporting documents included with the application is attached at Appendix 3, with the documentation at Appendix 3A to 3J.

3. **Representations**

3.1 **Responsible Authorities**

A representation has been submitted by the Council's Child Protection Unit, which includes the views of the Bradford Safeguarding Children Board. The representation is in support of the application for Review (with a view to revocation of the licence) on the belief that there is compelling information to suggest that both illegal drugs were regularly taken into the premises and exchanged, sold and consumed on the premises.

A copy of the representation is attached at Appendix 4.

3.2 **Interested Parties**

Three letters of representation have been received from local businesses operating within the vicinity of the premises. The representations are in support of the Premises Licence continuing and state that the premises are one of few independent music venues, making it popular with all age groups who live both within and outside the district.

The representations also state that the premises are well run by the Licence holder and staff and no disturbances from patrons occur when events are being held.

A copy of the representations are attached at Appendix 5.

4. 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. Paragraph 5.99 to 5.111 of the Guidance specifically details how applications for review of licences should be determined.

An extract of the Guidance is attached to this report at Appendix 6.

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.

5. Statement of Policy Issues

5.1 The following parts of the Licensing Policy are of particular importance; Part 4 (the prevention of crime and disorder) and Part 7 (the protection of children from harm).

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

6. Legal Options

6.1 Members may:

- (a) refuse the application for review of the licence; or
- (b) modify the conditions of the licence, which can include imposing additional restrictions; or
- (c) remove any licensable activities on the licence; or
- (d) remove the Designated Premises Supervisor from the licence; or
- (d) suspend the licence for a period not exceeding 3 months; or
- (d) revoke the premises licence.

6.2 Should the licensee 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 within 21 days of being notified of the decision.

7. **Financial and resource appraisal**

7.1 There are no apparent finance or resource implications.

8. **Other implications**

8.1 **Equal Rights**

There are no apparent equal rights implications.

8.2 **Community safety implications**

There are no apparent community safety implications.

8.3 **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. If the decision is to refuse then reasons should be given.

9. **Not for publication documents**

9.1 None

10. **The Role of the Panel**

10.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application for review of the premises licence.

11. **Appendices**

1. Premises Licence.
2. Application for Review.
3. Supporting documents from West Yorkshire Police. (In the interests of economy this document has been sent to Members of the Panel only.)
4. Representations from the Council's Child Protection Unit
5. Representations from three local businesses
6. Extract from the Government Guidance.

11. **Background documents**

Licence, application and representations.

Licensing Act 2003
Premises Licence

BD/PRA1124

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Harber Mills

262 Thornton Road, Bradford, West Yorkshire, BD1 2LB.

Telephone 01274 738188

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	6:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	6:00am
G. Performance of dance (Indoors)	Monday to Sunday	10:00pm	6:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00pm	6:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday	11:00am	6:00am
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	11:00am	6:00am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Sunday	10:00pm	6:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	11:00am	5:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
No Restrictions		

Original Issue Date: 04/10/2005

(Annual Fee Date under Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003 Premises Licence

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THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Alan James Preston Briggs

Harber Mills, 262 Thornton Road, Bradford, West Yorkshire, BD1 2LB.
Telephone 01274 738188

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Alan James Preston BRIGGS

Harber Mills, 262 Thornton Road, Bradford, West Yorkshire, BD1 2LB.
Telephone 01274 738188

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BD/PER1569

Issued by Bradford

ANNEXES

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence;-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All persons primarily engaged under or employed on the premises to vet, regulate and control persons entering the premises; or engaged, used or employed in the supervision of patrons once inside in order to ensure the maintenance of good order, public safety and internal security shall be licensed with the Security Industry Authority.

Embedded Conditions

4. No disorderly or indecent conduct of any kind shall be allowed to take place in the said premises.
5. There shall be no exhibition, recitation, acting, gesture, gesticulation, or singing, which is of an obscene or disorderly character, or is in any way offensive to public decency.

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Licensing Act 2003

Premises Licence

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ANNEXES continued ...

6. There shall be no performance, demonstration or exhibition of striptease or similar activities in the licensed premises.
7. No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) shall be given on any person at the place licensed except with the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent.

An application for consent under Condition 4 shall be in writing and signed by the licence holder or his agent and shall be made not less than 28 days in advance of the exhibition, demonstration or performance concerned.

A copy of the application shall at the same time be forwarded to the Chief Officer of Police and the Fire Authority. The application shall contain the following particulars.
 - (a) the name and address of the person by whom the exhibition, demonstration, or performance is to be given (hereinafter referred to as "the hypnotist");
 - (b) a description of the proposed exhibition, demonstration or performance; and
 - (c) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.
8. The Maximum number of persons allowed in that part of the premises where regulated entertainment is provided shall be Main Function Room (Lower Floor) - 250 Small Function Room (Upper Floor) - 110.
9. At any licensed function no child shall be permitted to occupy any seat in the front row of any balcony, gallery or tier unless accompanied by, or in the charge of a person who appears to have attained the age of 16 years.
10. The licensed premises shall be provided with adequate safeguards against fire and supplied with ample safe and maintained means of egress for use by the public.
11. All passages, corridors, ramps and stairways to which the public have access shall, at all times, be kept free from obstruction.
12. Every door in the premises for use by members of the public leaving the premises shall be constructed so as to open outwards (unless the Licensing Authority are satisfied that this is impracticable in the circumstances), and shall be capable of being opened easily and immediately from the inside.
13. All fastenings on exit doors which cannot be immediately released by horizontally applied pressure shall be removed or otherwise rendered inoperative to the satisfaction of the Licensing Authority.
14. All exits used by the public in leaving the premises shall be clearly indicated with the symbol which complies with either The Health and Safety (Safety Signs and Signals) Regulations 1996 or BS 5499. All signs shall comply exclusively with either the regulations or with BS 5499. Doors and openings other than exits to or from parts of the licensed premises to which the public are admitted shall be provided with notices indicating their uses or shall be marked "private" and wherever practicable shall be kept secured. Where exit doors are fitted with push bars they shall be clearly indicated with the words "PUSH BAR TO OPEN".
15. Where curtains are provided across the exit they shall be divided at the centre and shall not trail the floor.
16. Any seating in the licensed premises shall be so arranged as to allow free access to all the exits therefrom.

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Licensing Act 2003

Premises Licence

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ANNEXES continued ...

17. For a closely seated audience chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats. Adequate gangways, not less than 24" wide, unless otherwise approved by the Licensing Authority, shall be provided. The gangways shall lead directly to each exit door and shall be kept free from obstruction. No seat shall be more than twelve feet from any gangway.
18. The licensee shall ensure that there are sufficient numbers of properly trained staff on the premises to assist persons entering or leaving the premises, including those with disabilities or special requirements.
19. Every member of staff shall be instructed in the safety precautions to be observed in the premises so far as those precautions relate to their duties and to the action to be taken by them in the event of fire or emergency.
20. (a) The premises and licensee shall be covered by a Drugswatch Certificate issued by West Yorkshire Police, or such equivalent certificate which may be appropriate to assist in developing a drugs prevention strategy for the venue.

Within six months of receipt of the Drugswatch Certificate the Licensee shall have achieved a "Seal of Approval" under West Yorkshire Polices' Drugswatch Scheme.

(b) The above condition shall apply with respect to premises with occupancy of 400 or more which are within the area of jurisdiction of the Bradford Central Police Sub-Division.
21. The licensed premises shall be provided with fire appliances to the satisfaction of the Licensing Authority. The fire appliances shall be maintained in good working order and shall be available for instant use. The licensee and members of staff shall be properly instructed in the protection of the premises from fire and the use of the fire appliances provided.
22. No curtains, drapes, fabric foliage or decorations shall be placed within the licensed premises unless they are constructed from materials which have passed the British Standard 5867 Part 2 Type B test or have been treated to render them fire retardant to the same standard. In either case written confirmation of compliance shall be furnished to the Licensing Authority.

No plastic foliage or plastic decorations of any type shall be placed within the licensed premises.
23. Smoking shall be prohibited in the dressing rooms and notices bearing the words "NO SMOKING" in red letters on a white background shall be conspicuously displayed in those rooms.
24. Smoking shall be strictly prohibited within the stage risk area, except so far as may be necessary on the stage in connection with the performance. The licensee shall obtain the prior permission of the Licensing Authority before permitting smoking in connection with the performance. "NO SMOKING" signs in red letters on a white background shall be conspicuously displayed at the rear of the stage area and in the wings.
25. Where any open fireplace or high temperature heating appliances are used they shall be adequately protected by a suitable guard. If a central heating system operates on the premises the heating apparatus shall be placed in a separate room from the auditorium. If there is a door between it should be fire-resisting to a one hour standard.
26. Explosives, inflammable liquids or high inflammable articles shall not be brought into or used within any part of the licensed premises. The storage of combustible materials below the stage level shall be prohibited while the public are on the premises.
27. In all parts of the premises to which the public have access, there shall be provided adequate illumination by general lighting to the satisfaction of the Licensing Authority.
28. An adequate safety lighting system shall be provided to enable the public to see their way out of the premises.

Licensing Act 2003

Premises Licence

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ANNEXES continued ...

29. All notices and exit indications shall be illuminated by both general and safety lighting.
30. The safety lighting shall be kept on at all times when the public are in the premises except in those parts of the building which are lighted equally well by daylight, during daylight hours, or, where the safety lighting system is a maintained system which operates automatically on the failure of the mains supply.
31. The safety lighting shall be provided from a power source other than that of the general lighting.
32. Any battery supplying safety lighting shall be fully charged every day before the public are admitted to the premises and shall be of such capacity and so maintained as to be capable of supplying at normal voltage, the full load of the safety lighting during the whole time that the public are on the premises.
33. If there is a failure of the general lighting and the general lighting is powered by gas, the public in the licensed premises shall be instructed to leave the building immediately.
34. If there is a failure of the general lighting and the general lighting is powered by electricity, the public shall, if the lighting is not restored within one hour, be instructed to leave the premises immediately.
35. If there is a failure of the safety lighting and the safety lighting is not powered by electricity, all parts of the premises required to be illuminated by the safety lighting shall be immediately illuminated by the general lighting and the public shall be instructed to leave the premises immediately.
36. If there is a failure of the safety lighting and the safety lighting is powered by electricity, all parts of the premises required to be illuminated by the safety lighting shall be immediately illuminated by the general lighting and if the safety lighting is not restored within one hour the public shall be instructed to leave the premises immediately.
37. Electrical apparatus and equipment shall not be used for such purpose or in such a manner or when it is in such condition as to cause danger of electric shock, fire or explosion.
38. The electrical installation shall be in the charge of a competent person.
39. All gas burners within reach of the public shall be protected by glass or wire globes and all gas taps shall be guarded in such a manner as to prevent unauthorised interference.
40. The electrical installation shall be in every respect safe and correct; complying fully with the requirements of the Current Edition (including all amendments) of the Regulations for Electrical Installations as published by the Institution of Electrical Engineers, including all Codes of Practices, Statutory Regulations and associated memoranda scheduled in appendices 1 and 2 of that document.

Where the installation does not comply with the requirements for short circuit or earth fault supply interruption times, prescribed by the Regulations for Electrical Installations then the small power installation shall be protected by means of a residual current device, in the following manner:

- a) The small power circuit shall be protected by a device having a rated residual operating current not exceeding 30m/amps
alternatively
- a) Each individual socket outlet shall be protected by an integral residual operating current not exceeding 30m/amps.

The correct operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the electricity supply, an approved grade electrician shall be consulted and at the same time the associated circuit and accessories shall be isolated.

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ANNEXES continued ...

Notes:

- i) The use of single pole residual current devices is not acceptable; all protective devices shall be multipole, operated so as to isolate both live and neutral conductors.
- ii) The use of "plug in" residual current devices will not satisfy the aforementioned requirements.
- iii) The use of a single residual current device to protect a group of circuits is not advisable, since it may introduce a degree of danger or inconvenience in the event of a fault or accidental tripping.

General Note

Total compliance with wiring regulations or the installation of residual current devices, whilst providing an added degree of electric shock and fire protection, will not remove any basic risks; these measures cannot eliminate all electrical hazards. The Licensee has a responsibility to ensure that any electrical equipment, appliance apparatus or accessory that is either permanently or temporarily connected to the electrical installation is safe, free from fault and in good working order.

The responsibility for any failure, accidental damage, and injury, fatal or otherwise, interruption to electricity supplies and damages or injuries arising therefrom is entirely the responsibility of the licensee or building owner. The Licensing Authority cannot accept any responsibility for any damage or injury arising from any matter relating to or associated with the electrical installations in licensed premises.

41. Means of access, egress and emergency egress and facilities shall be provided and maintained in accordance with any recommendations of the Licensing Authority and the Fire Authority to enable disabled people to partake of the entertainment in the premises. Such means of access and egress may include the making of physical adaptations to the licensed premises or any other steps directed by the authority concerned.
42. All exits and emergency exits at ground floor level shall be provided with a ramp or some other means of unobstructed egress for the benefit of disabled people and these ramps or other measures kept free from obstruction at all times.
43. All or any of Conditions 41 and 42 above may be waived only in circumstances where the Licensing Authority issues a Certificate in writing confirming that it is not reasonably practicable for the Licensee to comply with them.
44. All potential noise sources shall be assessed. Such assessments shall take account of amplified and non-amplified music, singing and speech, plant and machinery, use of outdoor areas and car parks, delivery and collection vehicles and access to and from the premises.
45. Noise control measures and systems for monitoring and reviewing those controls shall be put into place. Such control measures and systems shall be reviewed periodically, (at least once per year) and whenever new noise sources and/or controls are introduced or following receipt of complaint or when monitoring procedures identify that controls are inadequate.
46. Control measures shall be designed to ensure that noise from any potential noise source is kept to a minimum or is eliminated.
47. Where premises having the benefit of a premises licence are not intended or likely to be used for the provision of specific entertainment on more than 20 occasions during the relevant year, the Fire Authority shall be given 14 clear days notice of every intended performance or event.

Annex 2 - Conditions Consistent with the Operating Schedule

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Licensing Act 2003

Premises Licence

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ANNEXES continued ...

All four Licensing Objectives:

48. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.
49. A Personal Licence holder shall be present on the premises when licensable activities are taking place.
50. Any CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.

The Prevention of Crime & Disorder:

51. The Licensee shall at all times maintain a "zero tolerance" policy with regard to illegal drugs (including appropriate staff training in detection and prevention); and shall co-operate with the West Yorkshire Police's "Drugs Watch" initiative or any similar scheme.
52. All existing external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.

Public Safety:

53. The maximum number of persons attending the premises, where licensable activities are taking place at the site shall be;

Lower Ground Floor	250 persons at any one time
Ground Floor	110 persons at any one time.
54. The Licensee shall ensure that licensable activities do not take place on the first floor of the premises until all works detailed in the Schedule of Recommended Works by West Yorkshire Fire & Rescue Service dated 21 June 2006, are completed to the satisfaction of West Yorkshire Fire and Rescue Service.
55. All emergency lighting and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

The Prevention of Public Nuisance:

56. The Licensee shall ensure that the external areas of the premises are kept clear of litter and refuse.
57. The Licensee shall maintain working arrangements with local taxi/private hire operators and take reasonable steps to communicate this to patrons in order to ensure orderly booking, arrival and departure of customers in such vehicles.
58. Staff shall be trained in efficient methods for ensuring customers leave the premises in a quiet and orderly fashion

The Protection of Children from Harm:

59. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

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Licensing Act 2003

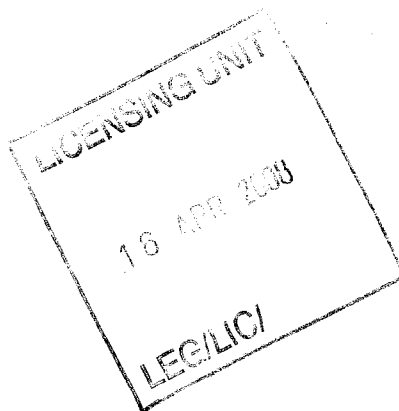
Premises Licence

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ANNEXES continued ...

None Applicable.

G:\DEV\TEMPLATE\LIC.STD\LICENCE CONDITIONS\HARBER MILLS - BDPRA1124



Fresh Milk Collective
 3, Block B, Try Mills
 237 Thornton Road
 Bradford
 West Yorkshire
 BD1 2JS

14/04/2008

FAO: Mrs T McLuckie

Re: Pending license review for 'The Mill' on Preston St, Bradford.

I am aware of the events which took place in July 2007 at the monthly event 'Parlez Vous' and am deeply concerned and sorry to hear of the drug related death of one of the event attendees. This was indeed a tragic incident. However, I am writing to you as I feel it is unfair and frankly, naïve to lay the high level of responsibility insinuated by the Coroner's Report, to the venue or its staff - or to assume that drug related incidents of this nature are isolated in any way to this particular venue.

I have attended numerous events of a similar nature at The Mill over the last four or five years and have always found the staff there to be extremely efficient and responsible at dealing with the issue of illegal substance use on the premises. This level of responsibility is also plainly evident with their approach to the personal safety of all event attendees – a commendable task when one considers the lack of police presence usually local to the venue compared to other, more central venues in Bradford. Whilst this may be in some part due to the venue's location, I think it is worth pointing out that the general lack of police presence is largely down to the fact that the venue is well policed by its staff, with violent crime at a very impressive low compared to other club venues in the city. It is for this reason that The Mill has become a popular venue for club-goers interested in enjoying an evening of music without trouble (myself included). I am aware that there have been statements within the said report made by 'under age' club-goers, a common problem for any club venue and one that I have witnessed The Mill's staff dealing with effectively in the past. However, perhaps you can understand the attraction of the venue to younger music lovers, who may try particularly hard to access events there, because of its reputation as a safe environment.

Whilst I support The Mill wholeheartedly as a regular 'punter' – it being one of the few independent music venues currently serving the Bradford music scene (and one of the only venues regularly attracting people from outside of Bradford), this is also of great relevance to me in my professional capacity as Co-director of the 'Fresh Milk Collective' (FMC). Our organisation is a Social Enterprise dedicated to the regeneration of Bradford through music and the arts. In April 2007, FMC organised the 2nd annual and successful 'Bradford's Sound' – a showcase event of local talent which was supported and part-funded by Bradford Metropolitan District Council (BMDC) and took place at The Mill. I believe this event would not have worked in any other music venue in Bradford, as there are none that equal the dedication to the music scene in Bradford, its eclectic musical track-record as well as the safe and welcoming environment that The Mill has always provided. On top of this, FMC have recently been asked to run a fringe event for BMDC's 'Bradford Music Week', for which The Mill was the obvious and understood

choice as hosting venue. It seems ironic to me that whilst one department of Bradford Council is offering The Mill its support in recognition of its reputable place within the arts in Bradford (essential to the regeneration of our city), another department is making moves to close the place down.

The Mill is not only important as a music venue - but has been for many years, a hub of musical creativity for Bradford, with music studios and rehearsal spaces for some of Bradford's finest musical exports – New Model Army & Paradise Lost to name a couple. I am currently working as a Youth Music Mentor (with Bradford Youth Service & Artworks) and have been using studios in The Mill for sessions training youths in basic music skills. There is no way that I would use this space for this line of my work if The Mill resembled anything like the poor and skewed picture that has been painted by the damning Coroner's Report which is the basis for the venue's current license review. I feel it is crucial to take these facts into account when assessing the case in question. The Mill is much more than just a venue and should be credited for all its contributions to the arts in Bradford.

Finally, I have spoken to the proprietor of The Mill, Ali Briggs, and know that he is as concerned as I am about all issues raised by the events of July 2007. I am confident that should The Mill carry on functioning as a licensed venue, Ali Briggs and his staff will make every effort (as I believe they always have) to ensure that the circumstances, which led to last year's tragedy will never arise again. I offer him and the venue my full support with regards to this and have offered to help in any way that I can.

Yours truly,

Martha Kean

Tracy McLuckie

Subject: FW: Thornton Road Media Mill

From: Justin Sullivan
Sent: 11 April 2008 05:35
To:
Subject: Thornton Road Media Mill

Dear Ms McLuckie,

to introduce myself quickly, I am singer, guitarist and main writer with New Model Army, a band that I founded twenty-eight years ago in Bradford. We've had a wonderful and eventful (and ongoing) career - mostly spent deliberately out of the media eye, but with record sales into the millions and with an amazingly loyal World-wide cult following. We've always been proud to be identified with Bradford and I would certainly consider myself to be a kind of independent ambassador for the city that I made my home thirty-two years ago. We're currently on tour in America and I'm writing this from Seattle where outside is a very Bradford-like drizzle.

My reason for writing is that I am told that there is a wish among a part of the Council and Police to shut down the Media Mill on Thornton Road using the reason of the tragic drug-death last year (even though there has never been any suggestion that the drug in question was supplied by anyone at the Mill). If there is the occasional misuse of drugs at some Mill events, it is certainly no more than at in any other pub or club anywhere in the city and I am witness to Ally Briggs and all his staff doing as much as they can to prevent this.

The Media Mill is a remarkable place - much envied by the artistic communities of other cities. Other bands we meet around the World can't believe how lucky we are. It contains first-class rehearsal/studio facilities for professional outfits (such as ourselves) and also co-operatively run facilities for other local groups. These allow Bradford's musicians to work however and whenever they want in a spirit of sharing and co-operation with each other. It houses occasional dance parties for people from the city and beyond (perhaps the only major example of people from Leeds coming to Bradford for nightlife) and special events such as the 2006 'Bronte Burlesque' and all kinds of live musical performances. It hosts extraordinary jam sessions where musicians from all different communities in Bradford come together for the pure enjoyment of playing music. And it does all this with the minimum of fuss, with the minimum of publicity and without either public or corporate sponsorship, running itself largely on the sheer goodwill of everyone involved. It is a genuine grass-roots project that is of massive importance to the artistic life of the city. True, it doesn't 'look' like a modern, clean, corporate-run 'Arts' exercise but this is precisely why so many people love it and why it is a true breeding ground for the kind of cross-community creativity for which Bradford is rightly feted. Please help us protect it.

Yours Faithfully,

Justin Sullivan

14/04/2008

Tracy McLuckie

Subject: FW: The mill (262 Thornton Road)

From: Imran Khan
Sent: 13 April 2008 18:08
To: Tracy McLuckie
Subject: The mill (262 Thornton Road)

I Imran Khan director of Preston Taxi's Ltd am writing this email in regards with 'THE MILL' 262 Thornton Road, Bradford. Preston taxi's has been contracted with THE MILL since it first opened. We have never had any trouble with customer's that we pick up from 262 thornton road. All our customers who go to the mill or come from out of town to the mill, in my opinion are good people who go there to have fun and NOT to course trouble. The Mill is not just a venue for people to have fun but the lively hood of private hire and hackney drivers throught out Bradford. The mill is a popular venue for people of all age groups and is growing rapidly. The Mill is in a quiet area and away from other nightclubs therefore no violence accures there. All preston taxi drivers will be more than happy to assist you with your inquires and will all say without a dout;THE MILL HAS BEEN THE MOST TROUBLE FREE VENUE THAT WE HAVE WORKED WITH.' Preston taxi's has been established since 1968. Should you require any further assistance please do not hesitate to contact me at Preston Taxis, Preston Street, Bradford, BD7 1JP

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11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.