

## Report of the Assistant Director Corporate Services to a Hearing before the Bradford Area Licensing Panel to be held on 19 August 2008

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### Subject:

Application to vary a premises licence to specify an individual as designated premises supervisor

### Summary statement:

Application for variation to specify an individual as designated premises supervisor

Suzan Hemingway  
Assistant Director Corporate Services  
(City Solicitor)

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

### Portfolio:

Corporate

### Improvement Committee Area:

Corporate Improvement Committee  
Safer and Stronger Communities



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD  
METROPOLITAN DISTRICT COUNCIL

**1. Summary**

**1.1 The applicant**

John Barrie Cordingley. A copy of the application is included at Appendix 1.

**1.2 The Premises**

Blue Pig Inn, Fagley Road, Fagley, Bradford.

**1.3 Proposed Designated Premises Supervisor**

The proposed designated premises supervisor is Jacqueline Bray. The DPS currently named on the licence is Christopher Mark Wilmore.

**1.4 Current Licence**

The premises have a Premises Licence allowing the sale by retail of alcohol for consumption on and off the premises and the provision of late night refreshment from 23.00.

Hours of licensable activities:

Monday to Saturday:	10.00 to Midnight
Sunday/Good Friday/Christmas Day:	Noon to 23.30
New Years Eve:	10.00 hours until start of permitted hours the following day

**2. Relevant Representations Received**

**2.1 Representations from Responsible Authorities**

West Yorkshire Police – In order to address the prevention of crime and disorder objective, West Yorkshire Police are objecting to the application due to the proposed designated premises supervisor's previous conviction.

The Police have also submitted an application for review of the premises licence and it is known that the proposed DPS has been involved in running the premises since at least 20 May 2008; although she has not had direct licensing responsibility.

A copy of the representation is attached at Appendix 2.

**3. Legal Appraisal**

3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

- 3.2 The Council must also have regard to the guidance issued by the 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.
- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4 Only "relevant representations" by or expressly on behalf of West Yorkshire Police can be taken into account. In order to be "relevant" a representation must fairly relate to achieving crime prevention objective. If it does not, it must be discounted.
- 3.5 Any licensing decision that Members may take must also relate to achieving the licensing the prevention of crime and disorder objective.

#### 4. **Statement of Policy Issues**

- 4.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder)
- 4.2 The Annexes to the Policy sets out various types of model condition that could be considered.

#### 5. **Legal Options**

- 5.1 Members may:
  - (a) Vary the premises licence as applied for by agreeing to the proposed change in the Designated Premises Supervisor.
  - (b) Refuse the application to vary the premises licence by naming a new Designated Premises Supervisor where it is considered that there are exceptional circumstances justifying refusal on crime prevention grounds.
- 5.2 Should the applicant or the Police 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.

#### 6. **Financial and resource appraisal**

- 6.1 There are no apparent finance or resource implications.

#### 7. **Other implications**

##### 7.1 **Equal Rights**

There are no apparent equal rights implications.

##### 7.3 **Community safety implications**

There are no apparent community safety implications.

#### 7.4 **Human Rights Act**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

#### 8. **Not for publication documents**

8.1 None

#### 9. **The Role of the Panel**

9.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

#### 10. **Appendices**

1. Application form dated 11 July 2008.
2. Letter of representation from West Yorkshire Police

#### 11. **Background documents**

Application form, plan etc

**Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We JOHN BARRIE CORNINELEY (full name(s) of premises licence holder) being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

B92 PRA 0139

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description BLUE PIP INN GAELEY ROAD, LOWER GAELEY	
Post town BRADFORD	Post code B92 3QW
Telephone number (if any)	

14 JUL 2007  
LICENSING

Description of premises (please read guidance note 1) COMMUNITY PUBLIC HOUSE IN COUNTRY LOCATION ON OWN SITE / LARGE CAR PARK — GROUND FLOOR BAR WITH CENTRAL CORRIDOR — LIVING ACCOMMODATION ON FIRST FLOOR
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Part 2

Full name of proposed designated premises supervisor.  
JACQUELINE BRAY

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any) HYPA0358 HYNBURN BOROUGH COUNCIL 20 CANNON STREET, ACCRINGTON BB5 1NJ

Full name of existing designated premises supervisor (if any)  
CHRISTOPHER MARK WILMORE

Please tick ✓

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

If you have not enclosed the premises licence, or relevant part of it, please give reasons why not

Reasons why I have failed to enclose the premises licence or relevant part of it  
ORIGINAL PREMISES LICENCE SUMMARY  
ENCLOSURE - PREMISES LICENCE WILL  
BE DISPATCHED UNDER SEPARATE COVER

Please tick ✓

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

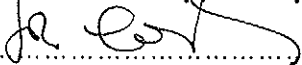
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Mr John Tyson  
West Yorkshire Police  
Licensing Dept  
Trafalgar House Police Station  
BRADFORD  
BD5 ODX

Tel: 01274 376695

**Part 3 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature .....  ..... JOHN BARRIE COROINELLY

Date ..... 11-7-08 .....

Capacity ..... APPLICANT .....

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

<p>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)</p> <p>JOHN COROINELLY CONSULTANCY 14 HALLFIELD ROAD</p>	
<p>Post town BRADFORD</p>	<p>Post code BD1 7RQ</p>
<p>Telephone number (if any) 01274-736646 (723471 fax)</p>	
<p>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</p> <p>07711-156050 MORILL3</p>	

**Notes for guidance**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment)) or from Bradford Metropolitan District Council (<http://www.bradford.gov.uk/council/licensing>), your local licensing authority:



**WEST YORKSHIRE  
POLICE**

**Licensing**

Licensing Department  
Trafalgar House  
Nelson Street  
Bradford  
BD5 0EW

Tel: 01274 376695

Fax: 01274 376787

Email:

Bradford.licensing@westyorkshire.pnn  
.police.uk

Website:

Your ref:  
Our ref: JRT

24<sup>th</sup> July 2008

Licensing Team  
City of Bradford Metropolitan District Council  
Legal & Democratic Services  
4<sup>th</sup> Floor, City Hall  
Bradford  
BD1 1HY

**Application to vary a premises licence - The Blue Pig, Fagley Road, Bradford BD2 3QN to specify an individual as a designated premises supervisor - Jacqueline Bray.**

I refer to the application dated 13<sup>th</sup> July 2008 in respect of the above matter, which was received by the police on 14<sup>th</sup> July 2008.

I make the following representations:

The police have submitted a request for a review of the premises licence in respect of the Blue Pig Public House. That matter is still pending.

Whilst Jacqueline Bray has not had direct licensing responsibility for the premises, it is known that she has been involved in the running of the premises since at least 20<sup>th</sup> May this year.

The police have still to interview her in respect of the application, which will be done at the earliest opportunity. In addition enquiries to date reveal that she may have an unspent conviction which needs to be verified.

The police consider the premises to be difficult to control and therefore are of the opinion that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective

Accordingly the police oppose the application.

Yours faithfully

John Tyson  
Licensing Officer

