

Report of the Assistant Director Corporate Services to a Hearing before the Bradford Area Licensing Panel to be held on 8 September 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)

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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 Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

1.1 The applicant

Admiral Taverns. A copy of the application is included at Appendix 1.

1.2 The Premises

New Inn, 435 Huddersfield Road, Wyke, Bradford.

1.3 Proposed Designated Premises Supervisor

The proposed designated premises supervisor is Royston Greaves. There is no named DPS on the licence as the premise has been closed.

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 regulated entertainment.

Hours of licensable activities:

Monday to Thursday:	10.00 to Midnight
Friday & Saturday:	10.00 to 01.00
Sunday:	10.00 to Midnight
Christmas Eve/Boxing Day:	A further additional hour to those stated above
Christmas Day:	11.00 to 15.00
Christmas Day:	19.00 to 23.00
New Years Eve:	10.00 hours until start of permitted hours the following day
Non Standard Timings:	A further additional hours into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

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 as the proposed designated premises supervisor is currently the DPS at three other premises and has other business interests, which would prevent him being able to adequately supervise or be in day to day control as required by the Licensing Act.

There were also considerable problems caused by those previously operating at the premises and the Premises Licence holder had to resort to lengthy legal action to recover the premises.

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 19 June 2008 (received on 28 July 2008). In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk.
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 that 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 ADMIRAL TAVERNS

(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

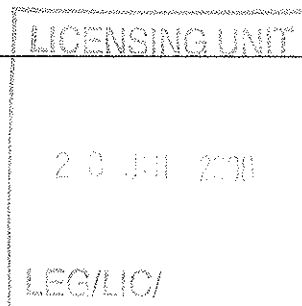
Premises licence number

BD/PRA0659

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description THE NEW INN 435 HUDDERSFIELD ROAD WYKE	
Post town BRADFORD	Post code (if known) BD12 8NP
Telephone number (if any)	

Description of premises (please read guidance note 1) PUBLIC HOUSE STONE BUILT, SLATE ROOF SECOND STOREY PRIVATE ACCOMADATION



Part 2

Full name of proposed designated premises supervisor
ROYSTON GREAVES

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
KM/CPL1612

Full name of existing designated premises supervisor (if any)
NONE STATED

Please tick yes

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

Please tick yes

- 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

Part 3 – Signatures (please read guidance note 2)

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 

Date 19.6.08

Capacity AGENT

For joint applicants signature of 2nd applicant 2nd 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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) licence Trade Consultants 35 Waterloo Road Pudsey	
Post town leeds	Post Code LS28 8DF
Telephone number (if any) 01132 909686	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Guidance notes

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.



**WEST YORKSHIRE
POLICE**

Licensing

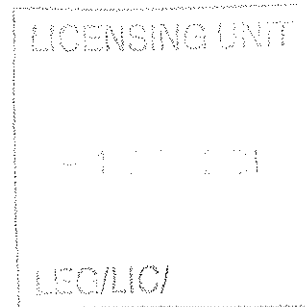
Licensing Department
Trafalgar House
Nelson Street
Bradford
BD5 0EW

Tel: 01274 376695
Fax: 01274 376787
Email:
Bradford.licensing@westyorkshire.pnn
.police.uk
Website:

Your ref:
Our ref: JRT

30th July 2008

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



Application to vary a premises licence - The New Inn, Huddersfield Road, Bradford BD12 8NP to specify an individual as a designated premises supervisor - Royston Greaves.

I refer to the application dated 19th June 2008 in respect of the above matter, which was received by the police on 28th July 2008.

I make the following representations:

Mr Greaves is currently the Designated Premises Supervisor at the following premises:

The Star, Westgate, Bradford BD1 2RD (PRA 0918)

The Harp of Erin, Chain Street, Bradford BD1 2PR (PRA 0117)

Central Division Club, Manchester Road BD5 0RH (PRA 0210)

Admiral Taverns who hold the premises licence at The New Inn are aware of the recent history at the premises which caused both the company and the Responsible Authorities considerable problems.

The result was that the company had to resort to lengthy legal action to recover the premises from those operating the business.

The police in particular were also involved sorting out and to some extent resolving the ongoing problems that ensued.

In this particular application it is noted that Mr Greaves is already the DPS at premises indicated above and in addition has other business interests which would prevent him being able to adequately supervise or be in day to day control as required by the Act / Guidance.

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