

## **Record of a Hearing of the Bradford Licensing Panel held on Tuesday 25 November 2008 in Committee Room 3, City Hall, Bradford**

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### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

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

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

### **Hearing**

- 1. Application for variation of a Premises Licence for Funkys, 14-18 Ivegate, Bradford (Document "M")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR FUNKYS, 14-18 IVEGATE, BRADFORD (DOCUMENT "M").**

Commenced: 1015  
Adjourned: 1215  
Re-convened: 1230  
Concluded: 1235

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Hill (Chair), L'Amie and Ferriby.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Cordingley, representing the Applicant  
Mr Greenaway, Applicant  
Mr Dibb, Entertainment/Promotions Manager, Funkys

**Representing Interested Parties:**

Mr Woolfall, Solicitor representing Shearings Holidays  
Mr Connor, Solicitor representing Prudential Buildings

**Observers:**

PC Dawson, West Yorkshire Police  
Mr Tyson, West Yorkshire Police  
Mr Parker, Bradford City Centre Manager  
Ms Sobers, Bradford City Centre Residents Association  
Mr Niland, representative of Bradford North, South and West Members of Parliament

**Representations:**

The licensing officer in attendance summarised the background to the application which included details of the current Premises Licence, the proposed variation and valid representations received as set out in the report.

The applicant's representative explained that since the applicant had taken over the responsibility for the premises in November 2007 considerable changes had taken place and improvements had been made to upgrade the facilities. Management procedures had been refined and staff training put in place. He stated that the premises had a strict security policy, a comprehensive CCTV system and only plastic drink containers were permitted. The dress code was smart casual and notices were displayed at the entrance/exits that requested customers to leave quietly. The applicant's representative informed the Panel that there were 24 conditions on the existing licence and that the premises currently only operated 10 hours over the weekend, as there was no demand to open during the rest of the week. The proposed variation had originally requested an amendment to Condition 20 to alter the customer entry age to "no under 18's" (instead of an over 21 only limit) and to Condition 22 in relation to the number of Security Industry

Authority (SIA) registered door supervisors required, however, it was noted that these issues had been resolved and an agreement reached with West Yorkshire Police in relation to these conditions. The applicant's representative reported that the other responsible authorities had not objected to the application and that the premise was part of the Pubwatch and Drugswatch Schemes. He also acknowledged that isolated incidents had taken place at the premises in the past.

With regard to the representations, the applicant's representative argued that the majority of concerns raised could be addressed by the agreed amendments to the conditions. He stated that the premises was predominantly a night venue and would only open as required. He claimed that issues created when booking outside promoters had now been resolved and the allegations relating to the attack on a member of staff had been taken out of context.

The applicant's representative informed the Panel that 12 Temporary Event Notice (TEN) events had also taken place over the past year, all had been conducted satisfactorily and no adverse feedback had been received. It was argued that due to the longer licensing hours, customers dispersed gradually. Employees were informed to contact the Council's CCTV Unit in order for vehicles to be moved from Ivegate, there was a strict search policy at the door and a safe in which to store confiscated items.

In response to Members' questions it was stated:

- That staff did not undertake formal qualifications, but were trained in relation to the premises' underage policy.
- That only plastic bottles were used.
- That the head door supervisor and bar supervisor had been on a first aid training course and there were two first aid points in the premises.
- That the premises only opened on a Friday and Saturday evening.
- That the licence had daytime hours for saleable value only.
- That it was not viable for the premises to open during the day.

The representative of Shearings Holidays, a local business, reported that as long as the licence allowed the premises to operate from 11.30 hours, they would prefer the current restrictions in relation to the provision of doorstaff and allowing the playing of recorded music only during daytime opening. He indicated that the intentions of the applicant were not clear regarding the playing of music and confirmed that there would not be an objection if a SIA registered door supervisor was present from when the premises opened.

The representative of the Prudential Buildings explained that his clients were concerned in relation to the proposed extension of the licensing hours. He then outlined issues which he believed showed a disregard for the current conditions on the licence. He acknowledged that there were existing problems on Ivegate, however, if the extended hours were granted then he believed this would create further anti-social behaviour. The door supervisors were not always present as required by the licence and there was insufficient supervision at closing times and incidents or disorders were a regular occurrence.

At this point in the proceedings, with the agreement of the applicant and the representative of the Prudential Buildings, it was,

**Resolved -**

**That, in accordance with paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the hearing (save for the representatives of the applicant and the representatives of the Prudential Buildings, interested party) during the showing of a DVD and CD-Rom presented as evidence by Mr Connor. The Panel considered that there was an overriding public interest in protecting the privacy and personal data of third parties who may be shown on the DVD and CD-Rom evidence.**

The representative of the Prudential Buildings concluded that his clients had genuine concerns with regard to the incidents in the area in the early hours of the morning during the weekend. They believed that an extension to the hours would exacerbate the problems and undermine the licensing principles.

The representative of Shearings Holidays reiterated that his clients did not have an issue with regard to the extended evening hours, however, they would request that no live music be played before 18.00 hours and that SIA trained door supervisors be present if the premises opened prior to 19.00 hours as per the current licence.

In conclusion the applicant's representative explained that the premises was a popular venue that operated limited hours. Consultation had been undertaken with West Yorkshire Police, the Council's Environmental Health Department and Queensgate Leisure Services, amongst others and he hoped that the objectors' concerns had been addressed. Safeguards had been put in place and there had not been any adverse reaction to the 12 TEN events. He then requested that the variation be granted, subject to the proposed amendments.

**Decision**

**That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants (in part) the application for variation subject to the following conditions:**

**1.1 That the licensable activities be restricted as follows:**

<b>Sunday to Thursday</b>	<b>11.30 to 02.00</b>
<b>Friday and Saturday</b>	<b>11.00 to 06.00</b>

**apart from Christmas Eve, New Years Eve, statutory Bank Holidays and the Sundays immediately preceding statutory Bank Holiday Mondays when such hours shall be restricted to 11.00 to 06.00 hours.**

**Reason: To limit noise and disturbance to local residents late at night emanating from the premises - prevention of public nuisance objective.**

**2.1 That Condition 20 remains unchanged.**

**2.2 That Condition 22 be amended to:**

**“A minimum of one SIA registered door supervisor shall be employed at the premises from the start of business until 22.00 hours.**

**A minimum of two SIA registered door supervisors shall be employed at the premises between 22.00 hours and 23.00 hours.**

**A minimum of three SIA registered door supervisors shall be employed at the premises between 23.00 hours and midnight.**

**A minimum of six SIA registered door supervisors shall be employed at the premises between midnight and close of business, when the premises are open for licensable activities.”**

**2.3 That the following condition be placed on the licence:**

**“That West Yorkshire Police shall be notified seven days in advance of any proposed event at the premises which will extend beyond 03.00 hours”**

**Reason: To ensure the Police can allocate sufficient resources to monitor the behaviour of patrons entering and leaving the premises in the early hours of the morning and to demonstrate the licensees good faith in cooperating with the police in order to encourage and assist customers to leave the premises in an orderly and safe fashion – prevention of crime and disorder and public safety objectives.**

Chair

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

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