

Record of a Hearing of the Bradford Licensing Panel held on Wednesday 17 November 2010 in Committee Room 1, City Hall, Bradford

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.

Hearings

- (1) **Application for a premises licence for Delius Lived Next Door, 8-10 Claremont, Bradford (Document "D")**
- (2) **Application for variation of a premises licence for Morrisons, 275 Bradford Road, Idle, Bradford (Document "E").**
- (3) **Application for a premises licence for Slackside WMC, 98 Beacon Road, Bradford (Document "F").**



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR DELIUS LIVED NEXT DOOR, 8-10 CLAREMONT, BRADFORD.

Commenced: 1005
Adjourned: 1030
Re-convened: 1045
Concluded: 1050

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Amin and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Mr Compton – Enterprise Inns (applicant), Mr Shaw, Designated Premises Supervisor, Mr Taylor, Legal representative.

Observer

PC Dawson, West Yorkshire Police

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document "D".

The applicant's legal representative addressed the Panel and advised that, upon taking over the premises, the applicant had discovered that the first floor function room had not been licensed and that, while making the application to rectify that, he had decided to apply for a variation in his hours of operation to make the terminal hour be 0200 across the week. He stressed that there was no intention to use that facility every night but the applicant would welcome the flexibility it would give.

He also advised that the conditions required by the Environmental Health Officer and contained in the report had already been agreed by the applicant.

He noted that no-one was in attendance at the meeting to object to the application and that he had written to the Councillor who had previously objected but had received no reply.

He referred to the issues raised by the Councillor and noted that there had been no report of noise nuisance from Environmental Health; nor could issues of littering be levelled solely at one business. He also noted that there was already a condition in place in respect of bottle collection. He stressed that the business wanted a good relationship with its neighbours.

Questions were asked in respect of car parking and patrons congregating outside the premises to smoke. The Panel was informed that most patrons lived locally and had no

need to drive and that no facilities were provided outdoors which might encourage patrons to linger and cause a noise nuisance.

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 application for a premises licence be granted, subject to the following conditions:-

1.1 The hours of licensable activities be restricted as follows:

**Sunday to Wednesday: to remain the same as the present licence
Thursday to Saturday: 1000 - 0200**

1.2 Alcohol or other drinks shall not be allowed to be consumed outside, nor shall glasses or drinks receptacles be taken outside after midnight and signs shall be prominently displayed for information of patrons to that effect.

1.3 Prior to the varied hours being implemented, all potential noise sources shall be assessed. Such assessments shall take account of amplified and non-amplified music, signing and speech, plant and machinery, use of outdoor areas and car parks, delivery and collection vehicles and access to and from the premises.

1.4 Noise control measures and systems for monitoring and reviewing those controls shall be put into place to the written satisfaction of the Council's Environmental Protection department. 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. Such control measures shall be designed to ensure that noise from any potential noise source is kept to a minimum or is eliminated.

1.5 The Licensee shall ensure that staff monitor, on a regular basis, noise emanating from the premises from regulated entertainment to ensure that neighbouring residents are not disturbed.

1.6 Noise from amplified and non-amplified music, signing and speech arising from regulated entertainment at the premises shall not be at a level to cause disturbance at the nearest noise sensitive premises.

Reason: To prevent noise and disturbance to residents in the vicinity of the premises – prevention of public nuisance objective.

Chair

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

RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR MORRISONS, 275 BRADFORD ROAD, IDLE, BRADFORD.

Commenced: 1050
Adjourned: 1055
Re-convened: 1057
Concluded: 1100

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Amin and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Ms Nicholls, Licensing Manager (Morrisons), Ms Rawson, DPS, Mr Taylor, Legal representative.

Representing Interested Parties:

Mr Budwal, representing Quencher (local business)

Observer

PC Dawson, West Yorkshire Police

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document "E".

The applicant's legal representative addressed the Panel and explained that the variation and removal of embedded conditions was to allow the store to sell alcohol earlier in the day and to enable it to compete with other large supermarkets which had already extended their hours. Assurances were provided that existing Sunday trading legislation would be complied with and, under the current law; it would not be possible to trade during all of the hours on Sundays that the variation was applied for. The applicant was applying to extend the hours of over 300 stores across the UK.

A representative of a local business reported that representations had been made in response to the belief that the store would be operating outside of the current legislation. As it had been explained that the store had no intention of trading outside of those restrictions he confirmed that he was happy with the variation requested.

The Council's legal adviser re-iterated to the applicant that the current Sunday trading laws must be adhered to.

Resolved –

That the application be granted as applied for.

Chair

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

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR SLACKSIDE WMC, 98 BEACON ROAD, BRADFORD.

Commenced: 1105
Adjourned: 1115
Re-convened: 1125
Adjourned: 1145
Re-convened: 1155
Adjourned: 1200
Re-convened: 1210
Concluded: 1210

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Amin and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Ms Windle, Committee Member, Ms Beesley, DPS, Mr Thompson – Licensed Trade Consultants

Representing Interested Parties:

Mr Peel
Ms Whitney

Observer

PC Dawson, West Yorkshire Police

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in Document "F".

The applicant's representative addressed the Panel and advised that the two conditions previously requested by the Police had already been agreed.

In response to a request from the Panel for clarification about the purpose of the application, it was advised that it was for a premises licence for the entire building but that it was intended that public events would only be held in the function room and that the remainder of the premises would continue to operate as a working man's club. The Council's Legal Advisor expressed some concern that such duality would be complex to manage and difficult to monitor.

The Panel called a short adjournment in order to take legal advice on the best way to proceed in those circumstances and, after reconvening, advised the applicant that it would be necessary to continue to consider the application as applied for: ie for a premises licence for the whole of the premises. The premises would then be subject to the same conditions as any other licensed premises in that a designated premises supervisor would

need to be present for a substantial amount of the hours of operation.

The applicant's representative indicated that he was content to proceed on that basis and made a detailed presentation in support of the application.

He advised that the club, which was one of the oldest in Bradford, was increasingly finding that extra entertainment had to be offered in order to retain members and attract new custom.

The applicant was determined that the premises should be operated properly and was working with local Police to develop an action plan. Local residents had been contacted and advised that there would be a condition on the licence in respect of rubbish collection.

It was noted that the requested hours of operation had now been reduced and that the applicant was willing to accept a condition restricting patrons from drinking outside the premises.

A local resident advised that he suffered from noise and disturbance coming from the premises and that it could be as late as 0230 in the morning before the premises were quiet. He considered that, if the licence was granted, there would be more problems, including vandalism of parked cars.

The applicant's representative concluded the discussion by stressing how vital the licence was to the Club's survival.

During the process of decision making, the Panel briefly reconvened the meeting to clarify the conditions required by the Police. The representative of West Yorkshire Police in attendance advised that the conditions had been requested simply in order to give notice of "outside" events to the duty officer.

Resolved –

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 application for a premises licence be granted, subject to the following conditions:-

1.1 The hours of licensable activities to be restricted as follows:

Sunday to Thursday: 1130 – 0000
Friday to Saturday: 1130 – 0100

1.2 A Personal Licence holder shall be present on the premises every Friday and Saturday from 2030 hours until licensable activities cease.

1.3 Bradford South Police Licensing Department shall be notified seven days in advance of any bookings by outside individuals or organisations for events which are to take place.

1.4 The disposal of waste bottles into externally located receptacles shall not take place between the hours of 2100 and 0700 on any day.

1.5 Alcohol or other drinks shall not be allowed to be consumed outside, nor shall glasses or drinks receptacles be taken outside after 2300 and signs shall be prominently displayed for information of patrons to that effect.

1.6 Prominent signs shall be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.

Reason: In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using and leaving the premises, address issues of possible anti social behaviour in the immediate vicinity of the premises – Prevention of crime and disorder and public nuisance objectives.

Chair

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