

Report of the Assistant Director Environmental & Regulatory Services to the meeting of Bradford Area Licensing Panel to be held on 13 February 2012.

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Subject:

Consideration of an objection notice received from West Yorkshire Police with respect to a proposed Temporary Event Notice with regard to Marhaba Lounge, 126 Thornton Road, Bradford.

Summary statement:

Temporary Event Notice for the provision of regulated entertainment and late night refreshment at the premises on 18 February 2012.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:
Environment & Waste Management

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Overview & Scrutiny Area:
Environment & Waste Management
Safer & Stronger Communities



2008-2011
Improving Rural Services
Empowering Communities



FOUNDED IN 1846

Suzan Hemmingway, Assistant Director Corporate Services (City Solicitor)



1. SUMMARY

Temporary Event Notice for the provision of regulated entertainment and late night refreshment at the premises on 18 February 2012.

2. BACKGROUND

2.1 The applicant

Mr Shaid Iqbal. A copy of the temporary event notice is included at Appendix 1.

2.2 The Premises

Marhaba Lounge, 126 Thornton Road, Bradford.

2.3 Details of Notice

The notice is with regard to an event organised at the premises on Saturday 18 February 2012 for the following licensable activities:-

- Provision of regulated entertainment
- Provision of late night refreshment

Hours of licensable activities:

17.00 to 03.00 the morning following

2.4 Counter Notices Received

West Yorkshire Police

West Yorkshire Police have submitted a notice objecting to the proposed temporary event on crime prevention grounds. The applicant is alleged to have held an unlicensed event at the premises on 20 January 2012. The police attended and closed the event under a Section 19 Closure Notice as alleged unlawful activities had been taking place leading the police to believe that similar issues might arise with regard to the proposed event.

Also, a number of calls have been made to Mr Iqbal to discuss the forthcoming event with no gain or any reply to messages left.

A copy of the Police Objection Notice is attached at Appendix 2.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable

4. OTHER CONSIDERATIONS

Legal Appraisal

- 4.1 The Licensing Act 2003 facilitates, subject to certain limits, the holding of temporary events at premises that are not otherwise licensed for proposed licensable activities or an existing premises licence or club certificate is restricted by conditions that normally would restrict the proposed temporary event.
- 4.2 The main precondition is that the proposed event should not involve more than 499 at any one time (including customers and participants in the event). There are also limits to the number of such temporary events that can take place at any premises or can be organised by a premises user in a calendar year. For the purpose of this hearing, members can assume that the statutory limits on numbers of events will not be exceeded.
- 4.3 A licence is not required for such temporary events. The premises holder merely has to serve a notice on the Council and the Police no less than ten working days before the event is due to take place.
- 4.4 Only the Police have power to object to a Temporary Event Notice. However, they can only do so where they have well founded grounds to fear prejudice to the objective of preventing crime if the event goes ahead. The Police then have 2 working days to serve an objection notice specifying the relevant crime prevention issues.
- 4.5 On receipt of a valid objection notice from the police the Council must hold a hearing to decide whether to uphold the Police objection. The hearing must take place at least 24 hours before the event. If the Police notice is upheld, the Council can serve a Counter Notice preventing the event from taking place. If the Police notice is not upheld the event can take place without further formality.

5. OPTIONS

- 5.1 Members may:
 - (a) Uphold the Police objection and then serve a Counter Notice on the Premises User preventing the event.
 - (b) Decide not to uphold the Police; therefore allowing the event to take place.
- 5.2 Should the Premises User or the Police feel aggrieved at any decision with regard to the Notice either of them may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

6. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Referred to in part 4 of this report.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent sustainability implications..

9.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications..

9.5 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.

9.6 TRADE UNION

Not applicable.

9.7 WARD IMPLICATIONS

Ward Councillors have been notified of the meeting

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

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

12. APPENDICES

1. Notice received on 3 February 2012.
2. Objection Notice from West Yorkshire Police.

13. BACKGROUND DOCUMENTS

Notice, etc

Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RW

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
Your Name			
Title	(delete as appropriate) <u>Mr</u> / Mrs / Miss / Ms / Other (please state)		
Surname	IQBAL		
Forenames	SHAHID		
Previous Names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	(delete as appropriate) Mr / Mrs / Miss / Ms / Other (please state)		
Surname			
Forenames			
Your Date of Birth	Day	Month	Year
	21	12	1971
Your Place of Birth	BRADFORD		
National Insurance Number	PW 1735 15 D.		
Your Current Address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
59 VICTOR TERRACE BRADFORD			
Post town	BRADFORD		
Post code	BD9 4RN		

LICENSING UNIT
03 FEB 2012

Other Contact Details	
Telephone Numbers - Daytime	07543-954915
Evening (optional)	
Mobile (optional)	
Fax Number (optional)	
E-Mail Address (optional)	

Alternative Address For Correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code

Alternative Contact Details (If Applicable)	
Telephone Numbers - Daytime	
Evening (optional)	
Mobile (optional)	
Fax Number (optional)	
E-Mail Address (optional)	

2. The Premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description. (Please read note 2)

MARHABA LOUNGE
 126 THURNTON RD
 BRADFORD
 BD1 2DX

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

NOT APPLICABLE

Please describe the nature of the premises below. (Please read note 4)

AN OPEN HALL

Please describe the nature of the event below. (Please read note 5)

VALENTINE BALL

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment		X
The provision of late night refreshment		X

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)

18/2/2012

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)

17.00 HRS TO 3AM

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)

100

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	
	Off the premises only	
	Both	

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
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7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
SIGNATURE	DATE
	3/2/2012
Name of Person signing	SHAID IQBAL

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)	
I acknowledge receipt of this temporary event notice.	
SIGNATURE	DATE
On behalf of the Licensing Authority	
Name of Officer Signing	



**WEST YORKSHIRE
POLICE**

Bradford South Licensing Department

Bradford South Licensing Department
Trafalgar House
Nelson Street
Bradford
BD5 0DX

Tel: 01274 376 695
Moblie:- 07736 084845
Email: bradford.licening@westyorkshire.pnn.police.uk
Website:

Your ref:
Our ref : SAD 5413

Date 6th February 2012

To – SHAID IQBAL – Marhaba Lounge 126 Thornton Road, Bradford
59 Victor Terrace, Bradford BD9 4RH

cc. Melanie McGurk:, City of Bradford Metropolitan District Council Licensing Dept, Jacobs Well, Bradford.

NOTICE OF OBJECTION – TEMPORARY EVENT NOTICE
SECTION 104(2) – PART 5 - LICENSING ACT 2003

Your copy notice was received by the Police at Trafalgar House Police Station at 15:15hrs Friday 3rd February 2012.

The notice relates to licensable activities at:-

Marhaba Lounge – 126 Thornton Road, Bradford

Saturday 18th February 2012

Between 17:00hrs and 03:00am

Please note that the West Yorkshire Police **object** to your application for a Temporary Event Notice for the following reasons:-

1. A previous un-licensed event took place at the venue on the evening of Friday 20th January 2012 – whereby the police attended and subsequently closed the event under Section 19 Closure Notice, as it was believed that unlawful activities had taken place and would continue once the police had left.
2. A number of calls have been made to the applicant Mr Shaid Iqbal to discuss the forthcoming event with no gain or any reply to messages left.

Temporary events notice objection

We are of the opinion that at present the location, venue and organisation of the event is unsuitable for purpose and the event will undermine the prevention of Crime and Disorder objective as described in The Licensing Act 2003.

Following adequate consultation and the implementation of appropriate measure to tackle potential crime and disorder West Yorkshire Police may withdraw this objection.

Pc 5413

Su Dawson
Pc 5413
Licensing Officer
Bradford South Police

Marhaba Lounge

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SCALE 1 : 1,371

