

Report of the Assistant Director Environmental & Regulatory Services to the meeting of Bradford Area Licensing Panel to be held on 2 April 2012.

H

Subject:

Consideration of an objection notice received from West Yorkshire Police with respect to a proposed Temporary Event notified with regard to 245 Sunbridge Road, Bradford.

Summary statement:

Temporary Event Notice for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment at the premises on 8 & 9 April 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**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, 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 8 to 9 April 2012.

2. BACKGROUND

2.1 The applicant

Mr Mehboob Hussain. A copy of the temporary event notice is included at Appendix 1.

2.2 The Premises

245 Sunbridge Road, Bradford.

2.3 Details of Notice

The notice is with regard to an event organised at the premises on Sunday to Monday 8 to 9 April 2012 for the following licensable activities:-

- Provision of regulated entertainment
- Provision of late night refreshment
- Sale of alcohol

Hours of licensable activities:

20.00 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 police responded to an emergency 999 call on 18 March 2012 at 03.45 am at the premises, where someone had been seriously injured. The Police established that an event with a £10 entry fee had taken place, which included a DJ and vocalist. During the singing, an argument had taken place which resulted in two persons being injured. One person was deemed by the medical staff to be in serious condition with the potential of loss of a limb. Police enquiries revealed that the CCTV system was not in working order.

It has since been established that the event was not licensed.

Similar events which have taken place at the premises have been advertised as Eastern European Community Cultural Events, with attendees travelling from other northern towns and cities. The injured male had travelled with family from the Manchester area.

Due to the hostile atmosphere that officers attending the incident were presented with, the lack of witnesses coming forth and the fact that witnesses and the family of the injured male possible have full knowledge of the person responsible for the assault, it is strongly believed that there will be retribution in the form of serious disorder and it is believed that this will take place at the proposed event on 8 to 9 April 2012.

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 21 March 2012.
2. Objection Notice from West Yorkshire Police.

13. BACKGROUND DOCUMENTS

Notice, etc

CASH

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

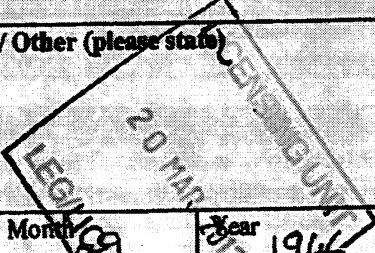
Temporary Event Notice

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 | HUSSAIN | | |
| Forenames | MEHBOOB | | |
| 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 18 | Month 09 | Year 1946 |
| Your Place of Birth | RAWALPINDI PAKISTAN | | |
| National Insurance Number | YM551095 B | | |
| Your Current Address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| 33- Pak DRIVE , | | | |
| Post town | BRADFORD. | Post code | |



| Other Contact Details | |
|-----------------------------|------------------------|
| Telephone Numbers - Daytime | 01274-725559. |
| Evening (optional) | |
| Mobile (optional) | 07828937723 |
| Fax Number (optional) | |
| E-Mail Address (optional) | sajidch_2007@yahoo.com |

| Alternative Address For Correspondence (If you complete the details below, we will use this address to correspond with you) | |
|---|----------|
| 245- Sunbridge road | |
| Post town | BRADFORD |
| Post code | BD1 2JY. |

| Alternative Contact Details (If Applicable) | |
|---|------------------------|
| Telephone Numbers - Daytime | 01274-725559. |
| Evening (optional) | |
| Mobile (optional) | 07828937723 |
| Fax Number (optional) | |
| E-Mail Address (optional) | sajidch_2007@yahoo.com |

| 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) |
| 245- Sunbridge road, Bradford. BD1 2JY. |

| 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) |
|---|
| HALL A TOILETS CAR PARK AREA. |

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

It is wedding Hall.

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

It is a Party of European (Salvador) People
in which late night music and Alcohol and
Food will be served.

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 | X |
| 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)

8th April 2012 — 9th April 2012
Sunday — Monday

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)

20:00 To 3:00 HRS.

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)

200

| | | |
|--|-----------------------|-------------------------------------|
| 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 | <input checked="" type="checkbox"/> |
| | Off the premises only | <input type="checkbox"/> |
| | Both | <input type="checkbox"/> |

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 <input checked="" type="checkbox"/> | No <input 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 <input type="checkbox"/> | 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 <input type="checkbox"/> | 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 <input type="checkbox"/> | 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 <input type="checkbox"/> | 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 X |
|--|-----|-------------|

| | |
|--|---|
| 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 | X |
| Send a copy of this notice to the chief officer of police for the area in which the premises are located | X |
| If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority | X |
| If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police | X |
| Make or enclose payment of the fee for the application | X |
| Sign the declaration in Section 9 below | X |

| |
|---|
| 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 unauthorized 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 20-03-2012 |
| Name of Person signing MAHBOOB HUSSAEN | |

For completion by the Licensing Authority

| | |
|---|-----------------|
| 10. Acknowledgement (Please read note 17) | |
| I acknowledge receipt of this temporary event notice. | |
| SIGNATURE | DATE 21.3.12 |
| On behalf of the Licensing Authority | |
| Name of Officer Signing E. FLYNN | |

Temporary Event Notice

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may use the address to send any counter notice it is required to give under section 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).



**WEST YORKSHIRE
POLICE**

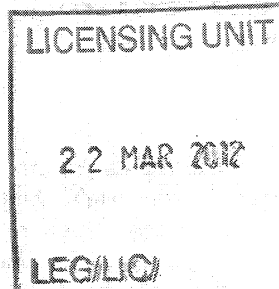
Bradford South Licensing Department

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

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

Your ref:
Our ref : SAD 5413

Date Thursday 22nd March 2012



To: 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

A copy notice was received by the Police at Trafalgar House Police Station at on Wednesday 21st March 2012 via an email from the Bradford Council Licensing Department.

The notice relates to licensable activities at:-

The Venue – 245 Sunbridge Road, Bradford, BD1 2JY

Sunday 8th April 2012

Between 20:00hrs and 03:00hrs

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

1. A previous event took place at the venue on the evening of Saturday 17th March 2012 where by an emergency 999 call was received at 03:45am Sunday 18th March 2012 stating that there was an on going fight taking place and that someone had been seriously injured. Upon arrival by officers they discovered in the hall a large amount of damage had been caused to tables and chairs which also included broken glass bottles and glasses. It was established that an event with a £10:00 entry fee, had taken place which included a DJ and a Singer and that during the singing an argument had taken place resulting in two persons being injured. One person was deemed by ambulance to be in a serious condition with the potential of loss

Temporary events notice objection

of a limb. The second person also had injuries that were related to being caused during a fight – however this person was not forthcoming with any details of himself or the incident. Due to the seriousness of the incident the premises immediately became a secure scene until such time the exact seriousness of the injuries were established. During enquires at the scene CCTV was located at the premises but this had not been in working order for a number of years.

It has since been established by the Police Licensing Department that the event that had taken place on the 17th March 2012 was not in fact licensed and no Temporary Events Notice was in place for that evening and this has now resulted in an ongoing enquiry for an un-licensed event.

The injured male since the incident has remained in hospital and undergone an operation for a badly broken leg.

2. Similar events have taken place at The Venue and have been advertised as 'Eastern European Community Cultural Event' with a charge on the door of £10:00 and run under the Temporary Events Notice for Entertainment only. The numbers that have attended have been substantial with many travelling from other Northern Towns and Cities – in fact the injured male had travelled with family from the Manchester Area.

Due to the very hostile atmosphere that the officers were presented with in the early hours of Sunday 18th March 2012, the lack of witnesses coming forth and coupled with the fact that both these and the family members of the injured male, possibly having full knowledge of the person responsible for the assault, it is strongly believed that there will be **retribution** in the form of Serious Disorder resulting in further serious injury to persons attending the event some of which may be totally innocent and unaware of the previous serious assault that had taken place.

It is strongly believed that this is going to take place on the evening of Sunday 8th April 2012 for which this Temporary Notice Application relates to.

We the Police 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.

Su Dawson
Pc 5413
Licensing Officer
Bradford South Police