

Record of a Hearing of the Bradford Licensing Panel held on Wednesday 17 October 2012 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

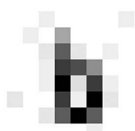
NO ACTION

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

Application for a Premises Licence for East Bowling Unity Club, Leicester Street, Bradford (Document "E")



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR A PREMISES LICENCE FOR EAST BOWLING UNITY CLUB, LEICESTER STREET, BRADFORD

Commenced:	1425
Adjourned:	1625
Reconvened:	1630
Adjourned:	1720
Reconvened:	1750
Concluded:	1805

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Khaliq (Chair), Dredge and B M Smith

Parties to the Hearing:

Representing the Applicant:

Mr Bruce – applicant
Mr Grunert – Solicitor for the Applicant

Representing Interested Parties:

Mr Andrasic } local residents
Mrs Hall }

Observing:

PC Dawson – West Yorkshire Police

Representations:

The Licensing Officer in attendance presented the information set out in Document "E".

The applicant's solicitor made representations in support of the application, explaining that the reason for the application was in order to respond to the difficult financial circumstances which the club faced by maximising the potential for income, principally by utilising the function room much better.

He stressed that the premises would not become a nightclub; that membership would still be a requirement and that the hours of operation applied for represented the potential full extent of anticipated trading rather than a regular occurrence.

He pointed out that the applicant had offered several conditions in order to address residents' concerns and that there had been no representations by responsible authorities.

He considered that one of the objections to the application should be disregarded as the objector concerned had a history with the club but was advised that the Panel would be the body which decided what weight to give to all representations and that, until it did so, representations were accepted at face value.

The solicitor addressed the issue of the objections raised and stated that:

- as there was currently no applicable terminal hour, the complaints of late night activity were not correct
- last orders were currently being correctly applied
- there was an arrangement with a local taxi firm to assist members to leave the vicinity as quickly as possible
- the exterior of the club did presently look a little tired but there were no issues of safety to address
- the suggestion that electrical works were carried out by any other person than a qualified professional was strongly refuted
- similarly, the allegations of the illegal sale of alcohol were baseless
- the incidents logged by an objector were either not a nuisance or not attributable to these premises
- the equation of drinking with violence was not automatic
- the premises did not sell food
- litter was swept up promptly
- there was ample car parking

Members of the Panel then questioned the solicitor and applicant in some detail in respect of the physical construction of the club; facilities for smokers; noise control measures; the stewardship of the club and previous complaints.

In response, they were informed that:

- the roof of the club was part flat, part pitched and was thick and well insulated
- the lobby of the club had automatic doors and there were also doors to each room
- smokers outside the premises were not permitted to take drinks with them
- effort was made to keep noise under control and the applicant made regular checks outside the premises to monitor noise levels
- the club had been in operation since at least the 1960's; while there were 1000 members numbers of attendees were very low during the week and only up to 200-250 on a weekend
- the same steward had been at the club for 16 years
- there had been a couple of complaints of noise but these had been promptly dealt with

The Panel's legal advisor then questioned the applicant and his solicitor on the issue of the hours being applied for; noise from vehicles later in the evening and from the premises itself. He was informed that the club wished to operate until midnight or 0030 at the weekend, that the club did not condone noise nuisance in any way but did not regard the sound of a closing car door as a nuisance in a densely populated urban area and that the club had both air conditioning and ventilation so the windows did not need to be opened when entertainment was taking place.

A member asked how the applicant would reassure local residents that the club would not cause a nuisance if the licence was to be granted. The applicant's solicitor pointed to the club's long history of operation and the fact that no responsible authority had come forward to make representations against this application. The club did not intend to trade late into the night and that the terminal hour being requested was not much different to the time when the club presently wound down. The reason for requesting the extra hours was simply to ensure flexibility of the licence.

In response to further questions, the applicant confirmed that the taxi pick up point was outside the main entrance on Leicester Street and that the present CCTV system had both external and internal cameras. He also confirmed that he was a member of pubwatch and that his staff were trained on the licensing objectives. He endeavoured to keep music volume to a reasonable level and had been contacted by Environmental Health only once in ten years.

In response to a question from a local resident, it was confirmed that staff carried out litter collection and sweeping around the premises and that the premises was a victim of fly-tipping just as much as the rest of the local community.

A local resident then made representations in objection to the application, stating that the club had declined over the past decade in his view and that he considered the present management to be inconsiderate towards the local community which meant it was now trying to attract custom from further afield and make greater use of the function room. His main concern was the late night use of the premises which he considered to be inappropriate for the area, causing late night noise and disturbance. He also had concerns about littering, traffic noise and excessive noise from entertainment.

Members questioned the resident on whether he had contacted the Police in respect of his concerns and were advised that he had done so but was not satisfied with the response.

The Licensing Officer advised the meeting that two conditions had been put forward by the Police and had been agreed by the applicant, these were in respect of the use of CCTV and a proof of age policy.

A second local resident then made further representations, stating that she had been contacted by her neighbours asking her to represent their concerns about noise and disturbance and requesting that the problems faced by local residents be resolved either by refusing the application or by imposing strict conditions.

In response to questions, she confirmed that she had not complained direct to the club in recent years.

The Panel's legal advisor then confirmed with the applicant's solicitor that the club would remain a members only premises, save for private functions booked into the function rooms. He also ascertained that different rooms within the premises would be booked for functions depending on the number of guests anticipated.

In conclusion, residents confirmed their objection on the basis of noise and disturbance and concerns about the management of the premises. The applicant's solicitor concluded by reminding the Panel that the Police had made no representations and that the Panel must be proportionate and fair in any decision it took.

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 panel grants the application subject to the following conditions:

(1) Hours of licensable activities:**Live and Recorded Music**

Tuesday:	19.30 to 22.30
Friday to Sunday:	19.30 to 23.00
New Years Eve (Live Music):	10.00 to 02.00
New Years Eve (Recorded Music):	10.00 to 12.45

Late Night Refreshment

Monday to Sunday:	23.00 to 00.00
New Years Eve:	23.00 to 02.00

Sale of alcohol for consumption on the premises.

Monday to Sunday:	10.00 to 00.00
New Years Eve:	10.00 to 02.00

Premises to be closed and clear of customers no later than 30 minutes after the terminal time for licensable activities.

- (2) That CCTV be provided in the form of a digitally recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs. Equipment must be maintained in good working order, be correctly time and dated and kept in date order and be kept for a period of 30 days. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a digitally recordable format to the Police or Licensing Authority on request. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings, the necessary actions be recorded. In the event of a technical failure of the CCTV equipment the premises licence holder/DPS must report the failure to both the Bradford South Licensing Department and the Local Authority.**
- (3) That an appropriate proof of age policy, incorporating the principles of the “Challenge 21” campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 years of age are asked to prove that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**
- (4) That the licensee shall cooperate fully with any pubwatch initiative promoted by local licensees and West Yorkshire Police in the area.**
- (5) That all staff employed at the premises be trained to an appropriate standard on the conditions of the licence and the Licensing Act 2003 and a written record of training be maintained and made available to the Licensing Authority on request.**

- (6) That the licensee shall make regular checks around the perimeter of the premises during the hours of licensable activities in order to ensure that noise is not audible at the nearest noise sensitive residential premises.
- (7) That the licensee shall ensure that only bona-fide members or guests of members be admitted to licensable activities and that there shall be at least 48 hours between any application for membership and first admission to the club, save for admission by attendees to bona-fide pre-booked private functions.
- (8) That the licensee shall take all reasonable steps to attend the East Bowling Neighbourhood Forum when issues or concerns relating to the club are raised and take such steps as are within the licensee's control to address such issues or concerns when they relate to the licensing objectives.

Reason: It is considered that the above conditions are necessary in order to ensure proper supervision of the premises in order to deter and ameliorate any anti-social behaviour; minimise disturbance to nearby residents, ensure compliance with the licensing laws and ensure that juveniles do not gain access to alcohol. Prevention of public nuisance, prevention of crime and disorder and protection of children from harm objectives.

Chair

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