

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 27 September 2018 in Committee Room 4 - 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

Application for a Temporary Event Notice for Naya Lounge, 12A Russell Street, Keighley (Document "F")

NAYA LOUNGE, 12A RUSSELL STREET, KEIGHLEY

**RECORD OF A HEARING FOR A TEMPORARY EVENT NOTICE FOR NAYA LOUNGE,
12A RUSSELL STREET, KEIGHLEY (DOCUMENT "F")**

Commenced: 1010

Adjourned: 1020

Reconvened: 1025

Concluded: 1030

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair), Ellis and Godwin

Parties to the Hearing:

Responsible Authority

Ms A Sayeed, Environmental Health Unit, Bradford Council

Representations:

The licensing officer in attendance submitted a report, (**Document "F"**) which reported that a Temporary Event Notice had been served for the sale of alcohol and provision of regulated entertainment at a proposed event to be held at Naya Lounge, 12A Russell Street, Keighley. The proposed dates and times of the event were:

6 October 2018 from 22.00 through to 03.00 hours on 7 October 2018.

Members were advised that the premises did not hold a current licence and the notice had been served to allow the provision of alcohol and regulated entertainment on a temporary basis.

It was reported that the Council's Environmental Health Unit had submitted a representation objecting to the proposed event on the grounds of prevention of crime and disorder. The notice and representation from Environmental Health were appended to Document "F".

The applicant had been made aware of the representation and panel hearing although no response had been received.

A representative of the Environmental Health Unit addressed the meeting and reported that the Unit had been made aware that equipment had been installed for the heating of coals and the smoking of shisha pipes on the premises following an inspection by West Yorkshire Fire Service which had raised safety concerns. Planning approval had been granted at the premises for an internet café.

A visit had been made by Environmental Health Officers to the premises and the landlord had denied that it was being used as a Shisha Bar. There was, however, evidence from local residents, signage outside of the property and images on social media that the premises were being operated as a shisha lounge.

The premises were fully enclosed and therefore any smoking inside the premises was in contravention with the smoke free legislation and posed a serious fire risk on site. The detrimental impact on the health of employees was stressed and it was explained that workers had to inhale the shisha pipes to draw the contents through the pipe prior to presentation to customers.

The Environmental Health Unit had submitted a representation objecting to the proposed event on the grounds of prevention of crime and disorder.

It was confirmed that the owner had been sent a warning letter regarding the activities of allowing smoking in the premises, to which no response had been received.

It was also explained that planning approval for the premises restricted hours of operation to 2300 hours.

Members asked if details of the event proposed were available and were advised that the notice received did not contain that information and, unfortunately, the applicant was not present at the hearing to provide any facts about the proposals.

In response to questions from the Panel the Council's Legal Officer confirmed that the contravention of the Health Act 2006 could be considered as issues which could impact on the Public Safety and the Prevention of Crime and Disorder objectives of the Licensing Act 2003.

In summation the representative of the Environmental Health Unit reiterated that the premises were fully enclosed and, therefore, any smoking inside the premises was in contravention with the smoke free legislation and posed a serious fire risk on the site.

Decision –

On the balance of probabilities, in light of the Environmental Health evidence relating to the investigation of crime and disorder and public safety regarding alleged illegal activities taking place at the premises, the Panel is not convinced that crime and disorder and public safety issues would be fully addressed in respect of the proposed event at the premises and therefore authorises service of a Counter Notice preventing the Temporary Event.

ACTION: Assistant Director Waste, Fleet & Transport Services

Chair

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

