

# Public Document Pack



## Agenda for a meeting of the Bradford District Licensing Panel to be held on Friday, 5 October 2018 at 10.00 am in Committee Room 1 - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
M Smith	Azam	Hawkesworth

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### From:

Parveen Akhtar  
City Solicitor

Agenda Contact: Claire Tomenson

Phone: 01274 432457

E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### To:

## **A. PROCEDURAL ITEMS**

### **1. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **2. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

## **B. BUSINESS ITEMS**

**3. BUILDERS YARD, MOUNT PLACE, OFF SALTAIRE ROAD, SHIPLEY** 1 - 18

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “G”**) which requests consideration of a Temporary Event Notice for an event to be held at Builders Yard, Mount Place, off Saltaire Road, Shipley. The event includes the sale of alcohol and the provision of regulated entertainment as follows;

11 to 13 October 2018 from 17.00 to 23.59 hours each day.

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

(Melanie McGurk – 01274 431873)

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## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 5 October 2018.**

# G

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### **Subject:**

**Consideration of an objection notice received from Environmental Health regarding a Temporary Event Notice for Builders Yard, Mount Place, Off Saltaire Road, Shipley, BD18 3HN.**

### **Summary statement:**

**Consideration of a Temporary Event Notice for an event to be held at Builders Yard, Mount Place, Off Saltaire Road, Shipley, BD18 3HN. The event includes the sale of alcohol and the provision of regulated entertainment as follows;**

**11 to 13 October 2018 from 17.00 to 23.59 hours each day.**

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John Major  
Assistant Director  
Waste, Fleet & Transport Services

Report Contact Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

**Portfolio:**

**Neighbourhoods & Community Safety**

**Overview & Scrutiny Area:**

**Corporate**

## **1. SUMMARY**

A Temporary Event Notice has been served for the sale of alcohol and provision of regulated entertainment at a proposed event to be held at Builders Yard, Mount Place, Off Saltaire Road, Shipley. The proposed dates and times of the event are:

11 to 13 October 2018 from 17.00 to 23.59 hours each day.

The Environmental Health Officer has submitted an objection notice to the Temporary Event Notice.

## **2. BACKGROUND**

### **2.1 The premises user**

Mr Matthew Brear.

A copy of the notice is attached at Appendix 1.

### **2.2 Counter notice received**

#### **Environmental Health**

The Environmental Health Officer has submitted a notice objecting to the proposed event on the grounds of prevention of public nuisance.

The Environmental Health Department is in receipt of an on-going complaint regarding an alleged noise nuisance caused by the playing or performance of loud amplified music at the Bar, 52 Saltaire Road.

It is strongly suspected that the Builders Yard forms part of the Bar. Therefore the Environmental Health Department would not support this Notice, unless it can be demonstrated that noise arising from the event will not cause a disturbance to nearby noise sensitive dwellings.

A copy of the Environmental objection notice is attached at Appendix 2.

## **3. OTHER CONSIDERATIONS**

3.1 The Licensing Act 2003 facilitates the holding of temporary events at premises that are not otherwise licensed for licensable activities. Proposed events must involve no more than 499 people at any one time. There are also limits on the number of temporary events that can take place at any premises or can be organised by a premises user in a calendar year.

3.2 The Police and Environmental Health can object to a temporary event notice where they believe that allowing the event would undermine the licensing objectives. The Police and Environmental Health have 3 working days from receipt of the notice to serve an objection notice specifying the relevant issues.

3.3 On receipt of a valid objection notice from the Police or Environmental Health, the

Council must hold a hearing to decide whether to uphold the relevant objection. The hearing must take place at least 24 hours before the event.

If the objection notice is upheld, the Council can serve a Counter Notice preventing the event from taking place. If the objection notice is not upheld the event can take place without further formality.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management or governance implications.

#### **6. LEGAL APPRAISAL**

Referred to in part 3 above.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

The Council has to comply with the public sector equality duty in Section 149 Equality Act 2010.

##### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

##### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

##### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no apparent community safety implications.

##### **7.5 HUMAN RIGHTS ACT**

The following rights are applicable:

Article 1 - 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 the public and the applicant's rights.

Article 6 - A procedural right to a fair hearing. As a counter notice preventing the event is an option, adherence to the Panels' usual procedure of affording a hearing to the premise user is very important. If the decision is to issue a counter notice, then reasons must be given.

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

Ward Councillors have been notified of the meeting.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

There are no apparent implications for Corporate Parenting.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

There are no apparent data protection or information security implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1 Members may:

- (a) Uphold the Environmental Health objection and then serve a Counter Notice on the premises user preventing the event.
- (b) Decide not to uphold the Environmental Health objection, therefore allow the event to take place.

9.2 Should the premises user or Environmental Health feel aggrieved at any decision with regard to the Notice they may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

## **10. RECOMMENDATIONS**

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

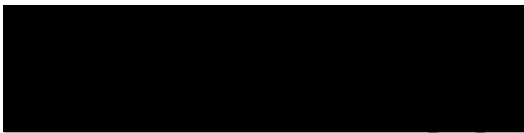
## **11. APPENDICES**

1. Temporary Event Notice.
2. Objection Notice from Environmental Health dated 24 September 2018.

## **12. BACKGROUND DOCUMENTS**

Licensing Act 2003 and statutory guidance, Plan.





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Appendix 1



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

Licensing Team, 3<sup>rd</sup> Floor Argus Chambers, Bradford, BD1 1HX

### 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 in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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.

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Brear		
Forenames	Matthew		
2. Previous names: (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
	[Redacted]	[Redacted]	[Redacted]
4. Your place of birth	Keighley		
5. National Insurance Number	[Redacted]		
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).			
[Redacted]			
Post town	Bingley	Post code	BD16 2NJ
7. Other contact details			
Telephone numbers:	[Redacted]		
Daytime			
Evening (optional)			
Mobile (optional)			
FAX NUMBER (optional)			
E-Mail Address (if available)	Please mark FAO [Redacted]		

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)	
n/a	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers:	n/a
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
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 (including the Ordnance Survey references). (Please read note 2)	
The Builders Yard, Mount Place, Off Saltaire road, Bd13 3HN	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
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)	
n/a	
Please describe the nature of the premises below. (Please read note 4)	
A contained court yard area to the rear of the Imperial Restaurant & Buskers Bar. Gated & fenced with fire exists.	
Please describe the nature of the event below. (Please read note 5)	
To provide alcohol from mobile bar to the court yard.	

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

~~27<sup>th</sup> September 2017 17:00 - 23:59~~  
~~4<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, October 17:00-23:59~~  
 11<sup>th</sup> - 13<sup>th</sup> October  
 (reduced the dates) 2018

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 10)

~~27<sup>th</sup> September 2017 17:00 - 23:59~~  
~~4<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, October 17:00-23:59~~  
 17.00 - 23.59  
 (reduced the hours)

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 11)

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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 12)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 13)

I intend to supply music entertainment at a background level, I have agreed with the Landlord to stop music now at 23.59 hours.




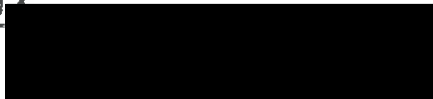
<b>4. Personal licence holders</b> (Please read note 14)			
Do you currently hold a valid personal licence? (Please tick)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	I have passed my personal license course and I am in process of applying for my DPS to Bradford Council with FULL APPLICATION for this bar which has already been sent in.		
Licence number			
Date of issue			
Any further relevant details			

<b>5. Previous temporary event notices you have given</b> (Please read note 15 and tick the boxes that apply to you)			
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?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		1	
Have you already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or			
b) begins 24 hours or less after;			
the event period proposed in this notice?			

<b>6. Associates and business colleagues</b> (Please read note 16 and tick the boxes that apply to you)			
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?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		5	
Has any associate of yours already given a temporary event notice for the same premises in which the event period:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or			
b) begins 24 hours or less after;			
the event period proposed in this notice?			
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?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or			
b) begins 24 hours or less after;			
the event period proposed in this notice?			

<b>7. Checklist</b> (Please read note 17)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated;	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition</b> Please read note 17
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.

<b>9. Declarations</b> Please read note 18
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
SIGNATURE 
DATE 20/10/12
Name of Person signing 

For completion by the licensing authority

<b>10. Acknowledgement</b> (Please read note 20)
I acknowledge receipt of this temporary event notice.
SIGNATURE On behalf of the Licensing Authority
DATE
Name of officer signing

As explained with the office and PC Lord, we do not intend to make this an annual or regular event. I have included a google map outlining the land to the rear of the building.

I can confirm that this area does not belong to Busker Bar at present. That this is a sperate piece of landlord belonging to my landlord Mr Farooq, who also owns the entire row of shops and the builder's yard to the rear.

Danny at Jubilee garage has no objections to this taking place.

If you require anything further, please do not hesitate to contact me [REDACTED]

I do apologise for sending all the Tens on one application, this will be the last time I present it to you like this. I am just conscious of time.

[REDACTED]

Please contact me for payment when convenient:

As always I appreciate your assistance and I would like to thank you for your patience.

Kind regards

[REDACTED]

Ps. Please email me if any issues.







**yard, Mount Place, Off Saltaire Rd, BD13 3HN**



## MEMORANDUM

<p><b>Department of Health and Wellbeing</b></p> <p><b>Environmental Health</b></p> <p>5<sup>th</sup> Floor Britannia House, Bradford BD1 1HX</p> <p><b>From : Brian Fairclough</b></p> <p>Tel: (01274) 434366 Email: brian.fairclough@bradford.gov.uk</p>	<p><b>To:</b></p> <p>Melanie McGurk Licensing Team 3<sup>rd</sup> Floor Britannia House Bradford BD1 1HX</p> <p><b>Ref</b> : 427526 <b>Date</b> : 24 September, 2018</p>
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**TEMPORARY EVENTS NOTICES FOR:  
27 SEPTEMBER, 4, 11, 13 & 13 OCTOBER 2018  
THE BUILDER'S YARD, MOUNT PLACE, SHIPLEY**

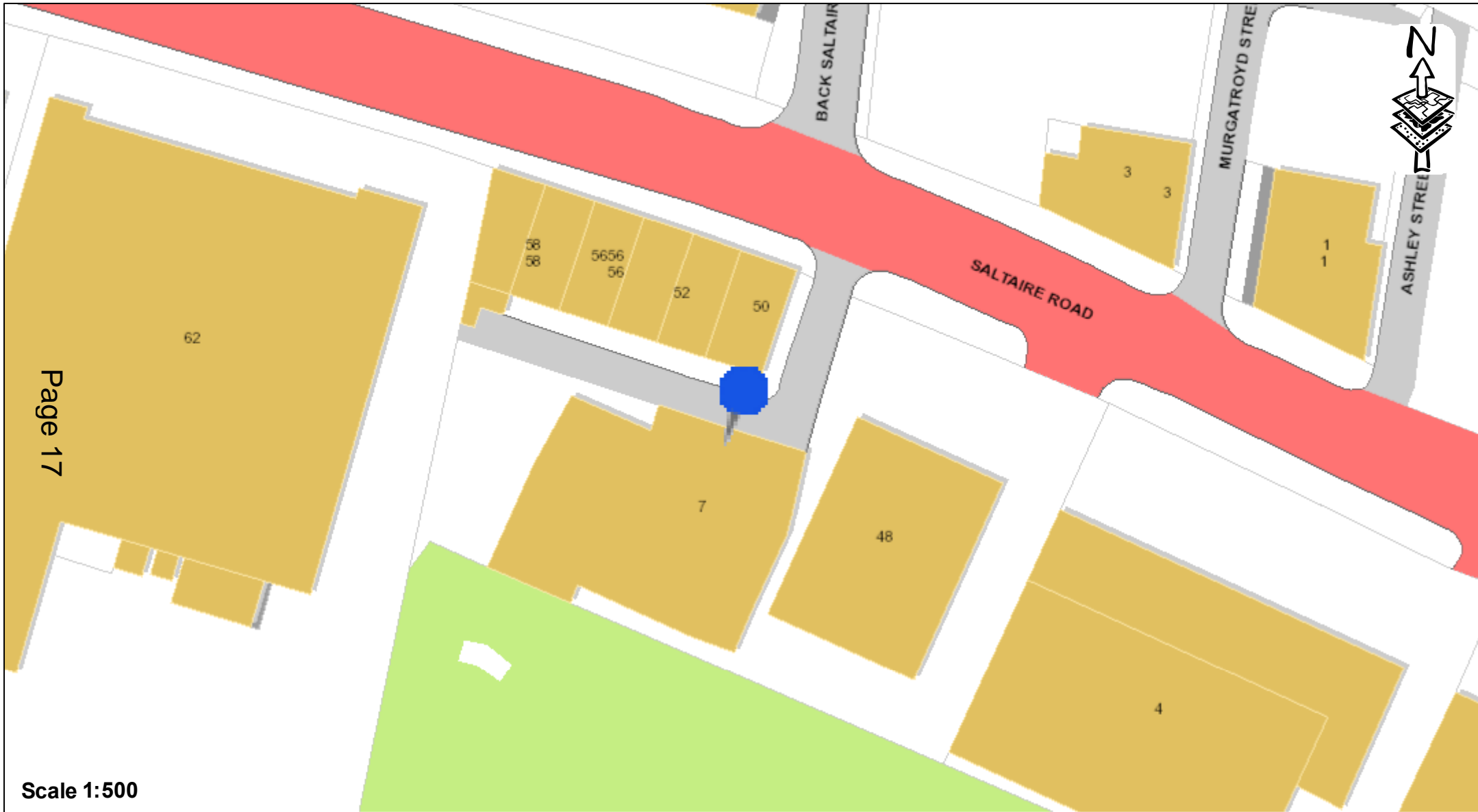
This Department is in receipt of an on-going complaint regarding an alleged noise nuisance caused by the playing or performance of loud amplified music at The Bar, 52 Saltaire Road, Shipley.

It is strongly suspected that 'The Builder's Yard' forms part of The Bar. This being the case, Environmental Health would not support these TENS applications unless it can be demonstrated that noise arising from the events will not cause a disturbance to nearby noise sensitive dwellings.

Regards



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