

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 29 November 2018 in Council Chamber, City Hall - 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

- 1. Application for a Premises Licence for Delilah's, 11b Chapel Lane, Bingley (Document "K")**

DELILAH'S, 11b CHAPEL LANE, BINGLEY

RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR DELILAH'S, 11B CHAPEL LANE, BINGLEY (DOCUMENT "K")

Commenced: 1015

Adjourned: 1130

Reconvened: 1215

Concluded: 1220

Members of the Panel:

Bradford District Licensing Panel: Councillors Slater (Chair), S Khan and BM Smith

Parties to the Hearing:

Representing the Licensee:

Ms Clover, Barrister representing the applicant

Mrs Sherratt, applicant's agent

Mr Brear, applicant

Responsible Authorities:

Mr Farmer, Environmental Health Unit, Bradford Council

PC Lord, Licensing Officer, West Yorkshire Police

PC Hardy, Licensing Officer, West Yorkshire Police

Interested Parties:

Councillor Heseltine

Bingley Town Councillor Wheatley

Mr Alderson

Observers:

Ms Bulmer

Mrs Kedward

Mrs Laycock

Mr Lund

Ms O'Melia

Ms Short

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the applicant had amended the hours of operation since the publication of the report. The Council's Environmental Health Unit had requested that conditions be placed on the application in relation to noise disturbance and these had been agreed with the applicant. West Yorkshire Police had also requested that additional conditions be attached to the

licence and that the licensable hours be reduced to 0300 hours on Friday and Saturday, which had been agreed. It was noted that 80 representations from local residents had originally been received, however, only 17 remained, as objectors had not wanted their details passing onto the applicant. The representations from a Ward Councillor and Bingley Town Council outlined concerns in relation to the detrimental impact on residents. The licensing officer then noted that additional information had been submitted by the applicant.

The applicant's representative addressed the Panel acknowledging the sensitive situation and tragic incident that had occurred last year, however, Members were informed that it was a legal procedure and would need to be based upon the four licensing objectives. A Summary Review against Bijou Cocktail Bar had resulted in the suspension of the licence, which had been revoked at a Panel hearing and was now under appeal to be heard in March 2019. The previous Licensee, Mr Procter, had then formed SH Bars Ltd with others and no attempts had been made to disguise his involvement in the application for consideration, however, the intention had always been that the proposed Designated Premises Supervisor (DPS) would manage the premises. Members noted that the previous Licensee would not be involved in the operation of the premises.

The applicant's representative confirmed that the property had previously had a licence and there was no reason why it should not be licensed now. The premises had undergone a significant renovation and was ready for a new beginning. It was reiterated that only the four licensing objectives were relevant to the application. The applicant had consulted with all the responsible authorities and representations had been submitted by West Yorkshire Police and the Council's Environmental Health Unit. The applicant had agreed to all the proposed conditions and the Police were present at the hearing to assist, not object. Members were informed that the Police had requested a close inspection of the security firm to be used and they would have the power of veto over a company, however, they were satisfied with the security company employed, who would wear body cameras. The applicant's representative explained that the licensable hours had been curtailed to 0300 hours, however, out of respect for the objectors, a new offer of 0200 hours on Friday and Saturday had been proposed by the applicant. The conditions suggested by the Police and Environmental Health had been accepted and were included in the revised application, along with the further reduction to the operating hours. Members were informed that objections made by responsible authorities had to be taken seriously, however, the representation from the Town Council had not been substantiated and the Panel should give consideration to these points in their deliberations.

The applicant's representative stated that the application would be a fresh start for the use of the premises and the other incident would be dealt with in a different arena. The hearing was not the place to bring justice for the incident and representations in respect of the insensitivity, the need for the premises and any matters that had occurred in the past were not a reason to refuse the licence.

The applicant's representative then requested that the applicant's agent addressed the Panel in respect of the management policies put in place.

The applicant's agent explained that work had been ongoing with the premises for the past two months and the main issue had been the previous door staff. Members were informed that a well known professional security company with 700 door staff had now been engaged and they would be the main advisors in respect of door security. The Police also had the power to veto the company if issues arose. The premises would be subject to a

number of policies including “Challenge 25”, dispersal policy, zero drugs tolerance and staff training. The paperwork would be completed under due diligence and employees would be trained every three months.

The applicant’s representative then reported that the previous Licensee had been personally mentioned in a number of the representations submitted, however, in September he had applied for a licence for a premises in Saltaire and no objections had been received, therefore, it was not founded that he was not a responsible licensee.

In response to questions, Members’ were informed that:

- Work had been undertaken with the proposed DPS for the past two months and he was more than capable of managing the business. The premises would be supported and it would be ensured that training was carried out.
- The plan provided was not to scale and there was no requirement to submit one.
- The fire door would be magnetic and closed at all times. The first floor would not be used.
- The disabled toilets would be accessed via a lift and ramp.
- West Yorkshire Fire and Rescue Service was the responsible authority and would have had sight of the plan.

A Ward Councillor was present at the meeting and stated that it had to be ensured that the premises were safe. The previous Licensee could become a Director again and he had no faith in the company. He indicated that he believed the gin bar was a thinly disguised nightclub and strong spirits encouraged crime and disorder. The premises was located on a back street, not in the Town Centre and the residential flats above the premises would be subject to noise and disturbance issues. The Ward Councillor confirmed that the police were aware of the issues relating to the previous premises and since its closure there had been anecdotal evidence that the issues had reduced. Local residents did not want the premises and they had no confidence in the company. There was potential for problems due to the significant resentment in relation to the previous incident and it was paramount that the premises were safe. Concerns had been raised that the business would be detrimental to Bingley, it would call on police resources and be difficult to control. The Ward Councillor then questioned whether the company, SH Bars, was fit for purpose, as he did not believe it was based upon the evidence.

A representative of Bingley Town Council acknowledged that the previous Licensee and main shareholder of the company had now resigned, however, he stated that the application was insensitive and had total disregard for public feeling. The Town Council had deep concerns in respect of a person’s right to enjoy their property due to the noise pollution from the previous premises and 65% of offences had occurred between 0000 and 0200 hours. Members were informed that the Council’s Planning Department had requested that the premises closed at midnight and this would be in keeping with the other premises on the street. A late night opening premises on the street had previously created issues. The representative of the Town Council indicated that the previous Licensee had a 75% share of the company and would have a major interest in the premises. He believed that the previous Licensee was not a fit or capable person and this should be a significant reason not to grant the licence. Other premises operated by the previous Licensee should be disregarded. The representative of the Town Council reiterated that a late night opening business on the street had evidence of crime and disorder and the application premise should operate the same hours as other properties on the street.

In response to a query by the Chair, the licensing officer clarified that other licensable premises in Bingley Town Centre closed on a Thursday, Friday and Saturday at times ranging from 0030 hours through to 0400 hours.

An interested party informed the Panel that he lived on Dubb Lane and Bingley taxi office was located at the end of the street. He explained that people congregated outside the office and he had suffered anti-social behaviour in respect of noise disturbance. The police had not been contacted via the '999' number as it had not been a priority incident, however, his quality of life had changed since the previous licensed premises had closed.

In summation the Ward Councillor confirmed that over the years he had been made aware of issues in the area and local residents should not have to endure such problems. He questioned again whether the company was fit to operate the premises, if the policies would be adhered to and the consultant would work with the company long term. Local residents were paramount and he had to be convinced that the venue would not be detrimental to Bingley or its residents. Tensions were high and there had been a threat of repercussions in the area. The Ward Councillor acknowledged that there were a few late night premises in Bingley, however, the premise was on a back street. He then requested that Members considered the safety of residents.

The representative of Bingley Town Council informed that Panel that no other application had attracted such concern in the community. The Town Council had raised issues of anti-social behaviour, damage and noise pollution and to re-open the premises would invite instances of anti-social behaviour as previously. He then requested that the premises licence be rejected or the closing time be 0030 hours.

In conclusion and in response to some of the previous comments, the applicant's representative clarified that the test for applicants or licensees was different and whether they were 'fit and proper' was no longer relevant. The previous Licensee and the proposed DPS were personal licence holders and the police would have stated whether they had any issues. It was not appropriate to put the previous Licensee on trial and only the four licensing objectives could be considered. The applicant's representative indicated that the police would have to make the judgement call as to whether strong spirit had led to anti-social behaviour. Other premises opened later in the area and if issues occurred the premises licence could be reviewed. The concerns relating to the planning application had been resolved and the Council's Planning Department had indicated that residential amenity would not be affected. Members were informed that a reliance had been placed on anecdotal evidence in relation to anti-social behaviour and crime and disorder incidents. Also the vast majority of the representations were from residents that lived some distance away and had to be put into context. It was noted that the concerns raised related to movement away from the premises, however, it was not a cumulative impact and the police had not applied for a policy. Other premises in the vicinity were also open late. The applicant's representative confirmed that the management structure had convinced West Yorkshire Police and the Council's Environmental Health Unit. It was not a cumulative impact zone or a back street, as there were other licensed premises. The Town Council had asked that the Panel relied upon the strength of feeling, however, this was not a licensing objective and it would not be proper to refuse the licence for this reason. They had also reported that 65% of the incidents could be attributed to the previous business, but the police had not provided any information and there were other premises that caused disturbances. The applicant's representative then requested that those points made be disregarded.

Following a brief adjournment, the Chair reminded those present that if the premise was not complying with the licence then a review could be requested. The applicant was also reminded that fire exits should be used for exit purposes only.

Decision –

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:

| | |
|-----------------------------|---------------------|
| Sunday to Wednesday | 1100 to 2330 |
| Thursday to Saturday | 1100 to 0200 |

New Year's Eve – from end of permitted hours to start of permitted hours on New Year's Day.

Christmas Eve, Boxing Day, any day prior to a Bank Holiday, every Sunday prior to a Bank Holiday Monday: 1100 to 0200

- 2. All outward opening exit doors and all windows are to be kept closed when regulated entertainment is taking place, other than for normal access and egress.**
- 3. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be at a level to cause disturbance at the nearest noise sensitive premises.**
- 4. The Premises Licence Holder shall ensure that staff monitor, on a regular basis, noise emanating from the premises, from regulated entertainment, to ensure that neighbouring residents are not disturbed.**
- 5. The disposal of waste bottles into externally located receptacles shall not take place between the hours of 2300 and 0700 hours on any day.**
- 6. On Friday and Saturday a dispersal policy will be implemented to ensure the safe dispersal of customers at the end of the evening.**
- 7. Staff shall be trained on the requirements of the Licensing Act 2003 when recruited and a staff training register to be implemented and made available for inspection on request.**
- 8. No licensable activities shall take place at the premises unless or until a CCTV system (with satisfactory internal and external coverage) of a standard acceptable to and to the written satisfaction of West Yorkshire Police and the Licensing Authority has been installed at the premises. The approved CCTV shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**

- 9. Drug warning poster and fake ID warning poster to be displayed in a prominent position at all entrance points.**
- 10. Any Security Industry Authority (SIA) contractor employed by the premises to be subject to prior approval by the Police.**

Reason - It is considered that the above conditions are necessary in order to prevent crime and disorder at the premises; to deter and ameliorate any anti-social behaviour; and minimise noise disturbance to nearby residents.

Chair

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

