

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 16 January 2019 in Committee Room 5 - 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 REVIEW OF A PREMISES LICENCE FOR LEICESTER STREET CLUB, LEICESTER STREET, BRADFORD

**RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR
LEICESTER STREET CLUB, LEICESTER STREET, BRADFORD**

Commenced: 1000
Adjourned: 1055
Recommended: 1120
Concluded: 1125

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant

Mr Andrasic – Applicant

Representing the Licensee:

Mr Owen – Director, Leicester Club Ltd
Ms Reed – Designated Premises Supervisor

Observers

Local residents in support of the Licensee

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “N”**) which outlined an application for a review of the premises licence for Leicester Street Club, Leicester Street, Bradford authorising the sale of alcohol and the provision of regulated entertainment.

It was explained that a local resident had submitted a review application on the grounds of prevention of public nuisance. The resident raised concerns regarding noise and disturbance from patrons outside the premises and alleged operating beyond permitted hours. The resident also raised concerns regarding the operating of the premises following the change from a members' only club (operating under a Club Premises Certificate) to a 'public house', operating under a full Premises Licence. A copy of the application for review was appended to Document “N”.

Members were advised that nine individual letters and a petition in support of the premises had been received which stated that no noise or disturbance issues had been witnessed by other local residents and the premises were a valuable resource in the area used by groups, clubs and residents. Those letters of support were also appended to Document “N”.

The applicant for the review addressed the meeting and stressed that he did not want the premises to close but he did want the premises to abide by the Licensing Act 2003 and the restrictions placed on the licence. He explained that the activities undertaken at the

premises during the day and early evening presented no problems, however, it was claimed that people were getting drunk and losing control late at night. He also reported that he had been subjected to abusive behaviour and was often afraid to go home at night because of that abusive behaviour. He also reported that bottles and glasses were left outside of the premises which he believed were a danger to children and local residents.

In response to questions from Members of the Panel the following responses were provided by the applicant for the review:-

- The frequency of the disturbances depended on the time of year. Celebrations and sporting events caused excessive drinking and in summer time the problems were exacerbated by customers drinking and using the picnic tables outside of the premises. It was felt that problems occurred approximately once per month.
- The issues had started after the last trustee of the club died and the Membership of the Committee had changed. It was felt that this had occurred around 2005.
- The abusive behaviour had turned physical this year.
- There were problems every two to three weeks.
- The premises did not close whilst customers were still drinking.
- Records had been kept of the abusive and anti-social behaviour in the past. Those records had been sent to the Council's Licensing Department some time ago.

In response to the statement that records had been sent to the Council's Licensing Department an enforcement officer confirmed that regular complaints had been received from the applicant; visits had been made to the premises and it had been felt that no action was required. It was acknowledged that some incidents were beyond the control of the premises and that the last complaint had been received approximately two months previously.

The Premises Licence Holder addressed the meeting. He referred to a letter he had submitted to the Licensing Department and a copy of that letter was circulated. He expressed his surprise at the application for review and his disappointment that the applicant had not approached either himself or the Designated Premises Supervisor (DPS) about the issues he had stated in the application for review. He stated that there was no other support for the review and his belief that the application was vexatious

It was acknowledged that the premises were located in a 'tough' area but it was maintained that whilst the premises did not operate without incident when incidents occurred they were addressed. If the rules and regulations at the premises were not adhered to that was dealt with by the DPS.

It was maintained that taxis did not sound their horns outside of the premises to attract their customers as a 'ring back', system, whereby customers received a text when their car had arrived; was in operation.

It was questioned why all four of the licensing objectives were included in the application for review. It was felt that there was no evidence to support the review or that the premises were not adhering to the licensing objectives. All of the allegations made were refuted.

The DPS confirmed that whenever the applicant for review had raised issues with her in the past she had dealt with the incident and that he had not made any complaints for the last eight years. She claimed that the applicant was not being victimised and he had been

asked not to use the premises for his own safety.

The Premises Licence Holder believed that the dialogue being used by the applicant for review was an attempt to close the premises. He questioned why he had not gone to the Council's Licensing Officers for help if he did not want to approach the premises. He was concerned that the license was in jeopardy and it was stated that a considerable amount of distress had been caused.

In response to questions to the Premises Licence Holder and DPS it was confirmed:-

- Bottles and glasses were not left outside of the premises.
- An incidents log was kept of issues occurring. The frequency of incidents as stated by the applicant was contested.
- Any problems which occurred were usually by people who were new to the area and not aware of the rules in place at the premises. They were, subsequently, advised of the rules.
- Glasses outside of the premises could be a challenge during the summer months; however, customers were reminded that this was not permitted and they were issued with plastic glasses for use outside.
- The premises would have approximately 100 to 160 people in the concert room on an average Saturday night and, in addition, the games room could accommodate 25 – 70 people
- There was a smoking shelter outside of the premises for the use of smokers.
- The premises were covered by CCTV.
- If problems arose that the DPS or customers could not contain the police would be called.
- The premises closed between 00.45 and 0100 hours. .
- Condition 22 on the Premises Licence was historic.

The Council's Legal advisor confirmed that the Condition 22 was not compatible with a full premises licence.

The applicant concluded with a claim that the bottle bins in operation at the premises did not have a closable lid and were not locked away. Glass and broken bottles falling out of the bins were a hazard to local residents and children. The picnic tables in the area should be fenced off and barriers erected to prevent noise emanating from that area. It was maintained that taxis did sound their horns and those issues occurred after 0100 hours and at least once per month. It was claimed that the DPS did not patrol the area to clear away drinks and monitor noise levels. It was reported that evidence had been supplied to the police when violence had occurred in the area.

Decision -

That having considered all valid representations made by the parties to the review; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the Panel finds as follows:-

- 1. That condition 22 is incompatible with a full premises licence and should be removed from the license.**

- 2. That the consumption of alcohol, other drinks and food in the external areas of the premises shall not be allowed after 2200 hours and the licensee shall be required to clear the external areas of glasses and glass receptacles at that time and that there be prominent signage informing patrons of the restrictions.**

Reason –

It is considered that the condition is necessary to minimise noise disturbance to nearby residents and to keep the area free from litter – prevention of public nuisance.

ACTION: Assistant Director, Waste, Fleet and Transport Services

Chair

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

DISCLOSURES OF INTEREST

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The applicant for the review addressed the meeting and stressed that he did not want the premises to close but he did want the premises to abide by the Licensing Act 2003 and the restrictions placed on the licence. He explained that the activities undertaken at the premises during the day and early evening presented no problems, however, it was claimed that people were getting drunk and losing control late at night. He also reported that he had been subjected to abusive behaviour and was often afraid to go home at night because of that abusive behaviour. He also reported that bottles and glasses were left outside of the premises which he believed were a danger to children and local residents.

In response to questions from Members of the Panel the following responses were provided by the applicant for the review:-

- The frequency of the disturbances depended on the time of year. Celebrations and sporting events caused excessive drinking and in summer time the problems were exacerbated by customers drinking and using the picnic tables outside of the premises. It was felt that problems occurred approximately once per month.
- The issues had started after the last trustee of the club died and the Membership of the Committee had changed. It was felt that this had occurred around 2005.
- The abusive behaviour had turned physical this year.
- There were problems every two to three weeks.
- The premises did not close whilst customers were still drinking.
- Records had been kept of the abusive and anti-social behaviour in the past. Those records had been sent to the Council's Licensing Department some time ago.

In response to the statement that records had been sent to the Council's Licensing Department an enforcement officer confirmed that regular complaints had been received from the applicant; visits had been made to the premises and it had been felt that no action was required. It was acknowledged that some incidents were beyond the control of the premises and that the last complaint had been received approximately two months previously.

The Premises Licence Holder addressed the meeting. He referred to a letter he had submitted to the Licensing Department and a copy of that letter was circulated. He expressed his surprise at the application for review and his disappointment that the applicant had not approached either himself or the Designated Premises Supervisor (DPS) about the issues he had stated in the application for review. He stated that there was no other support for the review and his belief that the application was vexatious

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It was questioned why all four of the licensing objectives were included in the application for review. It was felt that there was no evidence to support the review or that the premises were not adhering to the licensing objectives. All of the allegations made were refuted.

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The Premises Licence Holder believed that the dialogue being used by the applicant for review was an attempt to close the premises. He questioned why he had not gone to the Council's Licensing Officers for help if he did not want to approach the premises. He was concerned that the license was in jeopardy and it was stated that a considerable amount of distress had been caused.

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ACTION: Assistant Director, Waste, Fleet and Transport Services

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