



Agenda for a meeting of the Bradford District Licensing Panel to be held on Wednesday, 16 January 2019 at 11.00 am in Committee Room 5 - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR
Whitaker	M Slater Godwin

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

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. APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR BANYAN, UNITS 1 & 2 STATION PLAZA, BROOK STREET, ILKLEY 1 - 30

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “O”**) which outlines an application for a variation to extend permitted hours for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment on a Friday and Saturday.

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

(Melanie McGurk – 01274 431873)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

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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 16 January 2019.

O

Subject:

Application for variation of a premises licence for Banyan, Units 1 & 2 Station Plaza, Brook Street, Ilkley, LS29 8DA.

Summary statement:

Application for a variation to extend permitted hours for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment on a Friday and Saturday.

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

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the variation of a premises licence to extend permitted hours on a Friday and Saturday for the supply of alcohol, provision of regulated entertainment and provision of late night refreshment.

2. BACKGROUND

2.1 The applicant

Arc Inspirations Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Banyan, Units 1 & 2 Station Plaza, Brook Street, Ilkley.

2.3 Designated Premises Supervisor

Mr Alexander Laws.

2.4 Current Licence

The premises currently hold a Premises Licence with the following permitted hours;

Sale/Supply of Alcohol

Sunday to Wednesday: 10.00 to 00.00
Thursday to Saturday: 10.00 to 01.00
New Years Eve: 10.00 until the start of permitted hours on New Years Day.

Provision of Regulated Entertainment

Sunday to Wednesday: 10.00 to 00.30
Thursday to Saturday: 10.00 to 01.30
New Years Eve: 10.00 until the start of permitted hours on New Years Day.

Provision of Late Night Refreshment

Sunday to Wednesday: 23.00 to 00.00
Thursday to Saturday: 23.00 to 01.00
New Years Eve: 23.00 to 05.00

A copy of the premises licence is included at Appendix 2.

2.5 Application

The application is for the variation of a premises licence to extend permitted hours on a Friday and Saturday for the supply of alcohol, provision of regulated entertainment and provision of late night refreshment as follows;

Sale/Supply of Alcohol

Friday and Saturday: 10.00 to 02.00

Provision of Regulated Entertainment

Friday and Saturday: 10.00 to 02.00

Late Night Refreshment

Friday and Saturday: 23.00 to 02.00

Opening Hours

Friday and Saturday: 08.00 to 02.30

2.6 Steps proposed by the applicant to address the Licensing Objectives

No additional steps to the current licence conditions specified.

2.7 Relevant Representations Received

Individual, Body or Business

Two representations have been received from local residents which raise concerns of potential noise nuisance from regulated entertainment and noise caused by patrons leaving the premises late at night. Concerns are also raised regarding public disorder and broken glass and other detritus littering the pavements.

The representations are attached at Appendix 3.

3. OTHER CONSIDERATIONS

Legal Appraisal

3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

3.2 The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.

3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

- 3.4** Only “relevant representations” can be taken into account. In order to be “relevant” a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5** Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 3.6** The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder) and Part 6 (prevention of public nuisance).
- 3.7** The Annexes to the Policy sets out various types of model condition that could be considered.

4. OPTIONS

4.1 Members may:

- (a) Vary a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Vary a premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
 - (c) Refuse to vary the premises licence.
- 4.2** Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

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

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

8.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

8.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – 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 public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s).

11. APPENDICES

1. Application form received 21 November 2018.
2. Copy of current premises licence.

3. Representations from local residents.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

Bradford Metropolitan District Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Arc Inspirations Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 209770
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Banyan Units 1 And 2 Station Plaza Brook Street			
Post town	Ilkley	Postcode	LS29 8DA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£91,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	7 Cottage Road		
Post town	Leeds	Postcode	LS6 4DD

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is to extend the permitted hours for the provision of regulated entertainment (to include live music and recorded music) on Friday and Saturday from the current hours of 10:00 to 01:30 to the proposed hours of Friday and Saturday 10:00 to 02:00 the following morning.

To extend the sale of alcohol on Friday and Saturday from the current hours of 10:00 to 01:00 to the proposed hours of Friday and Saturday 10:00 to 02:00 the following morning.

To extend the provision of late night refreshment on Friday and Saturday from the current hours of 23:00 to 01:00 to the proposed hours of Friday and Saturday 23:00 to 02:00 the following morning.

To extend the opening hours on Friday and Saturday from the current hours of 08:00 to 01:30 to the proposed hours of Friday and Saturday 08:00 to 02:30 the following morning.

There are no changes to the hours on Sunday to Thursday.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri	10:00	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	02:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri	10:00	02:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	02:00			
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	02:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises licence holder already promotes the licensing objectives and no further conditions are needed.

b) The prevention of crime and disorder

See a) above.

c) Public safety

See a) above.

d) The prevention of public nuisance

See a) above.

e) The protection of children from harm

See a) above.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	Woods Whur 2014 Ltd
Date	20 November 2018
Capacity	Woods Whur 2014 Limited - Solicitors for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Paddy Whur Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Post code	LS1 2ED
Telephone number (if any)	0113 234 3055		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Paddy@woodswhur.co.uk			

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Licensing Act 2003 - Premises Licence

Licence No: 209770

Date Issued: 9 November 2017

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Banyan

Units 1 And 2, Station Plaza, Brook Street, Ilkley, LS29 8DA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

10 October 2017

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

A Performance of Live Music
Any Playing of Recorded Music
Provision of Late Night Refreshment
The Supply of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

A Performance of Live Music PrimaryIndoors	Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-01:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-00:30 New Years Eve 10.00 until the start of permitted hours on New Years Day.
Any Playing of Recorded Music PrimaryIndoors	Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-01:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-00:30 New Years Eve 10.00 until the start of permitted hours on New Years Day.

Provision of Late Night Refreshment Primary/Indoors	Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-01:00 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-00:00 New Years Eve 23.00 to 05.00
The Supply of Alcohol Primary	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-01:00 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-00:00 New Years Eve 10.00 until the start of permitted hours on New Years Day.

THE OPENING HOURS OF THE PREMISES	
Primary	Mon 08:00-00:30 Tue 08:00-00:30 Wed 08:00-00:30 Thu 08:00-01:30 Fri 08:00-01:30 Sat 08:00-01:30 Sun 08:00-00:30 New Years Eve 08.00 until the start of permitted hours on New Years Day.

WHERE THE LICENCE AUTHORISES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES
The Supply of Alcohol On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Arc Inspirations Ltd 7 Cottage Road, Headingley, Leeds, LS6 4DD

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Mr Alexander Laws

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Licence Number: LEEDS/PERL/07741/14 Issued By: Leeds

Annex 1 – Mandatory Conditions

REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

AUTHORISATION OF PERSONAL LICENCE HOLDER

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

IRRESPONSIBLE PROMOTIONS

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to,
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective,
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective,
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner,
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

DRINKING WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- a) a holographic mark, or
- b) an ultraviolet feature.

DRINKS MEASURES

The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: half pint
- (ii) gin, rum, vodka or whisky: 25ml or 35ml and
- (iii) still wine in a glass: 125 ml

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

DUTY & TAX

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979,

(b) 'permitted price' is the price found by applying the formula 'P' equals 'D' plus ('D' times 'V'), where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol,

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

SECURITY INDUSTRY AUTHORITY

All persons primarily engaged under or employed on the premises to vet, regulate and control persons entering the premises, or engaged, used or employed in the supervision of patrons once inside in order to ensure the maintenance of good order, public safety and internal security shall-

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001, or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 – Conditions Consistent with Operating Schedule

All Four Licensing Objectives

None.

The Prevention Of Crime And Disorder

1. A suitably Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
2. The CCTV system will cover all area of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WC's and changing rooms).
3. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
4. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
5. The CCTV system will contain the correct time and date stamp information.

6. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
7. The CCTV footage will be controlled and kept in a secure environment to prevent tampering of unauthorised viewing. A record will be kept of who has access the system, the reason why and when.
8. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system at the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003), any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request to an authorised officer of the Licensing Authority or a Responsible Authority.
9. The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a Daily Records Register is maintained on the premises.
10. The Daily Record Register will contain consecutively numbered pages, the full name of each person on duty, the employer of the person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).
11. The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
12. Security staff/designated supervisor will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
13. The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admission refusals and ejections from the premises.
14. The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and personal licence numbers (if any) of any staff involved or to whom the incident was reported, the names and numbers of any police officers attending the police incident and/or a crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
15. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
16. A suitable purpose made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
17. All incidents of crime or disorder will be reported via the link to an agreed police contact point.
18. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
19. The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.
20. A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up to date contact details for the DPS and all personal licence holders.
21. The Supervisor's Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out and this information will be retained for a period of 12 months and produced for inspection on request to an authorised officer.
22. The Incident Report Register will be retained on the premises for a period of 12 months from the date of the last entry.
23. Open bottles and glasses will not be taken from the premises at any time except for when customers are making use of any designated Street Café area.

24. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to customers.

25. Food will be available to be ordered throughout the premises between 12.00 and 21.00 hours.

Public Safety

26. A suitable trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures; floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.

27. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.

28. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.

29. Regular safety checks of guarding to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour including climbing which may lead to a fall from height.

30. Safety glass that is impact resistant should be used where possible in all areas where the public may come into contact with it. Where it is not used in public areas, glazing should be shielded to protect it from impact.

31. A suitably trained first aider or appointed person will be provided at all times when the premises are open.

32. Adequate and appropriate first aid equipment and materials will be available on the premises.

33. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises are open.

34. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.

35. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.

36. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns.

The Prevention Of Public Nuisance

37. There will be no external loudspeakers.

38. Bottles will not be placed in any external receptacle after 23.00 hours and 07.00 hours to minimise noise disturbance to neighbouring properties.

39. The activities of persons using the external area will be monitored after 23.00 hours and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.

40. The PLH/DPS will adopt a 'cooling down' period where music volume is reduced in the last 30 minutes prior to closing.

41. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

42. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

43. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

44. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.

The Protection Of Children From Harm

None.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

From: auto-responder@bradford.gov.uk
Sent: 16 December 2018 08:06
To: Licensing Team
Subject: Online Form Submission - licensing

SUBMITTED DATA

Title :
Forename :
Surname :
Telephone :
Email :
Preferred contact method is: Email

Address:

**WHITTON CROFT ROAD
ILKLEY
LS29 9HR**

Subject: Licensing in Ilkley.

Details: I see that Banyan have put in an application to extend their opening to 2.00am. I think it is time that action was taken to reduce the nuisance caused by venues in Ilkley who are open late. I am tired of having to avoid vomit and broken glass caused by their "not my problem attitude". I think it should be made to be their problem - maybe they should pay an extra levy on their business rates for extra street cleaning. That might focus them on social responsibility.

Last night we were kept awake until after 12.30 by music thumping out from the Kings Hall/Winter Gardens - a private event. Asking them to turn it down got the response "it will be over in 15 minutes". Last night the weather was miserable so I assume the sound checks weren't being carried out by the council. They weren't answering the phone either - music presumably too loud for them to hear it ring. We are never consulted on the licence - should we be? The buildings address in Station Road but it also backs on to Whitton Croft Road. We had no notification when the Midland applied for a late night licence and discovered that by accident.

From:
Sent: 16 December 2018 05:04
To: Licensing Team
Subject: Banyan opening hours application

Dear Sirs,

This e-mail is a formal representation in respect of the application made to vary the premises licence of Banyan, Units 1 & 2 Station Plaza, Brook Street, LS29 8DA.

Prevention of Crime & Disorder

Ilkley is a small conurbation with limited resources of both Police and Medical services, the license extension will add another strain onto these services by creating another venue that people will be able to over indulge and then require the intervention of one of these services. It is a concern that not only that this could happen within the premises, but is a bigger concern for the surrounding area, where the people will leave and walk down through the estates nearby.

Prevention of Public Nuisance

For those of us who live nearby the damage and noise caused by people leaving these premises, will not be dealt with by the emergency services, but by the residents who will be expected to pick up the cost of this damage and live with the consequences. Extending the license until 2am seems to be one pub too many especially considering its proximity to the recent daytime road fatality, which the chances of it happening again can only be increased at 2am with people under the influence of drink.

The variation application which is seeking an entertainment license means that there will be a concentrated mass of people leaving the premises in one go which can only greatly increase the chance of public disorder. With no public transport available, how are they expected to get home.

The Protection of Children from Harm

The disturbances caused with people heading home will affect families who may have to be up for work and their children who will also be affected due to the noise, actions and altercations that may occur on their street.

Public Safety

As explained above ilkley has very limited emergency service provision which with this extension will be taken away from other emergencies which could lead to unnecessary deaths within the town, or other crimes being unattended due to public order offences.

The safe passage of people to and from the venue needs to be considered and the subsequent noise and light pollution this may create, along with the adequate provision of lighting outside must both considered and demonstrated.

How will this be communicated to customers and what staff training will be provided to cover the transfer of this information

Regards

Nile Road, Ilkley, LS29 8HJ

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