

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 4 September 2019 in Committee Room 4 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

Application for Review of a Premises Licence for Tipple Bar, 9 Barry Street, Bradford

Commenced: 1410
Adjourned: 1510
Reconvened: 1525
Concluded: 1525

Present

Members of the Panel

Bradford District Licensing Panel: Councillor Slater (Ch), Councillor Dodds and Councillor Ellis

Parties to the Hearing

Representing the Applicant:

Inspector Hall, West Yorkshire Police
PC Lord, West Yorkshire Police
PC Brown, West Yorkshire Police
Mr Garthwaite, Solicitor for West Yorkshire Police

Representing the Licence Holder

Mr Mansha – Premises Owner

Representations

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “E”**) which outlined an application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment for Tipple Bar. The Panel was also reminded that additional information supporting the application had been circulated since the publication of the agenda as had information from the premises owner. The premises owner had transferred the premises licence into his own name and Tipple Entertainment plc was no longer involved with the premises in any way.

The decision making options open to the Panel were also explained in full.

The Solicitor representing West Yorkshire Police made representations on behalf of the application, stating that he had initially been instructed to seek revocation of this licence but that, in the light of the very recent change to the licence holder and his informal conversation with the premises owner prior to the hearing, he would be satisfied with the licence remaining in place with restricted hours of operation.

He explained the original reasons for the application, stressing that the number and seriousness of incidents in respect of Tipple Bar were sufficient to require the revocation of the licence but stated that the change of licence holder meant that a “new broom” was now in place and that the new licence holder had not been involved in the previous incidents in any way. He accepted the premises owners reasons for wanting an extant licence for these premises and noted that, since the removal of the previous licence holders, the incidents plaguing the premises had ceased.

He stressed that the Police wished to avoid a situation where the previous problems reoccurred and that their focus was now on the operation of the licence going forward rather than its revocation.

He advised that the location of the premises was a concern to the Police as it was set on a one way street which attracted a great deal of traffic. The Council had made a significant investment in traffic management but problems were still on-going. He considered that a reduction of the licensable hours would satisfy those concerns and stated that a terminal hour of 0200 every night would be acceptable to the Police and would allow a new operator to come in and restart the business. He noted also that a new operator would be able to make use of temporary event notices to extend that terminal hour until their business was settled enough to apply for a variation to the licence and that this would allow the Police to gauge how well the bar was being managed.

He noted that, although CCTV footage of incidents at the bar had been provided, it was not now necessary to view it in the light of the changed circumstances at the bar.

The Chair queried how many temporary event notices a licence holder could apply for and was advised that a total of 15 occasions in a 12 month period could be applied for. The Chair also queried whether the bar was located in a "clubbing" area and was advised that there were two bars on this street plus more on the next street, which was the main area for clubs in the city.

A member asked whether the Police considered any other conditions would be useful in furthering the licensing objectives and was advised that CCTV outside the premises would be very useful for that purpose.

Members were also advised of the opening hours for the neighbouring club and noted that, on the very busiest nights, the club had a terminal hour of 0600, which was exacerbating problems outside the two premises.

The premises owner then made a presentation requesting that a licence remain in operation at the bar. He stressed how difficult it had been working with the previous tenants and how shocked he had been to learn of the problems at the bar that had been notified by the Police. He had assumed that the position of designated premises supervisor was one which would be taken extremely seriously and that requests from the Police to speak to management would be responded to promptly and had been shocked to learn that his previous tenants had not done so.

With the agreement of the Panel and the Police he circulated photographs of Barry Street as he considered it was not a straight run through the street and that the entrance to the bar was further away from the corner than had been represented to the Panel.

He confirmed that he had no objection to the Police suggestion of a terminal hour of 0200 with the use of temporary event notices until any new tenant had proved that they were running the premises in a responsible manner. He advised that the premises were in a very poor state and that it would be some time before they were operational again.

In response to questions from the Panel about the length of time between the issues being reported and this application for review being made, he stressed that he had no knowledge of the problems as his business was property investment not the licensed trade. Problems had been notified to the bar managers not himself. He also undertook to look into strengthening the terms of any future lease to include matters around complying with the licensing objectives.

He confirmed that the previous bar management had not so far challenged the termination

of their lease and that he did not expect them to do so.

Both parties then made closing statements, with the premises owner speaking first. He confirmed that he agreed with the police position on the hours of operation and stated that he considered the Police had made every effort to engage with the previous managers and had shown great restraint. He was shocked that the previous managers had failed to comply with Police requests for CCTV and suggested that the position of the previous designated premises supervisor be investigated to ascertain whether they should be allowed to hold such a position in future. He also confirmed that he would accept the proposed condition in respect of CCTV.

The solicitor representing the Police then made his closing statement, accepting that the premises owner had taken steps efficiently to eject a problem tenant and confirming that the Police would now be content if the licence remained in force with the additional conditions proposed. He stated that those conditions would satisfy the Police concerns and send out the appropriate message that proper enforcement and scrutiny of licensed premises would be undertaken.

Resolved –

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 finds as follows:-

That the following additional conditions be imposed upon the licence in order to address the licensing objectives

- (1) That the hours of existing licensable activities for the sale/supply of alcohol and regulated entertainment be restricted as follows:**
 - **Monday to Sunday 1200 to 0200**
- (2) That no licensable activity 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.**

Reason – the above conditions are considered necessary in order to prevent crime and disorder; promote public safety and prevent public nuisance.

Chair

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

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER