

Record of a Hearing of the Bradford District Licensing Panel held remotely on Thursday, 17 September 2020

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 Variation of a Premises Licence at Cue Gardens, Stadium Road, Bradford BD6 (Document “C”)

RECORD OF A HEARING FOR THE VARIATION OF A PREMISES LICENCE - CUE GARDENS, STADIUM ROAD, BRADFORD BD6 1UP

Commenced: 1100
Adjourned: 1220
Reconvened: 1250
Concluded: 1255

Members of the Panel:

Bradford District Licensing Panel:

Councillors Slater (Chair), Godwin and Shaheen

Parties to the Hearing:

Representing the Applicant:

Mr D Shipley, Applicant
Mr S Lowe, Designated Premises Supervisor
Ms C Hudson, General Manager

Interested Parties:

Councillor R Watson

Representations

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document “C”**).

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 application requested the variation of a premises licence to include an additional function room and bar for the sale of alcohol for consumption off the premises at 650 Huddersfield Road. Representations had been received from a Ward Council and local resident and these were appended to the report.

The applicant addressed the meeting and explained that his family had owned the business for a number of years. The premises had been run by family members until 18 months ago when his daughter had left the business and new managers were recruited. It was explained that it was at the time when problems began to occur. The clientele had changed; noise disturbance was experienced by residents and property had been stolen from the premises. There have been problems with drugs at the premises and the police had been asked for help.

In autumn last year, to rectify those issues, a new Designated Premises Supervisor and general manager joined the business. It was confirmed that they had worked extremely hard to address the issue which had occurred and improvements had been made and continued to be made. The applicant apologised that he had been unaware he had to vary the licence due to a reconfiguration of the premises.

The DPS explained that he and the general manager were siblings; they intended buying the business from the applicant and wished to work with their neighbours and the Local

Authority to make the business a family friendly venue. It was intended to meet with residents once per month to discuss any issues occurring and it was confirmed that no glasses would be allowed outside of the venue and outdoor events would be concluded by 6pm.

In response to questions from Members it was explained that the premises had 32 CCTV cameras and that number would be increased to 40. The extent to which the problems which residents had experienced had reduced was questioned and it was explained that the majority of issues had been resolved by the change of management in March 2019.

The applicant reported that he had invested in the business to ensure that staff and customers were safe, however, as a number of other premises had remained closed he had employed security staff to ensure that unwanted customers, who may be attracted to the venue as other business were closed, did not gain entry. Members questioned those measures and it was clarified that six security staff were employed on Friday, Saturday and Sundays. The applicant stated that a well known gang were causing trouble and that the police were aware of the problems. The security measures were costing the business £2,000 per week. Local Councillors had tried to help reduce the issues and changes had also been made to the building to reduce noise disturbance.

The applicant was asked to explain when the previous managers had been in post and Members were advised that for six months of 2018 and the first six months of 2019 they had been in charge.

The problems with the venue attracting undesirable clientele were discussed and it was questioned if an additional room and bar at the premises, adding to capacity, would exacerbate the issues. In response the applicant reported that the reconfiguration of the premises to facilitate the room and bar had not added to the capacity of the building but dispersed customers in different parts of the premises. The Council's Legal Officer questioned if the capacity would remain as stated on the current licence and it was confirmed that was the case.

The Legal Officer questioned if the additional room was located closer to neighbouring properties and it was clarified that the new area was located at the rear of the premises and was further away from neighbours.

In response to questions about noise escaping from the premises Members were advised that additional signage asking patrons to respect neighbours had been erected; the doors were self closing; new amplifiers had been purchased which could separate indoor and outdoor speakers and were fitted with a cut off switch. Timers could be installed which would turn the outdoor speakers off at 6pm and managers checked the exterior of the property to monitor noise.

The steps taken to address concerns of noise disturbance late at night; music beyond permitted hours and disturbance in the car park it was confirmed that music was now played at a much lower level than the previous managers had allowed. The licence permitted music until 10pm and a timer would be fitted to ensure the speakers were switched off at that time. The door staff asked people to move on if they were in the car park and the business had an agreement with a local taxi firm which would collect customers on request.

The DPS reiterated that glasses would not be allowed outside checks were made outside the premises and neighbouring properties. Regular reports were made to the police about drugs and life time bans were issued to anyone using drugs at the premises.

In response to questions about vomit and rubbish on the highway from customers at the premises it was explained that maintenance staff were employed to check and clean the area.

A local Ward Member addressed the meeting and explained that all 3 Ward Members had been contacted by residents. She reported that the business had been in the area for 40 years but had moved to the other side of the road. For the building now had limited parking and problems had been occurring for the past 18 months. It was agreed that the business had opened earlier than overs following the recent pandemic and that had attracted customers to the area. The representation had been submitted on 31 July 2020 and it was acknowledged that since that time there had been a marked improvement and residents were happier. Licensing Officers, Environmental Health and local Councillors had all tried to address the issues. A local 'whatsapp' group had been established and was helping to communication with all parties. The residents acknowledged that the new DPS and Manager had worked hard and steps such as no glass being allowed outside and noise reduction measures had helped.

It was reported that despite those actions residents remained worried that the variation of the licence would result in a recurrence of the previous issues faced and it was suggested that additional conditions be attached to the licence. Alternatively it was questioned if the licence could be reviewed after a six month period.

The Ward Councillor confirmed that Neighbourhood Wardens were prioritising the area and that management were ensuring that litter was cleared. It was also acknowledged that the security staff dispersed customers outside of the premises and that the majority of residents were happy to work with the DPS and General Manager to make the business a success.

The Council's Licensing Officer explained that the application was to consider a variation to the licence and a reduction in hours on the original licence could not be imposed.

In her closing statement the Ward Councillor confirmed that whilst residents were happier with the measures that had been taken by the new managers they were concerned that problems could recur. It was, however, acknowledged that, if the variation was granted, a review could be requested by residents if the situation deteriorated in the future.

In summation the applicant stated his belief that it was accepted by all parties that the DPS and General Manager had endeavoured to address the issues which had occurred in the past. He reiterated measures taken including that those who looked under 25 were checked for proof of age and those with false identification documents had those confiscated. He said that most complaints were about noise and provided assurances that volumes would be checked and music would not be played outside after 7pm. It was stressed that the licensing trade had changed and if the hours of operation were not comparable with other premises the viability of the business would be compromised. He reported that the DPS and General Manager to discuss any issues they may have with the business and he thanked the local Ward Councillors for facilitating those discussions.

The Panel acknowledged the undertaking provided by the applicant that live music would not be played outside of the premises after 1900 hours and reminded residents of their ability to request a review of the licence should problems recur in the future.

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, whilst acknowledging the undertaking given by the applicant that live music will cease outside of the premises at 1900 hours, grants the application as applied for.

ACTION: Interim 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.

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