

Report of the Strategic Director Environment & Sport to the meeting of the Bradford District Licensing Panel to be held on 12 December 2016.

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Subject:

Application for variation of a Premises Licence for Top Odd, 42 Towngate, Wyke, Bradford, BD12 9NT.

Summary statement:

Application for variation to include the provision of late night refreshment, performance of dance, exhibition of films and indoor sporting events and replace the existing non standard timings with new non standard timings for live and recorded music and the sale by retail of alcohol.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate



1. SUMMARY

The application is for the variation of a Premises Licence to include the provision of late night refreshment, performance of dance, exhibition of films and indoor sporting events and replace the existing non standard timings with new non standard timings for live and recorded music and the sale by retail of alcohol.

2. BACKGROUND

2.1 The applicants

The Craft Union Pub Company Limited. A copy of the application is attached at Appendix 1.

2.2 The Premises

Top Odd, 42 Towngate, Wyke, Bradford.

2.3 Designated Premises Supervisor

Ms Joyce Linda Lees.

2.4 Current Licence

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

Sale/supply of alcohol, Performance of Live Music & Playing of Recorded Music

Sunday to Thursday:	10.00 to 00.00
Friday & Saturday:	10.00 to 01.00
Christmas Day:	11.00 to 15.00
Christmas Day:	19.00 to 23.00
Boxing Day:	A further additional hour to those stated above.
New Years Eve:	10.00 hours until the start of permitted hours the following day.

Non Standard Timings:-

A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

Opening Hours

Sunday to Thursday:	10.00 to 01.00
Friday & Saturday:	10.00 to 02.00
Christmas Day:	11.00 to 16.00
Christmas Day:	19.00 to 00.00



Boxing Day: A further additional hour to those stated above.
New Years Eve: 10.00 hours until the start of permitted hours the following day.
Non Standard Timings:-
A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

A copy of the Premises Licence is attached at Appendix 2.

2.5 Application

The application is for the variation of a Premises Licence to include the provision of late night refreshment (from 23.00 hours), performance of dance, exhibition of films and indoor sporting events and replace the existing non standard timings with new non standard timings for live and recorded music and the sale by retail of alcohol.

Sunday to Thursday: 10.00 to 00.00
Friday & Saturday: 10.00 to 01.00

Christmas Eve 10.00 - 02.00

Christmas Day 10.00 - 02.00

Boxing Day 10.00 - 02.00

27th - 30th December 10.00 – 02.00

New Years Eve - 10.00 hours until the start of permitted hours the following day.

10.00 – 02.00, Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend and Maundy Thursday.

Until 02.00 St Patricks Day, St David's Day, St George's Day, St Valentine's Day, Burns Night,

Bonfire Night (5th November)

Any other Public Holiday declared by the State (Friday, Saturday, Sunday, Monday) (Coronation, death of a Monarch, Wedding, Jubilee etc)

An additional hour when British Summertime commences.

2.6 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

As existing.

b) Public safety will be achieved by;

As existing.

c) Prevention of public nuisance will be achieved by;

As existing.



d) Protection of children from harm will be achieved by;

As existing.

e) General – all four licensing objectives

As existing.

2.7 Relevant Representations Received

Responsible Authorities

Individual, Body or Business

A letter of representation and 21 pro-forma letters have been received from local residents regarding noise and disturbance from loud music emanating from the premises. Residents also have concerns regarding late night anti-social behaviour and being unable to contact staff at the premises.

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 28 October 2016.
2. Copy of current Premises Licence.
3. Letters of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

