

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 4 April 2017.

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Subject:

Application for a Premises Licence for the Fleece, 152-154 Main Street, Addingham

Summary statement:

Application for a new premises licence for the supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.

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Portfolio:

Neighbourhoods & Community Safety

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Overview & Scrutiny Area:

Corporate



1. SUMMARY

The application is for the grant of a Premises Licence for the supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.

2. BACKGROUND

2.1 The applicant

Punch Taverns PLC. A copy of the application is included at Appendix 1.

2.2 The Premises

Fleece, 152-154 Main Street, Addingham, LS29 0LY

The ground floor of the premises is currently licensed.

A copy of the current premises licence is attached at Appendix 2.

2.3 Designated Premises Supervisor

Mr Simon Pearman.

2.4 Application

The application is for the grant of a Premises Licence to include the first floor. The operating schedule describes the following as the relevant licensable activities applied for:-

- Supply of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment

Hours of licensable activities:

Supply of alcohol/playing of recorded music/provision of late night refreshment (from 23.00)

Monday to Wednesday:	11.00 to 00.00
Thursday to Saturday:	11.00 to 01.00
Sunday:	11.00 to 22.30

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



A further additional hour into the morning following on Christmas Eve and Boxing Day.

From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

Performance of live music

Monday to Wednesday: 11.00 to 23.00

Thursday to Saturday: 11.00 to 00.00

Sunday: 12.00 to 22.30

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

A further additional hour into the morning following on Christmas Eve and Boxing Day.

From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

The premises licence holder shall be a member of any locally operating Pub Watch scheme.

b) Public safety will be achieved by;

The Designated Premises Supervisor (DPS)/manager will undertake a weekly inspection of the public area of the premises to identify anything which might present and identifiable risk to public safety.

c) Prevention of public nuisance will be achieved by;

The collection of refuse bottles and recyclable materials shall not take place between the hours of 21.00 and 07.00.

The outdoor areas will be closed to customers after 23.30. Signage will be displayed to this effect.

Odour and noise from any flue or kitchen extraction system used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

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

Children must be accompanied by an adult at all times.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to



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any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

e) General – all four licensing objectives

Upon successful grant of this application, premises licence BD/PRA0393 will be surrendered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of any fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

2.6 Relevant Representations Received

Individual, Body or Business

Twenty six letters of representation have been received from local residents which raise concerns of anticipated noise, disturbance and anti social behaviour by patrons leaving the premises later at night due to the proposed extended hours and also noise and disturbance from regulated entertainment. Residents also raise concerns regarding anticipated noise and disturbance from patrons using the refurbished outdoor area.

The letters of representation are attached at Appendix 3.

The applicant's representative has now confirmed that the applicant is willing to reduce the hours applied for, in line with the current premises licence attached at Appendix 2. As a result, 11 individuals have already withdrawn their representations.

The letter is attached at Appendix 4.

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) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
 - (c) Refuse the application for a 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 7 February 2017.
2. Current premises licence.
3. Letters of representation.
4. Letter from applicant's representative.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

