

# **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 20 June 2017.**

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## **Subject:**

**Application for a Premises Licence for the Gin Lounge, 45 Brook Street, Ilkley, LS29 8AG**

## **Summary statement:**

**Application for a new premises licence for the supply of alcohol and provision of regulated entertainment.**

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John Major  
Assistant Director  
Waste, Fleet & Transport Services

**Portfolio:**

**Neighbourhoods & Community Safety**

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

**Overview & Scrutiny Area:**

**Corporate**



## 1. SUMMARY

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

## 2. BACKGROUND

### 2.1 The applicant

Miss Rachel Yates. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Gin Lounge, 45 Brook Street, Ilkley, LS29 8AG

### 2.3 Proposed Designated Premises Supervisor

Miss Rachel Yates.

### 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

Hours of licensable activities:

Supply of alcohol/playing of recorded music

Tuesday to Thursday: 11.00 to 23.00

Friday & Saturday: 11.00 to 00.00

Sunday: 11.00 to 23.00

### 2.5 Steps proposed by the applicant to address the Licensing Objectives

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

We will not tolerate the use of illegal substances and will be happy to put notices up to say so.

We would be happy to take up membership of the local 'pubwatch scheme' and will closely with other bar owners to reduce crime and disorder in the town.

Outside low level lighting will be provided.



b) Public safety will be achieved by;

The bar premises have an escape route/fire door to the rear of the main room. The bar should seat between 40 – 50 people with some standing room. Responsibilities to ensure the bar does not become over crowded will be met by the senior team member on shift. First aid kits will be at various points as well as fire extinguishers. Staff will be trained on first aid.

c) Prevention of public nuisance will be achieved by;

Music in the bar will be low level for ambience only.  
All litter from the bar will be disposed of correctly with the bin storage out the back.  
Daily cleaning of outside areas.  
Loading of supplies takes place at the back entrance.  
Doors of premises will be closed at all times to reduce noise pollution.  
Notices will be placed asking customers to respect the vicinity surrounding areas.  
Smokers will be asked to smoke away from the building.

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

No children will be allowed on the premises.  
The proof of age scheme 'Challenge 21' will be adhered to and we will be operating an over 25's only policy.  
There will be no gaming/gambling machines.

e) General – all four licensing objectives

We are happy to work with any authorities and interested parties to ensure that the running of the bar is not a nuisance or a disruption to anyone within the vicinity. At present we are considering door supervision to ensure the safety of customers and staff. A personal licence holder will be on premises at all times of expected busier periods. Full training will be undertaken on health & safety and licensing laws.

## 2.6 Relevant Representations Received

### Individual, Body or Business

A letter of representation has been received from a local resident which raises concerns of anticipated noise and disturbance from regulated entertainment and also noise and disturbance by patrons leaving the premises late at night.

The letter of representation is attached at Appendix 2.



### **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 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 27 March 2017.
2. Letter of representation.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.

