

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 8 December 2017.

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Subject:

Consideration of interim steps following an application for a summary review of the premises licence for Bijou Cocktail Bar, 10 Chapel Lane, Bingley, which authorises the sale of alcohol and provision of regulated entertainment.

Summary statement:

Following an application for summary review of the premises licence, the Licensing Authority must consider whether it is necessary to take interim steps under s53B Licensing Act 2003, pending the determination of the full review of the licence.

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Portfolio:
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Overview & Scrutiny Area:
Corporate

1. SUMMARY

An application for a summary licence review of the premises licence for Bijou Cocktail Bar, 10 Chapel Lane, Bingley, has been received from the West Yorkshire Police.

Following an application for summary review of the premises licence, the Licensing Authority must consider whether it is necessary to take any interim steps, pending the determination of the review applied for.

2. BACKGROUND

2.1 The Premises

Bijou Cocktail Bar, 10 Chapel Lane, Bingley, BD16 2NG.

2.2 Premises Licence holder

Mr Rory Procter

2.3 Designated Premises Supervisor

Mr Jonathan Dawkins

A copy of the Licence is attached at Appendix 1.

2.4 Summary Review Application

West Yorkshire Police

The West Yorkshire Police have requested a summary review of the premises licence following a serious assault at the premises in the early hours of Saturday 25 November 2017. The West Yorkshire Police are of the opinion that other procedures under the Licensing Act are insufficient in the circumstances, due to the seriousness of the incident and potential for further disorder at the premises as a result of the incident.

A copy and the application for summary review and the certificate required under s53A(1) of the Licensing Act are attached at Appendix 2.

- 2.5** On receipt of a valid application the licensing authority must, within 48 hours, consider whether it is necessary to take any interim steps pending determination of the review of the premises licence. The authority must then undertake the full review within 28 days of receipt of the application.

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 New provisions were inserted in the Licensing Act 2003 by the Violent Crime Reduction Act 2006 (which came into force on 1 October 2007). The provisions allow a quick process for attaching interim conditions or other measures to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime and/or serious disorder.

3.3 The Council must have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and of the specific guidance relating to summary licence reviews. Regard must also be taken of the Council's statement of Licensing Policy for the District.

The guidance relating to summary reviews is attached to this report at Appendix 3.

3.4 The licensing authority may consider interim steps without the holder of the premises licence having been given an opportunity to make representations. The Authority must give immediate notice of its decision to take any interim steps and its reasons for doing so, to the holder of the premises licence and the chief officer of police who made the application.

3.5 The premises licence holder may make representations against any interim steps taken by the licensing authority. If the authority receives representations from the licensee, a further hearing must be held within 48 hours of receipt to consider these representations. In any event, as stated above, a full review of the licence must subsequently take place within 28 days of receipt of the interim review application.

Statement of Policy Issues

3.6 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of Crime and Disorder).

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in s149 Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.4 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.

7.5 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 suspension of the licence is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. If the decision is to suspend the licence then reasons should be given.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 When considering whether interim steps are required, Members may:

- (a) modify the current conditions of the premises licence;
- (b) exclude the sale of alcohol by retail from the scope of the licence;
- (c) remove the designated premises supervisor from the licence;
- (d) suspend the licence pending the full review hearing.

9.2 Where the Licensing Authority decides to take any interim steps, the decision takes effect immediately, or as soon as the licensing authority may specify.

9.3 There is no right of appeal to a Magistrates Court against the licensing authority's decision at this stage.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and determine if any interim steps are necessary, pending the full summary review hearing.

11. APPENDICES

- 1. Premises Licence
- 2. Application for summary review and certificate.
- 3. Government Guidance on summary reviews.

12. BACKGROUND DOCUMENTS

Licence, application etc.