

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 15 January 2018.

Subject:

Application for variation of a Premises Licence for Bar 26, 26 Brook Street, Ilkley.

Summary statement:

Application for a variation to extend permitted hours on a Friday and Saturday for the supply of alcohol, playing of recorded music and provision of late night refreshment.

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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 extend permitted hours on a Friday and Saturday for the supply of alcohol, playing of recorded music and provision of late night refreshment.

2. BACKGROUND

2.1 The applicant

Bar 26 Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Bar 26, 26 Brook Street, Ilkley.

2.3 Proposed Designated Premises Supervisor

Mrs Lauren Spratt-Clough.

2.4 Current Licence

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

Sale/Supply of Alcohol, Playing of Recorded Music and Opening Hours

| | |
|----------------------|----------------|
| Monday to Wednesday: | 12.00 to 23.00 |
| Thursday: | 12.00 to 00.00 |
| Friday & Saturday: | 12.00 to 01.00 |
| Sunday: | 12.00 to 00.00 |

Provision of Late Night Refreshment

| | |
|--------------------|----------------|
| Thursday: | 23.00 to 00.00 |
| Friday & Saturday: | 23.00 to 01.00 |
| Sunday: | 23.00 to 00.00 |

A copy of the Premises licence is included at Appendix 2.

2.5 Application

The application is for the variation of a Premises Licence to extend permitted hours on a Friday and Saturday for the supply of alcohol, playing of recorded music and provision of late night refreshment.

Friday & Saturday: 12.00 to 02.30 (late night refreshment from 23.00)

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

We do not tolerate any drug taking and display notices to that affect.
We are members of the local pub watch scheme.
We have more than adequate lighting on all floors.
We have good relations with other licenced premises and keep good communication with them all.

- b) Public safety will be achieved by;

We have installed emergency lighting on all floors.
There are two fire exit routes.
We always keep our accommodation limits.
First Aid is provided.
We have adequate seating arrangements.
We have a minimum of 7 staff.

- c) Prevention of public nuisance will be achieved by;

The building is fitted with UPVC doors and windows.
We will keep noise levels responsible.
Deliveries are undertaken mid-week and office hours only.
All litter is swept up nightly by a member of staff.
Doors are always kept closed.
Amplified music is kept within our opening hours.

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

All children are to be accompanied by an adult at all times and only during the daytime hours.
We always ask for proof of age for anyone who looks under the age of 25.
We have no gambling machines or children's activities.

- e) General – all four licensing objectives

We will provide registered door men.
We will have a personal licence holder on the premises.
We will give suitable staff training regarding licence issues.
We have suitable CCTV installed on all floors which record at all times.

2.7 Relevant Representations Received

Responsible Authorities

Environmental Health - In order to address the Public Nuisance objective, the Environmental Health Officer has recommended that condition 12 is amended from;

“All outward opening exit doors are to be kept closed when regulated entertainment is taking place.”

to

“All outward opening exit doors and all windows are to be kept closed when regulated entertainment is taking place.”

The applicant has agreed to the condition being placed on the Licence.

The representation acceptance is attached at Appendix 3.

Individual, Body or Business

A representation has been received from a Ward Councillor which raises concerns of noise and disturbance from patrons drinking on the street. Also, concerns are raised regarding broken glass on the pavement and empty bottles left in the street which a local business keeps clearing up.

The representation 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) 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.

11. APPENDICES

1. Application form received 16 November 2017.
2. Copy of current Premises Licence.
3. Environmental Health representation agreement.

4. Representation from a Ward Councillor.

12. BACKGROUND DOCUMENTS

Application form, plan etc.