

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 3 January 2018.**

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### **Subject:**

**Consideration of 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 and interim hearing on 8 December 2017, the Licensing Authority must now consider a full review of the premises licence.**

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### **Portfolio:**

**Neighbourhoods & Community Safety**

### **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, was received from the West Yorkshire Police on 6 December 2017. A hearing to consider any required interim steps was held on 8 December 2017. The Licensing Authority must now consider the full review application.

## **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 application for summary review was received following a serious assault at the premises in the early hours of Saturday 25 November 2017.

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 the application the licensing panel held an interim meeting to consider whether it was necessary to take any interim steps pending determination of the full review of the premises licence. The authority must undertake the full review within 28 days of receipt of the application.

**2.6** At the interim hearing on 8 December 2017, Members resolved to suspend the Premises Licence with immediate effect, pending full review. The Panel considered that evidence presented by the West Yorkshire Police, relating to the incident in November 2017 and the potential for future disorder at the premises, was compelling enough to justify the immediate suspension of the Licence, under the prevention of crime and disorder, prevention of public nuisance and promotion of public safety objectives.

A copy of the decision of the interim meeting is attached at Appendix 3.

During the 10 working day representation period following receipt of the summary review application, the West Yorkshire Police have submitted further information regarding the premises for consideration by members. West Yorkshire Police have requested the addition of several licence conditions and a reduction in permitted hours.

A copy of the letter from West Yorkshire Police is attached at Appendix 4.

## **Representations**

### **Individual, Body or Business**

A letter of representation has been received from a local resident (and former local business owner). The representation details incidents of alleged anti-social and criminal behaviour outside the premises between August 2015 and August 2017.

A copy of the letter of representation is attached at Appendix 5.

A letter of representation has also been received from Bingley Town Council, who request consideration be given to revocation of the Licence given the violent incident in November 2017.

A copy of the letter of representation is attached at Appendix 6

## **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** Following the decision to suspend the licence, Members are now required to hold a full review hearing to hear any further representations from the premises licence holder or the Police, and any other responsible authority or interested party making valid representations during the representation period.

**3.4** 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 7.

### **Statement of Policy Issues**

**3.5** 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 licence holders rights.

Article 6 - A procedural right to a fair hearing. As suspension and revocation of the licence is an option, adherence to the Panels' usual procedure of affording a hearing to the licence holder is very important. If the decision is to suspend or revoke 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 the full review application, Members may:

- a. reinstate the licence but modify the current conditions;
- b. reinstate the licence but exclude licensable activities from the scope of the licence;
- c. reinstate the licence but remove the designated premises supervisor from the licence;
- d. suspend the licence for a further period not exceeding 3 months;
- e. revoke the premises licence; or
- f. reinstate the licence on the existing terms.

**9.2** 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.

## **10. RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.

## **11. APPENDICES**

1. Premises Licence.
2. Application for summary review and certificate.
3. Decision of the interim Licensing Panel hearing on 8 December 2017.
4. Further representation from West Yorkshire Police.
5. Representation from a local resident
6. Representation from Bingley Town Council.
7. Government guidance on summary reviews.

## **12. BACKGROUND DOCUMENTS**

Licence, application etc.