

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 12 July 2019

A

Subject:

Application for a Premises Licence for Ainsbury, 7 Thackley Road, Bradford, BD10 0RS.

Summary statement:

Application for the grant of a premises licence for the sale of alcohol and the provision of regulated entertainment.

Susan Spink
Interim Assistant Director
Waste, Fleet & Transport Services

Report Contact: Tracy McLuckie
Phone: (01274) 432240
E-mail: tracy.mcluckie@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the grant of a premises licence for the sale of alcohol and the provision of regulated entertainment.

2. BACKGROUND

2.1 The applicant

Mrs Christine Townend. A copy of the application is included at Appendix 1.

2.2 The Premises

Ainsbury, 7 Thackley Road, Bradford, BD10 0RS.

2.3 Proposed Designated Premises Supervisor

Mrs Christine Townend

2.4 Application

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

- Sale of alcohol
- Provision of regulated entertainment (recorded music)

Hours applied for:	Sunday to Thursday	15.00 to 21.00
	Saturday & Sunday	15.00 to 22.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

I will display challenge 21 notice. A notice will also be displayed stating that drug use and violent anti-social behaviour will not be tolerated on the premises. I will have CCTV and main door access to street lighting. I will liaise with any pub watch scheme and I will be happy to take further guidance from local police on this matter. I will discourage binge drinking and promotional drink offers.

b) Public safety will be achieved by:

I will conduct ongoing health and safety and fire risk assessments as well as first aid training. I will install CCTV cameras, emergency lighting and smoke detectors. A log book will be maintained that regular checks to alarm electrical appliances are all in working order.

c) Prevention of public nuisance will be achieved by;

I intend to sell alcohol within times that do not exceed normal trading hours. All deliveries and rubbish disposal will be during the day. There is no kitchen or food sold on the premises. There will be no external fans. Notices on the door will ask patrons to leave quietly and respectfully.

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

There will be no adult entertainment or gambling and a challenge 21 policy will be in place. I will comply with any conditions the authority has made, but think it would be reasonable to allow children accompanied by an adult on the premises until 6pm each evening. I think a sensible drinking approach will ensure children are not exposed to any violence or disorder.

e) General – all four licensing objectives

I am proposing to open a micro pub which sells mainly real ale from local breweries. I hope to attract discerning drinkers out for a quiet drink. I am aware of my responsibilities as the DPS and will be implementing a sensible drinking policy. I will undertake ongoing risk assessments as public safety is my main concern. I will keep noise to a minimum and liaise with my neighbours. There will be no amplified music or fruit machines.

2.6 Relevant Representations Received

Responsible Authority

In order to address the prevention of public nuisance objective, the Environmental Health Officer has requested that the following condition is placed on the licence;

- Noise from recorded music from within the licensed premises, shall not be audible in the nearest noise sensitive residential dwellings.

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

The representation is attached at Appendix 2.

Individual, Body or Business

Four letters of representation have been received from a Ward Councillor and local residents, which raise concerns of noise and disturbance from regulated entertainment and patrons congregating on the pavement outside to drink and smoke. Concerns are also raised regarding criminal behaviour, disorder and anti-social behaviour and litter problems.

The representations are attached at Appendix 3.

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. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance 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 S.149 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 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.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 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.

9.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the certificate 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 individuals, bodies or businesses, determine the related application.

11. APPENDICES

1. Application form received 9 May 2019.
2. Representation from the Environmental Health Department.
3. Letters of representation from Ward Councillor and local residents.

12. BACKGROUND DOCUMENTS

Application form, plan etc.