



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 19 November 2019.

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Subject:

Application for variation of a premises licence for Tap & Growler, South Square Centre, South Square, Thornton, Bradford BD13 3ES.

Summary statement:

Application for variation to extend the area to include units 1 & 2 on the ground floor, de-licence the upper floor area and reduce permitted hours for the supply of alcohol and provision of regulated entertainment.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for a variation to extend the area to include units 1 & 2 on the ground floor, de-licence the upper floor area and reduce permitted hours for the supply of alcohol and provision of regulated entertainment.

2. BACKGROUND

2.1 The applicant

Thornton & Allerton Community Association Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Tap & Growler, South Square Centre, South Square, Thornton, Bradford, BD13 3ES – previously known as Cobbles.

2.3 Designated Premises Supervisor

Mr Gareth Abraham.

2.4 Current Licence

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

Supply of Alcohol

Monday to Thursday:	11.00 to 00.00
Friday & Saturday:	11.00 to 01.00
Sunday:	11.00 to 23.00

Provision of Regulated Entertainment

Monday to Thursday:	09.00 to 00.00
Friday & Saturday:	09.00 to 01.00
Sunday:	09.00 to 23.00

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

Proposed hours

Supply of Alcohol & Provision of Regulated Entertainment

Sunday to Thursday:	12.00 to 23.00
Friday & Saturday:	12.00 to 23.30

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

CCTV system will be installed and monitor the entrance/exit and other parts of the premises to prevent crime.

A clear notice outside the premises indicating the normal hours of licensing permitted will be on view.

Clear notices will be displayed warning of potential criminal activity such as theft that may target customers.

No sale of alcohol to drunk or intoxicated customers.

Vigilance at all times in sale of use of illegal drug on the premises.

Staff will be trained in asking customers to use the premises in an orderly and respectful manner.

- b) Public safety will be achieved by;

Staff will be trained to carry out underage ID checks and environmental health requirements.

A log book will be kept on the premises to comply with the public safety conditions attached to the premises licence that requires the recording of such information. The log book will be available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings ie doors fastening, notices, lighting, heating, electrical, sanitary accommodation and all other installs will be maintained at all times and in good working order.

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

Clear notices will be displayed at the exit requesting the public to respect nearby residents and leave the premises and the area quietly. Customers will be asked not to stand around outside in the street, outside the premises loudly talking and will not be admitted to premises above the opening times.

The licensee will ensure that staff leaving late when the business has ceased trading, leave in a quiet manner to avoid disturbance to nearby residents.

Adequate waste: the removal of bins and rubbish outside the premises will be kept to a minimum after 08.00pm to reduce the levels of noise.

Any lighting in or out of the premises will be positioned in such a way that doesn't cause disturbance to nearby bins for customer use will be provided in the local vicinity.

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

Staff will be trained about requirements for persons identification, age establishment etc...

Acceptable ID would be a photographic driving licence or passport if they wish to buy alcohol.

All details will be provided in the training record book available on the premises.

A challenge 21 sign will be visible that encourages anyone who is over 18 but

looks under 21 to carry acceptable ID.

e) **General – all four licensing objectives**

To promote all 4 licensing objectives we will keep strong management controls and effective training to all staff members making them aware of the premises licence and requirements. We will pay particular attention to –

No selling of alcohol to underage people.

No drunk and disorderly behaviour on the premises.

No violent or anti-social behaviour.

No harm to children.

Alcohol will not be sold outside the operating schedule and a premises supervisor will be in day to day to control this and provide good training to the staff with a signed training record.

CCTV system will be installed and clear challenge 21 posters/information will be visible to prevent underage drinkers.

We know that it is necessary to carry out our functions and operate a business with the purpose of promoting these objectives.

2.6 Relevant Representations Received

Individual, Body or Business

A representation has been received from a local resident which raises concerns of increased noise and disturbance from patrons using the outdoor area. The resident also has concerns about patrons stumbling into the nearby road.

The representation is 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 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.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

There are no apparent implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 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.

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 individuals, bodies or businesses, determine the related application(s):

11. APPENDICES

1. Application form received 3 October 2019.
2. Copy of current premises licence.
3. Representation from an individual.
4. Location plan of premises

12. BACKGROUND DOCUMENTS

Application form, plan etc.