



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 23 January 2020.

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Subject:

Application for variation of a premises licence for Alexandra (was Alexander), 49 Albion Road, Bradford, BD10 9QE.

Summary statement:

Application for variation to remove conditions 17 and 18 of the licence.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for a variation to remove conditions 17 and 18 of the Licence:

17. The consumption of alcohol and food in the external areas of the licensed premises shall not be allowed after 21.00 hours.
18. The Licensee shall not allow food or drink in opened bottles, glasses or other receptacles to be taken or consumed outside of the licensed premises after 21.00 hours.

2. BACKGROUND

2.1 The applicant

BGT Leisure Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Alexandra (was Alexander), 49 Albion Road, Bradford, BD10 9QE.

2.3 Designated Premises Supervisor

Mrs Beverley Clarkson.

2.4 Current Licence

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

Supply of Alcohol & Provision of Regulated Entertainment

Monday to Thursday: 10.00 to 23.00
Friday to Sunday: 10.00 to 00.00
New Years Eve: 10.00 until the start of permitted hours the following day.
10.00 to 02.00 on the Sunday and Monday of every statutory Bank Holiday weekend.

Provision of Late Night Refreshment

Friday to Sunday: 23.00 to 00.00
New Years Eve: 23.00 to 05.00
23.00 to 02.00 on the Sunday and Monday of every statutory Bank Holiday weekend.

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

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Please see e) below.

b) Public safety will be achieved by;

Please see e) below.

c) Prevention of public nuisance will be achieved by;

Please see e) below.

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

Please see e) below.

e) General – all four licensing objectives

No additional conditions need to be offered to promote the licensing objectives. The nature of the variation is to reflect the investment in the internal and external area of the premises.

The premises have been trading without incidents and are to have further investment in them and in those circumstances, the premises licence holder fees that no further conditions are required to promote the licensing objectives.

2.6 Relevant Representations Received

Responsible Authorities

A representation has been received from the Environmental Health Officer who has noise-related concerns regarding the removal of the conditions from the licence.

The officer has requested that the licence holder demonstrates that noise levels will not have an adverse impact upon occupiers of nearby noise-sensitive premises.

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 29 November 2019. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
2. Copy of current premises licence.
3. Representation from Environmental Health.

12. BACKGROUND DOCUMENTS

Application form, plan etc.