City of BRADFORD
METROPOLITAN DISTRICT COUNCIL

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 Bono Café Bistro, 490 Leeds Road, Thackley, Bradford, BD10 8JH.

Summary statement:

Application for variation to include the upper floor.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

Ward: Idle & Thackley

1. SUMMARY

The application is for variation to include the upper floor.

2. BACKGROUND

2.1 The applicant

Mr Kenan Karaaslan. A copy of the application is included at Appendix 1.

2.2 The Premises

Bono Café Bistro, 490 Leeds Road, Thackley, Bradford, BD10 8JH.

2.3 Designated Premises Supervisor

Mr Kenan Karaaslan.

2.4 Current Licence

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

<u>Supply of Alcohol</u>

Monday to Sunday: 11.00 to 23.00

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;

None.

b) Public safety will be achieved by;

None.

c) Prevention of public nuisance will be achieved by;

None.

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

None.

e) General – all four licensing objectives

None.

2.6 Relevant Representations Received

Individual, Body or Business

Two representations have been received from local residents which raise concerns of increased noise and disturbance if the upper floor is licensed.

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 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 5 December 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. Representations from individuals.

12. BACKGROUND DOCUMENTS

Application form, plan etc.