

# **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 25 February 2020**

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## **Subject:**

**Application for a Premises Licence for Wyke Rose, 435 Huddersfield Road, Bradford, BD12 8NP.**

## **Summary statement:**

**Application for the grant of a premises licence for the sale of alcohol.**

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Susan Spink  
Interim Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@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.

## **2. BACKGROUND**

### **2.1 The applicant**

More Beer 4 U 3 Ltd. A copy of the application is included at Appendix 1.

### **2.2 The Premises**

Wyke Rose, 435 Huddersfield Road, Bradford, BD12 8NP.

### **2.3 Proposed Designated Premises Supervisor**

Miss Nicola Devany.

### **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  
Monday to Sunday            11.00 to 23.00

### **2.5 Steps proposed by the applicant to address the Licensing Objectives**

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

Signs will be displayed showing zero tolerance of any acts of violence to staff or other customers.

b) Public safety will be achieved by:

Doorways will be obstruction free, first aid facilities will be available, signs will be displayed on what to do in the event of a fire.

c) Prevention of public nuisance will be achieved by;

Signs will ask patrons to leave in an orderly manner so as not to disturb residents in the locality.

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

Children will be allowed into the premises until 20.00 hours but must be with a responsible adult.

e) General – all four licensing objectives

Signs will be displayed showing zero tolerance of any acts of violence to staff or other customers.

Doorways will be obstruction free, first aid facilities will be available, signs will be displayed on what to do in the event of a fire.

Signs will ask patrons to leave in an orderly manner so as not to disturb residents in the locality. Signs will ask patrons to leave in an orderly manner so as not to disturb residents in the locality.

Children will be allowed into the premises until 20.00 hours but must be with a responsible adult.

## 2.6 Relevant Representations Received

### Responsible Authority

In order to address the prevention of crime and disorder objective, West Yorkshire Police have requested that the following conditions are placed on the licence;

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped, be kept for a period of 28 days and be available to responsible authorities on request.

All staff, including temporary staff, to be fully trained in the Licensing Objectives and be able to demonstrate a working knowledge. All training to be documented and this is to be made available for inspection by Responsible Authorities. Refresher training to be completed every 12 months from initial training.

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

The representation is attached at Appendix 2.

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;

The exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm shall be dis-applied.

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

The representation is attached at Appendix 3.

### Individual, Body or Business

Three letters of representation have been received from Ward Councillors and a local resident, which raise concerns of noise and disturbance, anti-social behaviour and criminal behaviour. Concerns are also raised regarding litter problems.

The representations are attached at Appendix 4.

### **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 2 January 2020. 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.
2. Representation from West Yorkshire Police.
3. Representation from the Environmental Health Department.
4. Letters of representation from Ward Councillors and a local resident.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.