

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 17 June 2020

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Subject:

Application for a Premises Licence for Envy Nightlife, 54-60 Sunbridge Road, Bradford, BD1 2AB.

Summary statement:

Application for the grant of a premises licence for the supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the grant of a premises licence for the supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.

2. BACKGROUND

2.1 The applicant

Mr Jonathan Kirk. A copy of the application is included at Appendix 1.

2.2 The Premises

Envy Nightlife, 54-60 Sunbridge Road, Bradford, BD1 2AB.

2.3 Proposed Designated Premises Supervisor

Mr Jonathan Kirk.

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:

- Supply of alcohol, provision of regulated entertainment (playing of recorded music and boxing or wrestling entertainment) and the provision of late night refreshment (from 23.00)

Monday to Wednesday: 11.00 to 23.00

Thursday to Sunday: 11.00 to 06.00

Christmas Eve, Boxing Day and New Years Eve: 11.00 to 06.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Member of City Centre Beat.
Communication with local premises.
Search policies in place.
Zero drugs policy and notices displayed.

b) Public safety will be achieved by:

Fire escapes at all times kept clear.
Good emergency lighting.
First aid trained staff.
SIA staff controlling weekend numbers allowed on premises.

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

SIA approved door supervisors on site at peak times (weekend) controlling patrons.

Please leave quietly signs.

Litter clearance.

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

Challenge 21 scheme in place.

Limited children hours none after 8pm.

Accompanied by adult.

- e) General – all four licensing objectives

During peak hours of operation (weekend) AIA approved door supervisors on site.

Staff fully trained on licensing objectives.

CCTV HD realtime minimum 28 days recording.

Incident and report logs.

2.6 Relevant Representations Received

Responsible Authority

West Yorkshire Police

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;

Staff shall be trained on the requirements of the Licensing Act 2003 with regard to the licensing objectives when they are recruited. A training manual signed and dated by all staff to be maintained with refresher training every 6 months.

A notice shall be displayed in a prominent position near all exits reminding patrons to leave in a quiet and orderly manner.

At any time during licensable activity there must be a minimum of 3 staff present on premises who have a certified first aid qualification which is up to date. A register of training must be made available at all times to responsible authorities to examine.

All patrons will be subject to a bag/outer clothing search as a condition of entry. This will include the use of a metal detecting wand.

CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request. Prior to any licensable activities taking place the CCTV system at the premises shall require prior approval by the Licensing Authority in consultation with West Yorkshire Police. The CCTV system must be installed and operate internally to cover all areas that

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licensable activities take place and where alcohol is displayed within any public area. The CCTV unit shall be positioned in a secure part of the licensed premise.

Access to the system should be allowed immediately to ALL RESPONSIBLE AUTHORITIES upon request. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested ALL RESPONSIBLE AUTHORITIES. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST). A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.

An incident book and a separate refusal register must be used at all times during licensable activity. These have to be fully completed by the end of each period of licensable activity and made available for inspection at all times, for Responsible Authorities.

A minimum of 3 SIA registered door staff shall be employed at the premises during licensing activities, from 22.00hrs until the time the premises closes on Thursday, Friday and Saturday's.

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

The representation is attached at Appendix 2.

Environmental Health

In order to address the prevention of public nuisance objective, the Environmental Health Officer has recommended that the applicant provides details of the likely noise impact arising from the proposed development in the form of a written report. The officer has also recommended that the sound levels at the nearest domestic dwelling be no greater than.

- NR 20 in bedrooms of the nearest domestic dwelling (23:00 to 07:00 hours).
- NR 25 in all habitable rooms of the nearest domestic dwelling (07:00 to 23:00 hours).
- Noise rating curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 to 8 KHz.

and the report should make recommendations as to how this criterion will be achieved.

The applicant has indicated that a noise report will be submitted. .

The representation is attached at Appendix 3.

Individual, Body or Business

A letter and petition have been received, which raise concerns of noise and

disturbance, anti-social behaviour, criminal behaviour and underage drinking. 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), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm).

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 22 April 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. Letter and petition.

12. BACKGROUND DOCUMENTS

Application form, plan etc.