

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 4 August 2020

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Subject:

Application for a Premises Licence for Ginning Rat, 79 Low Street, Keighley, BD21 3QP.

Summary statement:

Application for the grant of a premises licence for the sale of alcohol for consumption on the premises and the provision of regulated entertainment.

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Portfolio:
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Overview & Scrutiny Area:
Corporate

1. SUMMARY

The application is for the grant of a premises licence for the sale of alcohol for consumption on the premises and the provision of regulated entertainment.

2. BACKGROUND

2.1 The applicant

The Ginning Rat Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Ginning Rat, 79 Low Street, Keighley, BD21 3QP.

2.3 Proposed Designated Premises Supervisor

Mr Alan Hartley.

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
- Provision of regulated entertainment

Hours of licensable activities:

The applicant has amended the requested hours from those stated in the grant application so that they correspond with the planning decision;

Monday to Sunday: 11.00 to 23.00

Opening hours

Monday to Sunday: 11.00 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:

Qualified door supervisors employed on days premises open past midnight.
Door supervisors employed when acoustic/act/live.
Door supervisors easily identifiable.
CCTV saved for 14 days, operational at all times, notices in viewable places.

b) Public safety will be achieved by:

Clickers provided to ensure numbers on premises.
No irresponsible drinks promotions permitted.
Licence holder to ensure regular staff training.
Free drinking water made available.
All glasses, bottles removed from public areas frequently.
Adequate supply of first aid equipment.
Electrical testing completing by landlord frequently.

c) Prevention of public nuisance will be achieved by;

Licence holder to regularly patrol premises.
Prominent legal notices.
Licence holder control music volume and entertainment.
No glassware and bottles etc to be taken outside.
Notices displayed to leave quietly and respect neighbours.

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

Challenge 25 policy, strictly enforced.
No one under 18 permitted on premises.
Constant monitoring of premises by licensee.

e) General – all four licensing objectives

DPS to be in contact daily with updates.
To ensure monthly training completed for all staff.
Mystery shopper to enter in training for all objectives met.
Work alongside local emergency service and council to ensure all objectives met.

2.6 Relevant Representations Received

Individual, Body or Business

Five emails of representation have been received from local residents, which raise concerns of noise pollution emanating from the premises and noise and disturbance from patrons smoking outside. Concerns are also raised regarding anti-social behaviour and littering.

The representations are attached at Appendix 2.

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 27 May 2020.
2. Emails of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.