



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

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Subject:

Application for variation of a premises licence for Cue Gardens, Stadium Road, Bradford, BD6 1UP.

Summary statement:

Application for variation to licence an additional function room and bar.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for a variation of the premises licence to licence an additional function room and bar.

2. BACKGROUND

2.1 The applicant

Cue Gardens Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Cue Gardens, Stadium Road, Bradford, BD6 1UP.

2.3 Designated Premises Supervisor

Mr Sean Lowe.

2.4 Current Licence

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

Supply of Alcohol & Provision of Regulated Entertainment

Sunday to Thursday: 10.00 to 00.00

Friday & Saturday: 10.00 to 01.00

Playing of recorded music outdoors - Monday to Sunday: 10.00-22.00

Provision of Late Night Refreshment

Sunday to Thursday: 23.00 to 00.00

Friday & Saturday: 23.00 to 01.00

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

2.5 Variation Application

The application is for a variation of the premises licence to licence an additional function room and bar.

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

The Licensee shall ensure that adequate supervision of the premises is

maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

Any 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 14 days and available to the Licensing Authority or a Responsible Authority on request.

All existing external security lighting shall be maintained in good working order and used where appropriate at all times the premises remain open to the public.

The Licensee shall ensure that the external areas of the premises are kept clear of litter and refuse.

The Licensee shall ensure that all instances of crime and disorder are recorded in an incident log book that is made available to West Yorkshire Police on request. West Yorkshire Police shall also receive regular reports of such incidents from the Licensee.

b) Public safety will be achieved by;

All fire fighting equipment and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

The Maximum number of persons allowed in that part of the premises where licensable activities are taking place shall be;

Lounge Bar	205
American Pool Hall	40
Members Only Snooker Hall	60
Joe Johnson Room	8
Members only Lounge	48
Exhibition Table	4
Function Room	109
Total	474

Access and egress doors into and out of the premises shall be kept clear and free from obstruction at all times.

c) Prevention of public nuisance will be achieved by;

The Licensee shall ensure that the ventilation system is maintained in good and effective working order in order to avoid nuisance from noise to neighbouring properties.

The Licensee shall maintain working arrangements with local taxi/private hire

operators and take reasonable steps to communicate this to patrons in order to ensure orderly booking, arrival and departure of customers in such vehicles.

Staff shall be trained in efficient methods for ensuring customers leave the premises in a quiet and orderly fashion.

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

None.

e) General – all four licensing objectives

None.

2.7 Relevant Representations Received

Individual, Body or Business

Three representations have been received, one from a Ward Councillor and two from local residents. The representations raise concerns of noise and disturbance from customers late at night in the car park, music from the outdoor speakers continuing beyond permitted hours and doors left open so music can be heard at nearby residential properties. The residents also have concerns about underage drinking and anti-social behaviour and have had issues with broken glass, vomit and urine on driveways and in the area.

The representations are attached at Appendix 3.

Five representations have been received in support of the application.

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.

7.8 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 1 July 2020.
2. Copy of current premises licence.
3. Letters of representation.
4. Representations of support

12. BACKGROUND DOCUMENTS

Application form, plan etc.