



Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 23 September 2020.

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Subject:

Application for variation of a premises licence for Ainsbury, 7 Thackley Road, Bradford, BD10 0RS.

Summary statement:

Application for variation to extend permitted hours for the sale of alcohol for consumption on the premises, extend permitted hours for the playing of recorded music and the addition of sales of alcohol for consumption off the premises.

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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 extend permitted hours for the sale of alcohol for consumption on the premises, extend permitted hours for the playing of recorded music and the addition of sales of alcohol for consumption off the premises.

2. BACKGROUND

2.1 The applicant

Mrs Christine Townend. A copy of the application is included at Appendix 1.

2.2 The Premises

Ainsbury, 7 Thackley Road, Bradford, BD10 0RS.

2.3 Designated Premises Supervisor

Mrs Christine Townend.

2.4 Current Licence

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

Supply of alcohol for consumption on the premises & the playing of recorded music

Sunday to Thursday: 15.00 to 21.00

Friday & Saturday: 15.00 to 22.00

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

The Business and Planning Act 2020, permits off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

The permission will lapse on 30 September 2021, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.

2.5 Variation Application

The application is for a variation of the premises licence to extend permitted hours

for the sale of alcohol for consumption on the premises, extend permitted hours for the playing of recorded music and the addition of sales of alcohol for consumption off the premises.

Supply of alcohol for consumption on & off the premises & the playing of recorded music

Sunday to Thursday: 12.00 to 21.00

Friday & Saturday: 12.00 to 23.00

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

I will display challenge 21 notice.

A notice will be displayed stating that drug use and anti-social behaviour will not be tolerated on the premises.

I have installed CCTV inside and outside the main door.

I will liaise with any pub watch scheme and I will be happy to take further guidance from local police on this matter.

I will discourage binge drinking and promotional drink offers.

- b) Public safety will be achieved by;

I will conduct ongoing health and safety and fire risk assessments.

I have installed CCTV cameras, emergency lighting and smoke detectors.

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

There is no alcohol served outside.

Deliveries and rubbish disposal are during the day.

There is no kitchen or food sold on the premises.

Notices on the door ask patrons to leave quietly and respectfully.

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

There is no adult entertainment or gambling on the premises.

A challenge 21 policy is in place.

Children are only allowed to enter accompanied by an adult and must leave by 19.00 each evening.

I think a sensible drinking approach will ensure children are not exposed to any violence or disorder.

- e) General – all four licensing objectives

The Ainsbury sells mainly real ale from local breweries.

I am aware of my responsibilities as DPS and will be implementing a sensibly drinking policy.

I will undertake ongoing risk assessments as public safety is my main concern.

Sound insulation has been installed to neighbouring walls to keep noise to a minimum.

There are no amplified music systems or gambling machines.

2.7 Relevant Representations Received

Individual, Body or Business

Four representations have been received which raise concerns of noise and disturbance from customers consuming alcohol outside the premises and being on the public highway as the premises does not have an outdoor area. Concerns are also raised regarding anti-social behaviour by intoxicated customers, an invasion of privacy caused by patrons standing outside neighbouring properties, current licence conditions being breached and litter problems.

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 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.

7.8 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 29 July 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 or on www.bradford.gov.uk).
2. Copy of current premises licence.
3. Letters of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.