

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
SCHEDULE OF RESPONSES TO DRAFT LICENSING POLICY 2021-2025**

Comments	Appraisal	Response
Part 4: Prevention of Crime and Disorder		
<p>Residents Comment The availability of a police presence at night should be confirmed in cases on new licences being granted. If the police do not have the resources to police new licences they should not be granted.</p>	<p>This is a police resource issue and not one that can be addressed through licensing policy.</p>	<p>Comments noted. No amendment to the policy document is proposed.</p>
<p>Bingley Town Council's response expressed its concerns regarding the poor, anti-social and drunken behaviour of some customers exiting pubs and bars in Bingley and causing disruption in the town centre. The Town Council refers to pre-Covid lockdown events and believes that the situation is currently very different with a 10 p.m. curfew in place. The Town Council state that the aim of their letter is to highlight the impact of late-night opening hours on Bingley and suggest that the Licensing Authority should consider the impact on the town of allowing numerous late licences to be issued within a very small area.</p> <p>Take- away food establishments adapt to serve late night revellers and therefore there are often noisy queues and disturbances outside town centre takeaways and also at taxi ranks and this too causes distress to residents.</p> <p>It is also obvious that some licensed premises appear to sell alcohol to customers who are obviously drunk, security is not in place at every entrance, or is lax; which can add fuel to already heated situations. An added factor is that in these straitened times, West Yorkshire Police cannot offer the presence in the town which is needed, putting further stress onto the Emergency Services.</p> <p>It is the view of the Town Council that the Licensing Authority should reduce late opening hours where possible, given the</p>	<p>The Licensing Authority can only address the licensing objectives, not wider social issues.</p> <p>Each licence application must be considered on merit, in light of any representations received. 'Blanket' restrictions are not permitted under the Licensing Act 2003.</p> <p>Information regarding cumulative impact has been included in the policy, together with the evidence required to enable a Cumulative Impact Assessment to be published by the Licensing Authority.</p> <p>Responsible authorities and other persons (which includes any individual, body or business) can apply for a review of a premises licence.</p>	<p>Comments noted. Cumulative impact now included in the policy.</p>

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number of licensed premises with late licences within a very small geographical area.		

Part 6: Prevention of Public Nuisance

<p>Residents Comment There have been a large number of 'micro-pubs' open in the District in the recent past. The regulations regarding overcrowding need to be implemented more rigorously for these premises. There is far more likelihood of public nuisance being caused by these premises due to overcrowding. This includes doors being propped open during live music events to increase capacity, those using the premises propping the door open to smoke on the doorstep etc. This can and does cause significant nuisance in the local areas as the premises supervisors fail to maintain licensing conditions such as having doors closed due to allowing too many customers into the venue.</p>	<p>The Licensing Act defines the Fire Authority and the Authority for Enforcing Health and Safety at Work as the lead authorities with regard to the promotion of public safety objective. However, Home Office guidance expressly prohibits Licensing Authorities from considering matters covered adequately by other legislation. It is considered that Fire Safety Regulations and various Building Regulations can be invoked to deal with issues relating to the integrity of buildings.</p> <p>The Policy document recognises that due care and consideration is required regarding licence applications for premises in residential or other sensitive locations and makes clear that where necessary conditions will be attached in order to secure well regulated and orderly premises.</p> <p>Part 6 of the policy addresses noise attenuation measures.</p>	<p>Comments noted. No amendment to the policy is proposed.</p>
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General Comments

<p>Business Comment- I find that the licensing fees are unfair.</p>	<p>Regulations provide for the determination of the fees to accompany the making of applications and the giving of notices under the Licensing Act 2003</p>	<p>Comments noted. Not a policy issue – stated in LA2003 (fees) Regulations</p>
<p>Business Comment- The late licence should only apply after midnight not 11pm as present.</p>	<p>Schedule 2 of the Licensing Act 2003 makes provision about what constitutes the provision of late night refreshment.</p>	<p>Comments noted. Not a policy issue – stated in LA2003</p>
<p>Business Comment- I do strongly feel that granting a licence to Bar Group UK at Christmas for their Teepees in the park for most of the Xmas trading period has a huge impact on our turnover. The loss of trade at Christmas is a serious issue to me and a number of other hospitality businesses in Ilkley. This is going to matter next December more than ever.</p>	<p>The Licensing Authority must deal with every application on its merits. Commercial damage is not an issue which can be taken into consideration when granting a licence as it does not address the licensing objectives.</p>	<p>Comments noted. Not a policy issue</p>
<p>Business Comment- It's a well thought out and laid out document</p>		<p>Comment noted.</p>
<p>Business Comment- Having read through the policy, there is one aspect I would like to add which is in regards to Article 6 (The Prevention of Public Nuisance). Currently, if there is a noise disturbance at a licensed premises and a local resident issues a complaint, Bradford Council's Licensing Authority's modus operandi is to issue a formal letter addressed to the licensee without any evidence whatsoever of the actual complaint. Case in point: I once received such a letter stating a local resident complained about "loud music" coming from my</p>	<p>This is an enforcement issue and is addressed in part 15 of the Policy document.</p> <p>The Council's Licensing Authority has adopted a tailored Licensing Enforcement Policy that can, in consultation with other parties, be adjusted to demonstrate the Licensing</p>	<p>Comment noted. No amendment is necessary.</p>

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<p>premises on the night I provided live music. The band had finished within the legal timeframe permitted to have live entertainment. CCTV footage clearly shows this. However, there was a private house party located near my premises that continued in to the early hours causing the noise disturbance that I was accused of instigating. Even though I was not at fault, my premises were on “a 3 month probation” period where if such a complaint were to be made again, further action would be taken. This is highly unfair. Why should it be that the complainants get to accuse a premises with no concrete evidence? Impartiality is key to find the balance between both parties.</p> <p>I think the Bradford Council’s Licensing Authority need to follow the guideline in Article 6 sub paragraph 6.5 and “seek to balance the rights of local residents, others and with those wishing to provide entertainment”.</p> <p>Licensees should have the right to appeal any complaint issued by a local resident when it comes to complaints, be they regarding noise, public disturbances or any other factor before any further action should be taken.</p>	<p>Authority’s commitment to be both flexible and responsive.</p>	
<p>Business Comment- Whilst I understand and respect the importance of making people in the local community aware of any applications, I feel the need to post an article in a local paper is a bit of an outdated model. Firstly, the publisher is able to charge whatever they want for an article to be published. Last year, the cost was £286.80 (inc VAT) for a small article containing a template text with minor amendments and when I inquired again this year as we wanted to amend our hours due to the pandemic, I was quoted upwards of £320 for the same article. Can there not be an option to post this article online? If anything that would surely make it more accessible? I would be happier to pay more for the license itself knowing all the funds were going directly to the council, instead of having to pay a premium to list it through a third party who can charge whatever</p>	<p>Regulations provide for the advertisement of applications when making an application under the Licensing Act 2003</p>	<p>Comments noted. Not a policy issue – stated in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, Section 25, Advertisement of applications.</p>

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<p>they like.</p> <p>Business Comment- The current policy around amending or changing your opening hours is unbalanced and needs revision. As previously mentioned we attempted to change our hours this year as, due to the pandemic, we were forced to close at 10pm meaning we lost 2 hours of trade over the weekend. After speaking with the council to discuss options available to us (we wanted to open two hours later on a Sunday to make up for the lost time) we were told that a whole new application would have to be made. In that new application, we would have to post another advert in the local paper (costing upwards of £320 this time around) in order to extend our hours. If, however, we wanted to reduce our licensed hours, we would only need to apply for a variation to an existing license which is simply a flat fee payable to the council. I understand that the extension of hours is different to the reduction as people could just apply for minimal licensed hours in the hope of getting approved and then extend their hours at a later date. But surely any application to increase the licensed hours goes through the same scrutiny by the council as a new application? So any premises wishing to extend their licensed hours would still need to satisfy the licensing objectives and at that stage, the main people influenced or affected by the change would be those in the direct vicinity of the venue. So the option to place a blue sheet outlining the proposed change in the window, as well as physically inside the premises itself so all people who enter are made aware of the proposal, should be sufficient.</p>	<p>Regulations provide for the making of applications and the giving of notices under the Licensing Act 2003</p>	<p>Comments noted. Not a policy issue – stated in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, Section 12 Variation of premises licences and Section 25, Advertisement of applications.</p>