City of BRADFORD
METROPOLITAN DISTRICT COUNCIL

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 29 April 2021

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Subject:

Application for a Premises Licence for New Brook Street Deli, 5-7 New Brook Street, Ilkley, LS29 8DQ.

Summary statement:

Application for the grant of a premises licence for the sale of alcohol for consumption on and off the premises.

EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

Report to the Licensing Panel

Ward: Ilkley

1. SUMMARY

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

2. BACKGROUND

2.1 The applicant

Ms Sally Brumfitt. A copy of the application is included at Appendix 1.

2.2 The Premises

New Brook Street Deli, 5-7 New Brook Street, Ilkley, LS29 8DQ.

2.3 Proposed Designated Premises Supervisor

Ms Sally Brumfitt.

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:

Hours of licensable activities:

Supply of alcohol

Monday to Wednesday:	11.00 to 15.30
Thursday to Saturday:	11.00 to 22.00
Sunday:	11.00 to 17.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

I will provide a means of two way communication to report incidents between the premises and the local police or CCTV monitoring centre.
I will install Video/CCTV equipment inside/outside the premises and ensure that it is maintained in working order.
I will set Video/CCTV equipment to record from the time that the premises open to the public until the premises close and all members of the public have left.
I will ensure that any cameras covering the exterior of the premises are left to record for the duration of the tape and for a period not less than 24 hours a day.
I will ensure that monitoring tapes are retained for at least twenty eight days and are produced to an authorised officer on demand.
I will put up notices advising that CCTV has been installed on the premises so that they are clearly visible to the public within the licensed premises.

b) Public safety will be achieved by:

Where glass bottles are used they will be retained or disposed of on the premises.
No customers will be admitted or permitted to leave when carrying open or sealed bottles or glasses.
I will ensure that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule.
I will ensure that a secure deposit box is kept on the premises for the retention of confiscated items an ensure that the police are advised of any items which require safe disposal.
I will be responsible for the disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
I will ensure that lighting is provided outside the premises (and in my private car park) during the hours of darkness when any licensable activity takes place on the premises.
I will make sure that escape routes and exits including external exits are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
I will make sure that where chairs and tables are provided, internal gangways are kept unobstructed.
I will make sure that all exit doors are easily openable and do not require the use of a key, card, code or similar means.
I will make sure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept.
I will make sure that any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
I will make sure that all fire doors are maintained effectively self closing and not held open other than by approved devices (for examples, electromagnetic releases operated by smoke detectors).
I will make sure that fire resisting doors to ducts, service shafts and cupboards are kept locked shut.
I will make sure that the edges of the treads of steps and stairways are maintained so as to be conspicuous.
Safety checks are carried out before the admission of the public or club members and guests and details of such checks are kept in a log book.
I will make sure that hangings, curtains and temporary decorations are maintained in a flame retardant condition.
I will make sure that any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.
I will make sure that hangings, curtains and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
I will make sure that temporary decorations are not used with prior notification to the licensing authority/fire authority.
I will make sure that notices detailing the action to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected form damage and deterioration.
The fire brigade will be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

I will notify the local Fire Control Centre as soon as possible if the water supply to any hydrant, hose sprinkler, drencher or other fire extinguishing installation is cut off or restricted.
Access for emergency vehicles is kept clear and free from obstruction.
I will make sure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency, and that patrons are made aware of these arrangements.
I will make sure that adequate and appropriate supply of first aid equipment and materials is available on the premises.
I will made sure that a least 1 trained first aider will be on duty when the public are present. If more than one first aider is present, I will make sure that their respective duties are clearly defined.
In the absence of adequate daylight, I will make sure that the lighting in any area accessible to the public is fully operational.
I will make sure that Fire Safety signs are adequately illuminated.
I will not alter Emergency Lighting without prior notification to the Licensing Authority.
I will make sure that Emergency lighting batteries are fully charged before admission of the public.
In the event of failure of normal lighting, where the emergency lighting battery has a capacity of one hour, I will make sure that evacuation of the premises is possible within 20 minutes. Where the emergency lighting battery has a capacity of three hours, I will make sure that evacuation of the premises is possible within one hour.
I will not provide temporary electrical wiring and distribution systems without prior inspection by a suitably qualified electrician.
I will make sure that any temporary electrical wiring and distribution systems comply with the recommendations of BS7671 or where applicable BS7909.
I will make sure that where temporary electrical wiring and distribution systems have not been installed by a competent person, they are inspected and certified by a competent person before they are put to use.
I will make sure that the following systems are maintained and inspected by suitably qualified professional persons in accordance with any British Standards and at intervals recommended in national guidance and will keep the records of such inspections available for inspection by authorised officers on request:
Building Electrical Installation
Emergency Lighting System
Fire Warning System
Gas Boiler, calorifier or appliance
Oil fired boiler or appliance
Suspended ceilings
Portable fire fighting equipment
Temporary Electrical Installation
I will make sure that I have valid public liability insurance in force and that a copy of the schedule is available for inspection by an authorised officer on request.
I will not alter the premises in such a way to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence.
I will make free drinking water available at all times the premises is open to the public.

c) Prevention of public nuisance will be achieved by;

I shall ensure that public information notices about crime and disorder issues are displayed at the request of the Council or local constabulary (eg Customer Code of Conduct).
I will display any conditions of entry to the premises in the vicinity of any entrance to the premises.
I will make sure that any request by an authorised officer of the Council in relation to reducing noise levels is complied with.
I will make sure that the pacing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties.
I will display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
I will ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
Ensure that receptacles for waste are emptied regularly to minimise nuisance smells.
I will ensure that flashing or particularly bright lights on or outside the licensed premises do not cause a nuisance to nearby properties, whilst balancing the need for lighting in the interests of prevention of crime and disorder.
I will provide adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site.
I will make sure that receptacles for refuse storage are maintained in a clean condition.
I will make sure litter is regularly cleared fro the vicinity of the premises.

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

I will display any restrictions on the admittance of individuals according to age (eg children) on or immediately outside the premises.
I will implement a proof of age policy agreed by the police and local authority.

e) General – all four licensing objectives

I will ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.
I will adopt and comply with the British Beer and Pub Association Guidelines on On-Trade Promotions..

2.6 Relevant Representations Received

Individual, Body or Business

A representation has been received from a local resident, which raises concerns of public order violations and the potential detrimental effect on nearby retirement and residential properties if a licence is granted.

The representation is 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 & 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

71 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 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.

7.4 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.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.8 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 10 March 2021. 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. Letter of representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.