

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

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Subject:

Application for a Premises Licence for Taco Bell, Ingleby House, Ingleby Road, Bradford, BD8 9AP.

Summary statement:

Application for a new premises licence for the provision of late night refreshment to take place indoors and outdoors.

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

1. SUMMARY

The application is for the grant of a Premises Licence for the provision of late night refreshment to take place indoors and outdoors.

2. BACKGROUND

2.1 The applicant

Northgate Fast Food Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Taco Bell, Ingleby House, Ingleby Road, Bradford, BD8 9AP.

2.3 Designated Premises Supervisor

Not required.

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:-

- Provision of late night refreshment to take place indoors and outdoors

Hours of licensable activities:

Monday to Sunday: 23.00 to 05.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

No further risks have been identified which need to be addressed, save as below.

The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.

Staff will receive training on matters concerning operating procedures.

There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by



patrons. Drugs seized shall be stored securely and handed to the police.

The management of the premises will liaise with police on issues of local concern or disorder.

CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.

b) Public safety will be achieved by;

No further risks have been identified which need to be addressed, save as below.

To comply with the reasonable requirements of the fire officer from time to time.

The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.

Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

Fire exits and means of escape shall be kept clear and in good operational condition.

c) Prevention of public nuisance will be achieved by;

No further risks have been identified which need to be addressed, save as below.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time.

Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties..

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

The restrictions set out in the Licensing Act 2003 will apply. No unusual or



additional risks of harm to children have been identified.

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

An appropriate member of staff shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

- e) General – all four licensing objectives

As detailed above.

2.6 Relevant Representations Received

Individual, Body or Business

Representations have been received from the Bradford West Area Coordinator and a local resident. The Bradford West Area Coordinator is of the opinion that granting a licence will increase and add to the anti-social gathering of vehicles and individuals already being experienced in the area, thus having an adverse impact on nearby residents and that limiting the hours of operation would prevent public nuisance and an increase of crime & disorder. The local resident raises concerns of anti-social behaviour, litter and rat infestation which he feels are attributable to late night refreshment licensing

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 & 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 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 ASSESSMENT

There are no apparent data protection or information security 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 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 12 May 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. Representations from other persons (Individual, Body or Business).

12. BACKGROUND DOCUMENTS

Application form, plan etc.

