

# **Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 26 August 2021**

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## **Subject:**

Application for a Premises Licence for Barley Mow, 536 Halifax Road, Bradford, BD6 2LP.

## **Summary statement:**

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

## **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**

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**Overview & Scrutiny Area:**  
**Corporate**

## 1. SUMMARY

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

## 2. BACKGROUND

### 2.1 The applicant

Mr Christian North. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Barley Mow, 536 Halifax Road, Bradford, BD6 2LP.

### 2.3 Proposed Designated Premises Supervisor

Mr Peter Wadsworth.

### 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:

- Sale of alcohol
- Provision of live music
- Playing of recorded music

Hours of licensable activities:

Sunday to Thursday: 11.00 to 00.00  
Friday & Saturday: 11.00 to 01.00  
One extra hour every Bank Holiday

### 2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Installation of CCTV with a 30-day recording facility. Operate a zero tolerance drug policy. Not to allow people on the premises who appear to be under the influence of alcohol or drugs. Keep a record of any incidents in a register that will be available to police & licensing officers at all times the premises are open.

b) Public safety will be achieved by:

To keep all exits and entrances clear from any debris at all times. Make sure all outside areas are kept free of rubbish and debris at all times. All step edges to be marked in white. Any spillages of liquid will be cleared immediately and

Report to the Licensing Panel

notices displayed in the area to notify customers of the hazard. All Covid 19 regulations will be enforced for as long as necessary.

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

Volume from live and recorded music will be kept at an acceptable level and monitored outside the nearest residential property. No empty bottles will be placed in the recycling bin after 23.30. Notices to be displayed at exits asking customers to leave in a quiet and orderly manner. Outside seating areas will not be used after 21.30

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

Children will not be allowed on the premises unless accompanied by an adult. Children will not be allowed to play gaming machines. Children will not be served at the bar. Children must be off the premises by 20.00

- e) General – all four licensing objectives

Installation of CCTV with a 30-day recording facility. Operate a proof of age policy. Join the local pub watch scheme. Not to allow children on the premises unless accompanied by an adult and having a meal. No person under the age of 18 will be allowed to play gaming machines. Notices displayed stating a zero tolerance of drugs and also to respect our neighbours by leaving the premises quietly and orderly.

## **2.6 Relevant Representations Received**

### **Individual, Body or Business**

Three letters of representation have been received from local residents which raise concerns of noise nuisance from entertainment and patrons leaving the premises late at night. Residents are concerned that even with doors and windows closed, music will still be audible inside their homes.

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 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 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 9 July 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 the website).
2. Representations from local residents.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.