



Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 25 October 2021.

Subject:

Application for a Review of a Premises Licence for Treehouse Bar & Kitchen, 3 Fallwood Street, Off Oak Street, Haworth, BD22 8NW.

Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshment.

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 review of a premises licence authorising the sale of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshment.

A copy of the Licence is attached at Appendix 1.

2. BACKGROUND

2.1 The Premises

Treehouse Bar & Kitchen, 3 Fallwood Street, Off Oak Street, Haworth, BD22 8NW .

2.2 Premises Licence holder

Tree House Bars Limited.

2.3 Application Received asking for a Review of the Licence

Local Resident

A local resident has submitted a review application on the grounds of prevention of public nuisance and the prevention of crime and disorder. The resident raises concerns regarding noise and disturbance from patrons outside the premises and noise nuisance from entertainment held at the premises, anti-social behaviour, criminal damage and the premises operating beyond permitted hours. Concerns are also raised regarding litter and smashed glasses, noise from the extraction system and parking issues.

The application for review is attached at Appendix 2

2.5 Representations

Responsible Authority

A representation has been received from the Environmental Health Department which has received complaints from local residents. The complaints relate to excessive noise from the playing of amplified music, shouting, screaming and chanting in the outside area, noise from people using the smoking shelter, slamming car doors, taxis reversing up the street at speed late at night and also noise from the extraction system in the early hours of the morning.

In order to address the public nuisance objective, the officer has recommended that the opening hours are reduced as follows:



- Monday to Sunday 10:00 -23:00 hours

and the following conditions are placed on the licence:

- Notices shall be displayed in prominent positions near exits reminding patrons to respect the neighbours and leave in a quiet and orderly manner.
- All outward opening exit doors and all windows are to be kept closed when amplified regulated entertainment is taking place except for access and egress.
- Noise from the provision of regulated entertainment shall be inaudible at the nearest noise sensitive premises.
- The external areas should be cleared of customers no later than 22:00 hours.

The representation is attached at Appendix 3.

Individual, Body or Business

Eight letters of representation have been received from local residents who have concerns regarding noise and disturbance from customers and staff, noise from entertainment held at the premises, noise from the extraction system, anti-social behaviour, criminal damage, littering, smashed glasses and parking issues.

The representations are attached at Appendix 4.

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. Paragraphs 11.1 to 11.29 of the Guidance specifically details how applications for review of licences should be determined. Regard must also be taken of the Council's statement of Licensing Policy for the District.

An extract of the Home Office Guidance is attached to this report at Appendix 5.



- 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 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 data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Reject the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or



- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
 - (d) Suspend the licence for a period not exceeding 3 months; or
 - (e) Revoke the premises licence; or
 - (f) Remove the named Designated Premises Supervisor from the 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 interested parties, determine the related application(s).

11. APPENDICES

1. Premises Licence.
2. Application for review received 2 September 2021.
3. Representation from Environmental Health.
4. Representations from local residents.
5. Extract from the Government Guidance.
6. Location plan of premises

12. BACKGROUND DOCUMENTS

Application form, plan etc.

