

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

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## **Subject:**

**Application for a Premises Licence for Howdy, 375-377 Leeds Road, Bradford, BD3 9LY.**

## **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

Howdy28 Ltd. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Howdy, 375-377 Leeds Road, Bradford, BD3 9LY.

### 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 01.00

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

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

There is adequate lighting outside the restaurant and sensor lights, plus CCTV.

- b) Public safety will be achieved by;

CCTV within the premises and outside.

Fire exits accessible to the public within the premises if required.

Safe spaced seating arrangements have been made.

First aid provision available.



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

All surrounding area and within the premises are tidied before, during and after closing time.

Noxious odours etc are controlled with adequate fitted filters and chimneys.

No large groups allowed to gather around outside.

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

Children under the age of 16 must be accompanied by a responsible adult.

Safety measures are in place for children.

Wooden fencing outside around the premises near seating area, steps warnings and coloured lines.

- e) General – all four licensing objectives

The restaurant has CCTV installed within the premises as well as outside. This is monitored by management on their own personal phones and recordings on site.

## 2.6 Relevant Representations Received

### Individual, Body or Business

A representation has been received from a local resident which raises concerns of anti-social behaviour, criminal activity, noise nuisance, litter problems and rat infestation.

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**

##### **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 30 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 [www.bradford.gov.uk](http://www.bradford.gov.uk)).
2. Representation from a local resident.

## 12. BACKGROUND DOCUMENTS

Application form, plan etc.

