

# **Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 17 November 2021**

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## **Subject:**

**Application for a Premises Licence for Massey's, 87 Westgate, Bradford, BD1 2RD.**

## **Summary statement:**

**Application for the grant of a premises licence for 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**

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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, the provision of regulated entertainment and the provision of late night refreshment.

## **2. BACKGROUND**

### **2.1 The applicant**

Mr Dwight Dwayne Roberts. A copy of the application is included at Appendix 1.

### **2.2 The Premises**

Massey's, 87 Westgate, Bradford, BD1 2RD.

### **2.3 Proposed Designated Premises Supervisor**

Mr Alvin Herbert Hyman.

### **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 regulated entertainment (indoors)
- Provision of late night refreshment (from 23.00 hours indoors & outdoors)

Hours of licensable activities:

Sunday to Wednesday: 10.00 to 23.00

Thursday to Saturday: 10.00 to 04.00

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

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

Drugs policies.

b) Public safety will be achieved by:

Provision of emergency lighting.

First Aid.

c) Prevention of public nuisance will be achieved by;

Downstairs soundproofed.

Keep doors closed and windows when being used for entertainment.

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

Challenge 25 policies.

No under 18 after 20.00

e) General – all four licensing objectives

Installing CCTV system and recording for 30 days.

## **2.6 Relevant Representations Received**

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

Two letters of representation have been received from local businesses which raise concerns of noise nuisance from music being played at the premises and nuisance from smells permeating nearby premises.

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 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 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 23 September 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 businesses.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.