

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 3 February 2022.

V

Subject:

Application for a Premises Licence for Selfish Spirits Company, Unit 10, 42a Nelson Road, Ilkley, LS29 8HN

Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises.

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 sale of alcohol for consumption off the premises.

2. BACKGROUND

2.1 The applicant

The Selfish Spirits Company Limited. A copy of the application is included at Appendix 1.

2.2 The Premises

Selfish Spirits Company, Unit 10, 42a Nelson Road, Ilkley, LS29 8HN.

2.3 Proposed Designated Premises Supervisor

Mr Frederick Robert Harman.

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 for consumption off the premises.

Monday to Sunday: 08.00 to 22.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

The unit will not be open to the public, preventing any instances of criminal activity that could normally take place in licensed premises. It is located in a secure complex, with a main gate at the entrance which only select people will have a key for (those people who are utilising the other storage units and offices). The unit itself is alarmed and has an electric roller shutter door, operated by a key which only I and the landlord will have possession of.

- b) Public safety will be achieved by;

As the public will not be allowed entry into the unit, this greatly decreases any risk in the first instance. In cases of deliveries of pallets and other goods, they



will be placed appropriately out of the way of any major thoroughfares to avoid any tripping hazards. They will be dismantled promptly or moved into the storage unit itself as soon as practically possible. Inside the unit, everything will be organised onto shelving or shifted next to the interior walls to ensure a clear floor and workspace, again to avoid any hazards and to keep clear for an easy entrance and exit of the premises.

The rolling shutter door is the only entry/exit, and therefore must be kept clear at all times in the case of a fire. It is easily operated through the use of a button from the inside, and will of course be tested upon every entry to ensure it is working as intended. The storage unit has concrete floors and brick walls, providing a low chance of a fire spreading this way. As we are dealing with spirits, all stock will be kept away from any potential ignition sources, including electrical sockets/equipment and naked flames.

A first aid kit will be present on the premises in case of minor injuries and access will be provided for emergency vehicles and kept free from obstructions at all times for more serious injuries.

c) Prevention of public nuisance will be achieved by;

There will be no issues of late night disturbances of intoxicated people going home at night, as no members of the public will be allowed in the property. Additionally, there will not be any instances of loud music being played, bright flashing or loud noises outside of normal waking hours.

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

The public are not allowed on the premises, including children. Potential issues arise when it comes to the sale of alcohol through our online shop, however. Age verification checks will be implemented on the website, one as soon as you enter the site and another when they are going to check out. We will be using third party deliver companies to deliver the product, who should have their own operating procedures when it comes to delivering alcohol to underage recipients.

e) General – all four licensing objectives

Public won't be allowed on the property – greatly reducing risks from all 4 licensing objectives.

Appropriate security measures are in place to prevent any instances of crime and disorder.

Premises will be kept in a tidy and organised state to prevent any potential harm to the public.

Age verification checks will be conducted to ensure there are no instances of underage consumption of alcohol.



2.6 Relevant Representations Received

Individual, Body or Business

Two representations have been received from local residents, which raise concerns that the proposed opening hours seven day a week would increase the amount of traffic to and from the area causing noise and disturbance, as use of the premises for distribution or as a depot would attract more frequent traffic activity and more frequent visits to the site than just storage.

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:

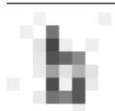
Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance

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 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 16 December 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 local residents.



12. BACKGROUND DOCUMENTS

Application form, plan etc.

