

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 10 May 2022.

AG

Subject:

Application for a Premises Licence for Olivia Gardens, 104 White Abbey Road, Bradford, BD8 8DP.

Summary statement:

Application for the grant of a premises licence for the provision of late night refreshment to take place indoors and the provision of regulated entertainment to take place indoors.

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 the provision of regulated entertainment to take place indoors.

2. BACKGROUND

2.1 The applicant

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

2.2 The Premises

Olivia Gardens, 104 White Abbey Road, Bradford, BD8 8DP..

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 indoors

Hours of licensable activities:

Monday to Thursday:	23.00 to 01.00
Friday to Sunday:	23.00 to 02.00

- Provision of regulated entertainment indoors (playing of recorded music)

Hours of licensable activities:

Monday to Thursday:	12.00 to 01.00
Friday to Sunday:	12.00 to 02.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

Any incidents will be reported to the police with the relevant CCTV footage.
A rough estimate of 38 cameras are currently being installed around the



premises observing entrances, exits and all spots within the property.
Make sure it is very evident that customers know there is CCTV monitoring in operation with signage.
Have all CCTV footage recorded.

b) Public safety will be achieved by;

Fire safety procedures will be in place such as illuminated fire exit signs, fire blankets alongside fire extinguishers (CO2, Foam, H2O)
Ensure that all emergency exits will be kept free at any given moment.

c) Prevention of public nuisance will be achieved by;

Customers will be asked to leave quietly and to have regards to our neighbours and families who have come for a quiet night out. Lots of insulations already installed so the building will be very sound proof.

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

Any persons who appear to be without a family member and appear to be under the age of 25 will be asked to provide proof of age, ie passport, driving licence.

e) General – all four licensing objectives

Will make sure there is enough competent staff on site at all times.
Make sure all staff will undertake the relevant training for ensuring the safety of others.
Records will be kept of all training carried out.

2.6 Relevant Representations Received

Responsible Authorities

In order to address the prevention of public nuisance objective, the environmental health officer has requested that the following conditions be placed on the licence:

- Noise from the provision of regulated entertainment shall be monitored outside of nearest noise sensitive property at regular intervals throughout the time it is taking place.
- Notices shall be displayed in prominent positions near exits reminding patrons to 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.

The representation is attached at Appendix 2.



The applicant has agreed to the conditions being placed on the licence.

Individual, Body or Business

Four representations have been received from local residents who raise concerns of noise nuisance late at night in a residential area and the impact on elderly residents with health issues. Concerns are also raised regarding crime and disorder.

The representations are attached at Appendix 3.

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 CHILDREN AND YOUNG PEOPLE

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 23 March 2022. 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. Representation from Environmental Health.
3. Representations from individuals.



12. BACKGROUND DOCUMENTS

Application form, plan etc.

