

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

AH

Subject:

Application for a Premises Licence for 51 Westgate, Bradford, BD1 2RD.

Summary statement:

Application for the grant of a premises licence for the sale of alcohol for consumption on the premises, the provision of regulated entertainment indoors and the provision of late night refreshment indoors.

EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

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

2. BACKGROUND

2.1 The applicant

Mr Ozan Aso. A copy of the application is included at Appendix 1.

2.2 The Premises

51 Westgate, Bradford, BD1 2RD.

2.3 Proposed Designated Premises Supervisor

Mr Ozan Aso.

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 (performance of live music)
- Provision of late night refreshment

Hours of licensable activities:

Sale of alcohol and provision of late night refreshment (from 23.00)

Monday to Sunday: 14.00 to 04.00

Performance of live music

Monday to Sunday: 14.00 to 03.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

None.

b) Public safety will be achieved by:

None.

c) Prevention of public nuisance will be achieved by;

None.

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

None.

e) General – all four licensing objectives

None.

2.6 Relevant Representations Received

Responsible Authorities

A representation has been received from West Yorkshire Police who have been unsuccessful in their attempts to contact the applicant to obtain further information regarding the application.

The Police advise that the premises have been well known to them for a number of years. Incidents involving violence, drugs and concerns for the welfare of children are documented at the premises. Recent crimes include a large scale cannabis set up, a breach of covid restrictions and a male stating that he was assaulted at the premises.

Police enquiries with colleagues at Bradford Council show that a call was received from a gentleman identifying himself as Ozan Aso in May 2020, in relation to business grants, stating that he was the owner of the property and had been since June 2019.

In order to address the prevention of crime and disorder and the protection of children from harm objectives, West Yorkshire Police seek refusal of the application.

The representation is attached at Appendix 2.

Individual, Body or Business

Three letters of representation and a petition have been received which raise concerns of noise nuisance from entertainment and from patrons loitering outside the premises. Residents also have concerns regarding anti-social behaviour, criminal activity and litter problems.

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), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm).

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 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 17 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 the website).
2. Representation from West Yorkshire Police.
3. Representations and petition from Individual, Body or Business

12. BACKGROUND DOCUMENTS

Application form, plan etc.