

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 20 July 2022

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Subject:

Application for a Premises Licence for The Emerald, Southend Hall, Tickhill Street, Bradford, BD3 9RY.

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 & outdoors.

EQUALITY & DIVERSITY

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

Sue Spink
Assistant Director
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

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

2. BACKGROUND

2.1 The applicant

Mr Nicandro Wylliam Midana Da Mata. A copy of the application is included at Appendix 1.

2.2 The Premises

The Emerald, Southend Hall, Tickhill Street, Bradford, BD3 9RY.

2.3 Proposed Designated Premises Supervisor

Mr Nicandro Wylliam Midana Da Mata.

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
- Provision of late night refreshment (from 23.00)

Hours of licensable activities:

Alcohol, live music, performance of dance, anything of a similar description.

Monday to Sunday: 10.00 to 02.00

The terminal hour will be 04.30 on any day for pre-booked events.

Recorded music, late night refreshment (from 23.00)

Monday to Sunday: 10.00 to 02.30

The terminal hour will be 04.30 on any day for pre-booked events.

Plays, films, indoor sporting events.

Monday to Sunday: 10.00 to 00.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

An incident log shall be kept at the premises. Log records will be retained for a

period of 12 months from the date the incident occurred. The record will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police and must record the following;

- (a) All crimes reported to the premises (where relevant to the licensing objectives).
- (b) Any incidents of disorder on the premises or within the direct vicinity.

A written register of refusals will be operated. Such records shall be kept for a period of 12 months and the contents of the log book will be made available for inspection to Local Authority officers and the police.

Only door supervisors registered with the SIA qualifications will be employed on such times and rations following a risk assessment for each particular event. Such numbers will be sufficient and capable of controlling the customers on the venue.

All door supervisors will complete on the first engagement an in-house registration form. This form will be retained on the premises for a minimum of 12 months.

All door supervisors will be easily identifiable by their outer clothing and their badges will be clearly visible at all times.

The premises licence holder will operate a written Dispersal Policy whereby at the end of all events, the door supervisors (if employed) or a senior member of staff or both will observe the exterior of the premises to assist in the smooth dispersal of all customers from the venue to encourage customers to leave the area quickly, quietly and to help to disperse people gathering outside.

When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

All alcohol will be stored and sold behind the bar(s).

There will be employed when required enough staff to collect glasses and bottles from around the premises during the event and bottle bins will be placed around the premises if necessary, depending on the event taking place.

A written alcohol register containing all the names of all persons who are authorised to serve/sell alcohol on the premises will be completed and kept at the premises for a minimum of 12 months.

b) Public safety will be achieved by:

All free-flowing alcoholic drinks will be dispensed into polycarbonate plastic glasses or shatterproof glass for consumption by customers.

No customers apparently carrying open bottles upon entry shall not be admitted

to the premises or any times the premises are open to the public.

Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

At least one door supervisor will be positioned near any stairway to monitor the customers safely during a large event.

All lighting both internal and external will be of sufficient illumination for customers to safely navigate the building.

c) Prevention of public nuisance will be achieved by;

Prominent clear and legible signage shall be displayed at the entrance and exit to the premises requesting the public to respect the needs of any residential premises and to leave the premises and the area quickly and quietly (Quiet Notice).

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

When an event is to be held that is likely to attract under 18's, the premises licence holder will install, operate and maintain an identification and age verification system, for example, coloured wrist bands.

All staff engaged in the sales/service of alcohol shall be trained in Challenge 25 policy and scheme. Training records shall be kept on the premises for a minimum of 12 months and made available for inspection to Local Authority officers and the police.

Prominent, clear and legible Challenge 25 signage will be displayed at the entrance to the premises as well as at, at least one location behind any bar/counter advertising the scheme operated

e) General – all four licensing objectives

The premises will install and maintain a digital CCTV system. Cameras will be positioned on both floors, at the front exterior and all entrance and exit doors.

The CCTV system will have sufficient hard drive storage capacity to store a minimum of 31 days and to continually record when the premises is open for licensable activities.

The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering the premises.

A CCTV log will be completed on a weekly basis to record all elements of the CCTV system is maintained in good working order and recordings time and date stamped.

Only nominated staff shall be trained in the operation of the CCTV system to

ensure rapid data retrieval & downloads of footage can be provided to the police upon reasonable request in accordance with the Data Protection Act.

In the event of a failure of the CCTV system for any reason, a record of the immediate steps will be made to rectify the problem.

2.6 Relevant Representations Received

Responsible Authorities

Environmental Health

A representation has been received from the Environmental Health Department which has received a large number of noise-related complaints concerning loud amplified music playing late at night from this premises.

In order to address the prevention of public nuisance objective, the Environmental Health Officer will not support this application unless it is supported by a report made by a suitably qualified acoustic consultant, which should address the likely impact of the amplified music upon the occupiers of nearby dwellings.

As a general principle, Environmental Health seeks that music and noise from customer activity (talking, shouting and applauding) emanating from entertainment premises (including external areas such as balconies, gardens and smoking areas) should not be audible within any noise sensitive premises.

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 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 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 25 May 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).
2. Environmental Health representation

12. BACKGROUND DOCUMENTS

Application form, plan etc.