

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 13 September 2022**

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### **Subject:**

**Application for a Premises Licence for Wishbone Tap, 60 Low Street, Keighley, BD21 3PT.**

### **Summary statement:**

**Application for the grant of a premises licence for the sale of alcohol for consumption on and off the premises and the provision of regulated entertainment indoors & outdoors.**

### **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 & off the premises and the provision of regulated entertainment indoors & outdoors.

## 2. BACKGROUND

### 2.1 The applicant

Wishbone Tap Ltd. A copy of the application is included at Appendix 1.

### 2.2 The Premises

Wishbone Tap, 60 Low Street, Keighley, BD21 3PT.

### 2.3 Proposed Designated Premises Supervisor

Mrs Emma Chapman.

### 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

Hours of licensable activities:

Supply of Alcohol

Monday to Sunday:	11.00 to 00.00
Christmas Eve:	11.00 to 01.00
New Years Eve:	11.00 to 01.00

Performance of live music indoors & outdoors and playing of recorded music indoors

Monday to Thursday:	19.00 to 22.00
Friday & Saturday:	12.00 to 23.00
Sunday:	12.00 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:

CCTV will be installed, inside and also outside at front and back of premises.

Happy to join any Pub Watch scheme or scheme run by the local police.  
Ensure adequate numbers of staff to oversee the site during our open hours.

b) Public safety will be achieved by:

The premises fronts onto a well-lit pedestrian area in the town centre and we will ensure good lighting at the rear of the building. We aim to provide drinks for the modern drinker, we find modern drinkers to be focused on flavour and character of drinks versus just the alcohol. We will price these modern drinks accordingly which aims and appeals to a more cultured clientele.  
Fire Risk Assessments will be carried out and we will have a written health & safety policy in place.

c) Prevention of public nuisance will be achieved by;

We will ask our customers to be polite and respectful to our neighbours and neighbouring businesses. We plan to call last orders at 22.00 most evenings to give customers plenty of time to leave in an orderly manner. Refusing to serve intoxicated customers.

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

No under 18's after 18.00. Before 18.00 to be accompanied by a parent, guardian or responsible adult. CCTV is in all public areas of the premises. Ensure staff are trained to enforce the Challenge 21/25 scheme.

e) General – all four licensing objectives

We will ensure all staff members are trained and confident in their knowledge of the licensing objectives and have a good understanding of what is and what isn't permitted on the premises. All permanent full time staff will be made personal licence holders so that the required knowledge can be gained.

## **2.6 Relevant Representations Received**

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

A representation has been received from a local business, which raises concerns of noise nuisance from regulated entertainment causing disturbance to residents in the living accommodation and also to the health care business which runs 24 hours a day.

Safety concerns for female staff are also raised with reference to the crime rate in the area and the potential for intoxicated individuals to cause nuisance.

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 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 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 13 June 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. Representation from a local business.

## **12. BACKGROUND DOCUMENTS**

Application form, plan etc.