

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 21 September 2023

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Subject:

Application for a Premises Licence for Unit 1, Bull Royd Industrial Estate, Bull Royd Lane, Bradford, BD8 0LH.

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

Ms Jadwiga Nosal. A copy of the application is included at Appendix 1.

2.2 The Premises

Unit 1, Bull Royd Industrial Estate, Bull Royd Lane, Bradford, BD8 0LH.

2.3 Proposed Designated Premises Supervisor

Ms Jadwiga Nosal.

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:

Friday to Sunday: 12.00 to 02.00

New Years Eve & St Andrews Day 12.00 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:

Any incidents of a criminal nature that may occur on the premises will be reported to the police.

Door supervisor will be employed at the premises to a ratio of 1:100 customers. A CCTV system has been installed.

A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

At least one CCTV camera will be in operation at the front of the premises at all times when the premises is in use.

All bottles and glasses are to be removed from public areas as soon as the contents have been drunk or are empty.

A personal licence holder will be at the premises at all times when alcohol is being consumed or regulated entertainment is being provided.

b) Public safety will be achieved by:

All exit doors are easily operable without the use of a key, card, code or similar means.

Exit doors are regularly checked to ensure they function satisfactorily.

Adequate and appropriate first aid equipment and materials are available on the premises.

In the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area accessible to the customers.

Appropriate fire safety procedures are in place including fire extinguishers, fire blanket, internally illuminated fire exit signs, smoke detectors and emergency lighting.

c) Prevention of public nuisance will be achieved by;

Doors and windows will be kept closed when regulated entertainment is taking place.

The premises are air-conditioned to avoid the need to open doors and windows for ventilation.

All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.

All external lighting, including floodlighting, is directed away from adjacent occupiers.

Rubbish bins are placed outside and inside of the premises for customers to use and are emptied by staff after each event.

All customers will be asked to leave quietly.

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

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the connexions card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer to prevent underage alcohol consumption.

All children on the premises will be supervised/accompanied by an adult after 21.00 hours.

Children will be accounted for at all times in case of an evacuation or emergency.

e) General – all four licensing objectives

The premises will always operate to a high standard and will continue to do so should this licence be granted in terms of the consumption of alcohol.

The licensee will ensure that all times when the premises are for any licensable activity, there are sufficient and competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

2.6 Relevant Representations Received

Responsible Authorities

A representation has been received from the Environmental Health Officer who has concerns that residents in nearby houses and a nursery which is next to the venue are going to be disturbed by noise from music. Noise from patrons coming and going at late hours from the premises and noise from revving car engines is also raised.

The Environmental Health Officer recommends refusal of the application as she believes that noise nuisance cannot be controlled by conditions on a premises licence.

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 EQUALITY & DIVERSITY

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

7.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.4 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.

7.5 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.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no apparent implications.

7.9 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 7 August 2023. 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 Environmental Health.

12. BACKGROUND DOCUMENTS

Application form, plan etc.