



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford Area Licensing Panel to be held on 24 October 2023.

R

Subject:

Application for variation of a premises licence for Queens Hotel, 863 Thornton Road, Bradford, BD8 0HH.

Summary statement:

Application for variation to extend permitted hours for the sale of alcohol for consumption on and off the premises.

EQUALITY & DIVERSITY

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

Susan Spink
Assistant Director
Waste, Fleet & Transport Services

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

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for variation to extend permitted hours for the sale of alcohol for consumption on and off the premises.

2. BACKGROUND

2.1 The applicant

Admiral Taverns Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Queens Hotel, 863 Thornton Road, Bradford, BD8 0HH.

2.3 Designated Premises Supervisor

Miss Pauline Anne Quigley.

2.4 Current Licence

The premises currently hold a Premises Licence with the following permitted hours;

Supply of Alcohol for consumption on and off the premises and regulated entertainment

Monday to Saturday: 10.00 to 00.00
Sunday: 11.00 to 23.30 (from 12.00 for regulated entertainment)

Christmas Eve -

A further additional hour to those stated above.

Boxing Day -

A further additional hour to those stated above.

New Years Eve -

10:00 hours until the start of permitted hours the following day.

Non Standard Timings: -

A further additional hour into the morning following on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

A copy of the premises licence is included at Appendix 2.

2.5 Application

The variation application has been submitted to extend permitted hours for the sale of alcohol for consumption on and off the premises.

Hours of licensable activities requested:

Supply of Alcohol for consumption on and off the premises

Friday & Saturday: 00.00 to 02.00

Opening Hours

Friday & Saturday: 10.00 to 02.30

2.6 Steps proposed by the applicant to address the Licensing Objectives

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

As per current operating schedule.

b) Public safety will be achieved by;

As per current operating schedule.

c) Prevention of public nuisance will be achieved by;

At the start of any regulated entertainment a check will be undertaken outside the nearest residential property on the opposite side of Thornton Road to ascertain whether the volume of the entertainment is likely to cause a public nuisance. A log will be maintained showing when the check was undertaken and to confirm that the level is deemed not to be loud enough to cause a public nuisance. If any actions is taken to reduce the volume this is to be recorded. The log will be made available for inspection by the Responsible Authorities.

A complaints log will be maintained at the premises and all complaints from residents in the area about noise nuisance from music or other sources will be entered into the log. The log will detail the date and time of the complaint, the nature of the complaint and any action taken to remedy the complaint. The log will be made available for inspection by the Responsible Authorities.

A telephone number will be made available to residents (on request) to allow them to contact the manager/DPS at the premises in the event of a disturbance.

A dispersal policy will be drawn up and implemented at the premises. The policy will detail all measures taken to ensure that customers leave quickly and quietly. All staff shall be trained in the policy. The policy will be made available to officers from responsible authorities on request.

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

The licensee and staff shall ensure that children under 18 years of age vacate

the premises by 21.00 hours unless attending a prebooked function.

Challenge 21 Policy in place at the site.

e) General – all four licensing objectives

As per current operating schedule.

2.7 Relevant Representations Received

Individual, Body or Business

Two representations have been received, which raise concerns of noise nuisance from the premises and also from music played in cars parked in the car park. Concerns are also raised regarding anti-social behaviour in the car park and the disturbance caused to nearby residents, noise from the smoking and outdoor drinking area, the failure to comply with existing permitted hours and conditions on the licence and noise from bottles being emptied into the outside bin.

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 implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Vary a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Vary a premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse to vary the 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 1 September 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 or on www.bradford.gov.uk).
2. Copy of current premises licence.
3. Representations from Individuals.

12. BACKGROUND DOCUMENTS

Application form, plan etc.