

# **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 8 November 2023**

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## **Subject:**

Application for a Premises Licence for Shades, 9 Barry Street, Bradford, BD1 2AL

## **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**

Stand Firm Promotions Ltd. A copy of the application is included at Appendix 1.

### **2.2 The Premises**

Shades, 9 Barry Street, Bradford, BD1 2AL.

### **2.3 Proposed Designated Premises Supervisor**

Mrs Nikki Faulding.

### **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:

Monday to Sunday: 23.00 to 08.00 (LNR 23.00 to 05.00)

### **2.5 Steps proposed by the applicant to address the Licensing Objectives**

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

The premises will operate a zero tolerance to drugs policy and crime notices will be displayed. In additions, warning customers of the possibility of crime which may target them. Eg. Bags and personal belongings not left unattended. SIA registered door supervisors. Staff trained to be aware of increase of 'spiking' injections, detection and prevention of illegal drug use and clear guidelines on reporting mechanisms. An incident book shall be kept and maintained on the premises at all times. The book shall detail in brief, incidents of injury, ejection, refusals, drugs misuse, seizure, age challenge. Such matters shall be timed, dated and signed by the author and produced to the police or licensing officers upon request.

Fully operational CCTV system at all times.

b) Public safety will be achieved by:

Staff and door supervisors fully trained to ensure the venue does not accommodate too many people to help prevent overcrowding. Emergency lighting is in place at the premises. Adequate First Aid equipment will be kept on premises at all times and staff advised of its location. Notices/signs detailing instructions in the event of a fire or other emergency, prominently displayed and maintained in a good condition.

An accident book will be available at the premises and staff trained to record any incidents.

c) Prevention of public nuisance will be achieved by;

Signage will be placed by exits reminding patrons to leave in a quiet and orderly manner. Sound system will have a limiter attached. Doors will be kept closed when regulated entertainment is taking place.

Door supervisors and staff trained to help with ensuring a controlled shut down of the premises to maintain good order as patrons leave.

Door supervisors will regularly monitor the exterior of the premises to ensure patrons do not cause a disturbance. The DPS, staff members and door staff shall ensure that no vessels are taken off the premises by customers.

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

Under 18's will not be allowed on the premises during licensable hours. The premises will utilise a Challenge 25 policy. This will be displayed at the premises. Staff training will be provided to ensure that the Challenge 25 policy is adhered to.

e) General – all four licensing objectives

A DPS will be in attendance, majority of the time when alcohol is being sold or when regulated entertainment is being provided. DPS will be easily contactable when not in attendance. Contact details will be available at the premises. In addition, a director of the company shall look to obtain a personal licence as soon as it is practical to do so.

A sufficient number of licensed door supervisors will be utilised to ensure that adequate numbers are on duty to ensure that adequate cover is available at any time and should any day/time prove to be busier than expected.

The premises have CCTV in place which has been tested and is fully operational and ensures that the main points are covered and fully recorded. The system will be maintained in good working order and be correctly time and date stamped and recordings will be kept for a period of 28 days. We shall further ensure that the DPS or appointed member of staff is present on the premises and capable and competent at downloading CCTV footage in a recordable format, at all times if requested by the police or licensing authority.

All staff shall be trained in appropriate circumstances ways to refuse custom for example those appearing to be already drunk or underage.

## **2.6 Relevant Representations Received**

### **Responsible Authorities**

A representation has been received from the Environmental Health Officer who understands that there are occupied dwellings at 20-22 Barry Street, directly opposite the application premises.

This being the case, Environmental Health will not support this application unless it is supported by a report made by a suitably qualified acoustic consultant. The report should address the likely impact of the amplified music upon the occupiers of nearby dwellings.

As a general principle, Environmental Health seeks that amplified 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.

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

A representation has been received from the owner of nearby residential apartments, which raises the concerns of tenants regarding late night noise and anti-social behaviour. Concerns are also raised regarding criminal offences and the blocking of traffic on Barry Street.

The representation is 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 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 21 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.
3. Representation from Individual, Body or Business.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.