

Report of the Assistant Director Waste, Fleet, Environmental Health & Licensing Services to the meeting of the Bradford District Licensing Panel to be held on 24 January 2024

AA

Subject:

**Application for a Premises Licence for Kashmiri Aroma Haworth, 51 Mill Hey,
Haworth, Keighley, BD22 8NA.**

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.**

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
Overview & Scrutiny Area:
Corporate

1. SUMMARY

The application is 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.

2. BACKGROUND

2.1 The applicant

Kashmiri Aroma Haworth Ltd. A copy of the application is included at Appendix 1.

2.2 The Premises

Kashmiri Aroma Haworth, 51 Mill Hey, Haworth, Keighley, BD22 8NA.

2.3 Proposed Designated Premises Supervisor

Mr Waheed Akhtar.

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:

Monday to Saturday:	17.00 to 23.00
Sunday:	12.00 to 23.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

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

The provision of adequate lighting – already met.
Drug policies/notices.

b) Public safety will be achieved by:

Emergency lighting – already met.
Escape route – already met.
First Aid provision – already met.
Seating/no. of attendants – already set up.

- c) Prevention of public nuisance will be achieved by;

Keeping music to a reasonable level.
Not using external areas after a certain time.
Notices asking patrons to leave quietly.

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

Proof of age scheme – Challenge 21.

- e) General – all four licensing objectives

Having personal licence holder on premises at all times the premises is being used.
Staff training on licensing issues.
CCTV already installed.

2.6 Relevant Representations Received

Individual, Body or Business

A representation has been received from a local resident who raises concerns of noise, alcohol-fuelled disturbances and public nuisance if the premises are open until 23.00 hours in a residential area.

The representation is attached at Appendix 2.

The provisions in the Business and Planning Act 2020 temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises until 31 March 2025.

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 28 November 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 an individual.

12. BACKGROUND DOCUMENTS

Application form, plan etc.