



Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: Wednesday 25th April 2012

Subject: Review of a Premises Licence for:

La Liga, Dick Lane, Thornbury, Bradford, BD3 7AT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Calverley & Farsley	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence made by West Yorkshire Police as a responsible authority in respect of La Liga, Dick Lane, Thornbury, Bradford, BD3 7AT, under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of La Liga.

1.0 Purpose of this Report

This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"). Finally, this report informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

An application for the grant of a Premise Licence was received by the Licensing Authority on 16th April 2010. The application was made to licence a purpose built lounge bar which was attached to a new soccer centre. The application briefly comprised of entertainment, sale of alcohol for consumption both off and on the premise and late night refreshment.

During the 28 day consultation period, representations were received from the Planning Department, Environmental Protection Team and Ward Councillors for the Calverley and Farsley area.

Local residents also objected to the application. Their main concern focused on noise nuisance emanating from the premise due to loud music being played

The application proceeded to hearing on 7th June 2009 where Members considered the written and verbal submissions made on behalf of the applicant. The committee heard from responsible authorities and considered letters of objection from residents.

The Committee had specific concerns with regards to public nuisance and an incident of 20th May 2010 at 23:15 hours when a statutory nuisance was witnessed by the Environmental Protection Team. The Committee also took into account the planning departments main concern was noise nuisance.

Members appreciated the problems in the area and the strength of local feeling. The decision of the Committee was to grant the licence for all activities requested. The Licence was to incorporate conditions offered by the applicant. The times of operation were reduced and the operating schedule is as below:

Sale by retail of alcohol	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30
Provision of late night refreshment	
Monday to Saturday	23:00 - 23:30
Exhibition of a film	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30
Indoor sporting events	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30
Performance of live music	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30
Performance of recorded music	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30

Entertainment similar to live music, recorded music or dance	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30

Provision of facilities for dancing	
Monday to Saturday	10:00 - 23:30
Sunday	10:00 - 22:30

2.1 The premises licence allows the premises to be open to the public during the following times:

Monday to Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

2.2 Along with the standard timings above, the premises licence allows the premises to carry out licensable activities during the following non standard timings:

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day

Christmas Eve/Boxing Day until 01:30 hours.

2.3 The Premises Licence Holder is Mr Robert Stewart Blackburn

2.4 The Designated Premises Supervisor for the premises is Robert Stewart Blackburn

2.5 A copy of the current Premises Licence is attached at **Appendix A** for the benefit of members.

2.6 A map detailing the location of the premises is attached at **Appendix B**.

3.0 Main Issues

The review is being sought by West Yorkshire Police on the grounds of all four licensing objectives. A copy of the review application is located at **Appendix C** of this report.

Additional information to support the review on the grounds described above can be found at **Appendix D**.

3.1 As part of the review procedure details of the review and an outline of the grounds on which the review was requested must be displayed at the premises for a period of 28 days commencing the day after the application was received.

Notices providing details of the review were duly placed on prominent display at the premises on Wednesday 14th March 2012, which were then checked on a regular basis. The notices were removed at the end of the 28 day consultation on Tuesday 10th April 2012.

3.2 Section 51 of the Act places the Licensing Authority under a duty to review the premises Licence in respect of La Liga. The Licensing Authority must then follow a procedure set out in the Licensing Act 2003. A summary of this procedure is attached to this report by way of a flow chart at **Appendix E**.

4.0 Relevant Representations

4.1 Under the Act representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party, must not be frivolous or vexatious.

The application has not attracted any representation from interested parties or other responsible authorities.

5.0 Matters Relevant to the Application

5.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

5.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act, a copy of the relevant section is attached at **Appendix F** and the council's licensing policy (paragraphs 5.99 to 5.117). Members must also have regard to the relevant representations made and evidence they hear.

6.0 Implications for Council Policy and Government

6.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances but will view the matters listed in paragraph 12.13 of the policy with particular seriousness.

7.0 Legal and Resource Implications

7.1 There are no resource implications in determining the review.

7.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

8.0 Recommendations

8.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition)
- Exclude any licensable activities to which the application relates.
- To remove the Designated Premises Supervisor.

- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

8.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

8.3 Members should note the Guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

8.4 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy