

REPORT TO REGULATORY PANEL

DATE – 15 JANUARY 2007

TIME – 1.30 PM

STATUS OF THE REPORT - PUBLIC

AREA COMMITTEES / WARDS AFFECTED

NEWSOME

TITLE

APPLICATION FOR VARIATION OF EXISTING LICENCE UNDER LICENSING ACT 2003 AT THE BRIDGE, 159/161 MANCHESTER ROAD, HUDDERSFIELD

WHY IS IT COMING HERE? / WHAT DECISION IS REQUIRED?

Members are asked to decide the application for variation

IS THIS AN URGENT ACTION APPROVED BY THE CHAIR OF SCRUTINY? N/A

WHAT ARE THE KEY POINTS?

1. Background

a. Licensable activities authorised by the existing licence

- any playing of recorded music
- the sale by retail of alcohol

The times authorised for the carrying out of the licensable activities are detailed in the Premises Licence PR(A)0413.

2. The Application

The Application is in the name of Publico Limited.

The variation submitted within the application for premises licence requests:-

a. Extension to the hours for sale of alcohol during the following hours:-

	Sale of Alcohol		Hours open to the Public	
	Start	Finish	Start	Finish
Monday	10.00	23.00	10.00	23.30
Tuesday	10.00	23.00	10.00	23.30
Wednesday	10.00	23.00	10.00	23.30
Thursday	10.00	02.00	10.00	02.30
Friday	10.00	02.00	10.00	02.30
Saturday	10.00	02.00	10.00	02.30
Sunday	12.00	0.00	12.00	00.30

The Playing of recorded music is permitted during opening hours.

b. Non Standard Timing/Seasonal variations

Sale of Alcohol, Hours Open to the Public:-

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

c. Request for existing conditions to be removed

The applicant has requested that all conditions at Annex 2 be removed.

3.Relevant Representations

West Yorkshire Police have objected on the grounds that the applicant has not provided satisfactory measures to ensure the four licensing objectives are met.

Environment and Transportation's Pollution and Noise Control Section request conditions be attached to the licence.

4.Promotion of the Licensing Objectives

The applicants have indicated in the operating plan that as there will be no change of use of the premises or licensable activities carried out at the premises they do not feel any additional steps will be required to promote the licensing objectives.

5.Policy Considerations (Extracts from Kirklees Licensing Policy 2005-2008)

Para 2.3 Licensing Objectives

2.3 The policy promotes the following licensing objectives

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

Para 3.1 – 3.5 Scope

3.1 The Policy covers the following licensable activities.

- The retail sale of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

3.2 The Policy covers the control of licensable activities and focuses on matters that are within the control of licensees and in the vicinity of the premises. Whether or not matters are within the vicinity of premises will depend upon the circumstances of each case.

3.3 The Policy is not a mechanism for a general control of nuisance, anti-social behaviour and environmental crime by individuals once they are away from the premises and beyond the direct control of the licence holder.

3.4 Nothing in the Policy prevents every licence application being considered on its own merits or undermines any person from applying for a variety of permissions.

3.5 All relevant representation will be given equal weight and regard however; the Licensing Authority will not consider representations and matters that are frivolous, vexatious or repetitious.

Para 7.9 – 7.10 Impact of Licensing Activity

7.9 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives.

7.10 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):

- The type of use, the numbers and type of customers likely to attend the premises;
- The proposed hours of operation;
- The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
- The adequacy and impact of car parking on local residents or businesses;
- The scope for mitigating any impact;
- How often the activity occurs.

and, in considering any application for a variation the Licensing Authority may also take into account

- historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses;
- and where adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

Para 7.18 – 7.20 Licensing Hours

7.18 The Government strongly recommends the use of longer licensing hours with regard to the sale of alcohol to ensure that concentrations of customers leaving premises simultaneously are avoided. The intention is to reduce friction at late night food outlets, taxi ranks and other sources of transport that may lead to disorder and disturbance.

7.19 The use of more flexible hours will provide customers and businesses with a greater choice and may help to promote the evening economy in Kirklees, particularly in our town centres.

7.20 The Licensing Authority will normally support longer hours where:

- There is likely to be no significant effect on crime and disorder or public nuisance.

- The operating schedule clearly demonstrates that the applicant is taking appropriate measures to minimise any adverse effects on residents and businesses in the vicinity.
- Transport facilities are available to take customers away from the venue.

Para 7.29 – 7.33 Conditions

- 7.29 The Licensing Authority will only impose conditions on a licence which are necessary and proportionate for the promotion of the licensing objectives, following scrutiny of the applicants operating plan and any relevant representations.
- 7.30 Where conditions, including those that are mandatory, are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 7.31 Standardised conditions will not be imposed, but where appropriate the Licensing Authority will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under Section 182 of the Act.
- 7.32 The Licensing Authority may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the licensing objectives.
- 7.33 More stringent conditions will usually be considered on new or variation applications or when reviewing a licence where applicants have a previously documented failure to comply with licence conditions.

6. Secretary of State's Guidance issued under section 182 of the Licensing Act

paragraphs 7.20 to 7.30 – crime and disorder

paragraphs 7.31 to 7.37 – public safety

paragraphs 7.38 to 7.46 – public nuisance

paragraphs 7.47 to 7.60 – protection of children from harm

RECOMMENDATION

Members are requested to decide the application

CONSULTEES

West Yorkshire Police
West Yorkshire Fire Service
Kirklees Planning Services
Kirklees Environmental Health – Pollution & Noise Control/ Health & Safety
West Yorkshire Trading Standards Service
Kirklees Social Service

CONTACT OFFICER AND RELEVANT PAPERS

Douglas Holliday – Licensing Manager 01484 223468

Premise Licence PR(A)0413
Letter of representation from West Yorkshire Police
Conditions requested by Environmental Health
Operating plan
Photographs of the premises can be viewed on the day
Maps of location
Detailed plan of premises can be viewed on the day



Kirklees
METROPOLITAN COUNCIL

Building Control & Licensing Service

LICENSING
Queensgate Market Arcade
Princess Alexandra Walk
Huddersfield
HD1 2UH

Tel: (01484) 223470
Fax: (01484) 223477
E-mail: licensing@kirklees.gov.uk
Website: <http://www.kirklees.gov.uk>

Licensing Act 2003
Premises Licence

PR(A)0413

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bridge

159/161 Manchester Road, Huddersfield, West Yorkshire, HD1 3LE.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday Playing of recorded music is permitted during opening hours.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve	10:00am	10:00am The following morning

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday		None stated

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2





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Licensing Act 2003
Premises Licence

PR(A)0413

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Publico Limited

Estate House, Ripley Street, Bradford, West Yorkshire, BD4 7EX.
Telephone 01274 302080

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Publico Limited

3134141

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Dawn EASTWOOD

The Bridge, Manchester Road, Huddersfield, West Yorkshire, HD1 3LE.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PERL/02000/05

Issued by Leeds





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Licensing Act 2003 Premises Licence

PR(A)0413

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no Designated Premises Supervisor (DPS) in respect of the premises, or
- (b) at a time when the DPS does not hold a personal licence or his/her personal licence is suspended

Every sale/supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 - PLANS OF PREMISE





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Licensing Act 2003

Premises Licence

PR(A)0413

ANNEXES continued

As outlined in the Operating Schedule and attached plan.

Date granted: **19 SEP 2005**

Date varied: **- 6 OCT 2006**

Head of Service





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Licensing Act 2003

Premises Licence Summary

PR(A)0413

Premises Details

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Bridge

159/161 Manchester Road, Huddersfield, West Yorkshire, HD1 3LE.

WHERE THE LICENCE IS TIME LIMITED THE DATES

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- the sale by retail of alcohol

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			The following morning

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday		None stated

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Publico Limited Estate House, Ripley Street, Bradford, West Yorkshire, BD4 7EX.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Publico Limited 3134141





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Licensing Act 2003

PR(A)0413

Premises Licence Summary

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Dawn EASTWOOD

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Any conditions applicable to these premises are attached to the Licence

Date granted: **19 SEP 2005**

Date varied: **- 6 OCT 2006**

Head of Service





WEST YORKSHIRE POLICE

Licensing Department

Queensgate Market Arcade
Princess Alexandra Walk
Huddersfield
HD1 2UH

Tel: 01484 223856

Fax:

Email:

Website:

Your ref:
Our ref: lic ke ea

21 December 2006

Mr P Swallow
Kirklees licensing Service
Queensgate Market Arcade
Princess Alexandra Walk
Huddersfield
HD1 2UH

Dear Mr Swallow

Re: Application to vary premises licence – The Bridge, Manchester Road, Huddersfield

The above application was received on 3rd December 2006 by the Police licensing department .

The application requests a variation of the premises licence, to extend the trading hours of the above premises from 11.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sunday, to 10.00 to 23.30 on Monday, Tuesday & Wednesday, 10.00 to 02.30 on Thursday, Friday & Saturday and 12.00 to 00.30 on Sunday.

This is a significant extension, yet the application did not include an operating schedule.

On 5th December I telephoned Walker Morris Solicitors and spoke to Carole Collingwood. I requested details of the measures that the management intend to implement in order to promote the four licensing objectives, as contained in the Licensing Act 2003.

1. The Prevention of Crime & Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from harm.

I was informed that it was felt additional measures were not necessary to promote the objectives.

However any existing measures could not be established as the original file also did not include an operating schedule.

On 14th December 2006 I wrote to Walker Morris Solicitors to again request sight of the operating schedule prior to 21st December 2006.

Unless West Yorkshire Police can be satisfied that measures to ensure the Licensing Objectives are met are appropriate and satisfactory then representations will be made.

Further correspondence has not been received, in which case West Yorkshire Police formally object to the granting of the application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Eastwood', written in a cursive style.

Karen Eastwood
West Yorkshire Police Licensing Officer

Cc. C.I. Jon Carter, West Yorkshire Police, Community Safety, Dewsbury Divisional Headquarters,
Aldhams Road, Dewsbury

KIRKLEES METROPOLITAN COUNCIL
ENVIRONMENTAL SERVICES

LICmem
Rev0/06/05

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Services**

Reference:	WK/200630855
Premises:	The Bridge, 159 - 161 Manchester Road, Huddersfield

Licensable Activity (place X in relevant box)			
Sale by retail of Alcohol		Provision of regulated entertainment	
Provision of entertainment facilities (music, dancing, etc)		Provision of late night refreshment	

OBSERVATIONS			
Public Safety	No observations		
Date:	13.12	Officer/Ext:	

<p>Prevention of Public Nuisance</p>	<p>1. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of The Bridge, 159/161 Manchester Road, Huddersfield.</p> <p>To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point.</p> <p>Informative Note: Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.</p> <p>In case of dispute, the applicant can verify inaudibility by demonstrating</p> <ul style="list-style-type: none"> • zero increase in the $L_{Aeq, 1 \text{ min}}$ (music playing) over the background L_{A90} (music off) and • zero increase in the $L_{10, T}$ VS $L_{90, T}$ exceedence in each 1/3 octave band between 40Hz and 160Hz. <p>2. Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (e.g. beer gardens) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff shall be trained in ensuring the quiet dispersal of patrons.</p>		
<p>Date:</p>	<p>13th December 2006</p>	<p>Officer/Ext:</p>	<p>Matthew Roberts 01484 226432</p>

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

As there will be not change in the use of the premises or licensable activities carried out at the premises we do not feel any additional steps will be required.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

