

**BRADFORD COUNCIL STATEMENT OF
LICENSING POLICY 2005 TO 2008
PUBLIC BRIEFING NOTE**

The Licensing Policy

The Council must publish a licensing policy under Section 5 of the Licensing Act 2003. Before doing so the Council consulted with a wide range of people including representatives of existing licence holders, local businesses and local residents.

The Councils Approach to Licensing Decisions

The Council is required to carry out its functions with a view to promoting four licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The policy provides that the Council will adopt an approach of encouraging the responsible promotion and organising of licence activities and events but not tolerate irresponsible licensing activity, in the interests of both business and domestic residents.

The policy further states that the Council will use effective enforcement to promote good practice in partnership with a number of key agencies, for example, West Yorkshire Police, West Yorkshire Fire Service, Health and Safety Executive, the Safer Communities Partnership and West Yorkshire Trading Standards.

The policy is also intended to integrate with other key strategies such as the Community Safety Strategy, the Alcohol Harm Reduction Strategy and the Council's cultural strategies.

The Aspirations of the Policy for the District

In the policy the Council specifically states that it seeks to encourage a variety of forms of live music and entertainment and cultural activities. The Council is particularly keen to encourage a better mix of entertainment in the District catering for all age groups and tastes.

The policy is not intended to prevent or deter organisers from seeking licences for such events and the Council will monitor the impact of the policy to ensure that this does not happen.

General Licensing Principles

Each licensing application will be determined on its own merits having regard to the policy and to the guidance issued by the Secretary of State.

The Licensing Policy is not intended to be the sole mechanism for controlling nuisance or anti-social behaviour but it is a key and complimentary aspect of such controls.

Licensing decisions are not intended to be a re-run of the planning process and therefore the Council will normally expect planning permission to be in place before it deals with an application for a licence.

The Council will look at the impact of the licensed activity on members of the public living, working or engaged in normal activity in the area in question. This can include matters such as the type of use, numbers and type of customers likely to attend the premises, the proposed hours of operation, the level of public transport, the adequacy and impact of car parking, and the frequency of the activity. Careful consideration will be given to impact on sensitive sites, e.g. near schools, purpose built accommodation for the elderly, or places of religious worship.

The Council seeks to deal with the issue of excessive consumption of alcohol and binge drinking in so far as it is able to do so within the law. Applicants for licences are advised to comply with any government or industry or locally agreed voluntary codes of practice and to adopt the Portman Group Code of Practice on the naming packaging and promotion of alcoholic drinks.

Licensing Hours

In relation to licensing hours, in accordance with the overall approach, licensees may suggest their own opening hours. These will normally be supported where:

- the potential effect on crime and disorder is not significant
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses
- appropriate transport facilities are available or the applicant has made suitable arrangements for the transport of customers away from the venue

As a general rule shops, stores and supermarkets will be allowed to operate as off licences during the same hours that they are normally open for trade, unless there are exceptional reasons why this should not occur.

The Licensing Process

Applications must be made to the Council in the form that is set by central government (see the separate guidance on the application procedure).

The Council must appoint a licensing committee of between 10 and 15 councillors. Decisions will generally be delegated to a licensing sub committee of 3 councillors or, in cases where no valid objection is received, to officers of the Council.

Operating Schedules

In assessing whether or not an application sufficiently addresses the licensing objectives, the Council regards the operating schedule as a key document. Operating schedules must be provided with each application in a prescribed format. The operating schedule should include enough information to enable responsible authorities or the public to assess whether the steps to be taken are satisfactory.

The Council expects operating schedules to be completed in a manner that is specific to the application being made and not in general terms.

Prior Consultation on Applications

In promoting the licensing objectives the policy strongly recommends early consultation with relevant bodies such as the Police, Fire Service, Environmental Health, Building Control, and Trading Standards when applicants are completing operating schedules.

The purpose of such a consultation is two fold. Firstly, it enables the Council to be sure that the relevant bodies are satisfied with the proposals and therefore to know what conditions, if any, should be imposed. Secondly, it reduces the need for representations to be made and therefore the need for hearings to take place before the sub-committees.

Personal Licences

The Council has little discretion over the granting of a personal licence (which authorises the sale of alcohol) if the applicant is aged over 18, possesses a licensing qualification, has not forfeited a licence in the last 5 years and has not been convicted of a relevant offence.

Temporary Event Notices

The most important aspect of the system of temporary event notices is that no permission is required for such events from the Council. In general only West Yorkshire Police may intervene to ask the Council to prevent an event or to modify the arrangements.

10 working days is the minimum possible notice that must be given to the Council but the policy encourages those providing notice for temporary events to give the earliest possible notice so that multi-agency planning can take place. For large events in the open air or on temporary structures, a minimum of 3 months notice is encouraged.

Enforcement

The Council has established working protocols with the Police, Fire Authority and other Council departments for the targeting of agreed problem and high-risk premises. Lower risk premises which are well managed and well maintained will be subject to less regular inspections.

Formal action will be taken in accordance with the Licensing Enforcement Policy. Regard will also be had to other powers including those relating to anti-social behaviour, environmental health and planning control, for example.

Prime Entertainment Areas

The policy recognises that there are certain areas within the District which have developed as the prime areas where entertainment and leisure time facilities have concentrated. These are given special consideration in the policy, which sets out some of the issues applicants must address pertinent particularly to the provision of very late night entertainment in these areas. These are defined as Bradford City Centre, Bradford West End, Bradford Little Germany, Shipley Town Centre, Keighley Town Centre and Main Street Bingley.

Other Special Policies

The policy document also sets out special considerations that apply with regard to large open air events and pavement cafes respectively. With regard to the former, the Council adopts a safety team approach. All applications will be co-ordinated through the Public Safety Liaison Group. This consists of representatives from various Council departments, the Police, Fire Authority and West Yorkshire Ambulance Service.



BRADFORD
(one landscape many views)

