

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 25 August 2016 at Committee Room 3 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearing

1. Application for variation of a Premises Licence for Midland Hotel, Station Road, Ilkley (Document "G")



RECORD OF A HEARING FOR A VARIATION OF THE PREMISES LICENCE FOR MIDLAND HOTEL, STATION ROAD, ILKLEY (DOCUMENT "G")

Commenced: 1025

Adjourned: 1045

Reconvened: 1050

Concluded: 1055

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair),
Arshad Hussain and Morris

Parties to the Hearing:

Representing the Licensee:

Mr Taylor, Solicitor representing the Licensee
Ms Johnson, Area Manager

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the Council's Environmental Health Team had requested that additional conditions be placed on the application and these had been agreed with the applicant. A representation had also been received from a local resident.

The applicant's representative addressed the Panel and explained that the application requested a 2 hour extension to all licensable activities, which would enable the premises to trade until 0200 hours. He confirmed that the additional hours would provide greater flexibility and they would only be used on weekends, Bank Holidays and for private functions. There was no intention for them to be used 7 days per week. The Craft Union Pub Company Ltd was part of Enterprise Inns and all premises operated the same policies and procedures. It was noted that there had not been any issues since the company had taken over the management in July 2016. Members were informed that the Designated Premises Supervisor (DPS) operated a dispersal policy, which involved him being present in the public areas on a Friday, Saturday and Sunday evening to ensure that customers left the premises quietly. A Noise Management Policy was in place which stipulated that the DPS was responsible to stop noise disturbance outside the premises. Other policies such as the provision of a CCTV system, incident reporting and Challenge 25 were also mandatory. The applicant's agent reported that independent test purchasing was undertaken and a refusals register was maintained. He stated that responsible authorities had not submitted any representations, with the exception of the Council's Environmental Health Team and their suggested conditions had been accepted. In relation to the objection received from a local resident, it was reported that their property was not as close to the Midland Hotel as others who had not submitted a complaint and the issue raised had occurred prior to Craft Union Pub Company Ltd taking over the premises. It was noted that no complaints had been received since August 2016 and music had not been played outside the premises on the Bank Holiday.

In response to Members' queries the applicant's representative confirmed that:

- The premises operated a Challenge 25 policy.
- There was not a condition on the premises licence that required a CCTV system, however, a digital system had been installed that stored the information for 28 days.
- The external drinking area was located above ground floor level, as the building was sited on a slope.
- The rear yard was used as a car park.
- Door staff were employed on a risk assessed basis and had to be Security Industry Authority (SIA) trained.
- The premises would not become a night club.
- The additional hours would be used occasionally on a weekend or Bank Holiday and remove the requirement to apply for a Temporary Event Notice.

In conclusion the applicant's representative stated that the application was based upon real evidence and had not been objected to by responsible authorities. He reiterated that the applicant was a large company with a proven track record and no complaints had been received since they had taken over the operation of the premises in August 2016. It was noted that the objector had not attended the hearing and no other local residents had submitted a representation. The applicant's representative then requested that the application for variation be granted.

In relation to a condition required by the Council's Environmental Health Team, the Chair queried where the "nearest noise sensitive premises" would be. In response the applicant's representative confirmed that the front of the premises and the rear of the car park would be checked for noise.

Decision –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance; the panel grants (in part) the application for variation subject to the following conditions:

- (i) The consumption of alcohol or food or any other drinks in the external areas of the premises shall not be allowed after 2330 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.**
- (ii) All outward opening exit doors and all windows are to be kept closed when regulated entertainment is taking place other than for normal access and egress.**
- (iii) Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.**
- (iv) The Licensee shall patrol the area outside the premises during periods of entertainment to ensure that noise is not audible at the nearest noise sensitive premises.**

(v) Removal of refuse and emptying of bottle bins within the curtilage of the licensed premises shall not take place between the hours of 2300 and 0700.

Reason - It is considered that the above conditions are necessary to minimise noise disturbance to nearby residents – prevention of public nuisance objective.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.