

Record of a Hearing of the Bradford District Licensing Panel held on Monday, 12 September 2016 in Committee Room 1 - 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

Hearings

- 1. Application for variation of a Premises Licence for Bold Privateer, 69 Wrose Road, Shipley (Document "H")**
- 2. Application for variation of a Premises Licence for Westfield Service Station, Whitehall Road, Wyke, Bradford (Document "I")**

RECORD OF A HEARING FOR A VARIATION OF THE PREMISES LICENCE FOR BOLD PRIVATEER, 69 WROSE ROAD, SHIPLEY (DOCUMENT "H")

Commenced: 1405
Adjourned: 1505
Reconvened: 1525
Concluded: 1530

Present:

Members of the Panel:

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

Parties to the Hearing:



Representing the Licensee:

Mr Warne, Solicitor representing the Licensee
Mr Lowther-Knowles, Area Manager
Mr Loat, Designated Premises Supervisor

Representing Responsible Authorities:

Mr Farmer, Environmental Health

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 there was an ongoing complaint in relation to excessive noise breakout from the premises and the Council's Environmental Health Team had made a representation that requested additional conditions be placed on the application. Representation had also been received from local residents.

The applicant's representative drew Members attention to the letter dated 8 September 2016 that had been submitted and detailed a number of additional conditions that had been proposed. He explained that the applicant was content to withdraw the additional hour requested for the performance of live music and would accept the playing of recorded music until midnight on Friday and Saturday. The request to remove the embedded conditions remained. The Panel were informed that the applicant was willing to work with local residents and the amended proposal would ensure that they did not suffer from noise nuisance.

The applicant's representative reported that the patrons of the premises had requested that an extension be sought to the music licence. He explained that it was an old premises and the applicant had held the licence for a considerable time. A new Designated Premises Supervisor (DPS) had been employed since April 2016 and the premises had been re-branded as a 'Falcon' pub, which had involved a refurbishment of the property. Local residents had been concerned about the amount of investment and had believed that the premises would drastically change, however, the refit was to allow a community style pub to develop. A large number of local residents had attended a meeting with the DPS where the alterations had been explained. Members were informed that a new lobby had been built, triple and double glazing installed and a zoned music system that was controlled by the Management Team. The applicant's representative indicated that on a Friday recorded music would be played and live music would be performed on a Saturday up to 2300 hours. Sound checks were undertaken at seven sound check points outside the premises every 30 minutes when live music was played and he stated that he was confident that the premises would not cause a noise nuisance. Warnings were given if noise was audible and no complaints had been received in respect of live music since April 2016.

The Panel were informed that a motorcycle club met at the premises on a Monday, they had been informed about the noise issues and action had been taken. No further complaints had since been received. An investigation was ongoing into another noise related incident.

The applicant's representative stated that no complaints had been made directly to the premises. He reported that some residents believed that the premises would become a nightclub, however, the applicant had no intention to do so. The issues raised were being investigated and the application had been amended in light of these matters. In conclusion he requested clarification in relation to the restriction requested for the external area.

In response to queries Members' were informed that:

- The motorcycle club had met at the premises for many years. A complaint had been made and action had been taken.
- Local residents had raised concerns in respect of the refit, as they had believed that the premises would be targeting young people. Concerned parties had been consulted at the re-opening and a meeting had taken place with residents. The premises were not aiming to gain a new customer base, however, younger residents needed to become involved. Family days now took place and children were permitted in the premises until 2000 hours.
- The complaints raised had been looked at in great detail and designated sound check points had been established in response. A decibel meter was used to take readings and music could no longer be heard outside the premises. A complaints log had been created, staff provided contact details for the DPS in response to complaints and the management team were approachable.
- Music could not be heard outside the premises.
- Drinks could be taken outside the premises into the external seating area at the front of the premises. The Council's Environmental Health Team had requested that a condition that the area be cleared by 2300 hours be placed on the application, however, this was undertaken as a matter of course.
- There was a library, a convenience store and other non residential properties nearby.

The Council's Environmental Health officer then addressed the Panel and explained that an application to vary the licence had previously been submitted and conditions had been placed on the licence at that point. The premises had now been refurbished and an ongoing complaint in relation to noise disturbance was being investigated, however, one complainant had withdrawn their objections as they had believed there would be repercussions. The Council's Environmental Health officer stated that complaints had been submitted in July in relation to noise emanating from the premises after 2300 hours and noise outside. He informed that Panel that noise level equipment had been placed in the bedroom of one of the complainants on Oakdale Drive and it was believed that the noise was escaping when the premises' doors were opened. Other complaints highlighted noise from people sat outside the premises after 2300 hours and the revving of motorcycles after midnight. It was noted that conditions had been proposed in respect of noise control and that the premises needed to be proactive in its approach to reducing the noise. The Council's Environmental Health officer acknowledged and welcomed that the performance of live music would remain at 2300 and that the playing of recorded music would cease at midnight, however, he reiterated that the behaviour of people outside the premises would need to be controlled. In conclusion he stated that the Council's Environmental Health Team had submitted a reasonable proposal.

In response to questions, Members were notified that:

- Noise levels had been recorded on 23 July and a live band had been playing.
- The Council's Environmental Health Team was satisfied that recorded music would

cease at midnight, as they were trying to be fair and realistic. The issues were management related and could be resolved.

- No complaints had been received recently. People were reasonable and would tolerate noise up to 2300 hours.
- The premises had made improvements in relation to the noise issues.
- The premises had a ventilation system and all the small windows to the front of the premises were closed. The windows at the rear were closed by 1900 hours.

In conclusion the Council's Environmental Health officer stated that they were satisfied that live music would cease at 2300 hours and recorded music would stop at midnight, however, they had concerns about noise from people outside the premises. In summation the applicant's representative informed the Panel that the application was now restricted and satisfied the Council's Environmental Health Team. The need to control people outside the premises was acknowledged and the grant of an additional hour and removal of the embedded conditions would not be detrimental to local residents.

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 notes the applicant's withdrawal of the application to extend permitted hours for live music on a Friday and Saturday and grants (in part) the application for variation subject to the following conditions:

(1) Hours of licensable activities be restricted as follows:

Playing of Recorded Music

Friday and Saturday 1000 to midnight

- (2) Doors and windows to be kept closed (except for access and egress) after 2000, whenever regulated entertainment is being provided.**
- (3) A complaints log ("the log") will be maintained at the premises. All complaints from neighbours will be recorded in the log, with date, time, name of person taking complaint, name of complainant (if known), nature of complaint and action taken thereafter to be recorded.**
- (4) A telephone number for the premises manager will be provided to any resident who expresses an interest in order to allow them to complain about excessive noise. Any complaints to the number are to be recorded in the log.**
- (5) The consumption of alcohol or food or any other drinks in the external areas of the premises shall not be allowed after 2320 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.**

Reason: To prevent noise, disturbance and nuisance to residents in the vicinity of the premises – 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.

RECORD OF A HEARING FOR A VARIATION OF THE PREMISES LICENCE FOR WESTFIELD SERVICE STATION, WHITEHALL ROAD, WYKE, BRADFORD (DOCUMENT "I")

Commenced: 1530
Concluded: 1535

Present:

Members of the Panel:

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

Representations:

The licensing officer in attendance informed the Panel that the applicant's solicitor had requested that the application be deferred to a future meeting.

Decision –

That at the request of the applicant, the item be deferred for consideration at the meeting to be held on 13 October 2016.

Chair

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