

Record of Hearings of the Keighley/Shipley Licensing Panel held on Tuesday 19 August 2008 in the Saville Room, 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 a review of the premises licence for the New Inn, 23 Crag Road, Shipley (Document "B")**
- 2. Application for a review of the Moor Music Festival, High House Farm, Addingham (Document "C")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AUTHORISING THE SALE OF ALCOHOL FOR THE NEW INN, 23 CRAG ROAD, WINDHILL, SHIPLEY (DOCUMENT "B").

Commenced: 1405
Adjourned: 1510
Re-convened: 1520
Concluded: 1525

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Hill (Chair), Pullen and Love.

Parties to the Hearing:

Representing Responsible Authorities:

Sergeant C Colligan, West Yorkshire Police
Mr J Tyson, Licensing Officer, West Yorkshire Police
PC S Dawson, West Yorkshire Police – Observer

Representing the Licensee:

Mr J Cordingley, Licensee
Miss J Avison, Proposed Designated Premises Supervisor - Witness

Representations:

The licensing officer in attendance summarised the background to the application which included details of the current Premises Licence and valid representations received as set out in the report.

It was reported that West Yorkshire Police had submitted an application for review of the licence due to growing concerns over the number of incidents of disorder, complaints by local residents of noise and alleged breaches of the Operating Schedule, permitted hours and licensable activities.

The police representative outlined the background to the review which included a number of statements from officers that related to incidents involving the premises and an overview of the situation. Members were informed that the Designated Premises Supervisor (DPS), at that time, had been convicted on 13 April 2007 of providing unauthorised licensable activities at the premises and his Personal Licence had been endorsed accordingly. The DPS appeared to have a blatant disregard for the conditions set by the Licensing Authority and this was having a detrimental effect on the Licensing Objectives. The police representative indicated that they believed that he was the DPS in name only.

In response the Licensee reported that he had acquired the freehold of the premises in October 2007 and had inherited the existing DPS at that time, who was also the DPS at another of his premises. In light of the personal problems of the existing DPS and his subsequent dismissal, an application to vary the DPS Licence at the premises had been submitted, though this had been delayed. However, there was now a new person in charge who had previous experience in the licensed trade.

The Licensee argued that the New Inn had changed dramatically within the last few months and did not believe the allegations put forward by the police in relation to complaints from neighbours. He acknowledged that there had been an isolated incident at the premises, but indicated that no other representations from other authorities had been submitted.

In agreement with the police the Licensee called the proposed new DPS as a witness. In response to questions she confirmed that she had lived at the premises since April 2008 and had been in a relationship with the existing DPS at that point in time. Following the break up of the relationship he had given her the authority to run the premises in his absence. The existing DPS used to visit the premises a couple of times per month and he was never prevented from accessing the public house. In relation to the premises licence, the proposed new DPS explained that she had been under the impression that an application to vary the licence to include entertainment had been submitted by her predecessor. She stated that she had been granted a Personal Licence by the Council on 12 August 2008 and explained that she was well acquainted with the patrons of the premises and there had not been any problems recently. It was also noted that she had joined Pubwatch and had attended a couple of meetings.

In response to questions from Members and the police, the Licensee and the proposed new DPS confirmed the following points:

- That the existing DPS was no longer an employee.
- That the entertainment at the premises had been arranged in advance of the proposed new DPS taking temporary responsibility of the premises.
- That the relationship between the existing DPS and the proposed new DPS had commenced in March 2007 and ended in early 2008.
- That the entertainment had been booked for every weekend in advance.
- That the events had been advertised.
- That the terms of the Licence had not been checked by the proposed new DPS when she had been given delegated responsibility for the premises.

The Council's legal advisor reported that the Licensee had been sent letters on 2 June and 1 July 2008 stating that the premises required a licence for regulated entertainment and was told to cease the events. No response had been received and he questioned why no action had been taken to address the issue. In response the Licensee explained that he had requested that a variation of the licence be submitted. The licensing officer then confirmed that no such application for variation had been received.

In summary the police representative referred to a number of issues regarding the running of the premises which included the lack of understanding of the premises licence, the unsuitability of the then DPS, that the Licensee had failed to act upon information, the inexperienced or unsuitable persons that had been placed in charge of the premises; and he therefore requested the suspension of the premises licence.

In response the Licensee reported that there was no evidence of any incidents of disorder or complaints of noise in relation to the premises and the licensing hours had not been breached; however, he acknowledged that an incident had occurred at the premises. With regards to the current named DPS, he confirmed that he was no longer an employee.

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 finds as follows:

- 1. That Mr Wilmore be removed as Designated Premises Supervisor from the licence forthwith.**

Reason: Having listened to Police evidence of Mr Wilmore's conduct and lack of control over activities taking place at the premises; the Panel considers that his continuing as Designated Premises Supervisor would seriously prejudice the prevention of crime and disorder objective.

- 2. That the Licensee be formally warned as to future conduct with regard to compelling evidence of persistent breaches of licensing legislation, specifically in relation to provision of regulated entertainment without authority despite warnings issued by the licensing authority. The Licensee is warned that if further breaches are subject to review the Panel will give serious consideration to suspension or revocation of the licence.**

Reason: It is the responsibility of holders of premises licences to ensure compliance at all times of licence conditions and relevant licensing legislation.

- 3. That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.**

Reason: To limit noise and disturbance to local residents late at night from patrons using the external area and resulting from noise emanating from the premises caused by more regular opening of exit doors for the purpose of access and egress and to provide adequate supervision to ensure that relevant licence restrictions are complied with - prevention of public nuisance objective.

- 4. That the Licensee cooperates fully with any Pubwatch initiative promoted by local licensees and West Yorkshire Police in the area.**

Reason: To ensure the licensee liaises with other licensed operators to secure coordinated steps are taken to address the licensing objectives - all the licensing objectives.

Chair

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

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RECORD OF A HEARING FOR AN APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AUTHORISING THE SALE OF ALCOHOL AND THE PROVISION OF REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT FOR THE MOOR MUSIC FESTIVAL, HIGH HOUSE FARM, STRAIGHT LANE, ADDINGHAM MOORSIDE (DOCUMENT "C").

Commenced: 1530
Adjourned: 1730
Re-convened: 1750
Concluded: 1755

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Hill (Chair), Pullen and Love.

Parties to the Hearing:

Representing the Applicant:

Mr K Johnson, Applicant

Representing the Licensee:

Ms L Barker, Moor Music Ltd - Licensee
Mr J Drysdale, Moor Music Ltd - Licensee
Ms A Syed, Environmental Protection, Bradford Council - Witness

Representations:

The licensing officer in attendance summarised the background to the application which included details of the current Premises Licence and valid representations received as set out in the report.

The applicant began by stating that he had hoped that the review would have taken place prior to the event held this year. He then reported that in 2005 the event had been run as a 'rave' with no licence. For the second year (2006) a licence had been granted, however, numerous complaints regarding the noise had been submitted. In 2007 the blue notices to advertise the event had not been displayed in the vicinity and the residents had been unaware that it was to take place. Serious issues had also been raised in relation to noise, access and the disturbance to residents. At the event held this year a one way system and parking restrictions had been introduced, however, this had been a disaster.

The Council's legal advisor explained that highways issues were not the responsibility of the Licensing Panel and that the applicant would need to address his concerns with the Highways Department. With regard to the blue notices, the Council's legal advisor indicated that he was happy that the formalities had been undertaken. The licensing officer added that notices only had to be placed where the site "abutted any highway".

The applicant then outlined the background to the review which covered issues such as the access to the site; the stewards employed; the narrow roads in the vicinity of the site; land drainage issues; noise and disturbance to residents; Council policies in relation to the nature of the neighbourhood; the length of the event; security; health and safety concerns; the management of the event; no smoking legislation; and its effect on the Community.

In response the Licensees accepted that problems had occurred during the event held in 2007 and therefore, they had worked closely with the Council in order to try and resolve the issues. The Traffic Regulation Order to create a one way system had worked, though further adjustments were required. In relation to the noise, the residents in the vicinity had been approached and notified of when the sound checks were to take place. They had also been sent a letter that informed them of the actions to be undertaken and had been invited to attend the event. There were 20 Security Industry Authority (SIA) trained employees and 83 stewards at the event. The staff placed at key points throughout the site were SIA trained and everyone employed had been briefed in relation to the no smoking legislation. Signs were displayed around the site and the stewards patrolled the area. The Licensees acknowledged the highways issues raised, however, they indicated that the majority of the people flouting the one way system were residents. The Highways Department had also agreed that a better option was available. The Licensees stated that it was a varied music festival that comprised of three music tents and a cinema tent. The music tents had been sited in order to alleviate the sound from them and the Council's Environmental Health Officer had measured the level of noise outside them. She had also visited residents in Addingham.

In response to questions from Members and the Council's legal advisor, the Licensees confirmed that following points:

- That the bar had closed at 3am this year.
- That the full licensing hours had never been used.
- That they were prepared to vary the application and cease music at midnight.
- That they would wish to keep the current hours for sale of alcohol.
- That the majority of those involved in the Public Safety Liaison Group (PSLG) were happy with the changes that had been made.

In agreement with the applicant the Licensees then called the Council's Environmental Health officer, who was a member of the PSLG, as a witness.

The Council's Environmental Health officer reported that she had worked closely with the Licensees who had accepted the advice given from the outset. In light of the complaints received from the nearest neighbours to the site, noise limits had been set, speakers had been re-directed and leaflets had been sent out to residents. It had been agreed that the music would cease at midnight and a tent which housed the 'silent disco' had been moved to another part of the site. During the sound test noise readings were taken outside the tents and the Council's Environmental Health officer had visited the homes of the complainants. It was confirmed that the noise was not audible from within their homes and that music had not been heard at the caravan site either during her visit on Friday evening. No complaints had been submitted over the weekend that the event had taken place, however, two complaints had been put forward since. The Council's Environmental Health officer stated that in order to safeguard residents a number of conditions had been proposed. It was noted that the conditions had not been included in the report in error and were circulated to those present.

In response to questions from the applicant, the Council's Environmental Health officer confirmed the following points:

- That the noise limit inside the tent had been 95 decibels, 85 decibels outside the tent and was hardly audible at the nearest noise sensitive premises.
- That the noise reading had been approximately 40 decibels at the nearest farm to the site.
- That the level of noise inside the property had hardly been audible. There had been an issue with the noise level on the Thursday evening, however, the Licensees had been contacted and the music turned down to an acceptable level.

In conclusion the applicant reported that this type of event was inappropriate for a rural area. The noise levels of 40 plus decibels were unacceptable and the infrastructure of the area could not cope with the levels of traffic. He stated that he believed that the number of people who had attended the event was over 2000 and that the number of SIA trained staff employed to cover the whole site was inadequate.

In summary the Licensees stated that the festival had not caused any major problems over the past few years and indicated that it was their aim to continue working with the PSLG and 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 finds as follows:

- 1.1 That the hours of the existing licensable activities be restricted on all days as follows:**

**Live and amplified recorded music to cease at midnight
Sale/supply of alcohol to cease at 0200**

- 1.2 That the Premises Licence Holder shall notify the Licensing Authority and Responsible Authority for Environmental Health (Environmental Protection) of the selected date for the concert or event at least three months in advance of the event.**
- 1.3 That each concert or event at this site shall be subject to an individual noise risk assessment. The assessment shall be submitted to the Responsible Authority for Environmental Health three months in advance of the event.**
- 1.4 That at least one month before the concert or event the Premises Licence Holder will invite the licensing authority and representatives of the relevant Responsible Authorities to discuss the concert or event and will ensure compliance with any written recommendations made at such meeting.**
- 1.5 That residents in the immediate vicinity shall be notified 3 weeks in advance by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred.**

- 1.6 That the Licensee will comply with any recommendations of the Responsible Authority for Environmental Health (Environmental Protection) with respect to precautions required to be taken to prevent nuisance to neighbouring residents, including the setting of noise output levels based on the noise risk assessment submitted for the concert or event.**

Reason: To limit noise and disturbance to local residents late at night from patrons of the concert or event and resulting from noise emanating from the concert/event – prevention of noise and disturbance and public nuisance objective.

Chair

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

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER