

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Tuesday 16 June 2009 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.

Hearing

- 1. Application for variation of a premises licence for Golden Fleece, Lane Ends, Oakworth (Document "D")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR GOLDEN FLEECE, LANE ENDS, OAKWORTH (DOCUMENT "D").

Commenced: 1410
Adjourned: 1440
Re-convened: 1455
Concluded: 1500

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors McPhee (Chair), L'Amie, Ferriby.

Parties to the Hearing:

Representing the Applicant:

Mr Holmes - Applicant

Representing Interested Parties:

Mr Bancroft, local resident

Ms Grimshaw, local resident representing Mr & Mrs Atkinson

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant addressed the Panel and stated the following in response to the points raised in the letters of representation:

- That he had been granted Temporary Event Notices for every event where music had been played.
- That the fight outside the premises had not involved any of his customers.
- That he had not received any complaints from the Council's Environmental Health Team.
- That he had been at the premises for 30 years and not received any complaints from local residents.
- That he disputed the validity of some of the letters of representation.
- That there had always been a beer garden at the premises, however, it had been allowed to become overgrown over the years. The area had now been modernised and was being utilised again.
- That music had been played outside the premises on one previous occasion. As a result of this he had received a letter from the Licensing Team and music had not been played outside since.
- That the windows and doors remained closed when entertainment was taking place inside the premises.
- That the car park was private, however, access could be gained to Hillside Avenue. Residents often used it as a short cut and therefore any anti-social behaviour could not be blamed entirely upon his patrons.
- That the original application had been amended.

In response to a query from the Council's legal officer regarding the amended application, the applicant confirmed that he was applying for indoor live music and sporting events to the same licensable hours; recorded music outdoors all year finishing at 2100; and live music outdoors on the Sunday before each Bank Holiday Monday finishing at 2200. The applicant suggested that the playing of music outside in the beer garden would be on a weather permitting basis.

An objector was present at the meeting and highlighted the following points:

- That the request for music to be played outside until late at night was not appropriate within a residential area.
- That an existing condition on the licence stated that windows and doors had to be closed at all times during regulated entertainment, therefore the request to play music outside was nonsensical.
- That the Keighley News had featured an article on the purge on noise from outside public houses, that had involved the Council's Environmental Protection Department. If the Council was having a purge on noise, why should the premises be allowed to play music outside?
- That he did not have an issue with the premises as long as any entertainment took place inside.

A local resident representing other objectors addressed the meeting and raised the following concerns on their behalf:

- That the playing of recorded music outside the premises every day would impact on the lives of nearby residents.
- That the events that took place inside the premises did not cause a problem.
- That some residents were elderly and they were worried about their standard of life.

In response to the comments made by the objectors, the applicant indicated that he had only applied for background music which would not be played loudly. The objectors explained that the geography of the area contributed to the noise being carried further and therefore the playing of music outside should not be allowed.

The Council's legal officer requested the views of the applicant in relation to what would be a reasonable time to cease the playing of music outdoors and the frequency if it was allowed. The applicant confirmed that he believed that the hours applied for were appropriate.

In conclusion the objectors reiterated that the playing of music outdoors should not be permitted and that local residents were concerned.

In summation the applicant disputed a number of the letters of representation and confirmed that the request was for recorded background music to be played outside.

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 the application for variation, in part, subject to the following:

1. Live and Recorded Music Outdoors:

Sunday prior to Bank Holiday Monday 1200 to 2200

Reason: To limit noise and disturbance to local residents late at night emanating from outside 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.

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