

City of Bradford Metropolitan District Council

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Record of a Hearing of the Keighley and Shipley Licensing Panel held on Wednesday 17 November 2010 in 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.

Hearings

Application for a premises licence for The Acorn Inn, The Green, Eldwick, Bingley
(Document "C")



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE ACORN INN, THE GREEN, ELDWICK, BINGLEY

Commenced: 1410
Adjourned: 1525
Re-convened: 1600
Concluded: 1610

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Amin (Chair), Ahmed and L'Amie.

Parties to the Hearing:

Representing the Applicant:

Mr Taylor, Legal representative
Mrs Burley, Enterprise Inns (applicant)
Mrs Haigh, Designated Premises Supervisor

Representing Responsible Authorities:

Mr I Farmer, Environmental Health

Representing Interested Parties:

Mr and Mrs Kavanagh *
Mr and Mrs Harvey *
Mr and Mrs Shields *
Mr Jeffery *

* local residents

Observer:

Mr Buckenham

Representations:

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

The applicant's legal representative addressed the Panel and reported that the outdoor entertainment element of the application was being withdrawn. The application had become necessary as the previous licence had lapsed due to a change in the personal circumstances of the previous licence holder. The nature of those changes was explained. The application, with the exception of the withdrawn outdoor entertainment element, was identical to the previous licence which was granted on 26 September 2005.

It was explained that the new tenant was a local person who wished to re-open the premises as a family run village pub catering for local residents and family dining. She had instructed the legal representative to withdraw the outdoor entertainment element of the application because she did not want to upset local residents who were afraid of

potential noise disturbance. The hours applied for were in line with the previous licence and were requested to allow the premises, on occasions, the flexibility to operate later in the evening. The flexibility was required to allow the Designated Premises Supervisor (DPS) to earn a living and conditions could be imposed to ensure residential amenity was not prejudiced.

For clarity the Council's legal adviser advised that the application must be determined that the licensing hours applied for would be fully used. He acknowledged the new tenants intention but explained that the situation could change if the tenancy changed hands. The Temporary Events Notice (TEN) procedure was suggested as a possible measure for premises to extend operating hours on an occasional basis.

The DPS addressed the meeting and explained that she was a local resident who had lived in the area all of her life. Her children were pupils at the local primary school. She had worked in the premises for the previous two years and intended to operate as a local village pub with respect for the local community. The application for outdoor entertainment had been withdrawn because she did not want to disturb local residents. Live music would not be played at an unreasonable hour. It was not intended that the premises would open until 0200 hours each day and she could "*count on the fingers of one hand*" the number of times the premises had been open that late in the past.

In response to questions the applicant's legal representative and the DPS provided the following information:-

- Live music would not be allowed at the premises after midnight.
- Background music would be played until the premises closed.
- The applicant would be prepared to install a noise limiting device to control the volume of music.
- The TEN process would not allow the level of flexibility required for the premises to remain open occasionally as a notification period was required for those applications.
- The TEN process could only consider representations by the police on public order grounds and local residents would not be able to object.
- Local residents would not be informed of application for a TEN.

The Environmental Health officer addressed the meeting and advised that a noise disturbance problem in 2005 had occurred following an outdoor event. He was pleased that outdoor entertainment had been withdrawn from the application. He believed the hours requested were generous and if operated to the maximum could result in noise disturbance to residents from patrons leaving late at night.

In response to questions he explained that music played at a reasonable level with doors and windows closed would prevent noise disturbance. If ventilation at the property required windows to be open in periods of hot weather he would work with the applicant to determine reasonable levels to set any noise limiting device. Response times by the service were questioned and it was confirmed that if problems arose they would consider how best to respond.

A number of local residents in attendance outlined their main concerns as follows:-

- They had been unaware of the extent of the hours the premises were previously allowed to operate.
- People living in close proximity feared potential noise disturbance by patrons at the premises late at night. They were pleased that the outdoor entertainment element of the application had been withdrawn.

- Residents wished to see the premises become successful as a local pub but felt that operating until 0200 hours was excessive and could cause noise disturbance.
- The premises were located in an area where there had been a number of road traffic accidents. Residents feared that increases in traffic would exacerbate that situation.
- Parking could be restricted.
- Noise complaints made in 2007 were dismissed by the previous tenant.
- Licenses should not be granted indefinitely. Residents would be at the 'mercy' of future tenants.

The Council's legal representative advised residents that highway issues could not be considered under licensing legislation and would be dealt with at planning application stage.

In summary the residents explained that they wished to see the premises reopen as a local village pub although they were concerned about potential noise disturbance if the license was granted until 0200 hours.

The applicant's legal representative summarised his client as a 'reluctant applicant' as the premises would have been licensed for the hours as applied for but for the personal circumstances of the previous tenant. He believed that the residents statement that they were unaware of the extent of previous operating hours was testament to the lack of disturbance previously caused. Conditions had been offered to ease the concerns about potential noise and the DPS had been advised to discuss noise attenuation measures with officers from the Council's Environmental Health Department.

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 application for a premises licence be granted, subject to the following conditions:-

1.1 The licensable activities be restricted as follows:

Sale of alcohol

Monday to Thursday: 1000 - 2300
Friday and Saturday: 1000 - 0100
Sunday: 1200 - 2230

New Year's Eve: as applied for.

Bank Holidays: one additional hour when bank holiday does not fall on a weekend.

Regulated Entertainment- Live music

Monday to Thursday: 1000 - 2300
Friday and Saturday: 1000 - 2300
Sunday: 1200 - 2230

Regulated Entertainment- Recorded Music

Monday to Thursday: 1000 - 2300
Friday and Saturday: 1000 - 2400
Sunday: 1200 - 2230

- 1.2 Prior to licensable activities commencing the applicant shall agree and comply with any recommendations of the Environmental Protection department regarding noise attenuation measures in the premises (including the fitting of a noise limiter or improved ventilation as appropriate). Thereafter, the licensee shall comply with any further recommendations of the Environmental Protection department to address issues that may arise during the duration of the licence.**
- 1.3 Alcohol or other drinks shall not be allowed to be consumed outside, nor shall glasses or drinks receptacles be taken outside after 2300 and signs shall be prominently displayed for information of patrons to that effect.**
- 1.4 The disposal of waste bottles into externally located receptacles shall not take place between the hours of 2100 and 0700 on any day.**

Reason: To prevent noise and disturbance 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.

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