

## Report of the City Solicitor to the meeting of the Keighley/Shipley Area Licensing Panel to be held on 13 June 2011.

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### Subject:

Application for a Review of a Premises Licence for The Old Sun Inn, 79 West Lane, Haworth, Keighley.

### Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol, provision of regulated entertainment and provision of late night refreshment.

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Suzan Hemingway  
City Solicitor

**Portfolio:**

**Corporate**

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**Overview & Scrutiny Area:**

**Corporate**



2006-2007  
Improving Rural Services  
Empowering Communities



inventio et veritas

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



## **1. SUMMARY**

The application is for the review of a Premises Licence authorising the sale of alcohol, provision of regulated entertainment and provision of late night refreshment.

## **2. BACKGROUND**

### **2.1 Premises Licence holder**

Greene King Retailing Ltd.

### **2.3 Designated Premises Supervisor**

Susan Duke

### **2.2 The Premises**

The Old Sun Inn, 79 West Lane, Haworth, Keighley.

A copy of the Licence is attached at Appendix 1.

## **3. Application Received asking for a Review of the Licence**

### **3.1 Interested Parties**

A Ward Councillor has submitted an application for review of the licence on the grounds of noise nuisance from unlicensed regulated entertainment taking place at the premises and noise, disturbance and anti-social behaviour from patrons using the outdoor areas and leaving the premises late at night.

A copy of the application for review is attached at Appendix 2.

## **4. Representations**

### **4.1 Responsible Authorities**

West Yorkshire Police have received complaints from local residents of incidents of disorder, anti-social behaviour and noise nuisance and disturbance from patrons leaving the premises late at night.

The representation is attached at Appendix 3.

### **4.2 Interested Parties**

Local Residents - Five letters, a petition and incident logs kept by local residents have been received. The documents detail incidents of disorder, anti-social behaviour, criminal damage and noise and disturbance by patrons going to and from the premises late at night.

Concern is also raised about bottles and broken glass littering the street.

The representations are attached at Appendix 4.

## **5. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION**

Not applicable.

## **6. OTHER CONSIDERATIONS**

### **Legal Appraisal**

6.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

6.2 The Council must also have regard to the Guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District. Paragraph 11.1 to 11.15 of the Guidance specifically details how applications for review of licences should be determined.

An extract of the Guidance is attached to this report at Appendix 5.

6.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

6.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

6.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

## **7. Statement of Policy Issues**

7.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of Crime & Disorder) and Part 6 (prevention of Public Nuisance).

7.2 The Annexes to the Policy sets out various types of model condition that could be considered.

## **8. OPTIONS**

8.1 Members may:

- (a) Refuse the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the Licence.

8.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

## **9. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

## **10. RISK MANAGEMENT**

There are no apparent risk management implications.

## **11. LEGAL APPRAISAL**

Referred to in part 6 of this report.

## **12. OTHER IMPLICATIONS**

### **12.1 EQUAL RIGHTS**

There are no apparent equal rights implications.

### **12.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

### **12.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent sustainability implications.

### **12.4 COMMUNITY SAFETY IMPLICATIONS**

When determining the application the Licensing Authority is required to pay due

regard to the licensing objectives referred to in 6.1 of this report.

## **12.5 HUMAN RIGHTS ACT**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

## **12.6 TRADE UNION**

Not applicable

## **12.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

## **13. NOT FOR PUBLICATION DOCUMENTS**

None.

## **14 RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

## **15. APPENDICES**

1. Premises Licence
2. Application for review received 26 April 2011.
3. Representation from West Yorkshire Police
4. Letters and petition of Representation and incident logs.
5. Extract from the Government Guidance.

## **13. BACKGROUND DOCUMENTS**

Application form, plan etc.

Licensing Act 2003  
Premises Licence

**BD/PRA0129**

Date Issued: 01/03/2011

## Part 1 - Premises Details

### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Old Sun Inn

79 West Lane, Haworth, Keighley, West Yorkshire, BD22 8EN.

Telephone 01535 642780

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable)      | Description  | Time From | Time To |
|--|--|-----------|---------|
| B. Exhibition of films (Indoors)       | Sunday to Thursday   | 9:00am    | 1:30am  |
|  | Friday and Saturday  | 9:00am    | 2:30am  |
|  | Christmas Eve  | 9:00am    | 2:30am  |
|  | New Years Eve  | 9:00am    | 2:30am  |
|  | Non Standard Timings:  | 9:00am    | 2:30am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |           |         |
|  | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |
| C. Indoor sporting event               | Sunday to Thursday   | 9:00am    | 1:30am  |
|  | Friday and Saturday  | 9:00am    | 2:30am  |
|  | Christmas Eve  | 9:00am    | 2:30am  |
|  | New Years Eve  | 9:00am    | 2:30am  |
|  | Non Standard Timings:  | 9:00am    | 2:30am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |           |         |
|  | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |
| E. Performance of live music (Indoors) | Sunday to Thursday   | 9:00am    | 11:00pm |
|  | Friday and Saturday  | 9:00am    | 11:30pm |
|  | Christmas Eve  | 9:00am    | 2:00am  |
|  | New Years Eve  | 9:00am    | 2:00am  |
|  | Non Standard Timings:  | 9:00am    | 2:00am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |           |         |
|  | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when                               |           |         |

Date First Granted: 12/07/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003

**Premises Licence**

**BD/PRA0129**

Date Issued: 01/03/2011

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable)   | Description  | Time From   | Time To  |
|---|--|---|----------|
| <b>E. Performance of live music (Indoors) continued ...</b>                     | British summertime commences.  |   |          |
| <b>F. Playing of recorded music (Indoors)</b>                                   | Sunday to Thursday   | 9:00am  | 11:00pm  |
|   | Friday and Saturday  | 9:00am  | Midnight |
|   | Christmas Eve  | 9:00am  | 2:00am   |
|   | New Years Eve  | 9:00am  | 2:00am   |
|   | Non Standard Timings:  | 9:00am  | 2:00am   |
|   | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |   |          |
|   | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |   |          |
| <b>I. Provision of facilities for making music (Indoors)</b>                    | Sunday to Thursday   | 9:00am  | 11:00pm  |
|   | Friday and Saturday  | 9:00am  | Midnight |
|   | Christmas Eve  | 9:00am  | 2:00am   |
|   | New Years Eve  | 9:00am  | 2:00am   |
|   | Non Standard Timings:  | 9:00am  | 2:00am   |
|   | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |   |          |
|   | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |   |          |
| <b>J. Provision of facilities for dancing (Indoors)</b>                         | Sunday to Thursday   | 9:00am  | 11:00pm  |
|   | Friday and Saturday  | 9:00am  | Midnight |
|   | Christmas Eve  | 9:00am  | 2:00am   |
|   | New Years Eve  | 9:00am  | 2:00am   |
|   | Non Standard Timings:  | 9:00am  | 2:00am   |
|   | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |   |          |
|   | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |   |          |
| <b>L. Late night refreshment (Indoors)</b>                                      | Sunday to Thursday   | 11:00pm   | 1:00am   |
|   | Friday and Saturday  | 11:00pm   | 2:00am   |
|   | Christmas Eve  | 11:00pm   | 2:00am   |
|   | New Years Eve  | 11:00pm   | 5:00am   |
|   | Non Standard Timings:  | 11:00pm   | 2:00am   |
|   | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.  |   |          |
|   | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |   |          |
| <b>M. The sale by retail of alcohol for consumption ON and OFF the premises</b> | Sunday to Thursday   | 9:00am  | 1:00am   |
|   | Friday and Saturday  | 9:00am  | 2:00am   |
|   | Christmas Eve  | 9:00am  | 2:30am   |
|   | New Years Eve  | 10:00 hours until the start of permitted hours the following day. |          |
|   | Seasonal Variations:   | 9:00am  | 2:30am   |
|   | Friday, Saturday, Sunday and Monday of statutory Bank Holiday weekends.  |   |          |
|   | Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when                               |   |          |

Date First Granted: 12/07/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

## Licensing Act 2003 Premises Licence

**BD/PRA0129**

Date Issued: 01/03/2011

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable)  | Description                   | Time From | Time To |
|--|-------------------------------|-----------|---------|
| M. The sale by retail of alcohol for consumption ON and OFF the premises continued ... | British summertime commences. |           |         |

### THE OPENING HOURS OF THE PREMISES

| Description   | Time From | Time To |
|---|-----------|---------|
| Sunday to Thursday  | 9:00am    | 1:30am  |
| Friday and Saturday   | 9:00am    | 2:30am  |
| Christmas Eve   | 9:00am    | 3:00am  |
| New Years Eve   |           |         |
| 10:00 hours until the start of permitted hours the following day.   |           |         |
| Seasonal Variations:  | 9:00am    | 3:00am  |
| Friday, Saturday, Sunday and Monday of statutory Bank Holiday weekends.   |           |         |
| Non Standard Timings:   |           |         |
| An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

## Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Greene King Retailing Ltd

Abbot House, Bury St Edmunds, Suffolk, IP33 1QT.  
Telephone 01284 763222

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Greene King Retailing Ltd

5265451

### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Susan DUKE

Kings Arms Hotel, 2 Church Street, Haworth, West Yorkshire, BD22 8DR.  
Telephone 01535 647302

### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BD/PER0046

Issued by Bradford

### ANNEXES

#### Annex 1 - Mandatory Conditions

- No supply of alcohol may be made under the premises licence;-
  - at a time when there is no designated premises supervisor in respect of the premises licence, or
  - at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.



Licensing Act 2003

**Premises Licence**

**BD/PRA0129**

Date Issued: 01/03/2011

ANNEXES continued ...

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that-

Licensing Act 2003

## Premises Licence

**BD/PRA0129**

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ANNEXES continued ...

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

8. The Licensee must ensure that any film which has received a Classification Certificate from the British Board of Film Classification is viewed only by persons as specified in the suitability category of this Certificate.
9. Films which have not received a Classification Certificate from the British Board of Film Classification must not be exhibited (subject to the proviso in Condition 5 below) unless, if taken as a whole, they are exempted works within Section 2 of the Video Recordings Act, 1984 or are:
  - (a) an event of local interest; or
  - (b) a programme lawfully recorded for public viewing from a television broadcast exhibited by the television broadcasting authorities;
  - (c) have been specifically approved by the Licensing Authority in writing.
10. Notwithstanding the conditions above, a film may be exhibited, or person, or any class of persons, may be admitted thereto if the permission in writing of the Licensing Authority is first obtained and any conditions of any such permission are complied with.
11. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.
12. All persons primarily engaged under or employed on the premises to vet, regulate and control persons entering the premises; or engaged, used or employed in the supervision of patrons once inside in order to ensure the maintenance of good order, public safety and internal security shall -
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or.
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

### Annex 2 - Conditions Consistent with Operating Schedule

All four Licensing Objectives:

None

#### The Prevention of Crime & Disorder:

13. The existing CCTV System installed at the premises shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.
14. Internal and external lighting shall be checked regularly and details of those checks shall be made available to the Licensing Authority or a Responsible Authority on request.

Licensing Act 2003

**Premises Licence**

**BD/PRA0129**

Date Issued: 01/03/2011

ANNEXES continued ...

**Public Safety:**

None

**The Prevention of Public Nuisance:**

15. The Designated Premises Supervisor or his appointed agent will monitor customers leaving the premises and where necessary remind them to leave in a quiet and orderly manner.
16. The Licensee shall ensure that staff monitor, on a regular basis, noise emanating from the premises from regulated entertainment to ensure that neighbouring residents are not disturbed.

**The Protection of Children from Harm:**

17. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

18. The consumption of alcohol in the external areas of the licensed premises shall not be allowed after 2200 hours.
19. No external doors or windows to the licensed premises (including fire doors) shall be propped open during the hours of 2200 and 0800 on any given day.
20. The licensee be required to arrange regular meetings with representatives of the local residents (including the review applicants) to discuss and agree steps to resolve areas of concern that may arise from time to time.
21. Prior to use of facilities for making live music, a noise limiting device be fitted in the premises in consultation with the Environmental Protection Department in order to ensure that no amplified sound be audible at the nearest noise sensitive premises.
22. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible at the nearest noise sensitive premises.
23. All outward opening external doors and windows to the licensed premises where regulated entertainment is being provided shall remain closed during the course of the entertainment other than for normal access and egress.
24. Prominent clear notices shall be displayed to the rear and front exits of the premises requesting customers and staff to respect the needs of local residents and leave the premises quietly.
25. No dancing or other regulated entertainment of an adult or sexual nature shall take place on the premises.

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Date First Granted: 12/07/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003

**Premises Licence**

**BD/PRA0129**

Date Issued: 01/03/2011

ANNEXES continued ...

INN - BDPRA0129

Licensing Act 2003

## Premises Licence Summary

**BD/PRA0129**

Date Issued: 01/03/2011

### Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Old Sun Inn

79 West Lane, Haworth, Keighley, West Yorkshire, BD22 8EN.

Telephone 01535 642780

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable)      | Description   | Time From | Time To |
|--|---|-----------|---------|
| B. Exhibition of films (Indoors)       | Sunday to Thursday  | 9:00am    | 1:30am  |
|  | Friday and Saturday   | 9:00am    | 2:30am  |
|  | Christmas Eve   | 9:00am    | 2:30am  |
|  | New Years Eve   | 9:00am    | 2:30am  |
|  | Non Standard Timings:   | 9:00am    | 2:30am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |
| C. Indoor sporting event               | Sunday to Thursday  | 9:00am    | 1:30am  |
|  | Friday and Saturday   | 9:00am    | 2:30am  |
|  | Christmas Eve   | 9:00am    | 2:30am  |
|  | New Years Eve   | 9:00am    | 2:30am  |
|  | Non Standard Timings:   | 9:00am    | 2:30am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |
| E. Performance of live music (Indoors) | Sunday to Thursday  | 9:00am    | 11:00pm |
|  | Friday and Saturday   | 9:00am    | 11:30pm |
|  | Christmas Eve   | 9:00am    | 2:00am  |
|  | New Years Eve   | 9:00am    | 2:00am  |
|  | Non Standard Timings:   | 9:00am    | 2:00am  |
|  | On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.   |           |         |

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**BD/PRA0129**

## Premises Licence Summary

Date Issued: 01/03/2011

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable)   | Description   | Time From   | Time To   |
|---|---|---|---|
| <b>E. Performance of live music (Indoors)</b>                                   | continued ...<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences.   |   |   |
| <b>F. Playing of recorded music (Indoors)</b>                                   | Sunday to Thursday<br>Friday and Saturday<br>Christmas Eve<br>New Years Eve<br>Non Standard Timings:<br>On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. | 9:00am<br>9:00am<br>9:00am<br>9:00am<br>9:00am      | 11:00pm<br>Midnight<br>2:00am<br>2:00am<br>2:00am |
| <b>I. Provision of facilities for making music (Indoors)</b>                    | Sunday to Thursday<br>Friday and Saturday<br>Christmas Eve<br>New Years Eve<br>Non Standard Timings:<br>On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. | 9:00am<br>9:00am<br>9:00am<br>9:00am<br>9:00am      | 11:00pm<br>Midnight<br>2:00am<br>2:00am<br>2:00am |
| <b>J. Provision of facilities for dancing (Indoors)</b>                         | Sunday to Thursday<br>Friday and Saturday<br>Christmas Eve<br>New Years Eve<br>Non Standard Timings:<br>On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. | 9:00am<br>9:00am<br>9:00am<br>9:00am<br>9:00am      | 11:00pm<br>Midnight<br>2:00am<br>2:00am<br>2:00am |
| <b>L. Late night refreshment (Indoors)</b>                                      | Sunday to Thursday<br>Friday and Saturday<br>Christmas Eve<br>New Years Eve<br>Non Standard Timings:<br>On Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. | 11:00pm<br>11:00pm<br>11:00pm<br>11:00pm<br>11:00pm | 1:00am<br>2:00am<br>2:00am<br>5:00am<br>2:00am    |
| <b>M. The sale by retail of alcohol for consumption ON and OFF the premises</b> | Sunday to Thursday<br>Friday and Saturday<br>Christmas Eve<br>New Years Eve<br>10:00 hours until the start of permitted hours the following day.  | 9:00am<br>9:00am<br>9:00am<br>9:00am                | 1:00am<br>2:00am<br>2:30am                        |

Date First Granted: 12/07/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003

**BD/PRA0129**

## Premises Licence Summary

Date Issued: 01/03/2011

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable)  | Description   | Time From | Time To |
|--|---|-----------|---------|
| M. The sale by retail of alcohol for consumption ON and OFF the premises continued ... | Seasonal Variations:<br>Friday, Saturday, Sunday and Monday of statutory Bank Holiday weekends.<br>Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. | 9:00am    | 2:30am  |

### THE OPENING HOURS OF THE PREMISES

| Description  | Time From | Time To |
|--|-----------|---------|
| Sunday to Thursday   | 9:00am    | 1:30am  |
| Friday and Saturday  | 9:00am    | 2:30am  |
| Christmas Eve  | 9:00am    | 3:00am  |
| New Years Eve  |           |         |
| 10:00 hours until the start of permitted hours the following day.  |           |         |
| Seasonal Variations:<br>Friday, Saturday, Sunday and Monday of statutory Bank Holiday weekends.  | 9:00am    | 3:00am  |
| Non Standard Timings:<br>An additional hour is permitted for all licensable activities authorised by the licence on the day when British summertime commences. |           |         |

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Greene King Retailing Ltd Abbot House, Bury St Edmunds, Suffolk, IP33 1QT.

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Greene King Retailing Ltd 5265451

### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Susan DUKE

### STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None







APP2

# City of Bradford Metropolitan District Council

www.bradford.gov.uk

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

## Application for a review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/we C.I.R. Doreen Lee

(insert name(s) of applicant) apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

The old Sun Hotel  
WEST LANE  
Haworth

Post town

KEIGHLEY

Post code (if known)

BD 22 -

Number of premises licence or club premises certificate (if known)

LICENSING UNIT

26 APR 2011

LEG/LIC/

please complete (A) or (B) below

please complete (A) or (B) below

please complete (A) or (B) below

please complete (A) or (B) below

please complete (C) below

please complete (A) below

### Part 2 – Applicant details

I am

Please tick ✓

1) An interested party:

- a) A person living in the vicinity of the premises
- b) A body representing persons living in the vicinity of the premises
- c) A person involved in business in the vicinity of the premises
- d) A body representing persons involved in business in the vicinity of the premises

|   |
|---|
|   |
| ✓ |
|   |
|   |
|   |
|   |

2) A responsible authority

3) A member of the club to which this application relates

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms

Other title (for example, Rev)  **C.I.R.**

Surname

First names

**LEE** **Doreen**

I am over 18 years old or over

Please tick

Current address

**4 Southlands RD  
Riddlesden**

Post Town

**KEIGHLEY**

Postcode

**BD20 5HA**

Daytime contact telephone number

**01535 667712**

Email address (optional)

**Doreen.lee@bractford.gov.uk**

**(B) DETAILS OF OTHER APPLICANT**

|                           |
|---------------------------|
| Name                      |
| Address                   |
| Telephone number (if any) |
| E-mail (optional)         |

**DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|                           |
|---------------------------|
| Name                      |
| Address                   |
| Telephone number (if any) |
| E-mail (optional)         |

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

|   |
|---|
| ✓ |
|   |
| ✓ |
|   |

Please state the ground(s) for review (please read guidance note 1)

1) ✓ Doreen Lee would request a review on behalf of the local residents - because of the following listed low music played after hrs.

2) ✓ Anti-social behavior by the clients

3) ✓ Noise keeping local residents awake until early hrs of morning.

4) ✓ public house is in a Senior Citizen complex & thus cause distress & harm to these residents.

5) ✓ Have had numerous reviews with residents & clle. & licensing but not adhered to any of the recommendations that were asked for.

We are asking just for the extension licence on Friday & Sat evening until 2pm to be removed. Back to 23:00 ✓  
After several attempts at speaking

Please provide as much information as possible to support the application (please read guidance note 2)

with the Duke family the local residents have just not got anywhere Mr Duke owns the [unclear] in the main St. At 11 pm he or his staff announce that all though they will be closing - the Sun up on the edge of the village will continue serving until 2 pm.

This leads to piles of young people and really the worse for drunk walking up through the village to the Senior Resident to the Sun. The noise is amounting to Anti Social behaviour & the police have been called on a number of occasions Residents are fed up with Rubbish & crisp-bottles, & people being sick on their doorsteps, as well as the very loud shouting & swearing -

this then over spills from the Sun pub to the Smoking area which is on the side of the Senior Complex. Then it taxes & cars until after 3 pm every weekend. The Residents are dreading another Summer. The local Vicar has had to move his children into the front of the vicarage because of the noise. The landlord &

The Dukes told us it was their best time & that they take £2000 each of the weekend nights. So they must tell you something about the volume of people it is turning into a night club. Residents are at the end of their tether & have asked me for Senie Champion to ask for their licence to be reviewed  
Sik D. J. J.

please Note I am on Holey 10

Please tick ✓

Have you made an application for review relating to this premises before?

NO

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
|     |       |      |

If you have made representations before relating to this premises please state what they were and when you made them  
OBSEXTION TO DROGAN LIVE MUSIC. 21/7/2009  
WEST LANE, HAWORTH.

me the following people would like to make representations

West Lane Haworth

West Lane, Haworth

CHAIR OF HAWORTH, CROSS ROADS & STANDBURY COUNCIL

Bramble Close Haworth

West Lane Haworth

WEST LANE HAWORTH BD

NORTH ST. HAWORTH

BD22

WEST LANE HAWORTH

West Lane Haworth

BD22

WEST LANE HAWORTH

BD22

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            |

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date ..... 21. 4. 2001

Capacity ..... Councillor

|  |                  |
|--|------------------|
| <b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)</b> |                  |
|  |                  |
| <b>Post town</b>   | <b>Post code</b> |
| <b>Telephone number (if any)</b>   |                  |
| <b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>  |                  |

**Notes for guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment)) or from Bradford Metropolitan District Council (<http://www.bradford.gov.uk/council/licensing>), your local licensing authority.

APP 3

Melanie McGurk

---

**From:** Licensing Team  
**Sent:** 25 May 2011 12:17  
**To:** Melanie McGurk  
**Subject:** FW: Statement to be included in Review Documents : NOT PROTECTIVELY MARKED

**Attachments:** Sk114311052317370.pdf



Sk11431105231737  
0.pdf (278 KB)...

Melanie McGurk

Senior Licensing Officer

Environmental & Regulatory Services

City of Bradford Metropolitan District Council, 6th Floor (North), Jacobs Well,  
Bradford, BD1 5RW

Telephone: 01274 431873

Fax: 01274 432109

Web: [www.bradford.gov.uk](http://www.bradford.gov.uk)

This E-mail may contain information that is privileged, confidential or otherwise protected from disclosure. It must not be used by, or its contents copied or disclosed to persons other than the intended recipient. Any liability (in negligence or otherwise) arising from any third party acting, or refraining from acting, on any information contained in this E-mail is excluded. If you are not the intended recipient, please notify the sender and delete the message from your system immediately.

P Please consider the environment before printing this email.

-----Original Message-----

From: susanne.dawson@westyorkshire.pnn.police.uk  
[mailto:susanne.dawson@westyorkshire.pnn.police.uk]  
Sent: 24 May 2011 10:37  
To: Licensing Team  
Subject: Statement to be included in Review Documents : NOT PROTECTIVELY MARKED

Morning everyone

Hope that you are moving ok or have moved and settled into your new office.

Below is the statement from the NPT Insp for review requested by Cllr Lee, the police are to be requested as witness for Cllr lee.

Hope that this is satisfactory and do you need the original as I can get it but will take a few days to get to me?

Regards



Su

Su Dawson  
Pc 5413  
Licensing Officer  
Bradford South  
01274 376695  
07736 084845  
Ext 7295  
susanne.dawson@westyorkshire.pnn.police.uk  
bradford.licensing@westyorkshire.pnn.police.uk

----- Forwarded by Susanne Dawson/960468/POLICE/WYP on 24/05/2011 10:18  
-----

Andrew  
Croasdale/961510/POLI  
CE/WYP

23/05/2011 17:56

Susanne  
Dawson/960468/POLICE/WYP@WYP

To

cc

doreen.lee@bradford.gov.uk

Subject

Fw: Message from k1143 : NOT  
PROTECTIVELY MARKED

Su,

signed copy of statement attached as discussed. Do you need the original ?

Cllr Lee - copy for your information.

Regards,

Andy.

-----  
Andrew Croasdale  
Inspector

Bingley & Worth Neighbourhood Policing Team Bingley Police Station

01274 475327 / 331  
07921 882483  
Ext 26127  
-----

----- Forwarded by Andrew Croasdale/961510/POLICE/WYP on 23/05/2011 17:50  
-----

k1143

23/05/2011 18:38

AC360

To

cc

Please respond to  
K1143

Subject

Message from k1143

(See attached file: Sk114311052317370.pdf)

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REPORT MINOR CRIME ONLINE: Report a West Yorkshire crime online, request a callback or report lost property, all via our website <http://www.westyorkshire.police.uk/>

This email carries a disclaimer, a copy of which may be read at <http://www.westyorkshire.police.uk/emailDisclaimer.asp>



**WITNESS STATEMENT**(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B;  
Criminal Procedure Rules 2005, Rule 27.1)

|   |                          |             |                      |
|---|--------------------------|-------------|----------------------|
| NICHE Ref. No:  | <input type="text"/>     | URN:        | <input type="text"/> |
| Statement of:   | Andrew Croasdale         |             |                      |
| Date of birth:  | Over 18                  | Occupation: | Police Inspector     |
| This statement (consisting of: <u>5</u> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true. |                          |             |                      |
| Signature:  | Date: <u>23 May 2011</u> |             |                      |

Check  box if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and am the Neighbourhood Police Inspector for the Bingley and Worth Valley area. My responsibilities include leading and managing police resources in the area, to reduce crime and anti social behaviour. One of our objectives is to deal with the specific needs and concerns of our neighbourhood communities. This information is gleaned from the public via telephone, e-mail, in person to officers on patrol and at the monthly public meetings we hold in every council ward. We work closely with other organisations such as Bradford Council, Parish Councils, Incommunities, Park Rangers and Cleansing in an effort to provide a comprehensive service that improves the quality of life for our communities.

I can provide the following information to assist the panel, both from my own experiences and with reference to police records.

In June 2010 at the Haworth Neighbourhood Forum the issue of noise and drunken disorderly behaviour emanating from The Old Sun Inn, 79 West Lane, Haworth, was first brought to my attention. I subsequently passed the information to the police licensing officer at that time, Mr Shaun Berry. Mr Berry held a meeting the following month with Susan and Michael Duke and their managers Carol and Peter. At this time they received a formal warning regarding the disorder and assaults and were advised that they must cease. They were asked to consider using SIA doorstaff on weekends to reduce problems.

In July 2010 the Haworth Pubwatch scheme was launched and Michael Duke agreed to be the chair person.

In November 2010 it was reported that at 1am music from the pub was loud enough to wake you. This was apparently corroborated by Cllr Doreen Lee who witnessed it for herself. Statements were taken from two witnesses affected by this, and these were sent to Mr Berry.

Following receipt of these statements a meeting took place at The Sun pub on Thursday 16<sup>th</sup> December 2010. Present were Mr Berry, myself, Kevin Duke, Michael Duke, Susan Duke (DPS) and Bar manager Carol Rutter.

Below is a copy of the e-mail sent to Kevin Duke which contains a summary of the meeting and the Action Plan given:-

Signature: 

Signature witnessed by:

|                |      |
|----------------|------|
| NICHE Ref. No: | URN: |
|----------------|------|

Continuation Statement of Andrew Croasdale

*In June this year I held a meeting with Susan, Michael and Carol, where issues of disorder and assaults at or in and around The Sun were discussed and agreement was reached that whilst staff would increase the level of their patrols, they would consider getting in SIA approved door staff on Friday and Saturday nights. Agreement was also reached that they would address issues of noise, from music and customers, at the regular meetings they held with residents.*

*A formal warning was given, and it has to be said there has been a marked decrease in incidents of disorder and violence.*

*Recently I have gathered evidence from several sources which suggests there is still an issue with noise affecting the lives of nearby residents. This is from music which can be heard easily from nearby residential premises every time the door is opened AND from the antics and generally raucous behaviour and language from customers going to, leaving, or smoking outside the Pub. The issue of SIA doorstaff was never progressed by the managers of The Sun.*

*I made it clear that they, as managers of the premises, had a duty to eliminate these problems.*

#### Agreed actions

- That from weekend commencing Friday 7.1.11, and every Friday and Saturday night after that, there will be 2 SIA approved doorstaff working at The Old Sun from 10pm at the latest, and until the last customer has left the premises.*

*The presence of such trained staff has been shown to reduce bad behaviour in and around licensed premises.*

- That there will be no music of any type played in the Pub after midnight every night.*

*This will eliminate the disturbance caused to nearby residents.*

*These actions were agreed and will be reviewed in 4 months.*

Inspector Croasdale - FYI.

Mr Duke - Kevin, could you confirm agreement please.

Kind regards

Shaun Berry  
Bradford District Licensing Officer

Signature:

Signature Witnessed by:

|                |  |      |  |
|----------------|--|------|--|
| NICHE Ref. No: |  | URN: |  |
|----------------|--|------|--|

Continuation Statement of Andrew Croasdale

On the 22<sup>nd</sup> December 2010 Mr Barrie Robinson, Business Development manager for Greene King Pubs in Yorkshire contacted the police wishing to discuss the Action Plan. Mr Berry's position as licensing officer was no longer in existence by this time and so I undertook to contact Mr Robinson in the new year.

Information was later received that at 2am on Christmas morning a local resident had to ask the pub to turn their music down because it was so loud.

On Thursday 13<sup>th</sup> January 2011 at Bingley police station, I met with Kevin Duke and Barrie Robinson at their request to discuss the Action Plan agreed on 16th December 2010. Also present was Sgt Chris Watson (Worth valley ward Sgt) and Scott Hardy (Bradford Council licensing).

Below is a copy of the e-mail summary of this meeting and the resultant Action Plan that I agreed to vary in their favour. This was sent via email to Kevin Duke:-

---

***The main thrust from Kevin and Barrie was that if they complied with the Action Plan by stopping music from midnight and employing two SIA doorstaff, the business would not be financially viable. Additionally they explained that Greene Kings new business strategy for The Old Sun from 17th March 2011 was to reposition themselves as a family pub serving food, and at that point in time they would apply to vary their licensing hours back to midnight, Monday - Sunday. This would also hopefully alleviate the late night noise issues.***

***There were numerous suggested amendments to the Action Plan from Kevin and Barrie most of which I felt would be regressive in tackling the noise nuisance. I did however agree to two amendments to the AP dated 16th December which I feel are unlikely to be detrimental to the original objectives of reducing noise nuisance from the music, and customers arriving and leaving late at night.***

***The new Action Plan as agreed by all parties, is as follows with immediate effect:-***

- 1. Every Friday and Saturday night there will be one SIA approved doorstaff working at The Old Sun from 10.30pm at the latest until the last customer has left the premises.***
- 2. No music to be played in the pub, in any shape or form after midnight, Monday to Sunday.***

***Kevin and Barrie confirmed it was their intention to apply for the licensing hours to be stepped back to midnight in March 2011. I made clear this Action Plan would remain in force until their licensing hours were stepped back as intended and as such I would not apply for a review at this stage.***

***Situation to be reviewed in 3 months time.***

***Mr Duke - could you confirm agreement please.***

***Kind regards,***

***Andrew Croasdale  
Inspector***

Signature:

Signature Witnessed by:

|                |  |      |  |
|----------------|--|------|--|
| NICHE Ref. No: |  | URN: |  |
|----------------|--|------|--|

Continuation Statement of Andrew Croasdale

I understand that on the 11th February 2011, a minor variation application was received at Bradford Council Licensing from The Sun pub, but this only concerned their catering facilities. No application was made, as expected, to reduce licensed hours back before midnight.

On Friday and Saturday 12/13<sup>th</sup> February 2011 the police witnessed the premises playing musical DVD's after midnight. Following this I wrote to Mr Robinson on the 15<sup>th</sup> February 2011 highlighting that point 2 of the Action Plan clearly stated that there was to be no music in 'any shape or form' after midnight Monday to Sunday. I expressed some disappointment that having given ground on the Action Plan in a genuine effort to be fair and work with the brewery, they appeared to have attempted to subvert our efforts to reduce noise after midnight. I also sought reassurance from him that an application to reduce their licensed hours as promised at our earlier meeting was imminent.

Mr Robinson replied to me two days later to the effect that they had simply replaced their music with the playing of films which was within their Premises Licence and that they had not tried to subvert the Action Plan. He reassured me that they were on track to reposition the business in one months time as detailed at the meeting on 13<sup>th</sup> January. I understand he also confirmed to Scott Hardy from Bradford Licensing on the 14<sup>th</sup> February, his intention to reduce their hours back to midnight from mid March 2011.

On the 11<sup>th</sup> March 2011, Mr Robinson wrote to me seeking a further meeting to discuss progress and the minor variation. Due to availability a meeting couldn't be arranged until 28<sup>th</sup> March 2011.

On the 24<sup>th</sup> March 2011 Mr Robinson wrote to me cancelling the meeting. Further attempts by us both to meet over the next few weeks failed to materialise.

Very shortly after this I received information that new management had been installed into the pub and flyers had been sent around Haworth launching the 'New' Old Sun pub with it's late license on Fridays and Saturdays. I do not know on exactly what date this new management took over. I was told that thousands of pounds were made each night between midnight and 2am and that the premises had no intention of giving up these highly profitable hours.

At 2.50am on the Sunday 3<sup>rd</sup> April the police received an emergency call to the effect that two men were extremely intoxicated near to the Sun pub and were heading away from it. The caller described that they had been there twenty minutes and their behaviour had awoken everyone at their premises. They were shouting, swearing and throwing stones at each other all over the road, followed by them urinating outside a house.

Several days after this I learnt that Cllr Lee was applying for a review hearing for the premises.

### Summary

Since last summer I believe the number of crime and disorder incidents have reduced. An Action Plan has been introduced at the beginning of this year and has been adhered to. I believe this has controlled the more serious incidents such as fighting and assaults, indeed much progress has been achieved and in my opinion the premises managers have probably done about as much as they can. However the incidences of noise and nuisance naturally to be expected from people arriving and leaving licensed premises whilst in drink or drunk, appear to be continuing up to the present time. Information received by my team from a number of people, most of whom are reluctant to be identified, detail a picture of being

Signature:

Signature Witnessed by:

|                |  |      |  |
|----------------|--|------|--|
| NICHE Ref. No: |  | URN: |  |
|----------------|--|------|--|

Continuation Statement of **Andrew Croasdale**

awoken several times in the early hours by revellers, pools of vomit leading away from the pub, shouting and swearing, urinating, doorbells being unnecessarily rung, gardens damaged by traffic cones that had been taken from near to the pub. One person has said that it has got noticeably worse since the new management took over. Considering all the actions that the premises have undertaken, it is my opinion that the only way of protecting the local residents, and preventing this unacceptable infringement of their right to a peaceful life, particularly given they include sheltered housing tenants, is to reduce the licensed hours back before midnight.

I would respectfully ask the panel to consider adding parts 1 and 2 of the Action Plan set on 13<sup>th</sup> January into the Premises Licence if their conclusions were that the sale of alcohol from The Old Sun Inn beyond midnight should be allowed to continue in any form.



**Andrew Croasdale**  
Inspector

Bingley & Worth Neighbourhood Police Team.

Signature:

Signature Witnessed by:







, West lane HAWORTH Keighley BD22

Department of Legal & Democratic Services,  
Licensing Team,  
Room 402, City Hall,  
Bradford BD1 1HY

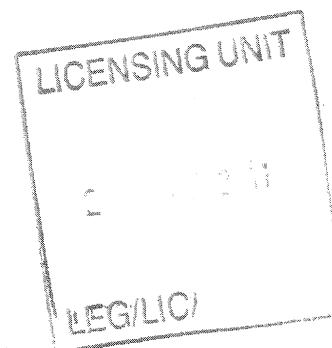
15 may 2011

Dear Sirs,  
The Old Sun Hotel Haworth

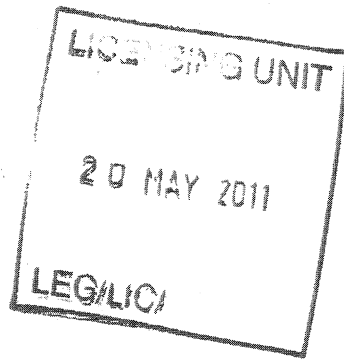
I would like the Licensing Committee to re-consider the granting of the late licence at this public house, it is totally inappropriate in this area of Haworth next to a large sheltered housing complex and opposite another. Haworth has a large number of retired people residing, it is time their requirements were considered, a 2am licence causes disturbance to the whole village both as people go to The Old Sun from the other pubs and when they leave.

A closing time of 11pm across the whole village is more appropriate. Bradford Council often "show case" Haworth as a pleasant desirable village, let's try and get it back to that.

Yours faithfully



West Lane  
Haworth  
Keighley  
BD22



18<sup>TH</sup> May 2011

Dear Sir/Madam

**Review of Premises Licence**  
**The Old Sun Inn - 79 West Lane, Haworth**

When this premise applied for extension of its licence to allow drinking and music until the early hours of the morning we wrote to you commenting that such a licence was highly inappropriate. We attach a copy and the views we expressed and these remain valid today.

Our concerns of nuisance and antisocial behaviour through loud music and customers leaving the premises have been realised causing considerable distress and nuisance to a number of local residents, and especially to those whose bedrooms face the pub or the main routes taken by the customers on leaving the premise.

These concerns have been aired at the residents meetings with the owners and whilst the issue of noise from music seems to have improved of late the meetings continually hear complaints of nuisance and antisocial behaviour in the early hours from customers leaving the premises and heading home or elsewhere. It is of considerable concern that one resident who has been most affected now no longer feels able to attend the residents meetings following an incident of vandalism..

It is well known throughout the village that when all other pubs in the village cease serving then those needing to keep drinking head to the Sun for a further couple of hours.

It is our view that the present licence which allows drinking to 2am is highly inappropriate for a village location and more suited to a non-residential town centre area. We would therefore ask that the licence be amended to prevent drinking after midnight. At the last residents meeting the Green King representative did say they would not oppose such an amendment and we trust that remains the case.

Yours faithfully

Mr & Mrs

West Lane  
Haworth  
Keighley  
BD22

5<sup>TH</sup> June 2009

Dear Sir/Madam

**Licencing application –Old Sun Hotel Haworth**

We have become aware that the owners of this pub are applying for a licence to operate with varying forms of entertainment from 9am until 1.30 am the following morning from Sunday to Thursday and 9am until 2.30am on Friday and Saturday.

As residents we feel this is highly inappropriate as it will without doubt lead to an increase in anti social behaviour, crime and disorder together with unacceptable levels of nuisance and fears for public safety of residents.

In short

1. The area is residential with the majority of premises surrounding the pub being Social Housing primarily occupied by the elderly. The pub is not a flat place and West Lane provides one of the few level areas needed to the needs of the elderly and disabled – hence the reason for such a concentration of housing to meet their needs.
2. The playing of loud music and other forms of entertainment in premises surrounded by houses occupied by the elderly at the times applied for is inappropriate and contrary to the interests, health and wellbeing of the residents.
3. Disturbance is caused not only by music etc but by noisy customers when leaving and the taxis that arrive to take them away who block the road on what is a dangerous and blind bend. To extend the hours will attract additional problems through increased numbers and into the early hours of the morning.
4. The fear of crime is a major issue for the elderly with screaming youths and broken glass in the area. Extension of hours will only serve to upset and disturb these vulnerable residents to a totally unacceptable level.

You will have better access to information than us but the UpMyStreet profile of the post code shows the following.

"This type of postcode contains the highest proportion of households with residents over the age of 65. 50% of households in this type are pensioners. Many are living alone."

We recognise the pub industry is having a rough time at the moment and owners have to do what they can to keep going but to allow almost "nightclub" provisions at the centre of such an area is unacceptable. It is extreme and detrimental to the health and wellbeing primarily of its elderly neighbours.

Yours faithfully

Dept of Legal and Democratic Services  
Licensing team,  
Room 402,  
City Hall  
Bradford BD1 1HY

West Lane  
Haworth  
BD22 8EN  
May 17<sup>th</sup> 2011

Dear Sir or Madam,

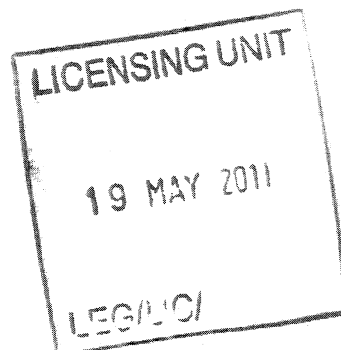
I am writing in response to the proposed change of licensing hours of the Old Sun Hotel, West Lane, Haworth.

Having lived opposite the premises since 2001, we have continued to struggle with the noise from the customers entering and exiting the premises at night.

At one time the amount of broken glass on the street, along with bottles/glasses left in the street and in the church graveyard was atrocious, but this has lessened greatly, and is now minimal. I wish to stress that I believe that the owners, Mr and Mrs Duke have done all things in their power to manage the tricky situation that running a busy pub in a quiet residential area entails.

However, the one thing that is out of the owners' control, is the behaviour of the customers before and after a trip to the Old Sun, and this is not changing. It is simply too loud and too late. I believe that bringing the pub's closing time back to the traditional 11pm would alleviate much of the problem, and would be greatly appreciated by myself and my family, and perhaps by number of other local residents too.

Yours truly,



Mr

North Street  
Haworth

To whom it may concern.

I attended a monitoring meeting at the Old Sun Hotel, West Lane, Haworth. On Tuesday 1st February, one of the persons present was councilor Doreen Lee she said "I think that anyone trying to run a business in the current environment deserves a medal"

I agree with her, as long as everyone in the vicinity of the Old Sun Hotel can sleep without being woken up by loud music, screaming, shouting people who are obviously the worse for drink.

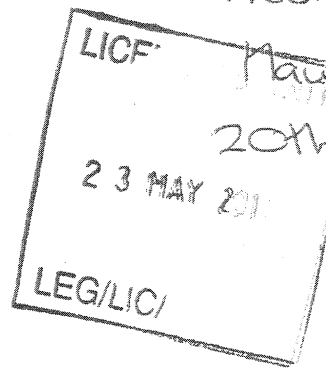
The manager said at this meeting that things had got better, the loud music stopped at 12 midnight, this had the effect of attracting older more responsible customers. Indeed things did quieten down for a while until Saturday 12<sup>th</sup> March when a group of obviously drunk girls walked down North Street and into the Changegate car park at 1.30a.m. At 1.45a.m their taxi's arrived. My mother who is 95 years old and other people in the North Street area were woken up by the noise and had another disturbed nights sleep.

This problem did not exist for us until the Old Sun Hotel was granted an extended license.

19.03.11

LICENSING UNIT  
23 MAY 2011  
LEG/LIC

West Lane



Mansworth

20th March 2011

23 MAY 2011

LEG/LIC/

To Whom it may concern,

I have lived on West Lane inbetween  
The Kings & The Sun pub since March 2009. Every weekend  
between the hours of 10.00pm - 1am there is a considerable  
amount of noise made by passers by screaming, shouting,  
singing, swearing, people walking over residents cars &  
vandalising peoples property.

There seems to be no regard for the fact  
that it is a residential area. It would be nice for the  
owners & management of these premises to take more  
responsibility in making their customers aware that it is  
a residential area & such noise just shouldn't happen.

It would be nice to have a weekend  
where neither my son or myself were awoken by  
passers by as they go from pub to pub.



19-03-11

We the undersigned wish to draw to the attention of the licensing authorities our concerns regarding anti-social behaviour including the following:

- Foul language
- Drunken brawling
- Excessive noise, particularly at weekends, leading to loss of sleep
- Worries relating to damage to cars and other property

We live in the North St / West Lane area of Haworth and believe that any extension of licensing hours beyond 11.30pm for public houses in the vicinity results in a significant and unwarranted decline in our quality of life.

*[Faint handwritten notes on the left side of the page, including names and addresses.]*

NORTH ST, HAWORTH.

NORTH ST.  
HAWORTH

NORTH ST  
HAWORTH

NORTH ST

CHANGE GATE

CHANGE GATE

Changegate.

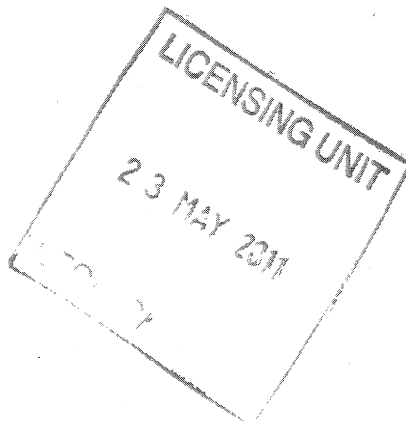
Bronk Street BD22 8XX

NORTH ST. BD22 8XX

North St BD22 8.

West St. Haworth

North St  
Haworth



**THE  
NEW!  
SUN  
HOTEL**  
(Haworth)



[www.oldsunhaworth.com](http://www.oldsunhaworth.com)

NEW look, NEW management, NEW chef, NEW menu, NEW prices.

Kevin, Susan, Michael and Laura invite you to the:

**'Re-launch Party'**

26th March 2011

8.30p.m - Late !

**LIVE** music from:

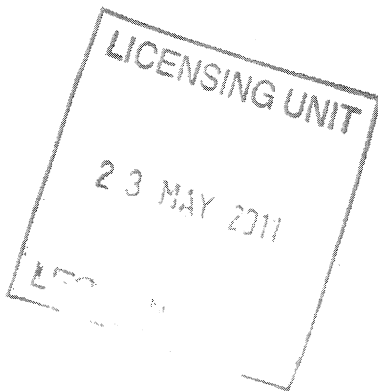
**'The Taking'**

with lead singer: John Driver.

**Party Night with FREE Buffet**

Re-furbished and Re-branded as  
Haworth's Premier 'Value For Money Pub',  
with Bitter and Lager from just £2.39 pint.

Out with the 'OLD' SUN ... and 'INN' with the NEW !



LIVE MUSIC

CHEAP BEER

8.30 TILL LATE ?

FRIDAY JAN 7<sup>TH</sup>

COULDN'T GET TO SLEEP  
FOR NOISE FROM OUTSIDE  
PUB.

8<sup>TH</sup> JAN  
SAT NOISE FROM PEOPLE  
WALKING ON FROM VILLAGE.

FRID 14<sup>TH</sup> JAN  
USUAL NOISES FROM

PUB LATE  
SAT 15<sup>TH</sup> JAN  
SHOUTING ON SIDE PUB  
- SOMEONE ROWING

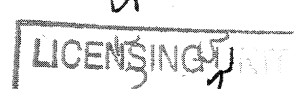
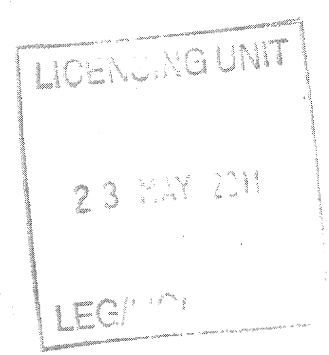
FRID 21<sup>ST</sup> JAN  
SINGING AND NOISE  
OUTSIDE PUB.

SAT 29<sup>TH</sup> JAN  
TAYLOR'S HORNS + ROWDY

SAT 14<sup>TH</sup> MAR.

11.45pm / 2adbertaxis at once.  
Rowdy shouting. People  
12.30am very noisy. can't  
sleep - 1.15am. when will it  
stop?

...



FRID 28<sup>th</sup> JAN  
NOISY NIGHT TIL LATE

SAT 29<sup>th</sup> JAN  
REAL SHOUTING MATCH  
OUTSIDE PUB OVER TAXIS

FRID 4<sup>th</sup> FEB  
QUIET.

SAT 5<sup>th</sup> FEB  
VERY NOISY ON ROOF  
BETWEEN 11 PM + 2.30 AM

FRID 11<sup>th</sup> FEB  
NOISE AND MUSIC FROM  
PUB FROM 11.30 ISH TO  
LATE.

*(Faint, illegible handwritten scribble)*



## NOISE FROM SUN PUB

FRI 14<sup>TH</sup> JAN.

12.15 AM

NOISE FROM SMOKING AREA, ALSO FROM PEOPLE COMING FROM OTHER PUBS.

SAT 15<sup>TH</sup>

12.20 AM

LOTS OF NOISE FROM PEOPLE HAVING A ARGUEMENT OUT SIDE FLATS.

1.50 AM

ARGUEMENTS GOING ON OVER TAXIS.

FRI 21<sup>ST</sup>

12.13 AM

SINGING AND SHOUTING OUTSIDE PUB.

SAT 22<sup>ND</sup>

1.05

SHOUTING FROM OUTSIDE PUB.

1.20

PEOPLE ARGUEING OVER TAXIS.

FRI 28<sup>TH</sup>

12.15

PEOPLE SHOUTING INSIDE SMOKING AREA.

12.55

STILL LOTS OF NOISE FROM SMOKING AREA.

SAT 29<sup>TH</sup>

11.40

PEOPLE ARGUEING AND SHOUTING OUTSIDE PUB WHILE WAITING FOR TRANSPORT.

12.20

LOTS MORE NOISE FROM OUTSIDE PUB.

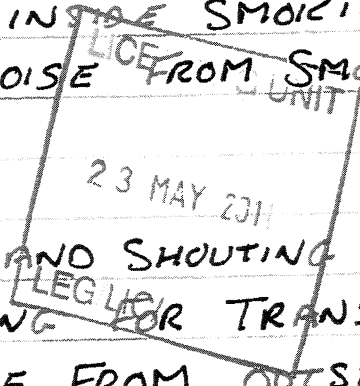
FRI 4<sup>TH</sup> FEB.

QUITE, MAYBE DOWN TO BAD WEATHER.

SAT 5<sup>TH</sup>

12.27 AM

LOTS OF NOISE AND SHOUTING IN SMOKING AREA. THIS CONTINUES TO ABOUT 1.15 AM.



FRI 11<sup>TH</sup>

12-15 AM

LOTS OF SHOUTING AND SINGING FROM  
PEOPLE COMING UP FROM ~~THE~~ MAIN ST.  
LOUD MUSIC COMING FROM INSIDE PUB.

SAT 12<sup>TH</sup>

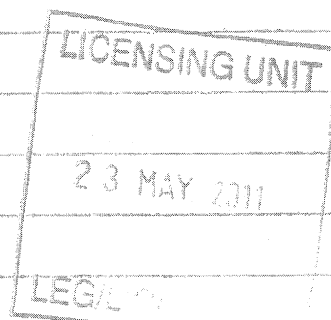
NO NOISE. ?

FRI 18<sup>TH</sup>

AND SAT 19<sup>TH</sup>

AWAY FOR WEEKEND

FLAT







WEDNESDAY 13<sup>TH</sup> MARCH 2011

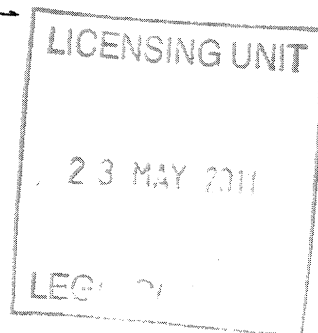
TIME 12.05 AM (APPROX)

NOISE FROM A GROUP OF YOUNG MEN SWEARING, ON  
A THE GROUP IS MESSING ABOUT NEAR MY CAR  
SEEMS TO BE TAMPERING WITH THE TYRES. HE SE  
ME AT THE WINDOW, RUNS ACROSS THE ROAD A  
REJOINS HIS FRIENDS OUTSIDE THE OLD SUN. THE G  
ARE IN A LOUD ARGUMENT WITH A WOMEN SHOUTING  
AT HER F... OFF. THEY THEN LEAVE DOWN WEST

TIME 12.15 AM ) APPROX

IN THE MORNING FIND THREE OF MY CAR TYRE  
HAVE BEEN SLASHED.

*[Handwritten signature]*





PLEASE PROVIDE YOUR DETAILS

Name: [unclear]  
 Address: WEST LANE  
 HAWORTH.

Tel: 01535 [unclear]

Worth Valley N.P.T.  
 Bingley Police Station, Bradford Road,  
 Bingley, BD16 1AH

Telephone 01274 475331 / 01535 644 001

Worth Valley Officers

Sergeant Wheeler.  
 PC Irving, PC Gallimore.  
 PCSO Wynn-Evans.  
 PCSO Williams.

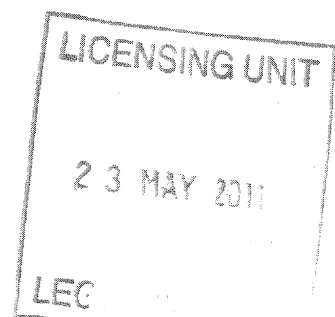
Times Approx

| Date/time       | Location          | Behaviour  | Names or descriptions |
|-----------------|-------------------|--|-----------------------|
| 25/2/011        | BOOKED INTO HOTEL | APPROX NORTH PARKS   |                       |
| 26/2/011        |                   |  |                       |
| 4/3/011         | OLD SUN HOTEL     | NOISY AND ROWDY BEHAVIOUR FROM PEOPLE WALKING FROM TO' OF HAWORTH TO OLD SUN |                       |
| 11-110pm approx |                   | NOISE FROM TAXI DROPPING OFF AT OLD SUN                                      |                       |
| 12:05           | OLD SUN HOTEL     | WOKEN UP PEOPLE IN SMOKING AREA SHOUTING TAKE A SLEEPING TABLET              |                       |
| 5/3/011         | OLD SUN HOTEL     | SHOUTING COMING FROM SMOKING AREA.   |                       |
| 11-50pm -       |                   |  |                       |
| 12:05           | "                 | VERY NOISY CAN'T SLEEP   |                       |
| 12-05           | "                 | WOKEN UP / MORE NOISE TAKE SLEEPING PIL                                      |                       |
|                 |                   |  |                       |
| 11/3/11         | OLD SUN           |  |                       |
| 12-25 am        |                   | PEOPLE (GALS) SHOUTING SMOKING AREA  |                       |
| 1-05 am         |                   | MORE NOISE FROM OUTSIDE OLD SUN  |                       |
| 12/3/11         |                   |  |                       |
| 12-22 am        |                   | NOISE FROM PEOPLE WALKING FROM HAWORTH TOP ON WEST LANE GOING TO OLD SUN     |                       |
| 12-45           |                   | TAXIS RUKING UP AT OLD SUN   |                       |
| ???             |                   | MORE TAXIS TAKING UP AT OLD SUN  |                       |
| 18/3/11         | OLD SUN           |  |                       |
| 11-40 pm        |                   | NOISE FROM SMOKING AREA  |                       |
| 12-05 am        |                   | 6 OR 7 YOUNG MEN SHOOTING VETS / DRUNK THROWING STONES / RAINED OLD SUN      |                       |
| 17/2/11         |                   | GONE UP TO THE STALES FOR SOME PEACE   |                       |

ENCLOSING UNIT  
 MAY 2011

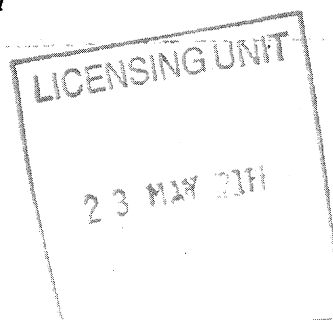
| DAY · DATE                           | APPROX               | REASON FOR NOISE   |
|--------------------------------------|----------------------|--|
| Tuesday 14 <sup>th</sup><br>January  | 12:10                | GENERAL NOISE FROM LOUD VOICES FROM SMOKING AREA AND FROM PEOPLE WALKING ON WEST LANE TO THE SUN PUB FROM THE TOP OF HAWORTH |
| Thursday 15 <sup>th</sup><br>January | 12:20<br>1:50        | TWO WOMEN AND A MALE HAVING A ROW (RE SHOUTING MATCH) OUTSIDE OUR FLAT. THEN INTO SUN PUB.<br>PEOPLE ARGUING OVER TAXIS.     |
| Friday 21 <sup>st</sup><br>January   | 12:15                | SINGING OUTSIDE PUB  |
| Saturday 22 <sup>nd</sup><br>January | 1:05<br>1:14<br>1:23 | SHOUTING OUTSIDE PUB<br>SHOUTING STILL GOING ON PHONED SUN PUB<br>MORE NOISE THIS TIME OVER TAXIS                            |
| Friday 28 <sup>th</sup><br>January   | 12:18<br>12:45       | PEOPLE SHOUTING OUTSIDE PUB (SMOKING AREA) PHONED PUB.<br>MORE NOISE FROM SMOKING AREA.                                      |
| Saturday 29 <sup>th</sup><br>January | 11:45<br>12:20       | PEOPLE ARGUING OUTSIDE PUB PUB, 3 TAXIS & 2 CARS + 1 MiniBus AND TAKE THEM AWAY APPROX 8 TO 10 PEOPLE<br>MORE NOISE FROM PUB |

2 P. 10. 11.



| DAY-DATE                              | TIME APPROX   | REASON FOR NOISE  |
|---------------------------------------|---|---|
| DAY 4 <sup>TH</sup><br>FEBRUARY       |   | NO NOISE PROBABLY DUE TO GALE FORCE WINDS AND TORRENTIAL RAIN.  |
| THURSDAY 5 <sup>TH</sup><br>FEBRUARY  | (Sun)<br>12:30<br>12:55<br>12:59<br>1:08                    | PEOPLE SHOUTING OUTSIDE OLD SUN IN SMOKING AREA.<br>MORE SHOUTING OUTSIDE OLD SUN.<br>CAN'T GET TO SLEEP FOR NOISE<br>PEOPLE <u>STILL</u> SHOUTING IN SMOKING AREA.   |
| FRIDAY 11 <sup>TH</sup><br>FEBRUARY   | (SAT)<br>12:10<br>12:37<br>12:53<br>12:57<br>1:07<br>1:30   | LOUD AND ROWDY BEHAVIOUR FROM PEOPLE COMING FROM TOP OF HAWORTH. TO OLD SUN<br>SHOUTING AND SINGING COMING FROM OLD SUN &<br>LOCAL P.C. ENTERS PUB (NOISE PROPS).   |
| THURSDAY 12 <sup>TH</sup><br>FEBRUARY |   | QUITE?  |
| FRIDAY 18 <sup>TH</sup><br>FEBRUARY   |   | REASONABLY QUITE.?  |
| SATURDAY 19 <sup>TH</sup><br>FEBRUARY | 11:45<br>12:00<br>12:10<br>12:20<br>12:27<br>12:35<br>12:43 | 6 TAXIS OUTSIDE PUB PEOPLE SHOUTING (VERY LOUD).<br>PEOPLE SHOUTING OUTSIDE PUB AND NOISE FROM PEOPLE WALKING FROM<br>OF HAWORTH.<br>MORE NOISE FROM SMOKING AREA.<br>CAN'T GET TO SLEEP BECAUSE OF NOISE FROM PUB.<br>PHONED PUB<br>PHONED PUB AGAIN SPOKE TO DOORMAN<br>MORE TAXIS AND MORE NOISE |

FRIDAY 25<sup>TH</sup> AND SATURDAY 26<sup>TH</sup> AWAY FOR THE WEEK





# 11. Reviews

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## THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents’ association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

## REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
  - representations considered by the licensing authority when the premises licence was first granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

## POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.



11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

## **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.