

# City of Bradford Metropolitan District Council

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## Record of a Hearing of the Bradford Licensing Panel held on Monday 20 April 2009 in Committee Room 1, City Hall, Bradford

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### Procedural Items

#### DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

### Hearing

**An application for variation of the Premises Licence the Albion, 2 Green End,  
Clayton Bradford (Document "Q")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR THE ALBION 2 GREEN END, CLAYTON, BRADFORD (DOCUMENT "Q").**

Commenced: 1400  
Concluded: 1545

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Hill (Chair), L'Amie and McPhee

**Parties to the Hearing:**

**Representing Responsible Authorities**

Ms J Haworth, Environmental Health

**Representing Interested Parties**

Mr J Hirst

**Representing the Applicant**

Mr J Owthwaite, Punch Taverns, Applicant  
Mr J Coen, Ford and Warren Solicitors

**Representations:**

The licensing officer in attendance summarised the background to the application for variation including details of the current Premises Licence and the variation requested.

A memo had been received from the Environmental Health Officer who had concerns regarding noise nuisance from regulated entertainment and noise generated by patrons smoking outside or leaving the premises late at night. A copy of the memo was available at Appendix 3 to Document "Q".

A petition and four letters of representation had been received from local residents on the grounds of an anticipated increase in noise and disturbance from regulated entertainment; noise and antisocial behaviour from patrons leaving the premises late at night. The petition and letters of representation were available at Appendix 3 to Document "Q".

Two letters in support of the application had been received and were available at Appendix 5 to Document "Q".

A letter from the Designated Premises Supervisor (DPS) dated 16 April 2009 and explaining his absence from the hearing was tabled.

The applicant's legal representative addressed the meeting. He reiterated that the DPS had been unable to attend the hearing because he was undergoing an operation to his knee. It was stressed that the DPS would have been in attendance if it had been at all possible and his absence did not indicate a lack of interest in the application.

The variation to the hours was sought in response to customer demand for extended hours at the weekends only. The existing conditions on the licence were referred to and it was claimed that measures to reduce noise were adhered to.

It was stated that the premises were not large; operated as a typical village local pub; with a local clientele whose ages ranged between 18 and 80. The DPS had lived in the area all of his life. The entertainment programme for the premises was stated to include darts, dominoes and music.

It was maintained that there had been no complaints from Environmental Health until the application for variation had been publicised. It was suggested that the two complaints received since that time could have arisen in response to the application. A copy of a letter from Environmental Health to the DPS on 25 March 2009 was tabled.

The Applicant's Legal Representative maintained that there was no intention to change the character of the premises or to attract a different clientele. If the variation was granted the venue would still operate as a local, village, pub. No application for dancing was being made.

The representative from Environmental Heath provided a background history of complaints about noise and disturbance which had been made about the premises since December 2004. Eleven incidents between December 2004 and 24 August 2007, including visits by Environmental Health and the serving of an abatement notice on the premises were reported. It was confirmed that the current DPS had not been involved in the management of the premises during that period.

Notification of the application to vary the licence was received by Environmental Health on 9 March 2009 and a complaint alleging noise nuisance at the premises arrived on the same day. The complainant alleged loud music until 01.30 hours and taxis in the area causing disturbance. No complaints had been received since the summer of 2007 and investigations were undertaken. The complainant reported that the music had been bad the previous weekend and had continued, outside of the permitted hours, until 01.30. It was agreed to contact the complainant the following week when it was reported that they hadn't heard any music but there had been a commotion at 01.00 hours requiring police attendance at the premises.

A further complaint was received on 21 March 2009 via the Emergency Call Out Team (ECO). The complaint was made at 23.55 hours. When the officer contacted the complainant they were informed the music had stopped just after midnight. It was alleged that the noise occurred every weekend and caused problems to local residents.

Contact was made with the complainant the following week and they reported that music was clearly audible over the top of the television in their home even though they had the benefit of double glazed windows.

In response to the complaints received a letter was sent from Environmental Heath to the DPS on 25 March 2009. During discussions about the incidents between Environmental Health and the DPS, on 1 April 2009, the DPS agreed to monitor the situation by checking noise levels from the wall of the neighbours' houses. He could hear a murmur when the music was playing in the pub. The DPS said he appreciated the intervention of Environmental Health. It was agreed that if the music was only a murmur this would not cause a nuisance but that the situation would be monitored by Environmental Health.

It was stressed to the DPS that noise generated from music being played within the venue was easily controlled by the DPS turning down the volume. Noise from patrons leaving the premises who had consumed alcohol could not be controlled by the DPS and, likewise, that taxis arriving, sounding their horns or playing music in the early hours of the morning could not be controlled and would cause problems to local residents.

In response to questions it was confirmed that abatement notices could be used to control music emanating from the premises but that the prevention of disturbance from the clientele as they left the premises after having been drinking late at night could not be enforced.

A map was tabled showing the premises and the close proximity to local residences.

The history of the premises licence was questioned and the legal representative for the applicant reported that Punch Taverns had been involved since November 2005.

Members questioned the validity of claims in the letter received from the DPS, dated 16 April 2009, that signs were being constructed to ensure patrons left the premises quietly. The existing condition on the licence required such notices should already be in place.

The applicant's legal representative confirmed that on a recent visit to the premises those notices were in place. He reported that there was a picnic bench at the front of the premises which was cleared of customers by 2300 hours. To the rear of the premises was a small decked area which smokers frequented.

A local resident addressed the meeting and expressed his opinion that the variation application was inappropriate in a village locality. He described the proximity of his home and other residences, to the premises. He had lived at his current address for 21 years. He maintained that the premises were noisy and that music could be heard at his home. The area was populated with families; children and retired people and he believed they would be disturbed if the hours were extended. Public transport in the area ceased at 23.15 hours and patrons requiring taxis would cause noise and block the narrow road on which the venue was located.

The applicant's legal representative questioned whether the resident had reported his concerns to the DPS and claimed that the lack of consultation with the DPS indicated that there was a degree of "live and let live" between the residents.

In response the resident reiterated that music was audible at his home and if the problems persisted he would have no choice other than to contact the DPS and Environmental Health. He was concerned that extending the permitted hours would exacerbate the situation further.

In summary the representative of Environmental Health reiterated her concerns that if the variation was granted complaints about noise from the clientele, over which Environmental Health had no control, would increase.

In conclusion the applicant's legal representative stated that one of the signatories on the petition against the application lived 2 miles from the premises. He maintained there were other licensed premises in the vicinity; not all residents in the area had objected and two letters of support had been received. He stressed that Environmental Health had powers to address problems should there be concerns in the future and the review procedure was available. He referred to the Department for Culture, Media and Sport's guidelines regarding flexible opening times and that there had been no representations received from the police.

**Resolved –**

**That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application for variation in part subject to the following restrictions and conditions:-**

- 1. That, except for the purpose of access and egress, all external doors and windows be kept closed while licensable activities take place in the premises.**
- 2. The consumption of alcohol and food in the external areas of the licensed premises shall not be allowed after 2300 hours.**
- 3. The sale/ supply of alcohol shall be restricted to a terminal hour of 01.00 only in the morning following Friday and Saturday.**

**For the avoidance of doubt application to vary the permitted hours for the provision of regulated entertainment and entertainment facilities until 02.00 in the morning following Friday and Saturday is refused.**

**Reason: In order to limit disturbance to residents living in the vicinity of the premises from noise nuisance from the activities taking place inside the premises and general disturbance caused by customers leaving the premises or remaining outside the premises late at night-prevention of noise and disturbance objective.**

Chair

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