

City of Bradford Metropolitan District Council

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Record of a Hearing of the Bradford Licensing Panel held on Tuesday 1 December 2009 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

Application for a review of a premises licence for The George Hotel, 142 Leeds Road, Idle, Bradford (Document "J")



2006-2007
Improving Rural Services
Empowering Communities



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR THE
GEORGE HOTEL, 142 LEEDS ROAD, IDLE, BRADFORD**

Commenced: 1400
Adjourned: 1638
Reconvened: 1645
Adjourned: 1650
Reconvened: 1705
Concluded: 1706

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), M Ahmed and Flowers

Parties to the Hearing:

Representing the Applicant for the Review:

Councillor Ward, representing Mr and Mrs Menzies
Mr Menzies, Joint Applicant
Mrs Menzies, Joint Applicant
Inspector Tuff, West Yorkshire Police, Witness

Representing Responsible Authorities:

Mrs Thompson, Environmental Health Officer

Representing Interested Parties:

Councillor Ward, representing Mr and Mrs Parker and Mr and Mrs Barstow
Mr and Mrs Preston, local resident
Mrs Mohammed, representing Mr Mohammed local resident
Mr and Mrs Slater

Representing the Licensee:

Mr Coen, Solicitor
Mr Kendal, representing Punch Taverns
Mr Griffin, Designated Premises Supervisor

Observer:

Sergeant Colligan, West Yorkshire Police

Representations:

The Licensing Officer in attendance summarised the background to the application and valid representations received as set out in Document "J". She advised that there had been letters received both in objection to and supporting the application but asked the Panel to consider whether some of the addresses of those supporting the licensee should be considered validly to be described as in the vicinity because of the distance of their addresses from the pub.

In response to questions from the Panel, she confirmed that she had been able to verify that the addresses of those people calling for the review were in the vicinity of the premises. However it was confirmed that some of the addresses in the petition presented in support were not on the street map of any of the streets in reasonable proximity to the premises.

The applicant then presented her reasons for requiring the review, explaining that she and her fellow complainants had lived in the village for a considerable length of time and had co-existed well alongside the pub. However, since the current landlord had taken on the pub, problems of noise and disturbance had begun and the noise abatement order issued by Environmental Health was regularly flouted.

The Solicitor for Punch Taverns noted at this point that as the designated premises supervisor (DPS) had not been called as a witness nor had made representations, he would not be taking any part in the proceedings. Panel Members reserved the right to address questions to him.

The Solicitor addressed a number of questions to the applicant, including where she lived in relation to the pub; what she could see of the frontage to the pub; what she knew of the DPS and what she knew of the noise abatement notice.

In response, the applicant confirmed that she lived very near to the pub and could see the frontage of the pub, especially when people congregated there. She also confirmed that she did not know when the DPS had taken on the pub as she never saw him there. She advised that she was aware that the Environmental Health Officer had taken no further action since the noise abatement notice had been issued but that complaints had been made.

A Ward Councillor, representing several local residents, including the applicants, then spoke in support of the application stressing that the application had been made after all other measures to try to resolve the situation had failed. The strength of feeling among local residents was such that he had considered it necessary to be here today. He had with him a letter from local residents but, as it was dated outside the period of representation it was not admissible.

The Councillor stressed that local residents were not opposed to the pub which was viewed as an integral part of the community. The objection was as a result of the unreasonable behaviour by the DPS and the escalation of problems since the beginning of the year.

He confirmed that local residents had frequently complained about late night activity at the pub and about the lack of response to complaints by the DPS and his lack of control over the premises as he was not there very often.

The Solicitor for Punch Taverns questioned the Ward Councillor, who gave the following responses:-

- Residents were very concerned about the flouting of existing conditions by the DPS.
- Residents had complained about drinks being served until 0430 and about being ignored or abused when complaints were made.

The applicant then called a representative of the Police as a witness who advised that, while not every single call was logged, there was a record of eight calls about these premises since May, five from staff and three from local residents. He also advised that the Police had attended the pub eight times and gave the reasons for each call out. He had visited the pub twice himself and the DPS had been present on one of these occasions.

In response to a question from a member he confirmed that he would normally expect to speak to the DPS when there was a problem with a premises. He also confirmed that, in comparison to other premises, the George Hotel was neither the best nor the worst in terms of Police call out.

In response to questions from the Solicitor for Punch Taverns, the Police representative indicated that the Police had not sought a review of the Licence but that, in June, the Licensing Sergeant had visited the premises along with the Council's Licensing Officer to explain their concerns and give advice.

He also agreed that it was not necessary for a DPS to be present at the premises at all times but considered that they should be there at busy times.

When questioned about the responses by Police to the three calls made by residents, he advised that the Police had attended for one of those but no disturbance had been found.

Other local residents then made representations in support of the application, explaining that they had experienced no problems with the pub over many years but had experienced severe problems since the current DPS had taken on the pub. The problems involving noise seemed to be exacerbated by doors being left open. The local residents all reported that they had experienced a poor response from the DPS when they had contacted him.

The Environmental Health Officer made representations to the Panel, advising that she had been involved with the premises for some time and had been instrumental in resolving an issue around glass collection at inappropriate times but that seemed to be an issue again recently. There had been problems of noise nuisance since March of this year and monitoring had resulted in an abatement notice being served. She had also recommended the installation of a noise limiting device but this had not yet been done.

In response to questions from the Members, she confirmed that she had given her recommendations to the DPS verbally some time ago and that they should lead to noise being inaudible outside the premises as long as the noise limiter was not bypassed. She also confirmed that she had suggested to the DPS that he should do an external check every hour or so to make sure that was the case.

In response to questions from the Solicitor for Punch Taverns, she confirmed that she had issued the noise abatement notice after witnessing noise emanating from the premises late at night on 10 August 2009, apparently due to doors being propped open. She also confirmed that she had not witnessed any breach since then. She considered that, if outdoor areas were cleared by 2230, smokers would not linger and late night noise would not be an issue.

The Solicitor for Punch Taverns then made a detailed presentation to the Panel, explaining that the present DPS had extensive experience in the licensing and restaurant trade and that he had been at the George for three years.

He explained that the clientele at the George was mainly local, with an average age range in their 30's and 40's. He outlined the type of entertainment provided at the premises at various points in the week and showed on a plan of the interior of the premises where those entertainments were sited. He also advised that the Hotel provided food, with the trade being split 65% to 35% drink and food.

He explained that, while the DPS was not required to be on site all the time, he was there to open up every day and was at the premises on Monday, Tuesday, Friday and Saturday evenings. He disputed the allegation of after hours drinking, noting that the Police had not prosecuted and considering that they would do so if there was cause.

In response to concerns about noise from taxis, he explained that the premises had CCTV and that announcements were made inside the Hotel when taxis arrived.

He regretted that a noise abatement notice had been served and refuted that doors were propped open. He noted that the Environmental Health Officer had no information of breaches of the notice and considered that to show that the premises could trade properly within its existing hours. He confirmed that the advice given by the Environmental Health Officer had been heeded and that external checks were made.

He addressed the issue of calls to the Police in respect of the premises and noted that on five occasions, calls had been made by staff members. He considered that this was a praiseworthy, responsible attitude. He also noted that, of the calls made by the public, the Police had attended only one and there had been no disturbance witnessed on that occasion. He considered that, if there were disturbances on the decked area, it may be due to local youths congregating there, rather than patrons of the pub.

In response to questions from the Panel, he confirmed that there was a "call-back" system in place for taxis and that CCTV was used to check taxi arrivals. Patrons were also permitted to use the pub telephone to ring for taxis.

He was invited to comment on residents' complaints of noise and disturbance, whereupon he noted that the Environmental Health Officer had reported that there had been no breaches of the noise abatement notice.

He confirmed that Punch Taverns expected its premises to be properly managed in line with their licences but that licensees were not subject to mandated hours. He did expect that a DPS would be involved with the day to day management of the premises.

The Panel addressed the issue of the letters provided in support of the premises and asked questions about the similarity of handwriting on some of them and about the accuracy of addresses on some of the letters. The Solicitor indicated that the letters had been collected in good faith. He noted that two of the letters were in the same hand as they were from a couple and one partner had written both letters.

In response to questions about disturbance and noise, he stated that he understood that the conditions currently in place were being complied with.

All parties were then invited to make closing statements. The applicant reiterated her requirements to ensure that the current problems did not reoccur, suggesting the following as reasonable conditions:

- hours of operation between 1100 and 2300 on Monday to Thursday and Sunday; 1100 to 2330 on Friday and Saturday

- the premises cleared no later than half an hour after the end of licensing hours
- reasonable times for glass and bottle clearance
- CCTV at all times
- the DPS to be on the premises from 2000 until closing on evenings when there was live music or karaoke
- taxis to be on a "call-back" basis.

In response, the Solicitor for Punch Taverns noted that the proposed condition in respect of the DPS was unworkable and that the responsible authorities had not requested any reduction in the hours of operation.

The Environmental Protection representative summarised her position pointing out that whilst no statutory nuisance had been witnessed by officers since service of the abatement notice, complaints had continued to be received of excessive noise and disturbance late at night.

The Panel, having adjourned to deliberate, reconvened at the request of the Police witness to hear further information in respect of one of the letters in support of the premises. The letter purported to be from a serving police officer and the Police representative advised that, having contacted that officer, he had confirmed that he had not written that letter, nor did he live at the address stated.

Decision

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the Panel finds as follows:

- 1.1 That the Designated Premises Supervisor be removed from the licence forthwith.**

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

- 2.1 That the hours of the existing licensable activities for the sale/supply of alcohol and regulated entertainment be restricted as follows:**

Monday to Wednesday 1000 to 2330
Thursday to Saturday 1000 to 0030

Sunday, Christmas Eve, Boxing Day, New Years Eve and Non Standard Timings to remain the same.

- 2.2 That regulated entertainment be suspended at the premises until a suitable noise limiter is installed to the satisfaction of the Licensing Authority, in consultation with Environmental Health.**

- 2.3 That the disposal or collection of waste bottles and glass receptacles shall not take place between the hours of 2300 and 0700 on any day.**

Reason: In order to ensure that the Licensee takes all steps in their control to limit and takes steps to address issues of noise and disturbance to local residents from regulated entertainment taking place at the premises, from the disposal of bottles and glass receptacles and from patrons using and leaving the premises – Prevention of Public Nuisance.

Chair

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