

City of Bradford Metropolitan District Council

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Record of a Hearing of the Bradford Licensing Panel held on Monday 23 May 2011 in Committee Room 4, 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 premises licence for Model Farm, Toftshaw Lane, East Bierley, Bradford (Document "N")



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR MODEL FARM, TOFTSHAW LANE, EAST BIERLEY, BRADFORD (DOCUMENT "N").

Commenced: 1405
Adjourned: 1500
Re-convened: 1530
Concluded: 1535

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Applicant:

Mr Bamford – applicant

Representing Interested Parties

Mr and Mrs Cochrane – local residents

Observer

PC S Dawson

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in **Document "N"**.

The applicant addressed the meeting and advised that he had purchased the buildings as a derelict pig farm in 1987. Since that time he had renovated and rebuilt the property in the style in which it had been built in 1638. He had spent the previous six years renovating cottages and a barn and believed he had transformed a derelict eyesore into distinct buildings. The property was operated as a working farm with 90 cattle, stables, and a small butcher's factory supplying the local market; bed and breakfast accommodation and a farm shop.

The farm shop provided South African style meat and products and it was intended to stock South African alcoholic drinks which could not be purchased elsewhere in the UK.

It was also proposed to provide a small bar area for the benefit of the bed and breakfast guests and to hold occasional barbeques at the farm. Photographs of the farm buildings and location plans of the surrounding properties were provided. It was maintained that noise emanating from the premises would not be audible at properties outside of the immediate farm location.

In response to questions about potential noise disturbance and the protection of children from harm it was claimed that there were no young children living in the vicinity and that the provision of alcohol would be confined to guests at the bed and breakfast accommodation and for off sales at the shop. There was no intention to provide alcohol after 2300 hours. Noise emanating from occasional outdoor events would be monitored to

23 May 2011

ensure nearby residents were not disturbed as had been the case when events had been operated recently under a Temporary Events Notice (TEN). It was also claimed that the high building blocks on the farm would prevent noise emanating outside of the immediate area. A car park for 50 cars was being constructed to deal with any increased traffic to the farm that the application could create.

The applicant stated that he would ensure staff training was provided on compliance with the licensing objectives and signs would be erected to ensure customers did not consume alcohol in the farm shop. Customers would not be sold alcohol if they appeared to be under 21 years of age and could not provide valid identification to the contrary.

Members questioned the vicinity of residences in the area and it was reported that the nearby cottages were occupied by people working in the area on a short term let basis and other residents occupied the bed and breakfast accommodation. It was hoped that the license would enable social gatherings to be held on the farm. The applicant reported he had no intention of providing live music; pre-recorded music would be played in the lounge of the bed and breakfast accommodation and he was happy for a condition to be placed on the licence to that effect. Provision of food would be limited to occasional barbeques or other social events and would not take place after 2300 hours. The Council's Legal Representative advised that if there was no intention to provide hot food after 2300 hours the application for the sale of late night refreshments on the premises was not required.

Following discussions about the provision of alcohol in the farm shop the applicant stated that the farm shop would be open for business between the hours of 0900 and 1800 only.

Local residents addressed the meeting to outline representations they had made to the application. They expressed concern that increases in customers and vehicles in the area could be detrimental to the safety of residents. They reported loading and unloading of trucks and people visiting the stables and feared that the license would lead to an increase in traffic on the access road to the area. They referred to recent events taking place on a Saturday and Sunday evening when they claimed music could be heard from a quarter of a mile away. They claimed cars had been parked on the access road and music could be heard through double glazing in their homes until 2300 hours. They maintained that they did not want to prevent the applicant operating his business but were concerned about noise in a quiet residential area.

Members questioned the applicant about the alleged noise emanating from the farm currently and were advised that the business began at 0700 hours and continued until the shop closed at 1800 hours.

The applicant reported that he had visited residents on a number of occasions when TENs was in operation and had been informed by them that they were not disturbed by noise. He had also patrolled the area and reported there had been no noise disturbance. Signs had been erected to request that customers do not park or block the access road and a large car park was being erected to accommodate an increase in customers to the farm.

Local residents, in summary, reiterated concerns that they would be disturbed by noise generated from the proposed licensable activities.

Decision –

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

1.1 The hours of licensable activities shall be:

Monday to Sunday - 0900 to 1800 for the Farm Shop (sale of alcohol for consumption off the premises only)

Monday to Sunday – 1000 to 2200 for the Bed and Breakfast building (sale of alcohol for consumption on the premises only)

Monday to Sunday – 1000 to 2130 for the external area (sale of alcohol for consumption on the premises only)

Monday to Sunday – 1000 to 2200 for the Bed and Breakfast building (indoor regulated entertainment in the form of recorded music only)

1.2 That the consumption of alcohol in the external area of the licensed premises shall not be allowed after 2200 hours with prominent signage displayed informing patrons of this requirement.

1.3 That all 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.

1.4 No live musical entertainment shall take place on the premises.

1.5 That an appropriate proof of age policy, incorporating the principles of the ‘Challenge 21’ Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.

Reason: In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using the premises – Prevention of Crime and Disorder Objective and Prevention of Public Nuisance Objective and to prevent the sale of age restricted products to underage customers – Protection of Children from Harm Objective.

Footnote: The Panel noted the applicant’s withdrawal of his application for the sale of late night refreshment in the premises.

Chair

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