

City of Bradford Metropolitan District Council

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Record of a Hearing of the Bradford Licensing Panel held on Wednesday 31 August 2011 in Committee Room 3, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

1. Application for a premises licence for the Fleece Inn, 452 Allerton Road, Allerton, Bradford (Document "C").
2. Application for a premises licence for Ford Hill Newsagents, 34-36 Ford Hill, Queensbury, Bradford (Document "D").



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE FLEECE INN, 452 ALLERTON ROAD, ALLERTON, BRADFORD (DOCUMENT "C").

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| Commenced: | 1010 |
| Adjourned: | 1130 |
| Re-convened: | 1200 |
| Concluded: | 1205 |

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Byrom and Dredge.

Parties to the Hearing:

Representing the Applicant:

Mr Canning – DPS
Mr Hollingworth – representing Enterprise Inns plc
Mr Geater – Operator
Mr Thomson – Solicitor

Representing Responsible Authorities:

Ms Howarth – Environmental Health Officer

Representing Interested Parties:

Mr Goddard – local resident
Mrs Selby – local resident

Representations:

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

The applicant's solicitor addressed the meeting and spoke in support of the application. He referred to the premises having previously had a licence which had expired. This application was simply being requested on the same terms as the previous licence as the opportunity to renew had been missed.

He advised that both of the conditions required by the Environmental Health Officer would be acceded to and went on to address the concerns in respect of nuisance which had been made by local residents.

He stated that the complaint in respect of a quiz night should be disregarded as no quiz night was held at the Fleece. He also advised that the DJ from the Fleece finished at approximately midnight in order to move on to another commitment in the City Centre, from which he concluded that incidents of music being played very late could not come from the Fleece.

He suggested that there had been no attempt to flout previous conditions required by Environmental Health, rather they had not been communicated to the Designated Premises Supervisor (DPS). A previous abatement notice seemed to have resolved the problems as no further complaints had been made. The DPS currently patrolled the exterior of the premises five or six times each evening to check whether noise was audible. In addition, his own family was resident at the premises so late night noise would be equally unwelcome to him.

The Solicitor also indicated that, as there was another licensed premises very close by and an off-licence in the vicinity, problems of nuisance and littering could not confidently be attributed to the Fleece. The DPS at the Fleece controlled behaviour outside his premises very strictly and maintained his CCTV on a 28 day basis.

Members of the Panel questioned the solicitor in respect of the application and particularly on the management of the premises after 2200.

The Environmental Health Officer then made representations, stating that the premises had come to her attention as a result of complaints. She stated that the premises had been observed having doors open late in the evening and that there had been no complaints from the area while the Fleece had been closed. She had concerns about the noise and disturbance caused by patrons of the Fleece as well as by the entertainment provided.

In response to questions, she advised that the two conditions she required should be sufficient to address issues of noise but that it would still be incumbent on the DPS to ensure noise was monitored and levels turned down when necessary.

The representative of Enterprise Inns undertook to have a fixed noise limiter installed at the premises.

The local residents then made their representations, disputing that the exterior of the premises was patrolled and reiterating that they experienced problems of late night noise and disturbance which adversely affected their lives.

In response to questions, they confirmed that they were certain that the noise emanated from the Fleece rather than any other premises and that it carried on after midnight.

They also confirmed that they had not contacted the DPS in respect of their concerns and that one of them was in attendance to represent a number of elderly residents who had felt unable to attend in person.

They described the exterior of the Fleece and the next nearest premises; the Prince of Wales, which had recently undergone soundproofing works.

In closing, the Licensing Officer advised that the Licensing Authority had prosecuted the DPS for noise nuisance and such nuisance had been witnessed at the premises.

The applicant's solicitor closed by stressing that no complaints had been received directly at the premises from local residents and that the complaints submitted to the Panel were limited to two people. He reminded the Panel that previous measures to address noise had been successful and that the requirements of the Environmental Health Officer had been agreed to.

He advised that the applicant would be agreeable to a further condition in respect of the consumption of alcohol outside the premises and confirmed that the applicant would be willing to install a noise limiter. He did not, however, consider a reduction of the permitted hours to be necessary.

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) Hours of licensable activities:

Monday to Sunday 1000 to midnight for the sale of alcohol and provision of late night refreshment.

Monday to Sunday 1000 to 2300 for regulated entertainment.

(2) Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible at the next nearest noise sensitive premises.

(3) 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.

(4) A suitable noise limiting device shall be installed to the written satisfaction of the Licensing Authority prior to the regulated entertainment taking place.

(5) The consumption of alcohol, other drinks and food in the external areas of the licensed premises shall not be allowed after 2200 hours and the licensee shall be required to clear the external areas of glasses and glass receptacles at that time and that there be prominent signage informing patrons of the restrictions.

(6) The Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.

Reason – as the premises are located in a residential area, the conditions are considered necessary to ensure that their operation does not cause unreasonable noise and disturbance to those living in the vicinity of the premises – prevention of public nuisance objective.

Chair

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

RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR FORD HILL NEWSAGENTS, 34-36 FORD HILL, QUEENSBURY, BRADFORD (DOCUMENT "D").

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| Commenced: | 1205 |
| Adjourned: | 1220 |
| Re-convened: | 1225 |
| Concluded: | 1225 |

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Byrom and Dredge.

Parties to the Hearing:

Representing the Applicant:

Mr Mistry – applicant
Mrs Mistry – applicant
Mr Cordingley – representative

Representations:

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

The applicant's representative addressed the meeting and spoke in support of the application, stressing that both applicants were experienced proprietors of a newsagents and both held personal licences.

He considered that the letter of objection was trade-oriented and that the objector's concerns were unfounded.

He dealt with questions from Members in respect of the proposed hours of operation, which he confirmed would also be the hours of operation for the store as it would open later if it had the benefit of a premises licence.

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) A CCTV system (with satisfactory internal and external coverage) be installed at the premises and 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 be available to the Licensing Authority or a Responsible Authority on request.**

- (2) **An appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 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 – to ensure the proper management and monitoring of the premises in order to ensure alcohol is not purchased or supplied to those underage – protection of children from harm and prevention of crime and disorder licensing objectives.

Chair

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