

Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Wednesday 14 November 2012 in Committee Room 4, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

There were no disclosures of interest.

INSPECTIONS OF REPORTS AND BACKGROUND PAPERS

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

Hearings

Keighley and Shipley Licensing Panel

- 1. Application for a Premises Licence for Tuco's, 54 Kirkgate, Silsden (Document "D")**

Bradford Licensing Panel

- 2. Application for a review of a premises licence for Wyke Rose, 435 Huddersfield Road, Wyke, Bradford (Document "F")**
- 3. Application to vary a premises licence to specify an individual as a designated premises supervisor (Document "G")**



RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD

Commenced:	1315
Adjourned	1425
Reconvened:	1455
Adjourned:	1505
Reconvened:	1510
Concluded:	1515

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Ellis and Swallow.

Parties to the Hearing:

Representing the Responsible Authority Applicant for Review:

Ms Howarth } Environmental Health Officers
Mr Fairclough }
Aliah Syed, Environmental Health Officer (observing)

Other Responsible Authorities:

PC Dawson – West Yorkshire Police

Representing the Licensee:

Mr Thewlis } Clifton Properties
Mr Smith }

Representations:

The Licensing Officer in attendance reported that the Environmental Health Department had submitted an application for a review of the premises licence for the Wyke Rose. She presented the information set out in Document "F" and read out two emails from Ward Councillors which had been received within the eligible period for representations and had previously been served on all parties.

The Environmental Health Officer made representations in support of her application for a review of the licence, outlining a history of complaints in respect of the premises since 2005, including the necessity for a noise abatement notice to be served. Since 2011 the number of complaints had increased dramatically and repeated contact with the Designated Premises Supervisor had revealed uncertainty about who was actually running the premises and visits to the premises had revealed serious problems of noise and disturbance.

Another noise abatement notice had been served, this time involving the current licensee. However further complaints of noise had been made and further visits had again revealed statutory nuisance. Confusion over the Designated Premises Supervisor continued into

the summer of 2011 but the noise problems reduced and the local community was content not to proceed formally as it seemed the manager would be leaving. In the Autumn, however, fresh complaints were received and the manager was still in residence.

The Environmental Health Officer confirmed that complaints had continued into 2012 and a statutory nuisance had again been identified which breached the previous abatement notice. Another notice had been served but the person on whom that had been served had proven uncontactable. Complaints continued and copies of the statutory notice were sent to the licensee. Another statutory nuisance was identified in June which resulted in a warrant being executed and the sound equipment at the premises being seized.

As a result of the problems she had outlined, the Environmental Health Officer requested that the Panel consider her application for review and, if minded to continue the licence, to consider carefully the current hours of operation as residents were suffering from a significant level of disruption.

Members then asked questions in respect of the current Designated Premises Supervisor and were advised that several individuals had been named over the past two years but the latest application was being made in the name of Ms Spikings and was the subject of a separate item on the agenda.

Members also queried why a review had not been requested previously and were informed that a lot of effort had gone into trying to resolve the situation informally as local residents were very fearful. Formal proceedings had been begun only as a last resort.

The Panel's legal advisor then asked about the time of day when Environmental Health Officers had attended the premises and whether there was CCTV at the premises. He was advised that the timing of visits depended when complaints were made and that there was CCTV in place plus a suggestion that it be extended to cover the side door.

The Police Officer in attendance then made representations in support of the request for a review. She outlined the occasions when the Police had attended the premises and highlighted problems encountered such as an incident of mass disorder, the Designated Premises Supervisor being found drunk at the premises, repeated calls from the public, fears by complainants of reprisal, hostility towards officers when visiting the premises, the inability of staff to operate the CCTV system and the difficulty of communicating with anyone in respect of these premises. She concluded by confirming that she fully supported the Environmental Health Officer in bringing this action.

In response to questions she confirmed that drinkers had been observed outside the premises after 2300 and that loud music had been heard coming from the premises by visiting officers.

A representative of the licensee then made representations in respect of the premises, stressing that the present company had inherited the problems along with the premises and that he had been unaware of the uncertainty and difficulties concerning the Designated Premises Supervisor for some time. He intended to have that issue resolved, along with the problems of loud music and people congregating outside the pub. He intended to have a staff training manual in future and wished to co-operate fully with the responsible authorities.

He advised the meeting that Ms Spikings had withdrawn her application to become the Designated Premises Supervisor that morning and that the premises were closed and would remain closed until a suitable person could be found. He requested that a licence

be permitted to remain in place and indicated that he would accept conditions.

Members questioned him about why he was not aware of the problems at the premises, particularly the breaches of conditions and abatement notices. He accepted those points and advised that others had not been truthful with him.

He was also questioned about the level of research/interviewing he had done when taking on the premises, how frequently he visited and why he had not responded to correspondence. In response, he stated that he had spoken to the manager before offering her the tenancy and that he visited the premises weekly. He had not responded to correspondence as he had been assured that matters were being dealt with properly.

In summation, the Environmental Health Officer stressed that previous conditions on the licence had not been adhered to and requested that the hours of operation be examined.

The Panel then adjourned to deliberate before reconvening to advise the licensee that it was minded to:

- Suspend the licence for 30 days
- Disapply the exemption under the Live Music Act 2012
- Restrict the hours for regulated entertainment to finish at 2200.

The licensee had no comment to make on those proposals and the Panel retired again to deliberate further.

Decision:

(1) 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:

- (i) That, in the light of the compelling evidence of persistent nuisance from noise to neighbouring residents, anti social behaviour related to the premises and breaches of licence conditions, the premises licence be suspended for a period of 30 days.**
- (ii) That in the light of the above, the exemption under the Live Music Act 2012 in respect of live music provided between the hours of 8am to 10pm shall be dis-applied.**
- (iii) That, on resumption of the licence the following additional conditions shall apply:**
 - The hours of licensable activity for regulated entertainment shall be restricted on Monday to Sunday to 1000 to 2200 except statutory public holidays, which shall have an additional hour to those stated above.**

(2) That the following formal warning be issued to the applicant:

That the Licensee be warned that the Licensing Authority has serious concerns in relation to the breaches of the conditions of the premises licence, persistent anti social behaviour and noise nuisance to local residents that are associated with the premises and the Licensee is therefore put on notice that if any future breaches of the licence conditions or complaints of

noise/disorder are brought to the attention of the Panel by way of review of the licence, serious consideration will be given to revocation of the licence, subject to giving due consideration to the evidence and representations received at the time.

Reason: It is considered that the above conditions are necessary in order to ensure that the licensee takes all steps in their control to monitor compliance with the law, conditions of licence, ensures that neighbouring residents are not unreasonably disturbed by music emanating from the licensed premises and appropriate levels of public order are maintained in connection with licensable activities. - Prevention of Crime and Disorder and Prevention of Public Nuisance objectives.

**RECORD OF A HEARING FOR AN APPLICATION TO VARY A PREMISES LICENCE
TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR**

Commenced: 1516
Concluded: 1517

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Ellis and Swallow.

Parties to the Hearing:

Representing the Applicant:

Mr Thewlis } Clifton Properties
Mr Smith }

Representing Responsible Authorities:

Ms Howarth } Environmental Health Officers
Mr Fairclough }
Aliah Syed, Environmental Health Officer (observing)
PC Dawson – West Yorkshire Police

The Licensing Officer in attendance confirmed that the application set out in Document "G" had been withdrawn.

Decision:

That the withdrawal of the application be noted.

**RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR
TUCO'S, 54 KIRKGATE, SILSDEN**

Commenced: 1517
Concluded: 1518

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Ellis and Swallow.

Parties to the Hearing:

Representing Authority:

Aliah Syed, Environmental Health Officer.

The Licensing Officer in attendance advised that the applicant was unable to attend and had requested that consideration of the application set out in Document "D" be deferred to allow him to do so.

Decision:

That consideration of the application be deferred to a future meeting to allow the applicant opportunity to attend.

Chair

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

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