

Record of a Hearing of the Bradford District Licensing Panel held on Friday, 21 July 2017 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

Hearings

- 1. Application for a Temporary Event Notice for an event to be held in the car park of the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley (Document "B")**

BAY HORSE INN, 20 UPPERTOWN, OXENHOPE, KEIGHLEY

RECORD OF A HEARING FOR A TEMPORARY EVENT NOTICE FOR AN EVENT TO BE HELD IN THE CAR PARK OF THE BAY HORSE INN, 20 UPPERTOWN, OXENHOPE, KEIGHLEY (DOCUMENT "B")

Commenced: 0930

Adjourned: 1015

Reconvened: 1025

Concluded: 1030

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair),
Engel and Morris

Parties to the Hearing:

Representing the Licensee:

Ms Pollitt, Applicant
Mr Evans, Business Owner

Representing Responsible Authorities:

Ms Caygill, Environmental Health Unit, Bradford Council

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the application was for an event to be held on 6 August 2017 from 1400 to 2000 hours and the Council's Environmental Health Unit had submitted an objection on public nuisance grounds, as noise complaints had been received in June 2017 along with similar complaints in 2015 and 2016.

The applicant addressed the Panel and explained that the original booking had been for a birthday party, which had turned into a fund raising event with bands playing outside. It was noted that the premises ran two events per year, one being a music festival and the other the 'Straw Race'. The business owner stated that the objection related to the music festival, which had been running for 3 years and this event would be smaller and conclude at 2000 hours. The applicant confirmed that the event would run from 1500 to 1900 and the additional hour prior to and after was to set up and clear away. The business owner stated that the event would not create a huge inconvenience to residents. The pub had been rescued from closure and noise levels would increase if the pub was successful.

In response to questions from the Panel, the applicant and business owner confirmed that:

- The person holding the event was a technician and would ensure that the

- entertainment noise was kept to the car park and not the village.
- The stage orientation would be towards the cricket pitch.
- The pub had two neighbours and one set would be attending the event.
- The premises was centrally located in the village and on the main road from Haworth to Hebden Bridge.
- It was a busy pub and various groups used it for events.
- The event would run from 1500 to 1900 hours, with an hour set up from 1400 hours and an hour clear up from 1900 hours.
- The car park could hold approximately 12 cars, it was irregular shaped and the main space faced onto the cricket field.

The representative of the Council's Environmental Health Unit requested clarification in relation to the number of outdoor events held per year and was informed that three events took place, but only one involved music and this was not the Straw Race. In response to a further question, the applicant confirmed that music had been played at this year's Straw Race.

The representative of the Council's Environmental Health Unit explained that the main complaint was in relation to the condition on the existing licence regarding noise being heard at the nearest noise sensitive premises. The Panel was informed that the premises was in a central location and surrounded by residential properties. In June 2017 residents had submitted a complaint that they had not been able to watch their television due to the noise and had moved to the furthest part of the house from the premises. Other noise complaints had been previously submitted and an Environmental Health officer had heard the noise from the three day event held in June 2017 whilst visiting a convenience store at the other side of the village. The Straw Race was an annual event and the Designated Premises Supervisor had previously been contacted by the Council's Environmental Health Unit. The representative of the Council's Environmental Health Unit stated that if the licence was granted then an Environmental Health Abatement Notice would be served and there was no reason why the event could not be held indoors.

Members then posed questions to the representative of the Council's Environmental Health Unit and were informed that:

- Many complaints had been received, by telephone or in writing.
- An Environmental Health officer had heard the noise from the event whilst at a shop located a few streets away.
- The event would last four hours, however, noise complaints had been received in relation to a previous three day event and the officer involved would not have stated that there had been significant noise if it had not been an issue.
- It was acknowledged that the event was a one-off, but others could take place in the future. There had previously been a three day event and the impact on the neighbour had been significant.
- Only one neighbour had complained, but only one was required. There had been a history of noise complaints in relation to the premises and it was believed that the event would create issues.
- The existing premises licence was in place for a reason and local people needed to be protected.
- The Environmental Health Unit had contacted the Licensing Team in 2016 and 2017 and requested additional conditions.

In response to a comment made, the business owner confirmed that there were three main trading areas within the premises, however, they did not connect. The main bar area could only accommodate 20 people and there was no area to place a band.

The business owner then questioned the representative of the Council's Environmental Health Unit as to how many complaints had been submitted over the years and was informed that complaints had been generated following every outdoor event at the premises. There was more than one complainant and a history of complaints across the years.

In conclusion the representative of the Council's Environmental Health Unit reiterated that there were existing conditions in relation to noise and noise sensitive premises on the licence, however, complaints had still been submitted in relation to previous events, therefore, the event should not be permitted.

The business owner explained that the event would be very different to the three day event, which finished later. He rejected the suggestion that the event could be held inside the premises, as it would compromise the number of attendees. With regard to the Straw Race, the whole village was subjected to the noise. It was acknowledged that it did appear that monthly events were taking place at the premises, however, it would not be a regular occurrence and it would be a very different event to those that had previously generated noise complaints.

Decision –

In light of the proposed premises user's agreement at the Panel Hearing to modify the Temporary Event Notice to include the following restriction in order to address the prevention of public nuisance concerns:

- 1. That regulated entertainment cease at 1900 hours.**

The Panel are satisfied that the event could go ahead subject to the modification of the Temporary Event Notice with the restriction as referred to above.

Chair

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