



Agenda for a meeting of the Bradford District Licensing Panel to be held on Friday, 21 July 2017 at 9.30 am in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	INDEPENDENT
M Slater Engel	Morris

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- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar

City Solicitor

Agenda Contact: Claire Tomenson

Phone: 01274 432457

E-Mail: claire.tomenson@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

B. BUSINESS ITEMS

3. BAY HORSE INN, 20 UPPERTOWN, OXENHOPE, KEIGHLEY

The Assistant Director, Waste, Fleet and Transport Services will present a report, **Document “B”** which requests consideration of a Temporary Event Notice for an event to be held in the car park of the Bay Horse Inn on 6 August 2017 from 14.00 to 20.00 hours, which includes the sale of alcohol and the provision of regulated entertainment.

Members are invited to consider the information and documents referred to in Document “B” and, after hearing the parties, determine the related notice.

(Tracy McLuckie – 01274 432240)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

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Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 21 July 2017.

B

Subject:

Consideration of an objection notice received from the Environmental Health Department regarding a Temporary Events Notice for the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley, BD22 9LN.

Summary statement:

Consideration of a Temporary Event Notice for an event to be held in the car park of the Bay Horse Inn on 6 August 2017 from 14.00 to 20.00 hours, which includes the sale of alcohol and the provision of regulated entertainment.

John Major
Assistant Director
Waste, Fleet & Transport Services

Report Contact Tracy McLuckie
Licensing Manager
Phone: (01274) 432240
E-mail: tracy.mcluckie@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate



City of Bradford
Metropolitan District Council



1. SUMMARY

A Temporary Event Notice has been served for the sale of alcohol and provision regulated entertainment at an event to be held in the car park outside the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley, BD22 9LN, to be held on 6 August 2017 from 14.00 to 20.00 hours.

The Council's Environmental Health Department has submitted an objection notice.

2. BACKGROUND

2.1 The premises user

Ms Ann-Mairead Pollitt. A copy of the Notice is included at Appendix 1.

2.2 Details of temporary event

The Notice has been served for a birthday/fundraising event which includes the following licensable activities:

- Sale of alcohol
- Provision of regulated entertainment – live and recorded music

Hours of licensable activities:

14.00 to 20.00 hours - Sunday 6 August 2017

2.3 Counter notice received

Environmental Health

The Council's Environmental Health Department has submitted a notice objecting to the proposed event on prevention of public nuisance grounds. The officer received a complaint of noise nuisance in June 2017 relating to amplified music outdoors. Similar complaints were also received in 2015 and 2016.

A copy of the Environmental Health objection notice is attached at Appendix 2.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1 The Licensing Act 2003 facilitates (subject to certain limits) the holding of temporary events at premises that are not otherwise licensed for licensable activities. A premises user can serve a notice on the Licensing Authority no less than ten working days before the event is due to take place.



- 3.2 The proposed event must not involve no more than 499 people at any one time. There are also limits to the number of temporary events that can take place at any premises or can be organised by a premises user in a calendar year.
- 3.3 The Police and Environmental Health can object to a temporary event notice, where they believe that allowing the event would undermine the licensing objectives. The Police and Environmental Health have 3 working days from receipt of the notice to serve an objection notice specifying the relevant issues.
- 3.4 On receipt of a valid objection notice from the Police or Environmental Health, the Council must hold a hearing to decide whether to uphold the relevant objection. The hearing must take place at least 24 hours before the event. If the objection notice is upheld, the Council can serve a Counter Notice preventing the event from taking place. If the objection notice is not upheld the event can take place without further formality.

4. OPTIONS

- 4.1 Members may:
- (a) Uphold the Environmental Health objection and then serve a Counter Notice on the premises user preventing the event.
 - (b) Decide not to uphold the Environmental Health objection, therefore allow the event to take place.
- 4.2 Should the premises user or the Environmental Health Department feel aggrieved at any decision with regard to the Notice either may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in section 149



Equality Act 2010.

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications.

8.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 - Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between the public and the applicant's rights.

Article 6 - A procedural right to a fair hearing. As a counter notice preventing the event is an option, adherence to the Panels' usual procedure of affording a hearing to the premise user is very important. If the decision is to issue a counter notice, then reasons should be given.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of the meeting.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing the parties, determine the related notice.

11. APPENDICES

1. Temporary Event Notice received 11 July 2017.
2. Objection Notice from Environmental Health received 13 July 2017.



12. BACKGROUND DOCUMENTS

Legislation and statutory guidance.



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209417.

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Birthday Party Fundraiser

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Ann-Mairead

Family name

Pollitt

E-mail address

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes☐ No

Registration number

Business name

The Bay Horse Inn BM Inns Ltd.

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☒ Yes

☐ No

Enter details of any previous names or maiden names

First name

Family name

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="The Bay Horse Inn"/>
Street	<input type="text" value="20 Uppertown"/>
District	<input type="text" value="Oxenhope"/>
City or town	<input type="text" value="Keighley"/>
County or administrative area	<input type="text" value="West Yorkshire"/>
Postcode	<input type="text" value="BD22 9LN"/>
Country	<input type="text" value="United Kingdom"/>

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

☒ Yes

☐ No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

The Bay Horse Inn

Street

20 Uppertown

District

Oxenhope

City or town

Keighley

County or administrative area

West Yorkshire

Postcode

BD22 9LN

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

Premises licence number

BD/PRA0107

Location Details

Provide further details about the location of the event

We have been asked to hold a birthday/fundraising event in the car park at the rear of the pub. It will only be for 6 hours and the licence is only for music and food outside.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The Bay Horse Inn is a real ale country pub much frequented by locals and is considered the hub of the village.

Describe the nature of the event below (see also guidance on completing the form, note 5)

Continued from previous page...

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

06	/	08	/	2017
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

06	/	08	/	2017
dd		mm		yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

14.00 - 20.00

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

250

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

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If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- ☐ On the premises only
- ☐ Off the premises only
- ☒ Both

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RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Music 14.00 - 20.00
Food served 14.00-20.00

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☒ Yes ☐ No

Continued from previous page...

State the number of temporary event notices you have given for events in that same calendar year

2

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION (See also guidance on completing the form, note 17)		
It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.		
PAYMENT DETAILS		
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21		
DECLARATION (See also guidance on completing the form, note 18)		
<p>I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"</p> <p>Full name <input type="text" value="Mrs Ann-Mairead Pollitt"/></p> <p>Capacity <input type="text" value="DPS"/></p> <p>Date <input type="text" value="12"/> / <input type="text" value="07"/> / <input type="text" value="2017"/> dd mm yyyy</p> <p><input type="button" value="Add another signatory"/></p> <p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none">1. Save this form to your computer by clicking file/save as...2. Go back to https://www.gov.uk/apply-for-a-licence/temporary-event-notice/bradford/apply-1 to upload this file and continue with your application. <p>Don't forget to make sure you have all your supporting documentation to hand.</p>		

Memo

To: Licensing Team
1st Floor
Argus Chambers
Bradford

Department of Health and Wellbeing

Environmental Health
5th Floor
Britannia House
Bradford
BD1 1HX

From: Jeanette Howarth

Tel: (01274) 433963
Email: jeanette.howarth@bradford.gov.uk

Date: 13th July 2017

Licensing Act 2003
Application for a Temporary Event Notice
Bay Horse Inn, Hebden Bridge Road, Oxenhope, BD22 9LN

I wish to object to the Temporary Event Notification submitted for 6th August 2017 from 14:00 hours to 20:00 hours.

This Department received a complaint of noise nuisance from a recent TEN over the weekend of 9th – 11th June 2017. Similar complaints were received in 2015 and 2016 following TENs at the premises. I have been informed by a colleague that the music can be heard across the village when outdoor events have been held at the premises.

The existing Premises Licence has a condition on it relating to the prevention of public nuisance. The condition states:

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

The above condition relates to indoor entertainment at the premises and is there to protect local residents from noise nuisance. I do not believe that the noise from amplified music in a car park can be adequately controlled so as to prevent a statutory nuisance and thus I would object to the granting of the TEN.

Yours sincerely

Jeanette Howarth
Environmental Health Officer
Pollution Team

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