

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 3 January 2018 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

Hearing

Application for a Review of a Premises Licence for Oakwood Hall Hotel, Lady Lane, Bingley (**Document "G"**)

OAKWOOD HALL HOTEL, LADY LANE, BINGLEY

**RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR
OAKWOOD HALL HOTEL, LADY LANE, BINGLEY (DOCUMENT "G")**

Commenced: 1345
Adjourned: 1545
Reconvened: 1610
Concluded: 1615

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Interested Parties Applicant for Review:

Mrs Hardacre, Local Resident - Review applicant
Mr Hardacre, Local Resident - witness
Mrs Saunders, Local Resident - witness

Representing Responsible Authorities:

Mr Farmer, Environmental Health Unit, Bradford Council

Representing the Licensee:

Mr Goldsborough, representing the Licensee
Mr Brassington, Designated Premises Supervisor - witness

Observers

PC Lord, West Yorkshire Police
Ms Howarth, 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. It was explained that a request for a review had been received from a local resident in conjunction with a representation from the Council's Environmental Health Unit stating that they had received seasonal complaints since 2015. Another letter objecting to the noise had been received as well as a letter of support.

The review applicant addressed the Panel explaining that her house and garden backed onto the Hotel. Her family had to endure noisy conditions from events taking place at the Hotel and, as a consequence, were unable to use the garden on a weekend, therefore, it was requested that consideration was given to the residents of the Orchards. With regard

to the letters of support, Members were informed that many of the properties did not back onto the Hotel and would not be affected by the noise. The review applicant reported that the noise from the Hotel would escalate during the day which prevented windows and doors from being open and gardens from being used. The Council's Environmental Health Unit had been made aware of the issues and were regularly contacted. There were three properties that bore the brunt of the noise and the use of the Hotel garden should be limited so that residents could enjoy their weekends and gardens.

The review applicant then requested that local residents, as witnesses, put forward their points. A local resident stated that he had moved into his property seven years ago and the noise disturbance had increased over the years. The Hotel had been contacted on numerous occasions regarding noise levels and staff had requested that guests be quiet but had been ignored. The local residents wanted respect for their gardens.

Another local resident reported that she had moved into her property in 2001 and had experienced a good relationship with the Hotel, however, following the construction of the extension problems had occurred and steadily increased. Telephone calls to the Hotel in relation to the noise had been unanswered or requests by staff for guests to limit the noise had been ignored. Members were informed that functions started early and continued until late which meant residents were unable to enjoy their gardens. Doors to the extension were left open and the large boundary hedge did not provide acoustic protection. The local resident commented that the licensing conditions related to indoor activities, however, guests congregated in the garden and the noise levels increased when the doors were left open. The letters of support were also irrelevant unless the property was close to the Hotel's garden.

In response to questions from the Panel, the review applicant confirmed that:

- The noise problems started around Easter and continued until October.
- Noise disturbance occurred most weekends, and occasionally on other days, and would start around lunchtime and end around 1am.
- There had only been one occasion where a bouncy castle had been in the Hotel garden, but it could become more frequent.
- The Council's Environmental Health Unit had been contacted, but the owner had not been approached.
- Live music had been played in the garden, though not regularly and the music from indoors could be heard as the doors were left open.
- It was understood that the conditions for the extension specified that doors should be closed.

The Licensee's representative then questioned the review applicant who stated that:

- The boundary hedge was approximately 30 foot in height and the Hotel's garden could not be seen over it, however, it could be seen through at a lower level as the foliage was dead.
- Live bands had been heard in the Hotel's garden occasionally.
- Telephone calls had been made to the Hotel and staff spoken to.
- Requests had been made to speak to the Hotel Manager many times.
- Noise problems had increased in recent years due to guests in the Hotel's garden.
- Guests had been seen drinking, but not served in the garden and glass collections had been heard.
- Guests may retire inside at approximately 10pm during the summer months.

- Noise disturbance from large groups of people was not acceptable every weekend.
- Guests used the Hotel's garden as part of the venue.
- Noise levels usually dropped when food was being served.
- Her doors and windows could not be opened during the summer months.
- Music could be heard more clearly when the venue's doors were open.
- When the Hotel had been contacted, staff had been stated that they would close the doors.
- Her property was the most affected by the noise.
- The views of other neighbours had not been canvassed.
- Other neighbours had larger gardens and the houses were further away. The Hotel's extension also blocked some of the noise.
- The properties with gardens that were directly in line with the Hotel's grounds suffered from noise issues.

The Chair questioned what outcome the review applicant would like from the hearing and was informed that a compromise that was fair for the neighbours was required.

The Council's Environmental Health Unit representative explained that the cacophony of noise occurred on a weekly basis throughout the summer and caused a potential disturbance. He confirmed that the issues had been discussed with the owner, however, the problem was that the Hotel was dealing with different clients each week. Guests were unable to see the houses beyond the hedge and were unaware that they were there. Acoustic attenuation measures had not been offered, therefore, the only way to resolve the matter would be to limit the use of the Hotel's garden. It was acknowledged that people couldn't be regulated the whole day, therefore, patrons needed to be brought inside so the neighbours could enjoy their gardens. Members were informed that noise breakout could be controlled by conditions placed on the licence, however, the use of the garden should be restricted.

In response to queries the Council's Environmental Health Unit representative stated that:

- If acoustic fencing was installed on the border there would be a reflection of noise, which would be similar to a courtyard effect.
- A meeting had taken place with the owner on 10 July 2017 regarding the noise disturbance monitored on 8 July 2017.
- The noise generated would likely be a nuisance, as it occurred on a frequent basis and was ongoing late at night.
- Complaints had been received since 2015 and the review applicant had previously dealt with the Hotel direct.
- The use of the garden needed to be constrained, as the physical barrier was not relevant.
- He was unable to state what measures would have the greater effect.

The Licensee's representative began by explaining that the Hotel had been used as a wedding venue for approximately 30 years and the number of guests attending the functions had not substantially increased, even though an extension had been added to the building. The Designated Premises Supervisor (DPS) was an experienced operator who had been running the business for over 20 years and there had been no need to review the licence previously. Attendees at the functions were controlled and retained inside the premises as much as possible. With regard to the smoking ban, there were designated areas around the Hotel and guests were not encouraged or permitted to take

drinks outside, however, some people were beyond control. It was confirmed that windows and doors were closed when noise issues arose and staff would go outside to check. The Licensee's representative stated that the Hotel respected its neighbours, however, it would not be possible to prescribe times to restrict the garden area and the licensing hours were not excessive.

The Licensee's representative then called the DPS as a witness who clarified the following points:

- The boundary hedge was kept trimmed to a certain height.
- The hedge was there to provide privacy and he was not aware that it had died at the bottom, as it appeared healthy on the side facing the Hotel.
- Visitors to the Hotel would probably not be aware of the houses behind the hedge.
- Guests were not asked to give regard to the neighbours, but they were told that things such as bouncy castles were not permitted in the grounds.
- Alcohol was not served outside the premises and not a great deal could be done if guests took drinks outside.
- The noise was not loud.
- During the summer months the number of guests outside could vary between 20 and 50 people.
- There used to be chairs and tables located outside for smokers, however, the smoking area had been moved away from the Hotel in mid July 2017.
- Moving the smoking area will have helped the noise issue, not made it worse.
- Live music outside the Hotel had never taken place.
- In order to manage inside noise levels the Hotel's extension had been double glazed and fire doors were kept closed, however, they did get opened.
- Staff managed the noise levels as best as possible.
- Any time management of the Hotel would result in it closing as customers would take their business elsewhere if they could not use the garden.
- The garden was a selling point for photographs.
- The majority of the event's proceedings took place inside.
- The car park at the front of the Hotel could create noise issues.
- Acoustic screens could be placed around the smoking area which may help.
- Limiting the use of the garden area would impact on the business.
- A reasonable time to cease use of the garden would be around 10.30pm to 11pm.
- Noise levels at the venue had not increased, as the numbers attending had decreased.
- Events used to be held for around 175 people and this had now decreased to 100.
- Approximately 25 weddings would take place during the year and they would not be held every weekend during the summer.
- Weddings accounted for a large amount of the Hotel's business and approximately 20% of bookings would be lost if the garden could not be used.

In response to the Panel's questions, the DPS confirmed that:

- An appropriate concession to cease use of the garden would be 11pm.
- The smoking area was located where the extension block joined the Hall.
- The restaurant doors opened onto the garden and he believed that numbers 29 and 33 were no longer affected by the smoking area.
- The bedroom block had been converted 25 years ago.
- Additional planting on the boundary could help mitigate noise.

- There were two tables, benches and 12 chairs in total in the garden area, which included a table and four chairs that were located in the smoking area.
- People using the Hotel did not like to be told what areas they could and could not use.
- It may be possible to reduce the time that the garden could be used.
- He would have been happy to consult with neighbours, but was not sure if it would be useful now.

The review applicant questioned whether the DPS was present during wedding events at the Hotel and was informed that he worked every Friday and Sunday and alternate Saturdays. The review applicant acknowledged that alcohol was not sold outside the premises, however, guests would take drinks outside and it was requested that a compromise was required to cease use of the garden at a reasonable time. In response the DPS reiterated that not all customers were reasonable and they liked to use all the facilities.

In conclusion the Licensee's representative informed the Panel that the DPS acknowledged the issues raised by the neighbours, however, he questioned whether there was justification to restrict the use of the venue. He stated that there was an acceptance that the garden area would be used, which would result in some level of noise, but queried if there should be a set time when use of the garden ceased. There had not been any noise from live bands in the garden and there had only been one instance of a bouncy castle in the grounds. With regard to any restrictions imposed, the Licensee's representative asked to what extent they could be regulated and indicated that a pragmatic stance would need to be adopted. The Panel were informed that the DPS understood the needs for a balance between the business and the neighbours. The number of guests attending events had declined over the years and the noise created would not be unacceptable. The DPS was also looking at ways to mitigate the noise, as the garden was a vital part of the business. The Licensee's representative noted that other gardens bordered the grounds of the Hotel, however, they had not complained and requested that the Panel adopted an objective conclusion.

In response to some of the comments made, the review applicant addressed the Panel stating that the level of noise could be continuous and present for many hours. It was acknowledged and understood that guests would be enjoying themselves, however, a right to enjoy her home and garden was required. The review applicant reported that it was not just her perception of the noise being loud, as her daughter's bedroom window had been triple glazed. It was appreciated that her property was behind a hotel, however, some respect and enjoyment of life was needed. It would be easy for the Hotel to inform guests that the garden closed at a certain time and if the area was only used for a proportion of the wedding why would this be a problem.

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 finds as follows:

- (i) The consumption of alcohol or any other drinks or food in the external areas of the licensed premises shall not be allowed after 2000 hours.**

- (ii) That all external doors and windows where regulated entertainment is being provided shall remain closed during the course of the entertainment, other than for normal access and egress.

Reason - It is considered that the above conditions are necessary to minimise noise disturbance to nearby residents – 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.