

Record of a Hearing of the Bradford District Licensing Panel held on Monday, 30 April 2018 in Committee Room 5 - 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 two Temporary Event Notices for the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley (Document "P")**
- 2. Urgent Item – Olicana Park, High Mill Lane, Addingham**

BAY HORSE INN, 20 UPPERTOWN, OXENHOPE, KEIGHLEY

RECORD OF A HEARING FOR TWO TEMPORARY EVENT NOTICES FOR THE BAY HORSE INN, 20 UPPERTOWN, OXENHOPE, KEIGHLEY (DOCUMENT "P")

Commenced: 1000

Adjourned: 1040

Reconvened: 1055

Concluded: 1100

Present:

Members of the Panel:

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

Parties to the Hearing:

Representing the Licensee:

Mrs Pollitt, Applicant

Mr Pollitt, representing the Applicant

Representing Responsible Authorities:

Ms Williamson, 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 proposed date and times of the events were 8 to 10 June 2018 from 1400 to 2300 hours and 4 August 2018 from 1400 to 2000 hours. The Council's Environmental Health Unit had objected to the proposed events on the grounds of prevention of public nuisance, as noise complaints had previously been received.

The Council's Environmental Health Unit representative addressed the Panel explaining that noise complaints were classed as a statutory nuisance and had been received in relation to the Beer Festival since 2015. The premises had a large car park with residential properties on the boundary and music had been clearly audible approximately 200 metres away. The Environmental Health Unit had contacted the licensee in 2015 in respect of previous applications and they had been informed that three day events were not acceptable. In 2016 a local resident had informed the Unit that they did not want the three day event to be permitted. The Environmental Health Unit representative confirmed that the annual Straw Race was not an issue, however, the Beer Festival in 2017 had been excessively loud from 1400 to 2200 hours on the Friday and continuously from 1500 to 2300 on the Saturday. Further complaints had been submitted following the event and on 12 June 2017 the Environmental Health Unit had sent a warning letter to the licensee. On 13 July 2017 the Unit had objected to a Temporary Event Notice for a birthday party at the premises, however, it had been granted by the Panel. It was noted that local residents were annoyed that events were still taking place at the premises and one complaint had

stated that noise from inside the public house could be heard inside residents' homes. The Environmental Health Unit representative stated that it was not acceptable for extremely loud music to be played over three days and unreasonable when residential properties were in close proximity to the premises. There was no reason why music should be played outside the property and if the Temporary Event Notice was granted the Environmental Health Unit would serve an Abatement Notice to prevent the occurrence of a statutory nuisance.

The licensing officer clarified to Members that the Environmental Health Unit would be willing to enter into negotiations and would accept some of the proposed events.

In response to queries, the Environmental Health Unit representative confirmed that:

- They would accept a compromise of a one day event from 1400 to 2200 hours with noise levels agreed.
- The event could take place inside if possible, however, the noise levels would have to be kept at a reasonable level. There would be a statutory nuisance if the event was held outside and consideration would need to be given to where the band would be located in order for the noise to be directed away from residential properties.
- An Abatement Notice could be served prior to the event in order to maintain noise levels at a minimum and prevent a statutory nuisance occurring.
- If an Abatement Notice was breached, Enforcement Action would be taken.
- Complainants had already stated that they did not want the event to take place.
- An Environmental Health officer lived in the vicinity, but could only undertake an objective assessment. If the noise was clearly audible over 200 metres away, it would be very intense at closer properties.
- Complaints had been received in respect of the live music at the Beer Festival.
- They were aware of three events with music outside.
- The Straw Race was not an issue, as local residents were aware that it was a community event.
- They did not have any evidence of the noise levels, just complaints submitted by local residents.
- Environmental Health would be willing to accept Friday and Saturday from 1400 to 2200 hours, however, one day would be preferable.
- If the event went ahead there would be a statutory nuisance, as it was difficult to control noise from a live outside event.

In relation to the Abatement Notice, the legal representative explained that it could not prevent the event from going ahead, however, it could ensure that noise levels would not be exceeded.

The applicant's representative proposed that the event and music would be brought inside on the Sunday and would run from 1400 to 2200 hours on Friday and Saturday. They would try to ensure that the noise level was kept down. In relation to the birthday party event in August, it would be held inside, however, it was organised by a local resident who wanted to invite a large number of people and not everyone would fit inside the premises.

In response to questions, the applicant's representative and the applicant reported that:

- The normal licensable hours were 1200 to 0100 hours on a Friday, Saturday and Sunday.

- The request to hold the August event outside the premises had been made as it was usually a warm month. It would be a quiet event and noise checks could be made around the perimeter.
- It would be acceptable for the Beer Festival to close at 2200 hours on Friday and Saturday and to be held inside the premises on Sunday.
- Three events would take place this year.
- The real ale and music event had started in 2015.
- The size of the premises dictated that events had to be held outside.
- Over 200 people attended the event.
- The premise was a strange shape and the capacity was between 60 – 70 people.

In conclusion the applicant's representative stated that they wanted to work with the Environmental Health Unit and did not want to upset local residents. A neighbour had indicated that the noise could be monitored from within their property. They wanted the event to continue to be held annually and maintain a good relationship with local residents.

Following an adjournment, the Chair questioned whether the applicant would modify the Temporary Event Notice application for the Beer Festival in June and hold the party in August inside the premises. The applicant's representative confirmed that the amended proposal would be accepted. The Chair then added that it may be beneficial if the Environmental Health Unit carried out some sound monitoring.

Decision –

In light of the proposed premises user's agreement at the Panel Hearing to modify the Temporary Event Notice at Appendix 1 to Document "P", in order to address the prevention of public nuisance concerns, to the following:

8 and 9 June 2018 – 1400 to 2200

The Panel are satisfied that the event could go ahead subject to the modification of the Temporary Event Notice.

Members noted that the Temporary Event Notice for 4 August 2018 was withdrawn by the premises user.

Chair

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

URGENT ITEM - OLICANA PARK, HIGH MILL LANE, ADDINGHAM

Commenced: 1100
Concluded: 1105

Present:

Members of the Panel:

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

Representations:

The licensing officer in attendance reported that the applicant had requested that consideration of the application submitted for the grant of a premises licence be deferred until July 2018.

Decision –

That the request by the applicant to defer consideration of the application be noted and that it be presented to the Panel between 1 and 17 July 2018.

Chair

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