

Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 25 July 2018 in Committee Room 4 - 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

COMMERCIAL INN, 61 PARK ROAD, THACKLEY, BRADFORD

RECORD OF A HEARING FOR CONSIDERATION OF A TEMPORARY EVENT NOTICE FOR THE COMMERCIAL INN, 61 PARK ROAD, THACKLEY, BRADFORD

Commenced:1100
Adjourned:1155
Reconvened:1202
Adjourned:1208
Reconvened:1211
Adjourned:1213
Reconvened:1216
Concluded:1217

Present

Members of the Panel

Bradford District Licensing Panel: Councillor Slater (Ch), Councillor Hawkesworth and Councillor Stelling

Parties to the Hearing

Representing the Applicant:

Miss Rayner – applicant

Mr Rayner – assisting the applicant

Representing the Responsible Authorities:

Ms Howarth – Environmental Health Officer

Ms Williamson – Environmental Health Officer (observing)

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “D”**) which requested consideration of a Temporary Event Notice for an event to be held in the car park of the Commercial Inn, 61 Park Road, Thackley, Bradford on 4 August 2018 from 14.00 to 21.30 hours. The event included the sale of alcohol and the provision of regulated entertainment.

The applicant and her father attended the meeting and spoke in support of the application, stressing that the event which was planned would be well controlled; was principally organised for local patrons of the pub and would hopefully raise a lot of money for charity. They acknowledged that one or two neighbouring residents had been upset by noise in the past but stressed that a sound management company would be in attendance for the event and that sound monitoring would be undertaken.

They also advised that, due to the exceptionally good weather recently, they had held several outdoor events in recent months but stressed that these had only taken place between 1700 and 2000 on each occasion.

They expressed some frustration that such events took a lot of planning but they had only received notice of the complaints received within the last two weeks. They also considered it unreasonable that the event was in jeopardy as a result of a small number of complaints. They advised the Panel that any potential traffic problems had been forestalled as they had agreed the use of the local football ground for overspill parking.

In response to questions from the Panel, they confirmed that between 250-300 people had

attended this event in previous years but that others in the year had been smaller and had taken place between 1700 and 2000 and had finished promptly.

A Member queried whether the Police had ever been in attendance and was advised that they had been called for a previous parking problem which had been discovered to be caused by a local resident's vehicle rather than the event at the pub.

The Environmental Health Officer then made representations in respect of the objection; listing for Members' information the complaints that had been received between 2016 and the present day in respect of these premises. They totalled six different complaints, usually received after an outdoor event and referred also to general problems of noise and disturbance from the pub due to music being played and doors and windows being left open.

She explained the process for issuing a noise abatement notice which could lead to prosecution and a fine being imposed.

In response to questions from the Panel, she explained that there was no set level of noise which automatically constituted a nuisance and that each case was assessed on its circumstances. If noise was clearly audible in private properties near the premises and was a nuisance to residents her service had no option but to monitor and, if necessary, take action. Given the location of these premises, it would be extremely difficult to ensure that noise was inaudible at the pub's boundary.

The Senior Licensing Officer explained the current regulations in respect of proving live music and using outside areas and advised that the Temporary Event Notice was only required as the applicant wished to sell alcohol outdoors. The applicant confirmed that this was her intention.

The applicant's father then questioned the Environmental Health Officer in some detail, querying whether a complaint had ever been received from the same complainant more than once and whether complaints were taken at face value.

In response, the Environmental Health Officer advised that two complaints had been received from the same person in 2016 and that two complainants had also contacted her service to provide updates on their original complaints. If complaints continued to be received monitoring would be undertaken and complainants would be asked to keep diaries of dates and times when they had suffered disturbance. She was asked if either of these measures had been undertaken in respect of these premises and stated that there was no record of it.

In response to a question about why a complainant was believed but not the applicant, she advised that individuals had the right to make a complaint and noted that previous complaints had alleged regular noise nuisance from these premises. Officers did not seek to believe or disbelieve but rather undertook investigation and monitoring if necessary.

The applicant's father stated that some of the pub's elderly neighbours had been happier when the pub was closed but now it was thriving and there was some inevitable noise from patrons enjoying themselves. It was simply not possible to prevent any noise occurring. He reiterated that the effect of the exceptionally good summer was that people wanted to enjoy the outdoor area of the pub more than usual. However, the Environmental Health Officer reminded the Panel that the complaints received had not been about the noise of

patrons of the premises but about loud music and live bands.

In response to a question about the requirements for a noise abatement notice, she advised that one could be issued in advance of an event, during it or after it, dependent on the circumstances.

She also confirmed that her reference to levels of 100 decibels being recorded at an event at the pub had been made as the applicant had provided those details to her service.

The applicant's father complained that, if the event could not go ahead, they would suffer out of pocket expenses which did not seem reasonable to him on the basis of hearsay. The Environmental Health Officers in attendance queried what type of music would be played at the event and the applicant advised that there would be a variety of performers including a soul singer, a Johnny Cash tribute act, an acoustic trio, a party band and a rock band as a finale.

The Environmental Health Officers asked whether the hours being applied for and the line up could be amended to reduce the possibility of nuisance to local residents. The applicant considered that she could amend the finishing time for the event to 1900.

The Environmental Health Officers then requested a brief adjournment during which they discussed the event further with the applicant and her father. Upon reconvening both parties advised the Panel that they had managed to come to agreement whereby the event would finish at 1900 and the rock band would not perform. On that basis, the Environmental Health Officers indicated that they could withdraw their objection and would not have to serve a noise abatement notice. The applicant also confirmed that the sound management company would still be in attendance and noise monitoring equipment would be used.

The Licensing Officer explained to the Panel that the Environmental Health Officer would need to withdraw the objection in order for the Panel to allow the event to go ahead. The Environmental Health Officer did so and ascertained that the applicant understood that if the event was permitted to take place on the revised basis agreed it would mean that the sale of alcohol outdoors would also have to finish at 1900. The applicant confirmed that she understood that.

Decision –

That, in the light of the withdrawal of the objection by the Environmental Health Officer due to the modification of the application to now finish at 1900, the Panel therefore allows the event to take place.

Chair

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