



## **Agenda for a meeting of the Bradford District Licensing Panel to be held on Tuesday, 29 January 2019 at 1.30 pm in Committee Room 4 - City Hall, Bradford**

### **Members of the Committee – Councillors**

<b>LABOUR</b>
<b>M Slater</b>
<b>Azam</b>
<b>Godwin</b>

### **Notes:**

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- 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](mailto: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. MILL HEY BREW HOUSE, 2 MILL HEY, HAWORTH**

1 - 16

The Assistant Director Waste, Fleet and Transport Services will present a report (**Document “R”**) which requests consideration of a Temporary Event Notice for an event to be held at Mill Hey Brew House, 2 Mill Hey, Haworth. The event includes the sale of alcohol and the provision of regulated entertainment as follows;

25 to 26 May 2019 from 14.00 to 22.00 hours each day.

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

(Melanie McGurk – 01274 431873)

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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 29 January 2019.**

**R**

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**Subject:**

Consideration of an objection notice received from Environmental Health regarding a Temporary Event Notice for Mill Hey Brew House, 2 Mill Hey, Haworth, BD22 8NQ.

**Summary statement:**

Consideration of a Temporary Event Notice for an event to be held at Mill Hey Brew House, 2 Mill Hey, Haworth, BD22 8NQ. The event includes the sale of alcohol and the provision of regulated entertainment as follows;

25 to 26 May 2019 from 14.00 to 22.00 hours each day.

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John Major  
Assistant Director  
Waste, Fleet & Transport Services

Report Contact Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

**Portfolio:**

**Neighbourhoods & Community Safety**

**Overview & Scrutiny Area:**

**Corporate**

## 1. SUMMARY

A Temporary Event Notice has been served for the sale of alcohol and provision of regulated entertainment at a proposed event to be held at Mill Hey Brew House, 2 Mill Hey, Haworth. The proposed dates and times of the event are:

25 to 26 May 2019 from 14.00 to 22.00 hours each day.

The Environmental Health Officer has submitted an objection notice to the Temporary Event Notice.

## 2. BACKGROUND

### 2.1 The premises user

Mr Neil Tomlinson.

A copy of the notice is attached at Appendix 1.

### 2.2 Counter notice received

#### Environmental Health

The Environmental Health Officer has submitted a notice objecting to the proposed event on the grounds of prevention of public nuisance.

Since the Premises opened as the Mill Hey Brew House, Environmental Health received regular complaints of noise from local residents. The main source of the noise being amplified music and customers talking, shouting, laughing, outside of the premises late at night and in the early hours of the morning.

An Abatement Notice was served on Mr Tomlinson, on 24 July 2017. Mr Tomlinson failed to address the noise issues and 3 contraventions of the Notice were witnessed by different officers.

A review application was submitted by Environmental Health on 11 September 2018, which was considered by Members of the Licensing Panel on 6 November 2018 and resulted in the exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm being dis-applied.

The Environmental Health Officer suspects that should a live music event go ahead the department will receive further complaints and have to initiate prosecution proceedings.

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

## 3. OTHER CONSIDERATIONS

- 3.1 The Licensing Act 2003 facilitates the holding of temporary events at premises that are not otherwise licensed for licensable activities. Proposed events must involve no more than 499 people at any one time. There are also limits on the number of

temporary events that can take place at any premises or can be organised by a premises user in a calendar year.

3.2 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.

3.3 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. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management or governance implications.

#### **6. LEGAL APPRAISAL**

Referred to in part 3 above.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

The Council has to comply with the public sector equality duty in Section 149 Equality Act 2010.

##### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

##### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

##### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no apparent community safety implications.

##### **7.5 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 must be given.

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

Ward Councillors have been notified of the meeting.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

There are no apparent implications for Corporate Parenting.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no apparent data protection or information security implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1 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.

9.2 Should the premises user or Environmental Health feel aggrieved at any decision with regard to the Notice they may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

## **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.

2. Objection Notice from Environmental Health dated 18 January 2019.

**12. BACKGROUND DOCUMENTS**

Licensing Act 2003 and statutory guidance, Plan.

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8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please 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). (Please read note 2)	
MILL HAY BREW HOUSE, 2 MILL HAY, HAWORTH BD22 8NQ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below.	
Premises licence number	072892
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
FUND RAISING LIVE MUSIC EVENT.	

R

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

25/26 MAY 2019

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

LIVE MUSIC TO BE PERFORMED BETWEEN THE HOURS OF 14.00 - 22.00 HOURS ON BOTH DAYS.

Please 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. (Please read note 11)

400

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 13)

AS ABOVE BETWEEN 14.00 - 22.00 HOURS

<b>4. Personal licence holders</b> (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number	[REDACTED]	
Date of issue	13/5/2016	
Any further relevant details		

<b>5. Previous temporary event notices you have given</b> (Please read note 15 and tick the boxes that apply to you)		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after;		
the event period proposed in this notice?		

<b>6. Associates and business colleagues</b> (Please read note 16 and tick the boxes that apply to you)		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after;		
the event period proposed in this notice?		

<b>7. Checklist</b> (Please read note 17)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated:	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition</b> <i>Please read note 17</i>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations</b> <i>Please read note 18</i>
The information contained in this form is correct to the best of my knowledge and belief.
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.
SIGNATURE 
DATE 19/12/18
Name of Person signing Neil Tomlinson

For completion by the licensing authority

<b>10. Acknowledgement</b> <i>(Please read note 20)</i>
I acknowledge receipt of this temporary event notice.
SIGNATURE On behalf of the Licensing Authority
DATE
Name of officer signing

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# Memo

To: Licensing Team  
3<sup>rd</sup> Floor  
Argus Chambers  
Bradford

Department of Health and Wellbeing

Environmental Health  
5<sup>th</sup> Floor  
Britannia House  
Bradford  
BD1 1HX

From: Charlotte Caygill

Tel: (01274) 433951  
Email: [charlotte.caygill@bradford.gov.uk](mailto:charlotte.caygill@bradford.gov.uk)

Date: 18 January 2019

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**Licensing Act 2003**  
**Application for a Temporary Event**  
**Re: Mill Hey Brew House, 2 Mill Hey, Haworth, BD22 8NQ**

I wish to object to the Temporary Event Notifications submitted for the 25<sup>th</sup> May 2019 and the 26<sup>th</sup> May 2019

Since the Premises opened as the Mill Hey Brew Haus, Environmental Health have received regular complaints of noise from local residents. The main source of the noise is amplified music and customers talking, shouting, laughing, outside of the premises late at night and in the early hours of the morning.

An Abatement Notice was served on Mr Tomlinson on 24<sup>th</sup> July 2017, which required him to abate the nuisance and prohibit a recurrence of a statutory nuisance arising from the playing of amplified music within the Mill Hey Brew Haus.

Unfortunately, Mr Tomlinson failed to address the noise issues and 3 x contraventions of the Abatement Notice were witnessed by different Officers from this Department.

A review application was submitted on 11<sup>th</sup> September 2018, which was considered by Members of the Licensing Panel on 6<sup>th</sup> November 2018 and resulted in the exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm being dis-applied.

I have strong reason to suspect that should a live music event go ahead we will receive further complaints and have to initiate prosecution proceedings.

Regards

Charlotte Caygill  
Environmental Health Officer



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Page 15

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