

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 17 September 2019 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

Hearings

Application for Review of a Premises Licence for The Wyke Rose, 435 Huddersfield Road, Wyke, Bradford BD12 9NP

RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE AT THE WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD BD12 8NP

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “F”**) which outlined an application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment for Wyke Rose.

The report revealed that the Environmental Health Service had applied for the review of the premises licence due to noise complaints which had not been resolved despite action taken by a number of Responsible Authorities. West Yorkshire Police had submitted a representation in support of the review; the Licensing Service had submitted a representation in support of the review following a failure by the licence holders to address licence breaches; a letter of representation had been received from a local ward Councillor on behalf of residents living near to the premises and a letter of representation had been received from the premises manager who believed that noise was occurring from outside of the premises.

The Panel were advised that a petition had been received in support of the premises but as that petition had not been received within the permitted timescale it could not be presented for consideration by the Panel. It was also explained that a request by officers from Environmental Health to present video evidence in support of the review application had also been declined. Those depicted on the video footage wished to remain anonymous and it would not, therefore, be possible to share that information with all parties. The decision making options open to the Panel were explained in full.

A representative of the Environmental Health Service addressed the meeting and made representations on behalf of the application.

It was explained that Environmental Health had applied for a review of the premises licence in October 2012 following noise complaints and failure to comply with an Abatement Notice that had been served on a previous Designated Premises Supervisor. That review had resulted in additional conditions being placed on the licence under the prevention of public nuisance objective. A copy of the licence was appended to Document F.

The Environmental Health representative reiterated the statement contained in Document F and the serious concerns expressed by West Yorkshire Police; the Council's Licensing Service; Ward Councillors and residents living close to the premises.

Following a very detailed presentation Members raised a number of issues.

Reference was made to the West Yorkshire Police statement, contained in Document “F” , that a CCTV system was not being used and it was questioned if that was the case. In response it was explained that following a visit from the police and Licensing Officers it had been noted that a number of conditions, including that the CCTV system had been turned off, were being breached.

When asked to rate the premises, on a scale of 1 to 10 with 10 being the worst, the Environmental Health representative stated she would rate the premises as a 10. It was stressed that the Wyke Rose were the only premises which had been subject to a licence review twice.

Members referred to the letter of representation submitted by the manager of the premises and the claim that the certain representatives of the Council's Environmental Health team wished to close the premises down. In response it was explained that Environmental Health wanted the business to comply with the conditions on the licence and ensure that problems were not being caused for local residents. It had not been intended to close the business but Environmental Health had tried everything to persuade management to adhere to the conditions.

Following discussions about engagement with the premises management it was explained that despite meetings being arranged with all parties no contact had been made by the premises managers to attempt to solve the issues. The details and timelines of a previous review; the imposition of premises licence conditions and actions taken under community protection legislation as contained in document F were reiterated.

Local Councillors representing their constituents living in the vicinity of the Wyke Rose addressed the meeting. It was explained that they had been contacted by local residents who they had advised of the procedure to make a complaint. The residents had contacted responsible authorities about loud music being played until the early hours of the morning; 'lock ins' at the premises and issues with drug use outside of the premises. Despite those complaints the situation had not been resolved. Those residents did not want to be identified as they feared repercussions and had asked their Ward Councillors to speak on their behalf. Despite the request for the review of the licence being made the disturbance had continued into the early hours.

A representative of the premises manager addressed the meeting. She explained that the manager had taken over the premises in August 2017. There had been some historic problems when he had first arrived but he had since turned the pub around and elderly residents in the area now felt it was safe to return. He had installed double glazed windows and looked into the installation of noise limiters. All staff were now aware that music must cease at 10.00pm.

It was stressed that the manager was trying to operate a community friendly business. Whilst agreeing that the music should cease at 10pm it was felt that residents living in the vicinity of a public house should expect to hear some noise. The manager's representative reported that he was an amicable man. He had approached local residents and assured them that they should not be afraid to approach him directly if they had any issues. Signs had been erected on the premises requesting patrons to respect residents as they left the building.

The Premises Manager supported his representative's statement and assured Members that he understood the conditions on the licence. He explained that windows were kept closed to limit the noise and, whilst it was difficult to control issues outside of the premises, he had asked people not to play loud music in their vehicles and had attempted to resolve issues with the neighbours. He referred to a petition which had been signed by 72 residents in support of the premises. He claimed that those residents had not witnessed any issues and that prior to the seizure of equipment from the premises he had been unaware of the level to which noise was restricted.

He reiterated that the windows had been re-glazed and that he had improved relations with an older clientele who had returned to the premises following management.

A DJ working at the premises addressed the meeting in support of the Premises Manager. He explained that he, amongst others, had worked at the premises since July 2018. He reported that he had 15 years experience in his role and had worked in many premises located in densely populated areas. He maintained that he was aware of permitted levels of noise and that he could physically restrict the level of noise through his equipment. He confirmed that he regularly walked around the premises to check noise levels outside. Assurances were provided that karaoke would always cease by 9.30pm and he questioned some of the complaints about the level of noise.

He believed it was untrue to say that no action had been taken in response to complaints and measures had been taken against other DJs who had been in contravention of licensing conditions. It was maintained that on occasions when he had been outside of the premises checking the noise levels he had been able to hear music from other local licensed premises and speakers outside of residents' homes in good weather. He believed that complaints received may have been about noise from other premises. The disparity between the conditions on the license of the Wyke Rose and other premises was also claimed to be detrimental to the competitiveness of the premises as other venues were permitted to operate into the early hours.

The Designated Premises Supervisor reported that, apart from the meeting on 12 September 2018 referred to in the statement by Environmental Health, she had not received any communication or complaints from Responsible Authorities. She explained that until the day before the current review meeting she had been unaware that equipment had been seized from the premises.

A representative of the Premises Licence Holder, Clifton Properties (Yorkshire) Ltd addressed the meeting and reported that the company owned over 30 public houses and took its responsibilities very seriously. It was explained that the manager of the Wyke Rose was a tenant and that the company did not have any control over the operation of the business. When representations had been received from Environmental Health the issue had been taken up with the manager. Following a review in 2012 the premises had closed for a three month period. It was maintained that the current manager had turned the pub around and, as far as the company were aware, there were no issues with drug dealing or violence. The three complaints received from residents were compared to a petition of over 70 people in support of the premises.

The Panel was asked to consider imposing conditions requiring the instillation of sound monitoring equipment which would stop the music if the sound exceeded the permitted decibels.

A Member requested clarity on the conditions on the current licence and it was explained that the conditions did not specify a decibel level but required the noise to be inaudible at the nearest noise sensitive premises. The Council's legal officer confirmed that it would be rare for a condition to state a permitted decibel level.

Members questioned if the premises had a functioning CCTV system in place and the Premises Manager's representative reported that there was a working system in place.

The Premises Manager's representative's role at the premises was queried and she explained that she was a patron of the premises and friend of the manager.

The Designated Premises Supervisor was asked about her involvement and she explained that she visited the premises approximately two or three times per week. She reported that she also ran a public house in Halifax so was unable to visit the Wyke Rose during the evening. When asked about compliance with the conditions on the licence she stated that she had informed the manager that he must abide by the conditions. She explained that she had been unaware of the review until yesterday; her only visits to the premises had been during the day and she not witnessed the noise nuisance occurring later.

Whilst welcoming the use of supplementary glazing a Member questioned if air conditioning was utilised to prevent noise escaping from open windows. It was explained that the premises did not have air conditioning and the temperature was controlled with the use of a fan.

In response to questions the Premises Manager confirmed that noise limiters were not fitted at the premises and he had believed that Environmental Health would install that equipment. He was reminded that it was his responsibility to comply with the conditions on the licence. The DJ in attendance stated that he used powered equipment which depicted the noise levels. It was acknowledged that he could not confirm the equipment used by others but that he had been on the premises on one of the occasions when complaints were made and had not witnessed any breach of the conditions of the licence.

In response to his claim that noise could have emanated from other premises and been mistakenly attributed to the Wyke Rose he was asked to depict, on a plan of the area, the location of other licensed premises. The Premises Manager agreed that it was unlikely that noise from those premises and the gardens of local residents would be confused with noise emanating from the premises under discussion. It was acknowledged that those representing Environmental Health were experienced officers, however, the Manager queried the use of social media as evidence of noise nuisance. He did accept that officers had visited the premises.

In summation the representative of the Premises Manager referred to a petition containing 73 signatures in support of the premises and requesting that the licence not be revoked. She explained that the Premises Manager was amenable to complying with the conditions on the licence. It was acknowledged that the installation of air conditioning would help to limit noise emanating from the premises and the use of noise limiters would be considered to prevent future complaints. It was stressed that the premises were located in a residential area and that the manager had urged people to contact him directly with any concerns. The DJ and the manager would do all they could to alleviate complaints.

After hearing the evidence at the meeting a Ward Councillor, in his closing statement, expressed concern about the licence continuing at the premises. He stated that although three people had asked him to represent them at the meeting there were many more who had concerns. All three ward members had been approached by a number of residents. He believed it was clear that the conditions on the licence had not been adhered to; he was concerned that that no one from the premises appeared to take responsibility for the issues occurring and no approach had been made to officers to resolve the complaints.

The representative of Environmental Health, in summation, stressed that she did not want to see the premises closed down and had never, at any point, stated that was the case. She wanted the management of the premises to comply with the conditions on the licence but that had not happened. In September 2018 she had advised that a review of the

licence would be requested. The Police had visited the premises and had witnessed, as stated in Document F", breaches of the licence including that the CCTV equipment was not being utilised.

A number of Environmental Health Officers had witnessed the breaches of the conditions and that the noise was emanating from the premises under discussion and not from other public or residents' houses. It was stressed that it was the responsibility of the Premises Licence Holder to ensure that the conditions on the licence were adhered to.

Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

The Panel is not confident that management would take the appropriate steps to address the concerns raised by the Council's Environmental Health Department and the Police to implement the required changes to satisfy the licensing objectives.

Chair

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

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

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Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

The Panel is not confident that management would take the appropriate steps to address the concerns raised by the Council's Environmental Health Department and the Police to implement the required changes to satisfy the licensing objectives.

(Tracy McLuckie – 01274 432240)

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In response to his claim that noise could have emanated from other premises and been mistakenly attributed to the Wyke Rose he was asked to depict, on a plan of the area, the location of other licensed premises. The Premises Manager agreed that it was unlikely that noise from those premises and the gardens of local residents would be confused with noise emanating from the premises under discussion. It was acknowledged that those representing Environmental Health were experienced officers, however, the Manager queried the use of social media as evidence of noise nuisance. He did accept that officers had visited the premises.

In summation the representative of the Premises Manager referred to a petition containing 73 signatures in support of the premises and requesting that the licence not be revoked. She explained that the Premises Manager was amenable to complying with the conditions on the licence. It was acknowledged that the installation of air conditioning would help to limit noise emanating from the premises and the use of noise limiters would be considered to prevent future complaints. It was stressed that the premises were located in a residential area and that the manager had urged people to contact him directly with any concerns. The DJ and the manager would do all they could to alleviate complaints.

After hearing the evidence at the meeting a Ward Councillor, in his closing statement, expressed concern about the licence continuing at the premises. He stated that although three people had asked him to represent them at the meeting there were many more who had concerns. All three ward members had been approached by a number of residents. He believed it was clear that the conditions on the licence had not been adhered to; he was concerned that that no one from the premises appeared to take responsibility for the issues occurring and no approach had been made to officers to resolve the complaints.

The representative of Environmental Health, in summation, stressed that she did not want to see the premises closed down and had never, at any point, stated that was the case. She wanted the management of the premises to comply with the conditions on the licence but that had not happened. In September 2018 she had advised that a review of the licence would be requested. The Police had visited the premises and had witnessed, as stated in Document F", breaches of the licence including that the CCTV equipment was not being utilised.

A number of Environmental Health Officers had witnessed the breaches of the conditions and that the noise was emanating from the premises under discussion and not from other public or residents' houses. It was stressed that it was the responsibility of the Premises Licence Holder to ensure that the conditions on the licence were adhered to.

Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the

licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

The Panel is not confident that management would take the appropriate steps to address the concerns raised by the Council's Environmental Health Department and the Police to implement the required changes to satisfy the licensing objectives.

(Tracy McLuckie – 01274 432240)

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document "F"**) which outlined an application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment for Wyke Rose.

The report revealed that the Environmental Health Service had applied for the review of the premises licence due to noise complaints which had not been resolved despite action taken by a number of Responsible Authorities. West Yorkshire Police had submitted a representation in support of the review; the Licensing Service had submitted a representation in support of the review following a failure by the licence holders to address licence breaches; a letter of representation had been received from a local ward Councillor on behalf of residents living near to the premises and a letter of representation had been received from the premises manager who believed that noise was occurring from outside of the premises.

The Panel were advised that a petition had been received in support of the premises but as that petition had not been received within the permitted timescale it could not be presented for consideration by the Panel. It was also explained that a request by officers from Environmental Health to present video evidence in support of the review application had also been declined. Those depicted on the video footage wished to remain anonymous and it would not, therefore, be possible to share that information with all parties. The decision making options open to the Panel were explained in full.

A representative of the Environmental Health Service addressed the meeting and made representations on behalf of the application.

It was explained that Environmental Health had applied for a review of the premises licence in October 2012 following noise complaints and failure to comply with an Abatement Notice that had been served on a previous Designated Premises Supervisor. That review had resulted in additional conditions being placed on the licence under the prevention of public nuisance objective. A copy of the licence was appended to Document F.

The Environmental Health representative reiterated the statement contained in Document F and the serious concerns expressed by West Yorkshire Police; the Council's Licensing Service; Ward Councillors and residents living close to the premises.

Following a very detailed presentation Members raised a number of issues.

Reference was made to the West Yorkshire Police statement, contained in Document "F", that a CCTV system was not being used and it was questioned if that was the case. In response it was explained that following a visit from the police and Licensing Officers it had been noted that a number of conditions, including that the CCTV system had been turned off, were being breached.

When asked to rate the premises, on a scale of 1 to 10 with 10 being the worst, the Environmental Health representative stated she would rate the premises as a 10. It was stressed that the Wyke Rose were the only premises which had been subject to a licence review twice.

Members referred to the letter of representation submitted by the manager of the premises and the claim that certain representatives of the Council's Environmental Health team wished to close the premises down. In response it was explained that Environmental Health wanted the business to comply with the conditions on the licence and ensure that problems were not being caused for local residents. It had not been intended to close the business but Environmental Health had tried everything to persuade management to adhere to the conditions.

Following discussions about engagement with the premises management it was explained that despite meetings being arranged with all parties no contact had been made by the premises managers to attempt to solve the issues. The details and timelines of a previous review; the imposition of premises licence conditions and actions taken under community protection legislation as contained in document F were reiterated.

Local Councillors representing their constituents living in the vicinity of the Wyke Rose addressed the meeting. It was explained that they had been contacted by local residents who they had advised of the procedure to make a complaint. The residents had contacted responsible authorities about loud music being played until the early hours of the morning; 'lock ins' at the premises and issues with drug use outside of the premises. Despite those complaints the situation had not been resolved. Those residents did not want to be identified as they feared repercussions and had asked their Ward Councillors to speak on their behalf. Despite the request for the review of the licence being made the disturbance had continued into the early hours.

A representative of the premises manager addressed the meeting. She explained that the manager had taken over the premises in August 2017. There had been some historic problems when he had first arrived but he had since turned the pub around and elderly residents in the area now felt it was safe to return. He had installed double glazed windows and looked into the installation of noise limiters. All staff were now aware that music must cease at 10.00pm.

It was stressed that the manager was trying to operate a community friendly business. Whilst agreeing that the music should cease at 10pm it was felt that residents living in the vicinity of a public house should expect to hear some noise. The manager's representative reported that he was an amicable man. He had approached local residents and assured them that they should not be afraid to approach him directly if they had any issues. Signs had been erected on the premises requesting patrons to respect residents as they left the building.

The Premises Manager supported his representative's statement and assured Members that he understood the conditions on the licence. He explained that windows were kept

closed to limit the noise and, whilst it was difficult to control issues outside of the premises, he had asked people not to play loud music in their vehicles and had attempted to resolve issues with the neighbours. He referred to a petition which had been signed by 72 residents in support of the premises. He claimed that those residents had not witnessed any issues and that prior to the seizure of equipment from the premises he had been unaware of the level to which noise was restricted.

He reiterated that the windows had been re-glazed and that he had improved relations with an older clientele who had returned to the premises following management.

A DJ working at the premises addressed the meeting in support of the Premises Manager. He explained that he, amongst others, had worked at the premises since July 2018. He reported that he had 15 years experience in his role and had worked in many premises located in densely populated areas. He maintained that he was aware of permitted levels of noise and that he could physically restrict the level of noise through his equipment. He confirmed that he regularly walked around the premises to check noise levels outside. Assurances were provided that karaoke would always cease by 9.30pm and he questioned some of the complaints about the level of noise.

He believed it was untrue to say that no action had been taken in response to complaints and measures had been taken against other DJs who had been in contravention of licensing conditions. It was maintained that on occasions when he had been outside of the premises checking the noise levels he had been able to hear music from other local licensed premises and speakers outside of residents' homes in good weather. He believed that complaints received may have been about noise from other premises. The disparity between the conditions on the license of the Wyke Rose and other premises was also claimed to be detrimental to the competitiveness of the premises as other venues were permitted to operate into the early hours.

The Designated Premises Supervisor reported that, apart from the meeting on 12 September 2018 referred to in the statement by Environmental Health, she had not received any communication or complaints from Responsible Authorities. She explained that until the day before the current review meeting she had been unaware that equipment had been seized from the premises.

A representative of the Premises Licence Holder, Clifton Properties (Yorkshire) Ltd addressed the meeting and reported that the company owned over 30 public houses and took its responsibilities very seriously. It was explained that the manager of the Wyke Rose was a tenant and that the company did not have any control over the operation of the business. When representations had been received from Environmental Health the issue had been taken up with the manager. Following a review in 2012 the premises had closed for a three month period. It was maintained that the current manager had turned the pub around and, as far as the company were aware, there were no issues with drug dealing or violence. The three complaints received from residents were compared to a petition of over 70 people in support of the premises.

The Panel was asked to consider imposing conditions requiring the instillation of sound monitoring equipment which would stop the music if the sound exceeded the permitted decibels.

A Member requested clarity on the conditions on the current licence and it was explained that the conditions did not specify a decibel level but required the noise to be inaudible at

the nearest noise sensitive premises. The Council's legal officer confirmed that it would be rare for a condition to state a permitted decibel level.

Members questioned if the premises had a functioning CCTV system in place and the Premises Manager's representative reported that there was a working system in place.

The Premises Manager's representative's role at the premises was queried and she explained that she was a patron of the premises and friend of the manager.

The Designated Premises Supervisor was asked about her involvement and she explained that she visited the premises approximately two or three times per week. She reported that she also ran a public house in Halifax so was unable to visit the Wyke Rose during the evening. When asked about compliance with the conditions on the licence she stated that she had informed the manager that he must abide by the conditions. She explained that she had been unaware of the review until yesterday; her only visits to the premises had been during the day and she not witnessed the noise nuisance occurring later.

Whilst welcoming the use of supplementary glazing a Member questioned if air conditioning was utilised to prevent noise escaping from open windows. It was explained that the premises did not have air conditioning and the temperature was controlled with the use of a fan.

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In summation the representative of the Premises Manager referred to a petition containing 73 signatures in support of the premises and requesting that the licence not be revoked. She explained that the Premises Manager was amenable to complying with the conditions on the licence. It was acknowledged that the installation of air conditioning would help to limit noise emanating from the premises and the use of noise limiters would be considered to prevent future complaints. It was stressed that the premises were located in a residential area and that the manager had urged people to contact him directly with any concerns. The DJ and the manager would do all they could to alleviate complaints.

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Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
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The Panel is not confident that management would take the appropriate steps to address the concerns raised by the Council’s Environmental Health Department and the Police to implement the required changes to satisfy the licensing objectives.

(Tracy McLuckie – 01274 432240)

- 6.1** WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD, The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “F”**) which outlined an application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment for Wyke Rose.

The report revealed that the Environmental Health Service had applied for the review of the premises licence due to noise complaints which had not been resolved despite action taken by a number of Responsible Authorities. West Yorkshire Police had submitted a representation in support of the review; the Licensing Service had submitted a representation in support of the review following a failure by the licence holders to addresses licence breaches; a letter of representation had been received from a local ward Councillor on behalf of residents living near to the premises and a letter of representation had been received from the premises manager who believed

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The Environmental Health representative reiterated the statement contained in Document F and the serious concerns expressed by West Yorkshire Police; the Council's Licensing Service; Ward Councillors and residents living close to the premises.

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Resolved –

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The Designated Premises Supervisor reported that, apart from the meeting on 12 September 2018 referred to in the statement by Environmental Health, she had not received any communication or complaints from Responsible Authorities. She explained that until the day before the current review meeting she had been unaware that equipment had been seized from the premises.

A representative of the Premises Licence Holder, Clifton Properties (Yorkshire) Ltd addressed the meeting and reported that the company owned over 30 public houses and took its responsibilities very seriously. It was explained that the manager of the Wyke Rose was a tenant and that the company did not have any control over the operation of the business. When representations had been received from Environmental Health the issue had been taken up with the manager. Following a review in 2012 the premises had closed for a three month period. It was maintained that the current manager had turned the pub around and, as far as the company were aware, there were no issues with drug dealing or violence. The three complaints received from residents were compared to a petition of over 70 people in support of the premises.

The Panel was asked to consider imposing conditions requiring the instillation of sound monitoring equipment which would stop the music if the sound exceeded the permitted decibels.

A Member requested clarity on the conditions on the current licence and it

was explained that the conditions did not specify a decibel level but required the noise to be inaudible at the nearest noise sensitive premises. The Council's legal officer confirmed that it would be rare for a condition to state a permitted decibel level.

Members questioned if the premises had a functioning CCTV system in place and the Premises Manager's representative reported that there was a working system in place.

The Premises Manager's representative's role at the premises was queried and she explained that she was a patron of the premises and friend of the manager.

The Designated Premises Supervisor was asked about her involvement and she explained that she visited the premises approximately two or three times per week. She reported that she also ran a public house in Halifax so was unable to visit the Wyke Rose during the evening. When asked about compliance with the conditions on the licence she stated that she had informed the manager that he must abide by the conditions. She explained that she had been unaware of the review until yesterday; her only visits to the premises had been during the day and she not witnessed the noise nuisance occurring later.

Whilst welcoming the use of supplementary glazing a Member questioned if air conditioning was utilised to prevent noise escaping from open windows. It was explained that the premises did not have air conditioning and the temperature was controlled with the use of a fan.

In response to questions the Premises Manager confirmed that noise limiters were not fitted at the premises and he had believed that Environmental Health would install that equipment. He was reminded that it was his responsibility to comply with the conditions on the licence. The DJ in attendance stated that he used powered equipment which depicted the noise levels. It was acknowledged that he could not confirm the equipment used by others but that he had been on the premises on one of the occasions when complaints were made and had not witnessed any breach of the conditions of the licence.

In response to his claim that noise could have emanated from other premises and been mistakenly attributed to the Wyke Rose he was asked to depict, on a plan of the area, the location of other licensed premises. The Premises Manager agreed that it was unlikely that noise from those premises and the gardens of local residents would be confused with noise emanating from the premises under discussion. It was acknowledged that those representing Environmental Health were experienced officers, however, the Manager queried the use of social media as evidence of noise nuisance. He did accept that officers had visited the premises.

In summation the representative of the Premises Manager referred to a petition containing 73 signatures in support of the premises and requesting that the licence not be revoked. She explained that the Premises Manager was amenable to complying with the conditions on the licence. It was

acknowledged that the installation of air conditioning would help to limit noise emanating from the premises and the use of noise limiters would be considered to prevent future complaints. It was stressed that the premises were located in a residential area and that the manager had urged people to contact him directly with any concerns. The DJ and the manager would do all they could to alleviate complaints.

After hearing the evidence at the meeting a Ward Councillor, in his closing statement, expressed concern about the licence continuing at the premises. He stated that although three people had asked him to represent them at the meeting there were many more who had concerns. All three ward members had been approached by a number of residents. He believed it was clear that the conditions on the licence had not been adhered to; he was concerned that that no one from the premises appeared to take responsibility for the issues occurring and no approach had been made to officers to resolve the complaints.

The representative of Environmental Health, in summation, stressed that she did not want to see the premises closed down and had never, at any point, stated that was the case. She wanted the management of the premises to comply with the conditions on the licence but that had not happened. In September 2018 she had advised that a review of the licence would be requested. The Police had visited the premises and had witnessed, as stated in Document F", breaches of the licence including that the CCTV equipment was not being utilised.

A number of Environmental Health Officers had witnessed the breaches of the conditions and that the noise was emanating from the premises under discussion and not from other public or residents' houses. It was stressed that it was the responsibility of the Premises Licence Holder to ensure that the conditions on the licence were adhered to.

Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

The Panel is not confident that management would take the appropriate steps to address the concerns raised by the Council's Environmental Health Department and the Police to implement the required changes to satisfy the licensing objectives.

(Tracy McLuckie – 01274 432240)

6. **WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD,**

WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD,
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.

WYKE ROSE, 435 HUDDERSFIELD ROAD, WYKE, BRADFORD,

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “F”**) which outlined an application for review of a Premises Licence authorising the sale of alcohol and the provision of regulated entertainment for Wyke Rose.

The report revealed that the Environmental Health Service had applied for the review of the premises licence due to noise complaints which had not been resolved despite action taken by a number of Responsible Authorities. West Yorkshire Police had submitted a representation in support of the review; the Licensing Service had submitted a representation in support of the review following a failure by the licence holders to address licence breaches; a letter of representation had been received from a local ward Councillor on behalf of residents living near to the premises and a letter of representation had been received from the premises manager who believed that noise was occurring from outside of the premises.

The Panel were advised that a petition had been received in support of the premises but as that petition had not been received within the permitted timescale it could not be presented for consideration by the Panel. It was also explained that a request by officers from Environmental Health to present video evidence in support of the review application had also been declined. Those depicted on the video footage wished to remain anonymous and it would not, therefore, be possible to share that information with all parties. The decision making options open to the Panel were explained in full.

A representative of the Environmental Health Service addressed the meeting and made representations on behalf of the application.

It was explained that Environmental Health had applied for a review of the premises licence in October 2012 following noise complaints and failure to comply with an Abatement Notice that had been served on a previous Designated Premises Supervisor. That review had resulted in additional conditions being placed on the licence under the prevention of public nuisance objective. A copy of the licence was appended to Document F.

The Environmental Health representative reiterated the statement contained in Document F and the serious concerns expressed by West Yorkshire Police; the Council’s Licensing Service; Ward Councillors and residents living close to the premises.

Following a very detailed presentation Members raised a number of issues.

Reference was made to the West Yorkshire Police statement, contained in Document “F” , that a CCTV system was not being used and it was questioned if that was the case. In response it was explained that following a visit from the police and Licensing Officers it had been noted that a number of conditions, including that the CCTV system had been turned off, were being breached.

When asked to rate the premises, on a scale of 1 to 10 with 10 being the worst, the Environmental Health representative stated she would rate the premises as a 10. It was stressed that the Wyke Rose were the only premises which had been subject to a licence review twice.

Members referred to the letter of representation submitted by the manager of the premises and the claim that certain representatives of the Council's Environmental Health team wished to close the premises down. In response it was explained that Environmental Health wanted the business to comply with the conditions on the licence and ensure that problems were not being caused for local residents. It had not been intended to close the business but Environmental Health had tried everything to persuade management to adhere to the conditions.

Following discussions about engagement with the premises management it was explained that despite meetings being arranged with all parties no contact had been made by the premises managers to attempt to solve the issues. The details and timelines of a previous review; the imposition of premises licence conditions and actions taken under community protection legislation as contained in document F were reiterated.

Local Councillors representing their constituents living in the vicinity of the Wyke Rose addressed the meeting. It was explained that they had been contacted by local residents who they had advised of the procedure to make a complaint. The residents had contacted responsible authorities about loud music being played until the early hours of the morning; 'lock ins' at the premises and issues with drug use outside of the premises. Despite those complaints the situation had not been resolved. Those residents did not want to be identified as they feared repercussions and had asked their Ward Councillors to speak on their behalf. Despite the request for the review of the licence being made the disturbance had continued into the early hours.

A representative of the premises manager addressed the meeting. She explained that the manager had taken over the premises in August 2017. There had been some historic problems when he had first arrived but he had since turned the pub around and elderly residents in the area now felt it was safe to return. He had installed double glazed windows and looked into the installation of noise limiters. All staff were now aware that music must cease at 10.00pm.

It was stressed that the manager was trying to operate a community friendly business. Whilst agreeing that the music should cease at 10pm it was felt that residents living in the vicinity of a public house should expect to hear some noise. The manager's representative reported that he was an amicable man. He had approached local residents and assured them that they should not be afraid to approach him directly if they had any issues. Signs had been erected on the premises requesting patrons to respect residents as they left the building.

The Premises Manager supported his representative's statement and assured Members that he understood the conditions on the licence. He explained that windows were kept closed to limit the noise and, whilst it was difficult to control issues outside of the premises, he had asked people not to play loud music in their vehicles and had attempted to resolve issues with the neighbours. He referred to a petition which had been signed by 72 residents in support of the premises. He claimed that those residents had not witnessed any issues and that prior to the seizure of equipment from the premises he had been unaware of the level to which noise was restricted.

He reiterated that the windows had been re-glazed and that he had improved relations with an older clientele who had returned to the premises following management.

A DJ working at the premises addressed the meeting in support of the Premises Manager.

He explained that he, amongst others, had worked at the premises since July 2018. He reported that he had 15 years experience in his role and had worked in many premises located in densely populated areas. He maintained that he was aware of permitted levels of noise and that he could physically restrict the level of noise through his equipment. He confirmed that he regularly walked around the premises to check noise levels outside. Assurances were provided that karaoke would always cease by 9.30pm and he questioned some of the complaints about the level of noise.

He believed it was untrue to say that no action had been taken in response to complaints and measures had been taken against other DJs who had been in contravention of licensing conditions. It was maintained that on occasions when he had been outside of the premises checking the noise levels he had been able to hear music from other local licensed premises and speakers outside of residents' homes in good weather. He believed that complaints received may have been about noise from other premises. The disparity between the conditions on the license of the Wyke Rose and other premises was also claimed to be detrimental to the competitiveness of the premises as other venues were permitted to operate into the early hours.

The Designated Premises Supervisor reported that, apart from the meeting on 12 September 2018 referred to in the statement by Environmental Health, she had not received any communication or complaints from Responsible Authorities. She explained that until the day before the current review meeting she had been unaware that equipment had been seized from the premises.

A representative of the Premises Licence Holder, Clifton Properties (Yorkshire) Ltd addressed the meeting and reported that the company owned over 30 public houses and took its responsibilities very seriously. It was explained that the manager of the Wyke Rose was a tenant and that the company did not have any control over the operation of the business. When representations had been received from Environmental Health the issue had been taken up with the manager. Following a review in 2012 the premises had closed for a three month period. It was maintained that the current manager had turned the pub around and, as far as the company were aware, there were no issues with drug dealing or violence. The three complaints received from residents were compared to a petition of over 70 people in support of the premises.

The Panel was asked to consider imposing conditions requiring the instillation of sound monitoring equipment which would stop the music if the sound exceeded the permitted decibels.

A Member requested clarity on the conditions on the current licence and it was explained that the conditions did not specify a decibel level but required the noise to be inaudible at the nearest noise sensitive premises. The Council's legal officer confirmed that it would be rare for a condition to state a permitted decibel level.

Members questioned if the premises had a functioning CCTV system in place and the Premises Manager's representative reported that there was a working system in place.

The Premises Manager's representative's role at the premises was queried and she explained that she was a patron of the premises and friend of the manager.

The Designated Premises Supervisor was asked about her involvement and she explained that she visited the premises approximately two or three times per week. She

reported that she also ran a public house in Halifax so was unable to visit the Wyke Rose during the evening. When asked about compliance with the conditions on the licence she stated that she had informed the manager that he must abide by the conditions. She explained that she had been unaware of the review until yesterday; her only visits to the premises had been during the day and she not witnessed the noise nuisance occurring later.

Whilst welcoming the use of supplementary glazing a Member questioned if air conditioning was utilised to prevent noise escaping from open windows. It was explained that the premises did not have air conditioning and the temperature was controlled with the use of a fan.

In response to questions the Premises Manager confirmed that noise limiters were not fitted at the premises and he had believed that Environmental Health would install that equipment. He was reminded that it was his responsibility to comply with the conditions on the licence. The DJ in attendance stated that he used powered equipment which depicted the noise levels. It was acknowledged that he could not confirm the equipment used by others but that he had been on the premises on one of the occasions when complaints were made and had not witnessed any breach of the conditions of the licence.

In response to his claim that noise could have emanated from other premises and been mistakenly attributed to the Wyke Rose he was asked to depict, on a plan of the area, the location of other licensed premises. The Premises Manager agreed that it was unlikely that noise from those premises and the gardens of local residents would be confused with noise emanating from the premises under discussion. It was acknowledged that those representing Environmental Health were experienced officers, however, the Manager queried the use of social media as evidence of noise nuisance. He did accept that officers had visited the premises.

In summation the representative of the Premises Manager referred to a petition containing 73 signatures in support of the premises and requesting that the licence not be revoked. She explained that the Premises Manager was amenable to complying with the conditions on the licence. It was acknowledged that the installation of air conditioning would help to limit noise emanating from the premises and the use of noise limiters would be considered to prevent future complaints. It was stressed that the premises were located in a residential area and that the manager had urged people to contact him directly with any concerns. The DJ and the manager would do all they could to alleviate complaints.

After hearing the evidence at the meeting a Ward Councillor, in his closing statement, expressed concern about the licence continuing at the premises. He stated that although three people had asked him to represent them at the meeting there were many more who had concerns. All three ward members had been approached by a number of residents. He believed it was clear that the conditions on the licence had not been adhered to; he was concerned that that no one from the premises appeared to take responsibility for the issues occurring and no approach had been made to officers to resolve the complaints.

The representative of Environmental Health, in summation, stressed that she did not want to see the premises closed down and had never, at any point, stated that was the case. She wanted the management of the premises to comply with the conditions on the licence but that had not happened. In September 2018 she had advised that a review of the licence would be requested. The Police had visited the premises and had witnessed, as stated in Document F", breaches of the licence including that the CCTV equipment was not

being utilised.

A number of Environmental Health Officers had witnessed the breaches of the conditions and that the noise was emanating from the premises under discussion and not from other public or residents' houses. It was stressed that it was the responsibility of the Premises Licence Holder to ensure that the conditions on the licence were adhered to.

Resolved –

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 licence be revoked.

Reason – There has been a failure to comply with the licensing conditions and as a result failure to meet the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

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(Tracy McLuckie – 01274 432240)

