

## **Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 23 January 2020 in Committee Room 1 - City Hall, Bradford**

### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

#### **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents

### **Hearing**

Application for Variation of a Premises Licence for the Alexandra, 49 Albion Road, Bradford

# RECORD OF A HEARING FOR THE VARIATION OF A PREMISES LICENCE FOR THE ALEXANDRA, 49 ALBION ROAD, BRADFORD

Commenced: 1015  
Adjourned: 1105  
Reconvened: 115  
Concluded: 1115

## Present

### **Members of the Panel**

**Bradford District Licensing Panel:** Councillor M Slater (Chair), Councillor Godwin and Councillor Dodds

### **Parties to the Hearing**

#### **Representing the Applicant:**

Mr Whur – applicant’s solicitor

#### **Representing Responsible Authorities:**

Mr Fairclough – Environmental Health Officer

### **Representations**

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “K”**) which outlined an application for variation of a Premises Licence to remove existing conditions 17 and 18 which prevented the consumption of alcohol and food in external areas after 9.00pm and the taking of food or drink in opened bottles, glasses or other receptacles outside the premises after 9.00pm.

The Panel was advised that an objection to the application had been made by Environmental Health on grounds of noise.

The applicant’s solicitor made a detailed presentation in support of the application, advising that a substantial amount of money was being spent on the refurbishment of the premises, which was part of a small Yorkshire based chain of community based public houses.

He stated that the kitchen would be brought back into use and a full menu provided, the pub would have a completely new identity and a new internal layout. He also advised that there were two sets of doors between the exterior and interior areas of the pub along with a large lobby area which gave significant protection from any internal noise.

He pointed out that existing condition 13 conflicted with the conditions which it was proposed be removed, which he considered may have come about as a result of previous noise problems at the premises and additional conditions being added to deal with that. As conditions 6 to 15 were extremely robust, he suggested that the simplest way to resolve the conflict was the removal of conditions 17 and 18.

He confirmed that, although it had not been possible to undertake a noise impact assessment to date as building works were on-going, the applicant was agreeable to have that as a new condition and to share the results of the survey with Environmental Health.

He stated that the applicant had never had any problems with any of the pubs in the chain and that none of the local residents nor ward councillors had raised concerns.

Members of the Panel then asked questions of the solicitor in respect of the terminal hour being requested; the location of the premises in relation to the main road and the part of the building that the premises occupied.

In response, the solicitor advised that the applicant was content to keep the hours set out in condition 13, which meant a terminal hour of 11.00pm; he was uncertain of the juxtaposition of the premises and the road but thought that external seating was to the front of the premises on Albion Road and that the premises took up half of the total building.

Questions were also asked about the request for a noise impact assessment and the solicitor confirmed that one would be undertaken to meet the requirements of Environmental Health. In response to questions in respect of the nearby nursing home, he advised that, while no direct consultation had taken place with staff at the home, neither had there been any complaints from them.

He confirmed that there was no intention to have outdoor entertainment and that the application was intended to give flexibility for the provision of food and drink to the external area of the pub between 9.00pm and 11.00pm. In reality there was little likelihood that food would be served right up to 11.00pm and, as the external seating comprised only a modest area, it would not take long to clear.

In response to a further question, he also confirmed that there was no intention to increase the size of the external seating area.

A member queried why the issue of noise had not been addressed in the application and was advised that the existing licence already had stringent conditions in respect of noise nuisance and there had been no complaints to this applicant based on noise. It was reiterated that the applicant was investing a considerable amount in the premises and that, therefore, he did not want any problems to arise.

The Panel's legal advisor ascertained that, at present, only patrons wishing to smoke used the external areas. He also ascertained the location of the nearby nursing home.

The Environmental Health Officer then made a statement in support in respect of his representation, advising that noise from patrons outside premises was very hard to regulate. He considered that a professional noise impact assessment would be able to predict any noise issues before the premises came into use.

Members had concerns that a licence could be given before noise was found to be excessive but were advised that any condition could be phrased to deal with that issue.

They also asked about other possible noise nuisance such as refrigeration or air conditioning from the new kitchen and were advised that such noise was easier to regulate than peoples' voices. The World Health Organisation guideline of a maximum level of 35 decibels would be used for vocal noise.

In conclusion, the Environmental Health Officer stressed that he would prefer confirmation that there would be no noise nuisance.

The applicant's solicitor concluded by stating that he considered the representation made by Environmental Health to be confused and that his client wanted to make a success of the pub concerned. He suggested that an appropriate condition be imposed to ensure that the issue of noise could be resolved before trading began.

**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 panel grants the application subject to the following condition:**

- **That conditions 17 and 18 be removed subject to a noise assessment report being provided which addresses external noise from the area identified on the plan appended to Document "K" and approved by the Environmental Health Officer.**

**Reason: It is considered that the above condition is necessary to minimise noise disturbance to nearby residents – prevention of public nuisance objective.**

***Action: Assistant Director Waste, Fleet and Transport Services***

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