

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 25 February 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

Hearings

Application for a new Premises Licence for the Wyke Rose, 435 Huddersfield Road, Bradford BD12 8NP (Document "O")

WYKE ROSE, 435 HUDDERSFIELD ROAD, BRADFORD BD12 8NP

Members of the Panel:

Bradford District Licensing Panel: Councillors Slater (Chair), Godwin and Hawkesworth

Parties to the Hearing:

Representing the Applicant:

Ms N Devany, Proposed Designated Premises Supervisor
Mr Thompson, Representing applicant company, More Beer 4 U
Mr A Clarke, More Beer 4 U

Interested Parties:

Councillor D Warburton, Ward Councillor
Councillor R Watson, Ward Councillor

Responsible Authorities:

Ms J Haworth, Environmental Health, Bradford Council

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out **Document "O"**. Members were informed that the application requested the grant of a new premises licence for the sale of alcohol.

The report revealed that representations had been received from Responsible Authorities; Ward Councillors and one local resident. In order to address the prevention of crime and disorder objective, West Yorkshire Police had requested that the conditions be placed on the licence to ensure a CCTV system was installed at the premises; that staff were fully trained in the Licensable Objectives and their training was documented. Those conditions were outlined in detail in Document "O" and had been agreed by the applicant.

The Council's Environmental Health Unit had asked that a condition be placed on the licence in order to address the prevention of public nuisance objective and that if the application were approved an exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm, be dis-applied. It was confirmed that the applicant had also agreed to that condition being placed on the licence.

In addition three letters of representation had been received from Ward Councillors and a local resident. The representations raised concerns of noise and disturbance, anti-social behaviour and criminal behaviour. Concerns were also raised regarding litter problems. The representations received were appended to the report.

A representative of the applicant (More Beer 4 U 3 Limited) addressed the Panel. He referred to press coverage of problems occurring at the premises in the past; problems happening because of previous mismanagement and the loss of the licence in September 2019. He urged Members to consider the application being made as a new application and reiterated his own and the proposed Designated Premises Supervisor's (DPS)

considerable previous experience in the licensed trade. He reported that he had discussed the application with the police and had addressed their concerns.

It was stressed that the premises would not be playing music and a condition to that effect had been agreed with Environmental Health.

The representations of the Ward Councillors and local resident were raised. It was suggested that all objections had been about incidents occurring in the past and that despite the number of residents living in the locality only one representation had been received.

Assurances were provided that signs would be displayed throughout the premises warning people that all CCTV recordings would be retained and handed to the police or relevant responsible authority in cases of drugs, anti-social behaviour or acts of violence.

It was believed that the hours applied for would suit the premises and the clientele it wished to attract which would be customers preferring conversation to entertainment.

The interest shown in the property since the previous licence had been revoked included a massage/therapy unit and hot food take away businesses. The applicant's desire for the premises to remain as a public house were reported.

The views of the representative of Environmental Health that she did not want the pub to close down but wanted people to comply with the law were quoted.

The applicant's representative concluded that it would be naive of him to suggest there were not any problems occurring in the Wyke area but any issues would be captured on CCTV and addressed through effective management. The experience in the licensed trade of the proposed DPS was reiterated and it was reported that she would be assisted, on occasion, by her husband who was a personal licence holder. The assistance of two full time area managers, both of whom were personal license holders, was also available to her.

A transcript of the submission made was voluntarily handed forward in writing as part of the applicant's case.

In response to questions from the Panel, the proposed DPS and applicant's representative reported that:

- The comments quoted from the Environmental Health Officer had been made following the review of the licence in September 2019.
- The DPS had been running pubs for a number of years including a bar in Birstall located in a difficult area; a club which had been the base for Leeds United football fans and a bar in Wibsey.
- If the application were granted the proposed DPS would initially run the premises alone but could call on her husband, who was a personal licence holder, for assistance. If the business became busy she would employ additional staff.
- The proposed DPS had 8 years experience in the licensed trade.
- Previous problems which had occurred at the premises were acknowledged and sanctions which could be applied if the licence was not operated properly were accepted
- The volume of incidental background music or noise from other sources would be

- controlled.
- The staff training which was proposed had been accepted by the police and would address all of the licensing objectives. That training would be documented and that documentation would be available to the responsible authorities at any time.
 - Refresher training would be provided at 6 monthly intervals.
 - CCTV manuals would be available to allow all staff to operate the equipment.
 - The applicant's representative was a director of More Beer 4 U 3. Neither he nor the proposed DPS had any connection to the previous licence holder.
 - It was not proposed to serve food at the premises.

In response to concerns about the premises being staffed by only one person for their own welfare and the health and safety concerns of themselves and customers it was explained that there were two area managers available to assist and that during quieter periods the hours of operation would be reduced.

Following a suggestion that noise attenuation equipment could be utilised it was agreed that a condition imposed on the licence to that effect would be acceptable by the applicant.

The representative of Environmental Health explained how noise attenuation equipment could be used to prevent disturbance to local residents and confirmed its suitability for a premises that size of that being considered.

The Ward Members in attendance addressed the meeting and referred to the historical problems which had occurred at the premises over a number of years. It was explained that they wished to protect the local residents and although there had been only one representation received from a local resident many of them had voiced their concerns to them.

Members were advised that the statements made at the meeting from the applicant's representative had calmed their fears about the application but they still had concerns about health and safety if the premises were operated individually. Anti-social behaviour occurring on the premises in the past was discussed and they questioned the ability of one member of staff to control anti social behaviour and prevent noise disturbance at the premises.

Members questioned the location of the premises and the representative of Environmental Health described the ownership of the grassed area and identified residential properties in the area. A Google earth image of the location was presented to all.

In summation a Ward Councillor reiterated the historical issues at the premises; he was happy that the applicant had agreed to a condition being placed on the licence regarding noise attenuation but still had concerns regarding proposed staffing at the premises. In response the Council's Licensing Officer referred to the ability for a review of the licence to be submitted should problems occur at the premises.

The representative of Environmental Health reported that the previous licence holder had operated with only one member of staff during the day times and that the busiest times appeared to be on Friday and Saturday evenings. The physical confines of the bar area were also discussed.

In conclusion the applicant's representative stated that, at the time of opening, the business would be quiet and it would not be financially viable to employ additional staff.

He maintained that the proposed Designated Premises Supervisor's husband and family would be available to help and that the business would not be permitting music, discos, karaoke, banjos or other entertainment. The proposed DPS's cousin ran a local bar which was quiet and operated without problem.

The applicant aimed to attract a more mature clientele who preferred conversation to entertainment. To deter crime and disorder signs would be erected to inform customers that CCTV footage would be retained and available to responsible authorities. It was maintained that a good relationship had been developed with the Police and Licensing Officers and the premises would be operated professionally.

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 conditions:

- (1) That CCTV be provided at the premises in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras to encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped, be kept for a period of 28 days and be available to responsible authorities on request.**
- (2) That all staff, including temporary staff, be fully trained in the Licensing Objectives and be able to demonstrate a working knowledge. All training to be documented and the documentation be made available for inspection by Responsible Authorities. Refresher training to be completed every 12 months from initial training.**
- (3) That the exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm be dis-applied.**
- (4) That satisfactory noise attenuation measures shall be undertaken (including the fitting of noise limiters and suitable ventilation) and be approved by the Licensing Authority, in consultation with Environmental Health.**

Reason: It is considered that the above conditions are necessary to minimise noise disturbance to nearby residents and to deter potential crime and disorder – prevention of public nuisance and prevention of crime and disorder objectives.

(Melanie McGurk – 01274 431873)

Chair

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

