

# **Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 26 August 2021 in Ernest Saville Room - 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 Premises Licence for Barley Mow, 536 Halifax Road, Bradford BD6 2LP (Document “H”)**

**RECORD OF AN APPLICATION FOR A PREMISES LICENCE FOR BARLEY MOW, 536 HALIFAX ROAD, BRADFORD BD6 2LP**

Commenced: 9.30  
Adjourned: 10.20  
Reconvened: 10.40  
Concluded: 10.45

**Members of the Panel:**

Bradford District Licensing Panel:  
Councillors Slater (Chair), Cunningham and M Hussain

**Parties to the Hearing:**

**Representing the Applicant**

Mr P Wadsworth, Proposed Designated Premises Supervisor (DPS) and Joint Lease Holder

**Interested Parties**

Councillor R Wood, Ward Member  
Ms W Stranney – local resident

**Representations:**

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document “H”**)

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that three letters of representation had been received from local residents who had concerns about noise nuisance from entertainment and from patrons leaving the premises late at night. Residents were concerned that even with doors and windows at the premises being closed music would still be audible inside their homes. The representations were appended to Document "H" and summarised by the Licensing Officer.

The applicant's representative addressed the meeting and provided background information about previous involvement, supplying amusement machines and juke boxes, at the premises at a time that the business had been well managed. He clarified the rationale for him becoming involved at the current time which was to bring the Barley Mow back to life as a community public house providing food and alcohol and advised Members of his experience running two other licensed premises. He reported that he had spoken to local residents and had sympathy with the experiences they had encountered with previous noise disturbance. He provided assurances that those issues would not be repeated as there would be no disco type music. He also provided assurances that he would step outside of the premises whilst regulated entertainment was taking place to ensure noise could not be heard outside.

The level of investment made in the premises was discussed including the provision of a new kitchen; redecoration and new upholstery. The applicant's representative also

volunteered to amend the hours which customers could use the outside areas and explained arrangements made for patrons to utilise the area at the front of the premises. That location was at the side of a busy main road and further from residential properties. He concluded his opening statement by reporting that he too would have objected to the way the premises had been run previously. He stressed that his previous involvement with the premises had been before the issues raised by local residents had occurred.

Following the applicant's opening statement Members referred to a map of the location and questioned the proximity of the premises to residential properties and the nature of land to the side of the building. In response it was reported that land at the side of the premises belonged to the business, however, there was a right of way to the car park and properties to the rear.

The organisation of outside smoking areas was queried and it was clarified that the area at the rear of the premises, where patrons would smoke, was closed prior to regulated entertainment commencing at 20.00 hours. A new seating area had been created at the front of the building with decking and tables to be used as a smoking area. That area would also have the benefit of a covered canopy.

In response to questions it was confirmed that there were no windows at the rear of the property although fire doors were located there.

A Member questioned the previous hours of operation which the premises had operated and asked the applicant's representative to elaborate on the problems occurring at that time. The Licensing Officer confirmed that the hours for sale of alcohol had been 10.00 to midnight and regulated entertainment was permitted 10.00 to 23.00 Sunday to Thursday and 10.00 to 23.30 Friday to Saturday. With regard to previous issues the applicant's representative reported conversations which had taken place with residents who had advised him that the noise level had been horrendous and could be heard at homes some distance from the premises. He also explained that a large speaker capable of playing music at very high volumes had been removed from the premises when he had taken over the lease.

In response to questions about the viability of the business without regulated entertainment it was explained that on Friday and Saturdays there would be one, or two at the maximum, entertainers. During the rest of the week there would be the provision of food, quiz nights and occasional speciality events. Regulated entertainment would be secondary at those times.

The Council's legal officer questioned a number of issues to which the following responses were provided: -

- Residents who had alluded to horrendous noise disturbance were referring to music and not incidents of anti-social behaviour.
- The applicant would be willing to reduce the hours requested for regulated entertainment.
- The passage at the side of the premises ran diagonally across the car park and patrons would have to leave from the front of the premises to access that passage.
- The emergency exit at the rear of the premises was used to allow customers to access the rear of the premises to smoke. After 20.00 hours they were only permitted to use that exit in an emergency and the smoking area at the rear was closed. That exit could not be locked but would be monitored to ensure it was not

- used after 20.00 hours.
- The two staff members who would be responsible when the DPS was not in the building were both personal licence holders who understood the licensing objectives and their own responsibilities to ensure that they were adhered to.
  - All staff members would receive training on a regular basis.
  - CCTV had been installed at the premises and was now operational with ten cameras located inside and outside of the building.
  - When regulated entertainment was taking place the DPS would stand outside of the premises to monitor the noise level. If noise could be heard outside the volume would be reduced.

A local Ward Councillor addressed the meeting and reported concerns about the hours the applicant had requested which it was felt could result in loud music being played seven days a week until midnight. She referred to the close proximity of residential properties claiming patrons standing at the front of the property to smoke could almost touch those houses. Previous incidents of residents finding people smoking in their driveways; urinating, vomiting and taking drugs in the area were raised and it was feared that an increase in hours of operation would exacerbate those problems. It was believed that behaviour would deteriorate the longer people were able to drink alcohol.

It was explained that the nature of families living in the area was diverse with families with young children residing alongside the more elderly who had lived in the area for years. Those residents were in despair at the prospect of being kept awake until the early hours of the morning. Locals had believed that the premises were being developed into a nice restaurant or steak house and were appalled at the hours requested for the consumption of alcohol and regulated entertainment. On past occasions when residents had approached the managers of the pub about problems occurring they were told that they would not do anything about those issues unless approached officially.

A local resident reported that when she had purchased her property some years ago the premises had been well run and had only played background music. She referred to residences at the rear of the property which had been impacted by noise emanating from a window and vent at the side of the premises. The anti-social behaviour reported by the ward councillor was reiterated and a belief that no one took responsibility for the car park or area at the back of the premises was expressed. In response to the previous statement that the applicant's representative had invested £30,000 in the property she stressed that residents had invested considerably more in their homes. The area was populated with families; retirees and some frail and elderly people who had previously been told to monitor the situation when they had raised their concerns with responsible authorities. Whilst acknowledging the applicant's representative assurances that he would monitor the situation concern was expressed that he would not be on the premises at all times and people leaving or waiting for taxis in the early hours would disturb residents.

Members queried why assurances that the premises would not be run appropriately were not accepted and it was explained that residents felt they knew how people would behave when they were drunk.

In response to Members' questions the local resident said that people were used to a pub in the area but had believed the redevelopment would be a restaurant. They were upset about the live music and extension of the hours of operation.

When queried as to why local residents had not contacted the Council's Environmental Health officers about the previous issues it was maintained that when incidents were occurring residents wanted them sorting at that time and did not wish to complete forms for monitoring and wait for action. The previous landlord had refused to co-operate and the more customers drank the noisier the premises became. There had been fights occurring in the car park resulting in a police presence and there had been occasions when huts and fences belonging to residents had been set alight.

In conclusion the local ward member maintained that if more people had been aware that the application was for an extension of licensable activity there would have been more complaints received. Residents were in despair as they not been aware of the proposals which could impact on the lives of all people living in the area. The applicant's representative's offer to monitor noise outside of the premises was acknowledged but it was felt that there would be pressure from patrons to increase the volume of music being played and the extension of the hours of operation would impact on families and all people living in the area.

In summation the applicant's representative provided assurances that he had taken the points raised very seriously and that he could control what happened in the future. It had never been the plan to develop a restaurant on the premises although typical pub food and some speciality food evenings would be provided. Assurances were given that there would not be any disco music; entertainment was likely to be only one person playing a guitar or be music from the TV. All doors and windows would remain closed during periods of regulated entertainment.

It was explained that the snicket at the side of the premises did not belong to the business and people using that space as a toilet were not necessarily patrons of the pub. The applicant was prepared to permanently close the rear of the premises if that would help and patrons wishing to smoke would be directed to the front of the building.

It was reported that the application under consideration was for the commencement for the sale of alcohol one hour later than had been permitted under the previous licence and that a condition for regulated entertainment to cease at 23.00 hours Sunday to Thursday was acceptable. The local resident in attendance was invited to visit the premises for a free meal to allow her to see the difference the investment had made and she was assured that the pub would not been operated as it had been in the past.

#### **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 the permitted hours for the supply of alcohol shall be restricted to;**

<b>Sunday to Thursday</b>	<b>11.00 to 23.00</b>
<b>Friday to Saturday</b>	<b>11.00 to midnight</b>

**(2) That Regulated Entertainment be restricted to the hours of 1100 to 23.00 Monday to Sunday.**

**(3) That, with the exception of emergency evacuation, there shall be no access for patrons to the rear of the premises.**

**(4) That any noise from regulated entertainment emanating from the premises be inaudible at the nearest noise sensitive premises.**

Reason – it is considered the above condition is necessary to promote the prevention of public nuisance licensing objective.

(Melanie McGurk – 01274 431873)







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

