

Record of a Hearing of the Bradford District Licensing Panel held on Monday 25 October 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 REVIEW OF A PREMISES LICENCE FOR TREEHOUSE BAR AND KITCHEN, 3 FALLWOOD STREET, OFF OAK STREET, HAWORTH, BD22 8NP

Commenced: 09:38
Adjourned: 11:16
Reconvened: 11:38
Concluded: 11:45

Members of the Panel

Councillors Slater (Chair), Dodds, and M Hussain

Parties at hearing:

Environmental Health Officer: Charlotte Caygill and Robert Winn

Residents of Oak Street

Premises Licence Holder: Benjamin Comstive
Director – Treehouse Bars Ltd: Frank Stott

Representations:

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (Document “K”) outlining an application for a review of a Premises Licence in respect of Treehouse Bar and Kitchen, off Oak Street, Haworth.

The Licensing Officer advised the Panel that the application for a review had been made by residents and Environmental Health on the grounds of prevention of public nuisance and the prevention of crime and disorder.

Members were informed that residents had raised concerns in relation to noise and disturbance from patrons outside the premises, noise nuisance from entertainment held at the premises, anti-social behaviour, litter, smashed glasses, noise from the extraction system and parking issues. The representations were appended to (Document "K").

The Environmental Health Officer was present at the meeting and informed the Panel that a number of complaints had been received by residents relating to excessive noise from the premises since July 2021. Members were also informed a letter of warning was serviced to the Premises Licence Holder.

Subsequently, on 16th October 2021, Environmental Health Officers visited the premises between 22:40 hours and 24:00 hours, however found no serious licence breaches. Following further complaints from residents relating to excessive noise from patrons visiting the premises and noise from the extraction fan, the Environmental Health recommended that the opening hours of the premises be restricted from 10:00am to 23:00 hours on Friday and Saturday in order to address the public nuisance objectives.

Four residents were present at the meeting and had raised a number of concerns, including:

- excessive noise from patrons visiting the premises and noise from outside seating area that would keep residents,
- the extractor fan created continuous level of noise;
- patrons would park on Oak Street which was a residential area, and there was an increase in traffic;
- there was limited car parking spaces provided which caused issues with parking and deliveries on Oak Street and surrounding areas;
- noise from cars and taxis slamming doors;
- the car park was used for entertainment and loud music;
- concerns related to litter, broken glasses and anti-social behaviour;
- there was limited car parking spaces provided which caused issues with parking and deliveries on Oak Street and surrounding areas;
- the impact of noise and disturbance, in particular during the night, had a serious effect on the residents' amenity and wellbeing.

In response to the Panel question, the Environmental Health Officer informed that no concerns had been reported by the Police. However, residents had stated the issues had been reported to the Police but had been advised to contact the Council.

Whilst the residents acknowledged that some of the issues had been addressed by the Premises Licence Holder, however, significant problems remained, in particular during Friday to Sunday.

In response to a Member's question, clarity was sought that the previous business had

been transferred to the current License Holder and that the opening hours were unchanged.

The Premises License Holder and the Director of Treehouse Bars Ltd were present at the meeting and addressed the Panel with the following points:

- since the opening of the premises, all measures had been put in place to address the residents' concerns. In addition, regular meetings had been held with residents to raise an issues and the meetings were arranged once a month;
- all conditions imposed had been adhered too. Checks inside and outside the premises were regularly undertaken;
- it was advised by the Council Planning Officers not to use the car park as a car park as it would had caused more issues due to traffic coming into and out via Oak Street. Moreover, customers were advised to park at Gas Street car park, however acknowledged that some customers do park on Oak Street;
- all doors within the premises were closed from 9:00pm and this would potentially reduce the noise level transferring outside;
- it was acknowledged that during the summer customers would prefer to sit outside and the level of noise would increase; however, the outside seating area was not in use after 10:00pm;
- a Doorman was employed on Friday and Saturday to patrol in and out the premises and would also pick any refuse around the premises;
- a new oven had been installed, this would reduce the noise from the extractor fan.

In response to the Panel question, it was stated that the Treehouse Kitchen and Bar had a capacity for around 400 people, including 48 seating area outside. Furthermore, it was stressed that measures had been put in place to alleviate the residents' concerns.

Notwithstanding the residents' concerns, the Premises License Holder and the Director stressed it was strongly against the opening hours being reduced to 23:00 on Friday and Saturday. They were further perplexed by the recommendation from the Environmental Health and stated that this was based on no evidence and was solitary based on residents' complaints and that the business was being penalised. Nonetheless, reducing the opening hours would have a strain on the business.

The Legal Advisor sought a number of clarifications from both the residents and the Premises Licence Holder. The Panel also took advice from its Legal Advisor before adjourning to make a decision.

Resolved -

That having considered the evidence contained in the report of the Interim Assistant Director, Waste, Fleet and Transport Services (Document 'K'); 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 was minded to impose the following conditions:-

- (1) the permitted hours for the sale of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshments shall be restricted to Friday and Saturday 10.00 to 23.00;**

(2) all outward opening exit doors and all windows are to be kept closed when amplified regulated entertainment is taking place except for access and egress;

(3) noise from the provision of regulated entertainment shall be inaudible at the nearest noise sensitive premises; and

(4) the external areas should be cleared of customers no later than 22:00.

Reason – it is considered the above conditions are necessary to promote the prevention of Public Nuisance and Crime and Disorder licensing objectives.

The Premises Licence Holder would be advised of their right to appeal, and should they wish to exercise that right, must do so to the Magistrates' Court within 21 days of receiving written notification of the decision.

ACTION: Interim Assistant Director Waste, Fleet & 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