

## **Record of a Hearing of the Bradford District Licensing Panel held on Wednesday, 27 October 2021 in the 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 the sale of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshment at Oxenhope Railway Station, Station Road, Oxenhope, Keighley BD22 9JJ (Document "M")**

**RECORD OF A HEARING FOR A PREMISES LICENCE - OXENHOPE RAILWAY STATION, STATION ROAD, OXENHOPE, KEIGHLEY BD22 9JJ**

Commenced: 1010  
Adjourned: 1110  
Reconvened: 1130  
Concluded: 1135

**PRESENT**

**Members of the Panel**

Bradford District Licensing Panel: Councillors Slater (Chair), Love and Winnard

**Interested Parties**

Mr R Scullion – local resident  
Mr S Longhorn – local resident  
Mr E Lambert – local resident

**Application**

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (Document “M”) which outlined an application for the grant of a Premises Licence for the sale of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshment at Oxenhope Railway Station, Station Road, Oxenhope, Keighley BD22 9JJ. The receipt of representations from seven local residents was reported and it was explained that the concerns raised were regarding noise nuisance from amplified music, noise and disturbance by people attending events, anti-social behaviour and litter problems. The letters of representation were appended to the report.

The Licensing Officer had reported that contact had been made with local residents by the applicant regarding the possibility of restrictions on the number of events but no agreement had been reached.

The applicant company had not sent a representative to the meeting and following a detailed explanation of the application by the Licensing Officer three local residents in attendance addressed the meeting. It was reported that they all lived in the vicinity of the railway station and the location of their homes was depicted on a map to allow Members to understand the impact of music and noise emanating from the premises.

A spokesperson for the residents in attendance provided an opening statement and called on his neighbours to express their individual concerns. It was stressed that, in principle, they had no objection to alcohol being served but they were worried about disturbance from late night music and noise. Events taking place until 0200 hours were discussed and it was reported that noise could be heard inside of residents homes despite all windows being closed and that residents sleep was disturbed.

A further resident explained his primary concern was the inability of the applicant to address noise pollution. He explained he had lived in the area since 2016 and had particular issues with the beer festival which was held annually, over a number of days, in the exhibition shed and fields.

He reported that the shed which holds the event had a simple thin tin roof, Perspex windows and single block wall construction in parts and did not provide sound proofing. It was explained that even though the Beer Festival events finished at 10:45 pm visitors were still waiting for taxis up until midnight. Visitors would be roaming around the vicinity dropping takeaway food. Generally, event staff left even later and in all cases that generated further noise pollution that wouldn't normally be present in the village.

It was stressed that Oxenhope was an extremely quiet village. Background noise late at night was incredibly low. During events at the railway amplified music boomed out of the tin shed resonating across the village and causing significant nuisance and intrusion to residents. There had also been noise disturbance following private events held at the venue and production teams filming in the local area.

He explained that when amplified music was played the music was audible throughout the valley and vibrated in his home. Events to be held in the summer were of particular concern. Despite complaints being made to the railway and approaches made to security staff no attempt had been made to approach him to discuss the issues raised.

The resident reiterated that his home was currently affected by the handful of licensed events that KWVR run, per year, with no attempts by the organisers to improve that over the last five years. He believed that his only real solution was to leave the village during those events. With the potential increase of events following the grant of a premises licence he felt it would not be acceptable or fair to have to do so.

It was acknowledged that the Keighley and Worth Valley Railway (KWVR) was a fantastic heritage railway but it was believed that the facilities at Oxenhope Station were not suitable for licensed events. Any increase in licensed events at the station would have a significant detrimental impact on residents of the village. It was maintained that uncontrolled and badly managed amplified music events, held in the engine shed, would amount to a statutory nuisance if they were assessed by Environmental Health and on that basis it was felt that the licence should not be granted. A photograph of the engine exhibition shed and structure around the window areas was provided together with email complaints made to Environmental Health were provided. Video links portraying the Beer Festival were also provided to Members but to protect the identity of individuals were not shown at the meeting.

An additional statement was made by another resident who believed that the grant of a premises licence would provide the railway with the freedom to hold events until midnight every weekend and the issues experienced throughout the beer festival would become the norm. He also reported that the only security measures in place were a barrier to ensure customers paid to enter events. It was believed that KWVR claimed to be a good neighbour to residents of Oxenhope but it was stressed that should residents hold parties they would inform their neighbours of their intentions whilst KWVR did not do that or respond to complaints made. Whilst it was not his intention to deny the railway the opportunity to gain revenue it was asked that the licence to hold events on a regular basis be denied to allow residents a normal life.

Following the statements of those residents a number of questions were raised to which the following responses were provided:

- The engine shed hosted indoor events and was block built to shoulder height with steel girders above. The shed was purpose built to store the trains and had been there for some time.
- Food vendors and stalls operated outside the shed when large events were taking place.
- A marquee had been erected for a corporate event; sound checks had begun at lunchtime and when guests arrived by train in the evening the volume was turned up. Residents had not been informed of the event.
- A resident living in the area since 2016 had made five complaints in October 2021; there had been no events held in the previous year due to the COVID pandemic and he had not had cause to complain in 2019 as he was out of the UK.
- Of the three elements of the application residents would prefer if amplified music from regulated entertainment was prohibited and secondly the provision of late night refreshment be excluded from the licence.
- Residents were unaware of contact details for the Designated Premises Supervisor who it was believed lived in Harrogate. Contact had been made with security staff but felt intimidated and no further approaches had been made by KWVR.
- Noise emanated from the shed during the beer festival and events such as the corporate event held and birthday parties.
- Residents did not have any concerns about events such as the elf train, mince pie train, haddock express or dinosaur events. Alcohol was sold on the trains for some events and this did not disturb residents.
- Trains usually ran until 5pm or occasionally special events until 11.30pm.

In response to questions from Members and the Council's Legal Officer, the Licensing Officer confirmed that the events which had been held were permitted under the Temporary Event Notice application procedure. Currently 15 events or events on 21 days, whichever was the greater, were permitted. That figure was due to be increased next year.

Members questioned if the Beer Festival, taking place over a four-day period, constituted one TEN and it was confirmed that was the case.

Objections to the TEN events could only be made by the Police or officers from the Council's Environmental Health department and must be made within three days. In response to questions about the ability to condition the TEN it was explained that this was not permitted. In theory an event could be held until the early hours without conditions. It was confirmed that the only people advised of a TEN application were the police and environmental health and that Ward Members were not informed and no site notices were erected.

Environmental Health Officers had missed the deadline to make representations to an event held in October.

A Member, whilst acknowledging the representations made, asked residents if there was a cessation time which they believed would be reasonable. In response residents believed that events should terminate at 10pm to allow visitors to disperse and the area to be quiet by 11pm. It was confirmed that they would prefer that amplified music be excluded from

the licence. A suggestion that music be ceased earlier than alcohol sales was not welcomed as it was felt that people in the area later in the evening would cause disturbance.

In conclusion the residents confirmed that they had no objection to the sale of alcohol but were concerned about disturbance from amplified music and patrons at events taking place late into the evening. They had concerns that the granting of the licence would increase the number of events taking place at the station and stressed that the shed was not suitable for the provision of late night entertainment in a quiet village location.

**Decision:**

- (1) 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 for the following relevant licensable activities subject to the following conditions:**

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

**Thursday to Sunday                      10.00 to 22.00**

**That the permitted hours for the provision of regulated entertainment shall be restricted to;**

**Thursday to Sunday                      12.00 to 22.00**

- (2) 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 refuses the application for the provision of late night refreshment to prevent public nuisance.**

**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.**



