

## Minutes of a meeting of the Bradford District Licensing Panel held on Friday, 29 April 2022 at 10.00 am in Council Chamber - City Hall, Bradford

### Present – Councillors

LABOUR	CONSERVATIVE	THE INDEPENDENTS
M Slater	Winnard	Hawkesworth

#### 10. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 11. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

#### 12. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR THE WATCHMAKER, SOUTH SQUARE CENTRE, SOUTH SQUARE, THORNTON, BRADFORD, BD13 3ES.

Commenced: 10:09  
Adjourned: 11:18  
Recommended: 11:33  
Concluded: 11:36

### PRESENT

#### Members of the Bradford District Licensing Panel

Councillor Slater (Chair), Councillor Winnard, Councillor Hawkesworth

#### Legal Representative

Richard Winter

#### Licensing Officer

Melanie McGurk

## **Applicant**

Andy Jewsbury

Abril Kelly

The Licensing Officer presented a report (**Document “AE”**) which outlined an application for a review of premises licence for the Watchmaker, South Square Centre, South Square, Thornton, Bradford, BD13 3ES.

The Licensing Officer reported that 13 letters of representations had been received from local residents objecting and 24 letters from other local residents in support of the Beer garden.

The Applicant advised Panel Members that he resided on Oakroyd which is opposite the Beer garden. The Applicant explained that the level of noise generated at the Garden has caused nuisance to local residents, residents were not able to open their windows or able to enjoy the use of their own private gardens due to loud disruptive noise. The Applicant expressed disappointment that the Beer Garden had been granted permission to operate in an area in which residents have enjoyed peace and quiet for many years.

The Applicant informed Panel Members that there had been several anti-social behaviour incidents and obstructive car parking by patrons of the Watchmaker.

The Applicant further explained how the noise from the Beer Garden would build from early evening and would get louder as the evening progressed due to alcohol consumption. Residents were able to hear individual conversations; therefore, residents were not able to enjoy quality time in their own private gardens.

The Applicant requested that the use of the Beer Garden by the Watchmaker to be limited to occasional use only with limited operating hours.

Panel Members were keen to know if there had been any input from Environmental Health department and if there had been any visits to the site to establish the noise related issue.

The Applicant advised that the Environmental Health department had been approached but residents had been advised that there were no resources available to take any action.

Panel Members wanted to know if the issue of loud noise was throughout the duration of the week or just on weekends. Panel Members wanted to better understand the frequency of the noise nuisance.

Responding to Panel Members the Applicant advised that the problem was mainly on Friday, Saturday and Sundays from 2pm till 7.30pm every week. The gazebo also helped attract customers in all weathers and most evenings.

Panel Members were keen to understand what the Beer Garden had been previously used for.

The Applicant advised Members that the Beer Garden was used by various

different businesses such as, gift shops and workshops. People from the community would make good use of the of the area occasionally.

The Legal Advisor requested to know if there was any screening around the garden space and requested clarification on representations received from other local residents.

The Applicant advised that there was some fencing around the Garden which did not deter noise pollution. 13 other unhappy local residents from the immediately surrounding area had sent in written representations objecting to noise disruptions and other issues caused by the use of the Beer Garden. Representations were from residents at Oakroyd, Friendly Street, Priestley Street, Enderley Road and Alan Court.

The Legal Advisor requested to know if any residents had been prompted to make representations. To which the Applicant confirmed that no residents were approached to make any form of representation.

The Legal Advisor requested clarification on the Applicant's request for a condition to be imposed on the license rather than to revoke the license. The Applicant confirmed that he was requesting for a condition on the license which would prevent the frequent use of the Garden and limit hours of use by the Watchmaker.

The Landlord of the Watchmaker addressed Panel Members and provided an opening statement in which he clarified that the Garden was not a beer garden but a community garden which has been used by various businesses for the benefit of the community.

Members of the Panel were informed that the Garden was managed at all times and the use of it ended at 7.30pm by the Watchmaker. The garden was a space for the local community and the community was very supportive of it. The garden was restored from a dilapidated state so that the Square could have a community space that could be used by all.

The Landlord further advised Members that there had been no reported incidents or any issues with the Police, Environmental Health or the local residents. Consultations had always been carried out for the benefit of the local residents if there were any plans for change to the interior or exterior in South Square.

Panel Members asked the Landlord if he was aware of the residents' concerns about noise pollution and if and how he had addressed this issue. To which the Landlord advised that there had been no noise and that a sign had been on clear display in the garden advising customers to keep noise level down.

The Licensing Officer asked the Landlord if he had received any complaints from local residents. The Landlord advised that there had been one incident where a local resident who approached and threatened him, this was reported to the Police. No other complaints were made by local residents.

The Legal Advisor requested clarification on the Landlords statement where he had advised that there had been no loud noise generated at the community garden and if he accepted that there were 13 representations that support the

application.

The Landlord of the Watchmaker clarified that even though there has been some noise, it had not been causing any noise pollution or public nuisance. The noise level had not been as described by the Applicant.

The Landlord advised that he believed the statements of the 13 representations to be false and pointed out that there had also been 24 representations in support of the community garden and the Watchmaker.

The Legal Advisor requested to know when the Watchmaker commenced the use of the community garden. The Landlord informed that the Watchmaker has been using the community garden since May 2021.

Panel Members were keen to understand if the garden was used for any other purpose.

The Landlord in response advised Panel Members that the community garden space was used by various other businesses, some of whom also sold alcohol. There were Watchmaker patrons amongst other business users making use of the garden.

Panel Members were keen to understand what the difference was between a beer garden and a community garden.

Members were advised that a community garden was a mixed/multi use garden, it was a space for any events to take place at. The Watchmaker did not have an exclusive license to serve drinks at the community garden.

The Landlord informed the Panel Members that the Watchmaker was harassed by people and falsely accused of wrong doings even though the Watchmaker had worked tirelessly to restore the community garden for the benefit of the local people and community. The garden was a great space for all to enjoy and make use of, people do not have to buy a drink to be there as it is open to all.

The Applicant pointed out that he and the rest of the concerned residents would not have gone to the lengths of complaining had the noise nuisance not existed and also stressed that majority of the community garden is used by patrons of the Watchmaker.

#### **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 refuses the application for a review.**

Reason – This decision was made on the basis that the evidence heard does not lead the Panel to consider that it is reasonable to restrict the use of the Community Garden by patrons of the Watchmaker licenced premises.

***ACTION: Interim Director, Waste, Fleet and Transport Services***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Bradford District Licensing Panel.**

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER