

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 9 August 2022 in Committee Room 5 - 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

**RECORD OF THE HEARING FOR AN APPLICATION FOR A TEMPORARY EVENT
NOTICE FOR AN EVENT TO BE HELD AT THE FOUNTAIN, 83 VICTORIA ROAD,
ECCLESHILL, BRADFORD, BD2 2DQ**

Commenced: 1000

Adjourned: 1037

Reconvened 1045

Concluded: 1047

PRESENT

Members of the Bradford District Licensing Panel

Councillors Slater (Chair), Ahmed and Winnard

Applicant

Mr Steven Riley

Supporting the applicant

Mrs Michelle Riley

Representations

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document "D"**) which outlined an application for consideration of a 'Temporary Event Notice' for an event to be held at The Fountain, 83 Victoria Road, Eccleshill, Bradford, BD2 2DQ. The event included the sale of alcohol and the provision of regulated entertainment:

28 August 2022 from 12.00 to 22.30 hours (DJ outdoors 14.00 to 18.00)

The licensee attended the meeting and advised the Panel that he had been granted two Temporary Events Notices this year and that it was not viable for him to hold an outdoor entertainment licence out of consideration for the neighbouring properties to the public house. He had been told by the Environmental Health Officer that the noise level in the neighbouring house had been recorded at 50 decibels and he noted that on line 50 decibels was described as being the same as a quiet fridge. He was of the opinion that the neighbour had an issue with the public house and noted that the previous licensee of the premises had experienced difficulty with them. He noted that on three separate occasions the neighbour had rung the police to report fights in the street. The police came onto the premises and checked the CCTV and they concluded that it was a neighbour issue and not related to the public house. He added that he had video footage on his phone of the neighbour throwing rubbish into the public house premises. He stated that the Licensing Enforcement Officer had photographs of the premises with people waiting for taxis in the beer garden, the photographs showed that there were no drinks and that the pub door was closed. He confirmed that he let people wait in the beer garden so that they were off the public highway. He had received 6 letters of support from local residents and patrons of the public house. However, the Council's Legal Advisor advised the Panel that in accordance with section 182 of the Licensing Act 2003 the Panel could not consider the letters as this was new documentary evidence that the Panel had not seen, but simply note them. He confirmed that on 28 August, the singer would perform in two 45 minute sets and would finish at 6pm. He concluded that the event was for charity and that 100 people were expected to attend and that he contended that the event should not be spoiled by two people.

The licensee gave the following responses to member questions:

- He contended that the sound recordings made inside one of the complainant's houses had been recorded at 50 decibels which was equivalent to a quiet fridge or office environment. He added that he had recorded four people playing dominoes in the public house at 70 decibels.
- He was unable to bring the DJ set inside for the proposed event as he held a "punters club" with approximately 60 people for which he held a lottery license and there would be sport on the TV. He added that if it rained the event would be cancelled.
- He had applied for the DJ outdoors to end at 18.00 out of respect for the neighbours.
- A condition of the license was that the beer garden had to be cleared by 11.20. Last orders were called at 11.40 and time was called at 11.45 and the beer garden cleared by 11.00. Doors and windows of the premises were closed at 10.00 at the weekend. The licensee checked outside the premises with a noise decibel device to ensure that there was no noise.
- The clientele was mixed ages but predominantly middle aged and older. The licensee operated an over 21 policy. Those under 21 were with parents to ensure their behaviour.
- Although the Temporary Event Notice stated that 300 people would be allowed on the premises at any one time there was only capacity to accommodate up to 100 people that they were expecting.

The Environmental Health Officer attended the meeting and noted that two complaints had been received about an event at the pub on 17 July 2022. A noise meter at the nearest property, next door, had registered 55 – 60 decibels and songs being sung could be identified so this was clearly audible. The levels outside were 70 – 80 decibels which he considered were too loud. He noted that the level set for the Bingley Weekender was 75 decibels so he contended that the levels should be reduced in the pub garden by 20 decibels. He added that the guidance stated that noise should be 5 decibels over the prevailing background noise which was 35 so the level needed to be reduced by 20 decibels.

The Environmental Health Officer gave the following responses to member questions:

- The level for conversation of 50 decibels with people close to each other on a room was not comparable to music with base sounds from a distance.
- The normal noise level for a full beer garden would be 55 – 60 decibels and with music it would be 20 decibels above that. If the music was reduced to the level of a beer garden this would be preferable.
- There was no legal limit to the acceptable level of noise for a beer garden.
- The noise levels were not antisocial as they were during the day and not at night. The recordings were carried out on 2 separate occasions.

In closing the licensee noted that the noise levels in the meeting room were 52 decibels and added that 50 decibels were described as quiet conversation, a quiet suburb, a quiet office or a quiet fridge and that sounds of 30-60 decibels were quiet. He added that if the event was stopped then it would be spoiling things for the community because of two people who had complained.

Resolved -

That in light of the evidence presented to the Panel by the Council's Environmental Health Department which makes reference to noise nuisance the Panel decided not to uphold the Environmental Health objection, therefore the Panel allows the event to take place.

Action: Interim 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.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER