

Appendix 4
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Date: 1 March 2017

Dear Sir/Madam

REPRESENTATION- REVIEW OF THE POTTING SHED, MAIN ST, BINGLEY

On 10 June 2015 an application for a variation of a Premises Licence was submitted for 94 Main Street, Bingley. The licence was granted on 9 July 2015 and the premises began trading as The Potting Shed.

The Potting Shed is a very pleasant premises located on the Main Street in Bingley. There is a refurbished beer garden at the rear which has a main area containing benches and long tables. At the far end of the garden there are some garden sheds arranged along the perimeter in a semi-circle. These sheds are for patrons to use to eat meals and consume alcohol. There is a terrace area leading to the beer garden and also a roof top terrace on the first floor which overlooks the beer garden.

Due to the immense popularity of the premises it soon became very busy. Following numerous subsequent complaints of noise outbreak and breaches of the Premises Licence I applied for a Review of the licence in November 2015. As a result of the Review several conditions were placed on the Licence, which were intended to reduce the level of noise and anti-social behaviour from the Potting Shed.

However, the Council continued to receive noise complaints. The Licence Holder installed a large umbrella over the garden area to provide some protection for customers during inclement weather. Patio heaters had also been installed and the Potting Shed Facebook site appeared to be encouraging customers to sit outside.

In the summer of 2016 a large TV screen was erected in the beer garden to coincide with several sporting events, two of which were The World Cup and Wimbledon. Complaints



continued to come in from local residents living behind The Potting Shed, who stated that they were unable to sleep due to noise from customers outside in the beer garden. Several reported that they have to stay up until 1am as they cannot go to bed until the customers have left the premises due to the noise and disturbance. The complaints also referred to the fact that residents were unable to sit out in their gardens on a warm afternoon or evening and when they were relaxing in their homes they could not have their windows open.

At 20.20hrs on Monday 27 June 2016 I attended the area behind The Potting Shed, known as Riverside Walk. I met with Jeanette Howarth from Bradford Council's Environmental Health Department.

Upon arrival at the location I could hear chanting, shouting, cheering and the whistle of a referee which was clearly coming from the match commentary of a football match being shown on the large television screen in the garden of the Potting Shed. I could also hear shouting and swearing from customers in the beer garden who were watching the game. The level of noise was so high that the Environmental Health Officer and I could not have a conversation outside as we could not hear each other speaking. The atmosphere felt quite intimidating.

At 20.25hrs the Environmental Health Officer and I attended a local resident's home and even with the door and windows closed we could still hear the football commentary and also the shouting from customers in the beer garden. I could hear people shouting and swearing about the players. Whilst sitting in the kitchen I could clearly see many customers standing in the beer garden and was aware that they would be able to look directly into local residents' homes.

At 21.00hrs we were joined by a neighbour and shortly afterwards we went into his property. I could still hear the noise from the television commentary and the shouting and jeering from the customers in the beer garden continued. It was so loud that I made a video recording from his bedroom with the windows closed. The video shows how near the beer garden is to the property and how loud the noise from the television commentary and the customers in the beer garden was. A copy has been submitted with this representation.

During the inspection it was noted that from the front of the premises the noise was reduced owing to the sound barrier provided by the building. I have attached a map of the area to show the layout. At 21.40hrs we walked down the alleyway at the side of the premises which leads to the beer garden and is also used as a fire escape. Once in the alleyway I noticed that the noise had not diminished in any way. At this point, the beer garden was still full of customers, which should have been cleared by this time. I took a photograph of this which not only shows that the area had not been cleared of customers by the specified time of 21.30hrs, but also that there was at least one child in the beer garden, which is a breach of the following condition:

The Protection Of Children From Harm

9. The Licensee and staff must ensure that children under 18 years of age vacate the premises by 20.00 hours.

This photograph also clearly shows how near the beer garden is to the residential buildings.

The conditions which were imposed after the Licensing Review of the premises on 23 November 2015 are as below:

13. The outside areas will be regularly checked by management and at busy times will be monitored by at least:-

- 1 member of staff for the sheds/grassed area/gravelled area/heritage paving.
- 1 member of staff for the first floor beer terrace.
- Customer behaviour will be monitored at all times and customers will be reminded of the need to behave in a way that does not cause nuisance to neighbours.
- Any customer who refuses to behave responsibly will be escorted from the premises.
- There will be a zero tolerance on rowdy behaviour which could cause a nuisance to neighbours.

14. On Fridays at 20.00 hours and Saturdays at 19.00 hours onwards, a door supervisor will provide support in the outside areas.

15. The shed/grassed/astroturf area will be cleared of customers by 21.30 each night. A physical barrier of chairs will be in place to ensure customers cannot enter this closed off area.

16. The gravelled area will be cleared by 22.30 hours each night.

17. The heritage paved area and the first floor terrace will be supervised by one member of staff and one member of doorstaff from 21.30 hours until the close of business. Customer behaviour will be monitored at all times and customers will be reminded of the need to behave in a way that does not cause nuisance to neighbours. Any customer who refused to behave responsibly will be escorted from the premises.

18. A full training program will be undertaken by all staff to ensure that the outside area does not cause disturbance to nearby residential property. This training will be documented and retained.

19. Notices asking customers to respect the neighbours of the property will be placed in the shed/grass/astroturf area, the gravelled/paving area and on the first floor beer terrace.

20. A direct telephone number to management will be provided for any neighbours to contact the premises if there are any issues in the outside area.

21. The sale of alcohol in the outside area will cease at 20.30 hours.

At the time of the previous Review I was concerned at how effective the enforcement of the conditions would be. I feel that my evidence shows that the conditions are not being enforced and judging by the complaints which are continuing to be made, there has been little attempt to do so.

I have been advised that the local residents are fearful of reprisals, which is why many of them have been hesitant in complaining. Many of the local residents are elderly and many

have health problems. I am aware that some residents have signed a document indicating that there has been an improvement in noise levels, but I have been told that this was because they felt confused and intimidated.

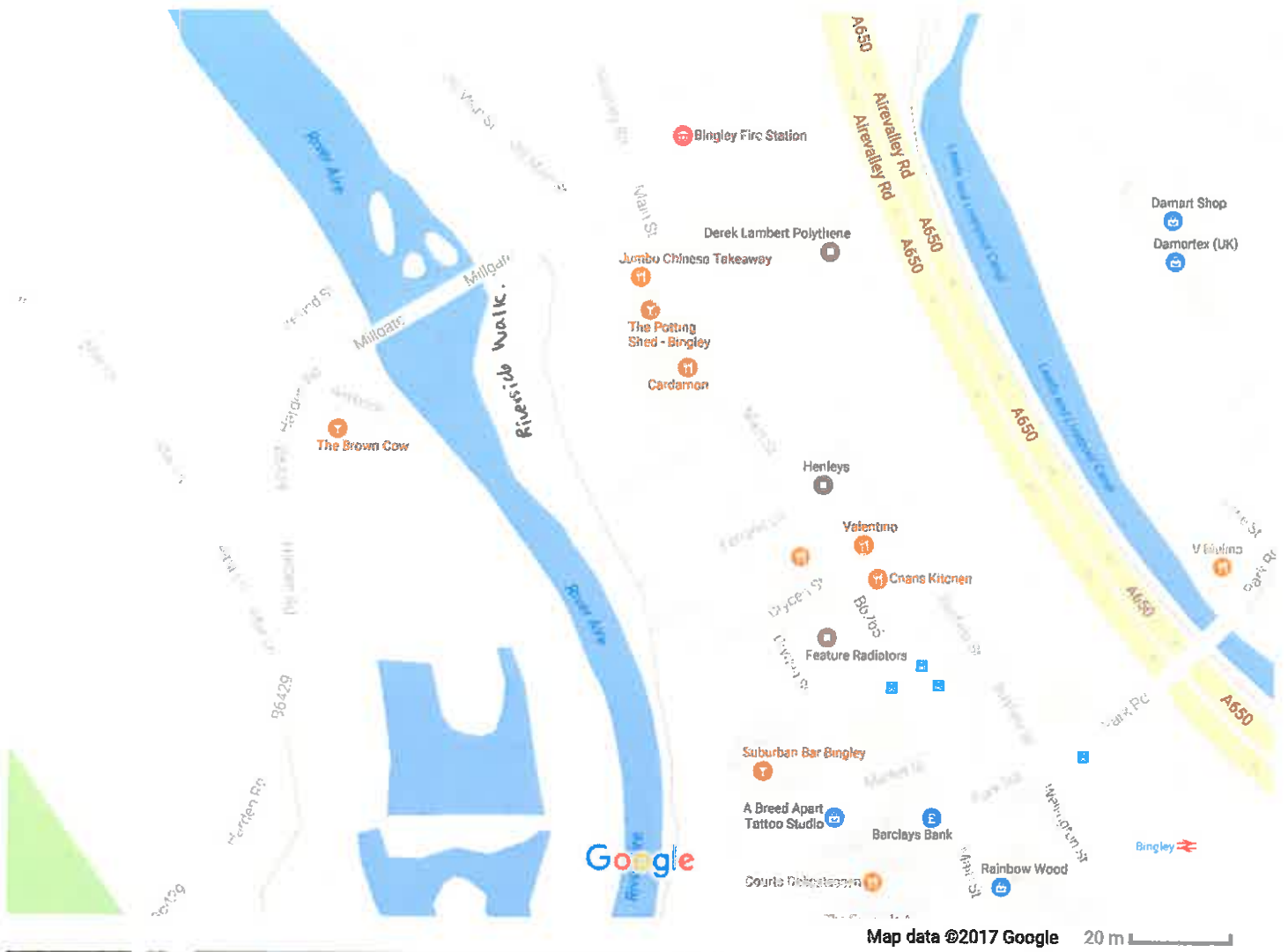
Since the previous Review, the noise problems continued and in some cases it appears that the level of noise has escalated. I have been advised that when live or recorded music is being played the staff at the Potting Shed open the doors and windows. This continues to cause distress to the local residents.

In conclusion, I think that the local residents have a right to a peaceful life. When the sheltered accommodation was built, the Potting Shed was known as The Fleece and the area which is now the beer garden was overgrown and unkempt. The residents would have had no way of knowing that it would be developed and become the beer garden it is today. Whilst the standard of the redevelopment is both inspired and innovative, it is clearly having a detrimental effect on the lives of local residents. I would recommend that serious consideration be given to restricting the use of the beer garden, which effectively doubles the number of customers attending the Potting Shed. I suggest that the hours customers are allowed to use the beer garden are reduced and strictly enforced by the Licence Holder. The local residents are not asking for anything other than a reasonable solution and in my opinion the imposition of the conditions being sought would ensure that that reasonable solution is achieved.

Yours faithfully

Mary McFadden
Licensing Enforcement Officer

Google Maps Main St



Main St
Bingley



