

Licensing Team, Environmental & Regulatory Services, Jacobs Well, Bradford, BD1 5RW

**Application for the review of a premises licence or club premises certificate
under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Jeanette Howarth

(Insert name of applicant)

apply for the review of a premises licence under section 51

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Potting Shed
94 Main Street

Post town Bingley

Post code (if known) BD16 2JH

Name of premises licence holder or club holding club premises certificate (if known)

Potting Shed Trading Limited

Number of premises licence or club premises certificate (if known)

Premises Licence Number: 072294

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Jeanette Howarth Environmental Health Officer Department of Health and Wellbeing Environmental Health 5 th Floor Britannia House Bradford BD1 1HX	
Telephone number (if any)	
01274 434366	
E-mail address (optional)	
jeanette.howarth@bradford.gov.uk	

This application to review relates to the following licensing objective(s)

- | | |
|-----------------------------------------|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

On behalf of Environmental Health, I wish to apply for a review of the Premises Licence relating to The Potting Shed, 94 Main Street, Bingley, BD16 2JH.

The Little Gem Pub Company applied for a Premises Licence for the Potting Shed and this was granted on 5th January 2015. A further application was made in March 2015 to vary the licence and change the Designated Premises Supervisor (DPS) and it was granted on 10th April 2015. The DPS was named as a Mr Nicholas Paul Merrick and his address given as the Flat Above 94 Main Street, Bingley.

The Potting Shed is an established Licensed Premises formerly known as the 'Fleece' and is located on the main road in the centre of Bingley. There are residential properties adjacent to and to the rear of the premises, which have also been in existence for many years.

The Premises has the following authorised Licensable Activities:

A Performance of Live Music:	Monday to Saturday:	10:00 hours to 01:00 hours
	Sunday:	10:00 hours to 23:00 hours
Any Playing of Recorded Music:	Monday to Saturday:	10:00 hours to 01:00 hours
	Sunday:	10:00 hours to 23:00 hours
Provision of Late Night Refreshment:	Monday to Saturday:	23:00 hours to 01:30 hours
	Sunday:	23:00 hours to 23:30 hours

The Supply of Alcohol:

Monday to Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 23:00 hours

Since March 2015, the Council's Environmental Health Department have received regular complaints of noise from local residents. The noise has related to amplified music and noise from customers as well as the use of an exceptionally large television all in the external beer garden area (which has since been removed).

Upon review of a Premises Licence the Licensing Authority can impose a condition preventing customers from using the beer garden after a specified time which would ensure that local residents are not being disturbed by unacceptable levels of noise in their own homes.

In order to assess the prevention of public nuisance objective, members are asked to consider the imposition of the following conditions:

- The beer garden including the grass/astro turf and gravel/ pergola area's to be cleared of customers by 21:00 hours
- The ground and first floor terrace to be cleared of customers by 22:00 hours.

Please provide as much information as possible to support the application
(please read guidance note 3)

Since the Premises opened as the Potting Shed in March 2015, Environmental Health have received regular complaints of noise from local residents. The main source of the noise is amplified music and customers talking, shouting, laughing, cheering and using foul and abusive language in the rear beer garden area. Monitoring was undertaken on several occasions in 2015 and Mr Merrick the Designated Premises Supervisor was made aware of the complaints as was the Manager and Managing Director of the premises.

An application for a review of the Premises Licence was submitted by the Council's Licensing Team in November 2015. I am led to believe that local residents did not make any representations as they were concerned about potential repercussions. A number of conditions were attached to the Licence and I am of the belief that the conditions have been repeatedly contravened.

Unfortunately, despite the review of the licence and conditions being imposed complaints have continued and a local resident contacted us again on 9th June 2016 to report loud noise from customers in the beer garden until the early hours of the morning as well as a television, which had been erected.

A petition was also received by the Council at the end of June 2016 and was signed by 20 local residents who live within the vicinity of the Premises.

Monitoring was undertaken on several occasions during the summer of 2016 from within the homes of local residents and a statutory nuisance was witnessed. An Abatement Notice was served on the Designated Premises Supervisor Mr Nicholas Merrick and he was subsequently removed as the DPS and replaced by Jordan Buchan. Unfortunately, complaints were still being received up to December 2016 and letters were sent to Mr Buchan and the Company Secretary of the Potting Shed Trading Limited on 21 December 2016.

Whilst I recognise that The Potting Shed is a thriving business and encouraging people to visit Bingley, it should not be to the detriment of local residents. The beer garden is quite unique and a feature of the premises but it is also encouraging customers to sit outside during the day and at night and the knock-on effect is that local residents are no longer able to enjoy and relax in their own homes. I am aware some residents do not go to bed until after the pub closes as they cannot sleep due to the noise.

It is for the above mentioned reasons that I am applying for a review of the Premises Licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day			Month			Year		
┆	┆	┆	┆	┆	┆	┆	┆	┆

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 1 February 2017

Capacity Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

