

Licensing Team, 3<sup>rd</sup> Floor, Argus Chambers, Bradford, BD1 1HX

**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, Environmental Health Officer, Bradford Metropolitan District Council**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Mill Hey Brew Haus 2, Mill Hey Haworth	
<b>Post town</b> Keighley	<b>Post code (if known)</b> BD22 8NQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Neil Tomlinson

<b>Number of premises licence or club premises certificate (if known)</b>
BD/PRA1087

**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 <sup>th</sup> Floor Britannia House Bradford BD1 1HX
Telephone number (if any)
01274 433963
E-mail address (optional)
jeanette.howarth@bradford.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

The Mill Hey Brew Haus, 2 Mill Hey, Haworth was previously known as the Royal Oak. On 29<sup>th</sup> September 2005 the old Magistrates Court Licence was converted into a Premises Licence under the Licensing Act 2003. Environmental Health records indicate that no objections were raised to the conversion.

On 4<sup>th</sup> August 2015 the Licence was transferred to Mr Neil Tomlinson who became the Premises Licence Holder (PLH). He applied to also become the Designated Premises Supervisor (DPS) on 21<sup>st</sup> September 2016.

The Pub is located in a mixed-use area with both residential dwellings and commercial premises nearby. The pub was closed for a period of time after the Boxing Day Floods of 2015 when it suffered major damage and it was subsequently refurbished and re-named the Mill Hey Brew Haus and opened for business on 21<sup>st</sup> October 2016.

The current opening hours are:

Monday to Sunday – 09:00 hours – 00:30 hours

Licensable activities namely the playing of Live Music and Recorded Music (Indoors):

Monday to Sunday – 09:00 hours - 00:00 hours.

There is a condition on the premises licence for the Prevention of Public Nuisance which states:

‘All outward opening exit doors and all windows shall be kept closed after 22:00 hours’.

The Live Music Act 2012 which came into force on 1<sup>st</sup> October 2012, provided that live music is not classed as ‘regulated entertainment’ if the following criteria are satisfied:

- There is a premises licence in place permitting ‘on sales’;

- The premises are open for the supply of alcohol for consumption on the premises;
- Live music is taking place between 08:00 hours and 23:00 hours;
- If the live music is amplified, the audience consists of no more than 200 people.

Any condition on the premises licence which relates to live music does not have effect between 08:00 hours and 23:00 hours if the above criteria are met.

Since April 2017, the Council's Environmental Health Department have received regular complaints of noise from a local resident. The noise has related to amplified music and noise from customers as well as live bands in the external beer garden/car park area at the premises.

Upon review of the premises licence the Licensing Authority can determine live music at the premises is a licensable activity and conditions on the premises licence relating to live music apply, even between 08:00 hours and 23:00 hours.

The criteria specified above apply to the Mill Hey Brew Haus during performance of live music, which is provided at the pub. The only condition on the premises licence relating to the prevention of public nuisance is that the windows and door should be closed after 22:00 hours and it is alleged that this is being contravened.

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

- Dis-apply the live music exemption under the Live Music Act 2012 and make live music at the Mill Hey Brew Haus a licensable activity at all times.
- The imposition of the following additional conditions providing for noise prevention measures as follows:
  1. The use of a noise limiting device, levels to be agreed with the Council's Environmental Health Department.
  2. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible at the nearest noise sensitive premises.
  3. Restrict the hours of licensable activity for regulated entertainment on Monday to Sunday to 09:00 hours to 23:00 hours except statutory public holidays, which shall have an additional hour to those stated above.
  4. Windows and doors to remain closed during periods of regulated entertainment (which would also apply to live music if the live music exemption was dis-applied), other than for normal access and egress.
  5. The external areas to be cleared of customers by 22:00 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.

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

Since the Premises opened as the Mill Hey Brew Haus, Environmental Health have received regular complaints of noise from local residents. The complaints started to be made in April 2017 and continue hence the reason for the review. The main source of the noise is amplified music and customers talking, shouting, laughing, outside of the premises late at night and in the early hours of the morning.

Several letters have been sent to Mr Neil Tomlinson to make him aware of the complaints about noise from the premises. Monitoring was undertaken in 2017 by Officers from this Department and a statutory nuisance was witnessed, which resulted in an Abatement Notice being served on Mr Tomlinson on 24<sup>th</sup> July 2017. The Notice required him to abate the nuisance and prohibit a recurrence of a statutory nuisance arising from the playing of amplified music within the Mill Hey Brew Haus.

Unfortunately, Mr Tomlinson has failed to address the noise issues and 3 x contraventions of the Abatement Notice have been witnessed by different Officers from this Department and will be the subject of a prosecution in the future.

Recordings of the noise will be used to support the application for review. The first recording is from within the bedroom of a local resident and was recorded by an Officer on a mobile phone at 23:50 hours on Saturday 14<sup>th</sup> July 2018. The second recording was taken during the Mill Hey Live Music Festival on Saturday 25<sup>th</sup> August 2018 at 20:45 hours from the public car park at the rear of the pub and also rear of the homes of local residents.

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

Please tick ✓ yes

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 6<sup>th</sup> September 2018 .....

Capacity .....

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

**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.