

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 29 January 2019.

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Subject:

Consideration of an objection notice received from Environmental Health regarding a Temporary Event Notice for Mill Hey Brew House, 2 Mill Hey, Haworth, BD22 8NQ.

Summary statement:

Consideration of a Temporary Event Notice for an event to be held at Mill Hey Brew House, 2 Mill Hey, Haworth, BD22 8NQ. The event includes the sale of alcohol and the provision of regulated entertainment as follows;

25 to 26 May 2019 from 14.00 to 22.00 hours each day.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

A Temporary Event Notice has been served for the sale of alcohol and provision of regulated entertainment at a proposed event to be held at Mill Hey Brew House, 2 Mill Hey, Haworth. The proposed dates and times of the event are:

25 to 26 May 2019 from 14.00 to 22.00 hours each day.

The Environmental Health Officer has submitted an objection notice to the Temporary Event Notice.

2. BACKGROUND

2.1 The premises user

Mr Neil Tomlinson.

A copy of the notice is attached at Appendix 1.

2.2 Counter notice received

Environmental Health

The Environmental Health Officer has submitted a notice objecting to the proposed event on the grounds of prevention of public nuisance.

Since the Premises opened as the Mill Hey Brew House, Environmental Health received regular complaints of noise from local residents. The main source of the noise being amplified music and customers talking, shouting, laughing, outside of the premises late at night and in the early hours of the morning.

An Abatement Notice was served on Mr Tomlinson, on 24 July 2017. Mr Tomlinson failed to address the noise issues and 3 contraventions of the Notice were witnessed by different officers.

A review application was submitted by Environmental Health on 11 September 2018, which was considered by Members of the Licensing Panel on 6 November 2018 and resulted in the exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11 pm being dis-applied.

The Environmental Health Officer suspects that should a live music event go ahead the department will receive further complaints and have to initiate prosecution proceedings.

A copy of the Environmental objection notice is attached at Appendix 2.

3. OTHER CONSIDERATIONS

- 3.1 The Licensing Act 2003 facilitates the holding of temporary events at premises that are not otherwise licensed for licensable activities. Proposed events must involve no more than 499 people at any one time. There are also limits on the number of

temporary events that can take place at any premises or can be organised by a premises user in a calendar year.

3.2 The Police and Environmental Health can object to a temporary event notice where they believe that allowing the event would undermine the licensing objectives. The Police and Environmental Health have 3 working days from receipt of the notice to serve an objection notice specifying the relevant issues.

3.3 On receipt of a valid objection notice from the Police or Environmental Health, the Council must hold a hearing to decide whether to uphold the relevant objection. The hearing must take place at least 24 hours before the event.

If the objection notice is upheld, the Council can serve a Counter Notice preventing the event from taking place. If the objection notice is not upheld the event can take place without further formality.

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 above.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in Section 149 Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications.

7.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 - Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between the public and the applicant's rights.

Article 6 - A procedural right to a fair hearing. As a counter notice preventing the event is an option, adherence to the Panels' usual procedure of affording a hearing to the premise user is very important. If the decision is to issue a counter notice, then reasons must be given.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of the meeting.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications for Corporate Parenting.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 Members may:

- (a) Uphold the Environmental Health objection and then serve a Counter Notice on the premises user preventing the event.
- (b) Decide not to uphold the Environmental Health objection, therefore allow the event to take place.

9.2 Should the premises user or Environmental Health feel aggrieved at any decision with regard to the Notice they may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing the parties, determine the related notice.

11. APPENDICES

1. Temporary Event Notice.

2. Objection Notice from Environmental Health dated 18 January 2019.

12. BACKGROUND DOCUMENTS

Licensing Act 2003 and statutory guidance, Plan.