



Licensing Team, 3rd Floor Argus Chambers, Bradford

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

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Wyke Rose 435 Huddersfield Road Wyke	
Post town Bradford	Post code (if known) BD12 8NP

Name of premises licence holder or club holding club premises certificate (if known)
Clifton Properties (Yorkshire) Limited

Number of premises licence or club premises certificate (if known)
072512

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)

(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)
E-mail address (optional)

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>The premises licence for the Wyke Rose, 435 Huddersfield Road, Bradford, has been held by Clifton Properties (Yorkshire) Limited since July 2011. There is a history of noise complaints relating to the premises. In October 2012 Environmental Health requested a review of the Premises Licence due to noise complaints.</p> <p>At the time of the review, the premises licence was already subject to the following conditions:</p> <ul style="list-style-type: none">- 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.- All external outward opening doors and windows to the licensed premises where regulated entertainment is being provided shall remain closed during the course of the entertainment other than for normal access and egress.- The outdoor drinking areas are to be cleared of customers no later than 23:00 hours with prominent appropriate signage displayed encouraging patrons to co-operate with this requirement.- Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner. <p>Following the licence review in October 2012, the following additional conditions were added to the premises licence under the prevention of public nuisance objective:</p> <ul style="list-style-type: none">- In the light of compelling evidence of persistent nuisance from noise to neighbouring residents, anti-social behavior related to the premises and breaches of licence conditions, the premises licence be suspended for a period of 30 days.- The exemption under the Live Music Act 2012, in respect of live music provided between the hours of 8am to 11pm shall be dis-applied.

- On resumption of the licence the following additional conditions shall apply: The hours of licensable activity for regulated entertainment shall be restricted on Monday to Sunday to 10:00 to 22:00 except statutory public holidays, which shall have an additional hour to those stated above.
- The Licensee be warned that the Licensing Authority has serious concerns in relation to the breaches of the conditions on the premises licence, persistent anti-social behaviour and noise nuisance to local residents that are associated with the premises and the Licensee if therefore put on notice that if any future breaches of the licence conditions of complaints of noise/disorder are brought to the attention of the Panel by way of review of the licence, serious condition will be given to revocation of the licence, subject to giving due consideration to the evidence and representations received at the time.

I believe that the Wyke Rose was then closed for a period of time.

The current Premises Licence permits:

A Performance of Live Music Indoors and any Playing of Recorded Music Indoors during the following times:

Monday to Sunday: 10:00 – 22:00

Christmas Eve, Boxing Day & New Years Eve - A further additional hour.

Christmas Day 11:00 – 15:00 & 19:00 -23:00

A further additional hour on Friday, Saturday, Sunday and Monday of every statutory Bank Holiday weekend.

In February 2015 one of the original complainants contacted Environmental Health stating that the pub was under new ownership and advertising live music. They had concerns that noise issues could begin to re-occur.

On 10 April 2015 a complaint was received regarding loud music and windows and doors being left open. Further complaints were also received on 10 July 2015, 10 August 2015 and 3 June 2016 relating to noise from amplified music and windows and doors being left open, as well as noise from customers shouting and swearing and vehicles pulling up with loud music.

On 2 June 2017 a complaint was received alleging loud music, shouting and fighting was occurring at the pub most days of the week from 14:00 hours onwards into the late hours of the night.

A further complaint was received on 30 June 2017 reporting loud music from external speakers for large amounts of the day and evening. On 25 July 2017 a complaint was received from the landlord of a property who reported that he had lost 2 x sets of tenants due to the early morning and late night shouting, drunken violence and arguing, particularly following installation of benches outside the pub.

On 8 May 2018 a local resident reported further noise nuisance from the premises. It was alleged that the premises had been playing music until 03:00 – 04:00 hours in the morning regardless of the day of the week and that it was so loud in the complainants home they could not hear the television. It was also alleged that the premises had regular 'lock-ins', during which music can be heard.

On 27 June 2018 Timothy Brook, Licensing Enforcement Officer, and I visited the Wyke Rose to discuss the allegations. As we approached the pub from Perseverance Street we could hear the music coming from within the premises. We noted that the doors and windows were open.

On 4 July 2018, warning letters and Community Protection Warnings were sent to the Premises Licence Holders, the Designated Premises Supervisor and the pub manager.

The Community Protection Warnings also placed requirements on each of them to prevent further noise nuisance to local residents and were the same as required by the Premises Licence. They were required to take steps immediately and made them aware that a Community Protection Notice could be issued if they did not comply within the timescales given.

Complaints continued to be received and evidence was sent to me on 3 September 2018 showing karaoke in the premises at 23:55 hours, which was audible in the home of a local resident. It was evident that the Community Protection Warnings were being ignored and that the premises licence continued to be breached.

On 12 September 2018, PC Lord and I visited the Wyke Rose and met with the Secretary and Director of Clifton Properties, the Designated Premises Supervisor and the premises Manager. I advised them of the complaints we were receiving about noise from the premises particularly from karaoke on Sunday nights and that they were breaching the premises licence.

At the meeting I served Community Protection Notices on the Licence Holder, the Designated Premises Supervisor and Manager. I explained that they were legal documents and that they were required to comply with the Notices and the requirements were broadly in line with that of the Premises Licence. I directed them to the 2nd page of the Notice and made them aware that failure to comply was an offence and that I would look at getting a warrant to enter the premises and seize the equipment if they failed to comply with the Notices. I also told them this would lead to a prosecution and I would review the Premises Licence also.

A further complaint was received on 18 February 2019 alleging music had been played exceptionally loud on Friday 15 February 2019 after 22:00 hours and that people had been arguing in the street.

A complaint was received reporting the pub being rowdy on 23 February 2019, with music audible until 02:00 hours. I was also made aware that a fund raising party was being advertised for 9 March 2019. The advertisement included a DJ from 10pm until closing.

On Thursday 7 March 2019, I wrote to the Licence Holders, the Designated Premises Supervisor and premises manager to make them aware of the on-going complaints. I made them aware that it had been brought to my attention that they were advertising a DJ from 22:00 hours and that it would be a contravention of their premises licence.

On Saturday 9 March 2019, I received a telephone call from the complainant regarding excessively loud music in the complainant's home, with music being exceptionally loud the previous two weekends.

A further complaint was received on 7 May 2019 and the complainant informed me it had been loud on Friday 3 May 2019 and that they are having lock ins until 02:00 – 03:00 hours in the morning then the customers carry on outside. As complaints were continuing I added the case to the Environmental Health Departments Noise Witnessing Service for 4 weeks from 20 May 2019.

On Friday 24 May 2019, I received a complaint at 22:37 stating music had been playing since 20:30 hours and was 'bouncing'. An Environmental Health Officer from Noise Witnessing attended the home of the complainant at 00.05 hours. Music from the Wyke Rose was clearly audible in the complainant's property and the bass was audible throughout the house. The Officer was satisfied that it was exceptionally loud and contravened the premises licence conditions and Community Protection Notices.

On Friday 31 May 2019, a colleague working on the Noise Witnessing Service attended following a complaint and witnessed noise from music at the premises at 23:35 hours, which amounted to a Statutory Nuisance. This was a further contravention of the Community Protection Notices that had been served as well as contravention of the premises licence.

On 18 June 2019, a Warrant to enter and seize noise making equipment at the Wyke Rose was granted by Bradford and Keighley Magistrates' Court.

The Warrant was executed on 22 June 2019 when items of noise making equipment were seized. A prosecution is pending for failure to comply with the Community Protection Notices served under the Anti-social Behaviour, Crime and Policing Act 2014 and also section 136 of the Licensing Act 2003, for breach of licence conditions.

Unfortunately, complaints of noise have continued and the most recent incident of noise occurred on Friday 19 July 2019. I received a telephone call at 20:03 hours reporting that loud music was being emitted from the pub. I arrived at 21:05 hours and on exiting my car I could hear the bass of the music. I entered the home of a local resident and amplified music could be clearly heard from the Wyke Rose. I could see the premises manager stood in the entrance to the pub at 21:16 hours. He was present for a couple of minutes stood looking around.

At 21:52 hours a group of 10 people were stood outside the pub shouting and 3 x vehicles were parked up outside. I noticed a land rover discovery which kept coming and going to the pub and screeching of tyres as it accelerated at speed away from the premises. No attempt was made by the premises manager to address the noise from the people outside who were coming in and out of the pub.

At 22:00 hours, I heard the premises manager say 'Close the doors, can you hear it now'. The doors to the pub were then closed and the window and curtains closed. The music went down in volume but when the side door was open to let people in I could hear the music continuing in the pub after the permitted hours.

Justified complaints continue to be received regarding noise and disturbance from the Wyke Rose. This is despite a previous licence review, the imposition of a number of premises licence conditions and action taken under other community protection legislation. Noise as a result of licensable activities at the premises is clearly undermining the prevention of public nuisance objective. Therefore Environmental Health request that consideration is given to revocation of the premises licence.

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

See earlier comments – Environmental Health applied for a review the premises licence in October 2012 following noise complaints and failure to comply with an Abatement Notice that had been served on a previous Designated Premises Supervisor. This resulted in additional conditions being placed on the licence under the prevention of public nuisance objective.

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

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Date 23rd July 2019

.....

Capacity Environmental Health Officer

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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)	