

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

LICENSING PANEL

Monday 3rd July 2017

Present: Councillor Cathy Scott (Chair)
Councillor Richard Eastwood
Councillor Mohan Sokhal

1 Site Visits

Site visits were undertaken.

2 Appointment of the Chair

That Cllr Cathy Scott be appointed Chair for the meeting.

3 Minutes of Previous Meeting

That the minutes of the meeting held on 6 March 2017 be approved as a correct record.

4 Interests

Cllr Eastwood advised that as ward councillor he had commented on agenda item 8, and withdrew from considering the application.

5 Admission of the Public

The Panel considered the exclusion of the public and determined that all agenda items be considered in public session.

6 Deputations/Petitions

No deputations or petitions were received.

7 Application for the VARIATION of a Premises Licence at The Woodman Inn, Thunderbridge Lane, Kirkburton, HD8 0PX

The Panel considered an application made to vary the premises licence in respect of The Woodman Inn under the Licensing Act 2003. The Applicant advised the Panel that the application was to include all general functions and that the hours

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requested were at the extreme ends of what would be used, as it was anticipated that events would finish at midnight. The Panel was informed that the garden and orangery would be used on an occasional basis, and that a marquee was positioned in the garden area for use at events. The Panel was further informed that noise would be contained within the marquee and music would be turned down if required. The applicant explained that The Woodman had purchased a decibel meter to monitor the noise levels at various times throughout the day.

The Panel was advised that the applicant had agreed to conditions requested by Kirklees Environmental Health.

The Chair invited the objectors present at the hearing to summarise their representations. The Panel was informed that residential properties in the area of The Woodman could hear the music emanating from the venue despite measures taken to reduce noise levels. The Panel was further informed that noise from patrons could be heard in the street, and that sufficient steps were not being taken to reduce the noise coming from outside the venue.

Following careful consideration of all the representations both verbally and in writing, the Panel:

RESOLVED: That the application to vary a premises licence be agreed so as to include the area defined at Appendix A of the report with the following conditions and revised timings in relation to the newly licenced area:-

Films (indoor) Indoor Sporting Events, Live Music (indoor), recorded Music (indoor), Performance of dance (on the premises), Anything of a similar description (on the premises)

Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	23:00
Friday	10:00	23:30
Saturday	10:00	23:30
Sunday	10:00	23:00

Late Night Refreshment (both on and off the premises) Supply of Alcohol (both on and off the premises)

Monday	23:00	23:30	10:00	23:00
Tuesday	23:00	23:30	10:00	23:00
Wednesday	23:00	23:30	10:00	23:00
Thursday	23:00	23:30	10:00	23:00
Friday	23:00	00:00	10:00	00:00
Saturday	23:00	00:00	10:00	00:00
Sunday	23:00	23:30	10:00	23:00

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Hours premises open to the public

Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	00:30
Saturday	10:00	00:30
Sunday	10:00	23:30

That the CCTV be installed to cover the Orangery and outside area. That no loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other opening in the structure.

That drinks are not permitted to be taken outside the building after 23:00 Sunday to Monday inclusive and 23:30 Friday and Saturday.

In arriving at its decision, the Panel considered the application and representations made by the Council's Environment Services, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

The Panel determined that the application to vary the terms of the license risked the creation of public nuisance due to noise and that proportionate conditions were appropriate to promote the licensing objective of preventing such nuisance. In particular the Panel determined that the proposed extension of hours of operation beyond those currently in place for the main part of the building would risk excessive noise so late at night so as to be a nuisance to residents. Furthermore the Panel were concerned that regulated entertainment in the form of amplified music in the newly licensed area would risk the creation of public nuisance unless made subject of appropriate conditions and limitations.

8 Application for the GRANT of a Premises Licence at 28 Lidget Street, Lindley, Huddersfield, HD3 3JP

The Panel considered an application made to grant a premises licence in respect of 28 Lidget Street under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Cathy Scott (Chair) and Councillor Mohan Sokhal. The Panel had conducted a site inspection of the premises subject to the application prior to the hearing.

The Chair invited Mike Skelton, Licensing Officer, Kirklees Council, to outline the application. The Panel was advised that the application requested the licensing activities and timings as follows:-

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The retail sale of alcohol for consumption on the premises only

Monday	10:00	01:00
Tuesday	10:00	01:00
Wednesday	10:00	01:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	10:00	01:00

The Panel was advised that in response to the application Kirklees Environmental Health Department had submitted observations which were contained within the report.

The Chair invited the objector to summarise the reason for their representation. The Panel was informed that residential properties in the area were very close to 28 Lidget Street, in particular, the objectors son's property adjoined the premises. The objector explained that she was concerned that her grandchildren's sleep would be affected by the noise emanating from the bar. The objector explained that she did not think the notice asking customers to leave quietly and to be respectful to neighbours would be effective; given that customers egressing the restaurant across the road give little or no consideration to the people living in the nearby residential properties.

The objector explained to the Panel that the proposed ashtray that would be placed in an area to encourage smokers to move away from residential properties would mean smokers would in fact encroach on her son's property and into the courtyard area. She explained that the courtyard was the area that her grandson played in, and she didn't feel it would be appropriate for him to have to play around adults who would be outside smoking.

Following careful consideration of all the information presented the Panel:

RESOLVED: That the application to grant a premises licence would not be granted.

In arriving at its decision, the Panel considered the written observations from Environmental Health, the representation made by the objector, the evidence presented at the hearing, both verbally and in writing, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

The Panel decided that granting the application would be contrary to the Licensing Objective of the prevention of public nuisance. The Panel was concerned by the closeness of the proposed licensed premises to residential properties, the confined external space shared with residential properties, and the effect noise from the premises would have on the quality of life of local residents – particularly late at night. In addition, the Panel was not satisfied that improvements could be made to the premises to mitigate or sufficiently manage noise emanating from the property. The Panel was not satisfied that conditions on the proposed license would be sufficient or appropriate to meet their concerns about public nuisance.

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The Panel also considered the issue of the prevention of children from harm, in that children who live in the residential properties, play in an area which would be in close proximity to the designated smoking area of the bar.