

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Monday 11 May 2009 in the Saville Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

Hearing

- 1. Application for a premises licence for Shama Bingley, Clarke House, Keighley Road, Bingley (Document "H")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR SHAMA BINGLEY, CLARKE HOUSE, KEIGHLEY ROAD, BINGLEY (DOCUMENT "H").

Commenced: 1405
Adjourned: 1445
Re-convened: 1455
Concluded: 1500

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Hill (Chair), Flowers, Chadwick.

Parties to the Hearing:

Representing the Applicants:

Mr Coote, representing the applicants
Mr Hussain, Partner

Representing Interested Parties:

Mrs Smith, local resident
Mrs Pollard, local resident
Mrs Shaw, local resident

Observers:

Councillor Pennington

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant's representative informed the Panel that the restaurant had moved from its premises in Bingley Town Centre due to redevelopment. The new building had been renovated and was located in close proximity to Bingley Town Centre, a public car park and a public house. Security lighting and an alarm system had been installed at the premises and disabled facilities provided. He confirmed that neon lighting would not be used and that the glass frontage was double glazed. Only background music would be played in the restaurant. Signage and waste receptacles would also be provided for litter around the premises.

The Council's legal officer indicated that the applicants were applying for the provision of regulated entertainment and questioned whether they would be willing to withdraw this request, as they could play low level incidental background music without this provision. In response the applicant's representative agreed to remove the application for the provision of regulated entertainment.

The applicant's representative reported that the loading facilities were at the side of the building and a low noise extractor system was at the rear. It was noted that

unaccompanied children would not be encouraged to eat in the restaurant. He confirmed that a great deal of discussions had been undertaken with residents and that the owners believed that the request to trade up to 23.30 was reasonable, as the premises were within a residential area.

Members' questioned the applicant's representative in relation to the takeaway aspect of the business, the parking provision, litter provision and the hours of business. In response they were informed:

- That they expected the amount of takeaway provision would decrease as they were not going to provide a specific service.
- That five parking spaces had been provided. There was also on street parking and a public car park nearby. The premises were on a public bus route and close to Bingley Town Centre.
- That a condition in relation to the clearing of litter around the premises was acceptable.
- That the premises would close at 23.30 with an additional hour for staff to clear up.

The objector raised concerns in relation to the takeaway aspect of the business and was informed by the Council's legal officer that the business was primarily a restaurant. Most restaurants allowed customers to take out food and there may be some residual takeaway business.

The objector then questioned the applicant's representative with regard to their policy regarding children, whether the restaurant would be emptied of customers at 23.30 and if a takeaway request would be allowed at 23.25. The applicant's representative confirmed that children would be allowed with their parents, but not if they were underage and unaccompanied. With regard to the licence, the Council's legal officer advised the objector that the last sale would be allowed at 23.30, though the overall use of the premises also had to cease at 23.30 under the separate planning restrictions.

The objector then addressed the meeting and outlined the following points:

- That the restaurant used to trade in Bingley Town Centre and had late night patrons.
- That the premises were located in a small commercial area within a residential neighbourhood.
- That there were 75 dwellings opposite the business.
- That Main Street was used as on road parking for the residents.
- That Keighley Road only had limited on street parking facilities.
- That the restaurant had only provided 6 car park spaces and the residents would be disturbed by customers if they parked on the streets.
- That there was some confusion in relation to the closing time.
- That if the restaurant stayed open later it would create more noise and disturbance for the residents.
- That they believed that the restaurant's previous late night clientele would still want to patronize the establishment.
- That the business was now located in a residential area.
- That the smokers outside posed a fire risk, as there had already been two fires at the premises.
- That it was requested that more restrictive trading hours were considered.
- That the application stated that underage children were not allowed.

With regard to the issue of children, the applicant agreed that the word "unaccompanied" be added to the offered condition prohibiting access to resolve the matter. It was reiterated that the premises would close at 23.30 and that a review could be undertaken if problems occurred. The objector was informed that the Premises Licence would allow conditions to be put in place and monitored.

In conclusion the objector stated that the residents would have preferred not to have a restaurant opposite their houses and requested that conditions be placed upon the application in order to provide them with some respite from the noise.

In summation the applicant's representative confirmed that the premises were located within a commercial area and adjacent to a 24 hour petrol station. The business had an excellent past reputation and was strongly supported. A closing time of 23.30 would be consistent with the planning approval and the premises should not create a problem for local residents.

Decision

That the Panel notes the withdrawal at the hearing of their application for the provision of regulated entertainment in the premises and having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application for late night refreshment, subject to the following conditions:

- 1. That the disposal of waste bottles into externally located receptacles shall not take place between the hours of 2300 and 0700 on any day.**
- 2. That adequate secured trade waste storage facilities are provided and effectively used to the satisfaction of the Licensing Authority.**
- 3. That the Licensees shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse on a daily basis.**

Reason: In order to ensure that the Licensees takes all steps in their control to prevent nuisance being caused to neighbours as a consequence of the deposit of waste materials and litter emanating from the business and users of the premises – prevention of public nuisance.

And, with the agreement of the Licensees, that the step proposed by the applicants to address the Protection of Children from Harm objective be amended to:

"The Licensees shall not sell hot food or drink or allow admittance to unaccompanied under 17 year olds on the premises."

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.