

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Thursday 11 June 2009 in Committee Room 3, 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 Nick's Basement, 52 The Grove, Ilkley (Document "B")**
- 2. Application for a premises licence for The Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley (Document "C")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR NICK'S BASEMENT, 52 THE GROVE, ILKLEY (DOCUMENT "B").

Commenced: 1420
Adjourned: 1505
Re-convened: 1515
Concluded: 1520

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors McCabe (Chair), Sajawal Hussain, Chadwick.

Parties to the Hearing:

Representing the Applicants:

Mr McGriskin, Applicant

Representing Interested Parties:

Mr Grimson, local resident
Mr Jackson, local resident

Observers:

PC Dawson, West Yorkshire Police

Representations:

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

The applicant informed the Panel that the premises were located in Ilkley Town Centre and had been a bar for over 20 years. Unfortunately the premises had closed in January 2008 and the licence surrendered. The applicant explained that he and his business partners had previously managed another establishment in Ilkley and wanted to remain in the area. The property was a small basement premises and would be marketed as a discerning venue for Ilkley residents. The focus would be on an older clientele base who would appreciate the Cask ales, wine and food available in a relaxed atmosphere. The applicant acknowledged the requirement to balance the licensable activities with the needs of the residents living above the premises and stated he was committed to having a good relationship with them. However, he added that the residents concerns in relation to noise and disturbance could not be blamed entirely upon the premises, as the property was within the Town Centre.

The Council's legal officer noted that the applicants were applying for the provision of regulated entertainment but they had indicated that they only intended to play incidental background music. It was explained that the low level incidental background music did not require authorisation and in the light of this the applicant withdrew their application for regulated entertainment and this was noted by the Panel.

Members' questioned the applicant in relation to the intention to place chairs and tables outside the premises, his views on what would be a reasonable time to cease licensable activities taking place outside and how noise levels would be reduced. In response they were informed:

- That during the summer months chairs and approximately four tables would be placed outside the premises, like others in the Town. They would be controlled and not cause a hindrance to the neighbours.
- That the chairs and tables could be removed at a reasonable time.
- That only low level music would be played, refuse would be collected during the day and customers would be encouraged to leave quietly.

An objector was present at the meeting and indicated that he did not object to the bar, however, the previous establishment had placed tables outside that had made access to his property difficult. They had also placed lights in the tree and had patio heaters, which contributed to nuisance caused to residents. He confirmed that he had met with the managing agents with regards to the access, but the issue had not been resolved.

Another objector addressed the meeting and raised the following concerns:

- That the objection was based upon experience.
- That The Grove was a commercial area, but there were no tables and chairs outside as the premises were mostly shops.
- That the building was a purpose built residential property.
- That he did not object to the bar inside the licensed premises.
- That he was concerned in relation to the placing of tables and chairs outside.
- That customers who smoked took drinks outside and this created noise and glasses could be broken.
- That the bar should be restricted to the basement.
- That customers leaving the premises late at night caused a disturbance.
- That regular late night noise and nuisance was not acceptable.
- That the agreement with the previous landlord to clear the tables away at 2200 had not been successful.
- That it would be hard to impose conditions on the premises.
- That if the ground rules were not followed the same issues would arise.
- That the nuisance factor was the main issue.

In light of the concerns raised by the objectors, Members questioned the applicant as to the position of the tables, at what time they would be removed, and whether he would agree to a condition being imposed in relation to restricting drinking outside the premises. In response the applicant indicated that he would not place tables in the access area and that they could be removed at 2100 on Monday to Wednesday and 2200 on Thursday to Saturday. With regard to the suggested condition, the applicant explained that he would not like glasses to be left unattended within the premises and so would not wish customers to be prevented from taking drinks outside late at night. He was also not prepared to agree to the use of plastic glasses.

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 the sale of alcohol, subject to the following conditions:

1. That chairs and tables shall be removed from the external areas of the premises and no customers shall be allowed to drink or take glass receptacles outside the premises after 2200.
2. That prominent signs shall be displayed to advise patrons of the restrictions relating to the external areas after 2200.

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 users of the premises drinking outside the premises – prevention of public nuisance.

Chair

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

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

RECORD OF A HEARING FOR AN APPLICATION FOR THE WHEATLEY HOTEL, 101 WHEATLEY LANE, BEN RHYDDING, ILKLEY (DOCUMENT "C").

Commenced: 1520
Adjourned: 1610
Re-convened: 1615
Concluded: 1620

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors McCabe (Chair), Sajawal Hussain, Chadwick.

Parties to the Hearing:

Representing the Applicants:

Mr Arnold, Applicant's Solicitor
Mr Harries, representative of Individual Inns Limited
Mr Garside, Designated Premises Supervisor
Mr Warren, Save Us Pub Group - Witness

Observers:

Mr Lunt, Associate of Applicant's Solicitor
Mrs Garside
PC Dawson, West Yorkshire Police

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 there was an existing licence for the premises that had been granted in 2004 and included the playing of recorded music, the provision of late night refreshment indoors and the sale of alcohol. The new application proposed reduced hours as the owner's intention was to provide a pub and dining facility for local residents. The Hotel had been closed for several years and a campaign had been established to re-open it.

The representative of Individual Inns Limited, the applicant, explained to Members that they were a small group that operated a number of public houses that were all of a similar style, but individual. Their premises were food led businesses and were also aimed at local drinkers. Accommodation would also be available as 12 high quality bedrooms had been constructed. It was noted that the site had been closed since 2002 and that the residents of Ben Rhydding had welcomed the proposal to open a high quality establishment. No complaints had been received at their other premises and they all operated under similar licensing hours. Within the premises there would be the 'Yorkshire Bar', predominantly for drinking and the rest of the internal area would be for dining purposes. The Garden Room could be used for functions, however, this would primarily be a dining area as they did not intend to hold noisy events in the room on a regular basis.

He reiterated that the requested hours had been reduced from those in the existing licence and that the customer base would be predominately over 50 years of age.

In response to Members' questions regarding possible functions and what they would entail, the following points were confirmed:

- That the premises were to be a "Community Centre" for the residents of Ben Rhydding.
- That it was not the style of the premises to have discos and a dedicated dance floor. If a marquee was required a Temporary Events Notice would be applied for.
- That the room would only accommodate approximately 60 people and would probably be used for private parties.
- That the Garden Room was the best dining area and they would not want to stop customers from eating in there.
- That they had not applied for live music and only low background or occasional party music would be played.
- That recorded music would probably be played throughout the premises.

The Designated Premises Supervisor (DPS) informed Members that he was currently recruiting 35-40 full time and part time staff all from within a 3 mile radius. Suppliers had been sourced from local businesses and a local brewery would provide the beer. He stated that the premises wanted to be part of the community.

A representative of the 'Save Us Pub' Group explained that the local residents had campaigned to get the premises reopened and objected to a proposed planning application on the site. He stated that the community of Ben Rhydding needed a focal point and the majority of residents were supportive of the new proposals. Consultations had taken place with the applicants and the DPS.

Members questioned the steps proposed to address the licensing objectives and were informed:

- That customers would be able to dine anywhere in the premises, though the 'Yorkshire Bar' would mainly be a drinking area.
- That signs would be displayed at exits and in the smoking area requesting that customers left the premises quietly.
- That litter receptacles would be provided as appropriate.
- That the hours applied for were unlikely to cause a problem, as they were not an issue at their other premises and they would rather not be restricted.
- That orders for outside dining would probably cease at 2100 during the week and 2130 on weekends.
- That they would prefer not to have a restricted time to cease drinking outside and that the DPS would be able to deal with any issues that arose.
- That they were conscious that they would have residents on site and would not like to upset them or neighbours.

In conclusion the applicant's representative reiterated that the existing licence, that did not have any restrictions, could have been used. The applicant's other businesses had not encountered any problems and the premises would be for the benefit of local residents. The hours applied for were for the purpose of being able to hold functions for local people, if required, and that dining would be the main focus of the premises. It was hoped that the business would be a valuable community resource supported by local residents.

Decision

That 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 subject to the following condition:

- 1. That the consumption of alcohol and food in the external areas of the premises shall not be allowed after midnight.**

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 users of the premises drinking and eating outside the premises – prevention of public nuisance.

Chair

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