

## Report of the Assistant Director Corporate Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 11 June 2009

# C

### Subject:

Application for a Premises Licence for The Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley.

### Summary statement:

Application for a new premises licence for the sale of alcohol and provision of regulated entertainment and late night refreshment.

Suzan Hemingway  
Assistant Director Corporate Services (City Solicitor)

Report Contact: Melanie McGurk  
Senior Licensing Officer  
Phone: (01274) 431873  
E-mail: [melanie.mcgurk@bradford.gov.uk](mailto:melanie.mcgurk@bradford.gov.uk)

**Portfolio:**

**Corporate**

**Improvement Committee Area:**

**Corporate Improvement Committee  
Safer and Stronger Communities**



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



## 1. Summary

### 1.1 The applicant

Individual Inns 2 Limited. A copy of the application is included at Appendix 1.

### 1.2 The Premises

The Wheatley Hotel, 101 Wheatley Lane, Ben Rhydding, Ilkley

### 1.3 Designated Premises Supervisor

Nicholas Garside

### 1.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Sale/supply of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment

Hours of licensable activities:

#### Sale of alcohol and late night refreshment (from 23.00)

Monday to Sunday: 09.00 to 00.30

New Years Eve: 09.00 hours until the start of permitted hours the following day

#### Provision of regulated entertainment

Recorded music

Monday to Sunday: 08.00 to 01.00

New Years Eve: 08.00 hours until the start of permitted hours the following day

Performance of dance/Anything of a similar description/Provision of facilities for making music, dancing or anything of a similar description

Monday to Sunday: 09.00 to 01.00

New Years Eve: 09.00 hours until the start of permitted hours the following day

Hours the premises proposed to be open:

Monday to Sunday: 08.00 to 01.00

## 1.5 **Steps proposed by the applicant to address the Licensing Objectives**

### a) Prevention of crime and disorder will be achieved by;

The Company will work with the Local Authority and Police and take all necessary steps to prevent any such occurrences. The Company will promote the same policies that they have with their other pubs and hotels (where no such problems have arisen) to ensure the well being of neighbours and the comfort of those attending the premises.

### b) Public Safety will be achieved by;

The Company will ensure that all staff are properly trained. The Company will also implement and properly manage a Health and Safety Plan which will be reviewed at regular intervals.

### c) Prevention of public nuisance will be achieved by;

The Company recognises and accepts that a balance must be struck between the requirements of the Hotel and its guests and the requirements of the local residents. The Company will take all necessary steps to ensure that no nuisance will be caused to residents.

### d) Protection of children from harm will be achieved by;

The Company will provide all necessary training to its staff to ensure that children will not acquire or consume alcohol. As the Company intend to provide facilities for functions such as weddings, children will inevitably be present but the Company will try to ensure that this is in areas away from bar services.

### e) General – all four licensing objectives

The ethos of the Company is to provide family friendly hotels that are focused upon providing fine dining facilities. The Company and its sister Company Individual Inns Limited are the proprietors of country pubs and hotels that are a focal point of their communities. The Company recognise their responsibilities to guests and local residents. The Company take their obligations extremely seriously and ensure that all staff are properly trained and alert to matters of security and safety.

## 2. **Relevant Representations Received**

### 2.1 **Interested Parties**

Local Residents – 3 letters of representation have been received, on the grounds of anticipated noise and disturbance from regulated entertainment and patrons leaving the premises late at night. Concerns are also raised regarding anticipated noise nuisance by patrons using the outdoor areas. The residents also state that the premises are in a residential area.

The letters are attached at Appendix 2.

### 3. **Legal Appraisal**

- 3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
- a) the prevention of crime and disorder
  - b) public safety
  - c) the prevention of public nuisance
  - d) the protection of children from harm
- 3.2 The Council must also have regard to the guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

### 4. **Statement of Policy Issues**

- 4.1 The following part of the Licensing Policy is of particular importance; Part 6 (prevention of Public Nuisance).
- 4.2 The Annexes to the Policy sets out various types of model condition that could be considered.

### 5. **Legal Options**

- 5.1 Members may:
- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
  - (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
  - (c) Refuse the application for a premises licence. (this will effectively mean that the premises could not open unless by authority of a temporary event notice without breaching the licensing laws).

5.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

**6. Financial and resource appraisal**

6.1 There are no apparent finance or resource implications.

**7. Other implications**

**7.1 Equal Rights**

There are no apparent equal rights implications.

**7.3 Community safety implications**

There are no apparent community safety implications.

**7.4 Human Rights Act**

The following rights are applicable:

Article 1 First Protocol to the Convention – 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 public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

**8. Not for publication documents**

8.1 None

**9. The Role of the Panel**

9.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

**10. Appendices**

1. Application form received on 27 April 2009. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on [www.bradford.gov.uk](http://www.bradford.gov.uk)).
2. Letters of representation.

11. **Background documents**

Application form, plan etc

**Application for a premises licence to be granted  
under the Licensing Act 2003**

1/1/17

**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/We** Individual Inns 2 Limited

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

|   |        |                  |          |
|---|--------|------------------|----------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>The Wheatley Hotel<br>101 Wheatley lane<br>Ben Rydding |        |                  |          |
| <b>Post town</b>  | Ilkley | <b>Post code</b> | LS29 8ET |

|   |        |
|---|--------|
| Telephone number at premises (if any)   |        |
| Non-domestic rateable value of premises | £18000 |

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

|   |                              |                               |                             |                                |  |
|---|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/>                               | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) |  |
| Surname   |                              |                               | First names                 |                                |  |
| I am 18 years old or over                                 |                              |                               |                             |                                | <input type="checkbox"/> Please tick yes |
| Current postal address if different from premises address |                              |                               |                             |                                |  |
| Post Town   |                              |                               |                             | Postcode                       |  |
| Daytime contact telephone number                          |                              |                               |                             |                                |  |
| E-mail address (optional)                                 |                              |                               |                             |                                |  |

**SECOND INDIVIDUAL APPLICANT** (if applicable)

|                             |                              |                               |                             |                                |  |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) |  |
| Surname                     |                              |                               | First names                 |                                |  |
| I am 18 years old or over   |                              |                               |                             |                                | <input type="checkbox"/> Please tick yes |



|   |  |          |  |
|---|--|----------|--|
| Current postal address if different from premises address |  |          |  |
| Post Town   |  | Postcode |  |
| Daytime contact telephone number                          |  |          |  |
| E-mail address (optional)                                 |  |          |  |

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

|  |
|--|
| Name<br>Individual Inns 2 Limited  |
| Address<br>West Lodge<br>Church Street<br>Malpas<br>Cheshire<br>SY14 8PF   |
| Registered number (where applicable)<br>06311940   |
| Description of applicant (for example, partnership, company, unincorporated association etc.)<br>Limited Company |
| Telephone number (if any)  |
| E-mail address (optional)  |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

|     |       |             |
|-----|-------|-------------|
| Day | Month | Year        |
| 0   | 1     | 0 6 2 0 0 9 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

|     |       |      |
|-----|-------|------|
| Day | Month | Year |
|     |       |      |

Please give a general description of the premises (please read guidance note1)  
The Wheatley Hotel is an existing hotel and public house which has for many years provided services to the local community at Ben Rydding, Ilkley.

The premises were formerly owned by Punch Taverns Limited and in 2005 Punch Taverns obtained a licence for the Wheatley Hotel allowing the provision of late night refreshment and the sale by retail of alcohol for consumption on and off the premises until 2AM Monday to Saturday and 12:30AM on Sunday. There were no restrictions on the playing of recorded music at the premises and no restrictions on the opening hours of the premises.

This Applicant wishes to make an application for reduced hours from those that govern the existing premises licence for the premises. Individual Inns 2 Limited are a small chain with several high quality pub restaurants providing accommodation and a family friendly ethos. It is the intention of this application to create such a premises at the Wheatley Hotel.

The floor plan of the area has been slightly expanded to provide additional dining and restaurant facilities and this is the reason for an application being made for a new premises licence.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick yes

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

**Provision of entertainment facilities:**

- |   |                                     |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I)   | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box L)



**Supply of alcohol** (if ticking yes, fill in box M)



**In all cases complete boxes N, O and P**

**F**

| Recorded music<br>Standard days and timings (please read guidance note 6) |       |        | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)  | Indoors  | <input checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
|   |       |        |  | Outdoors | <input type="checkbox"/>            |
|   |       |        |  | Both     | <input type="checkbox"/>            |
| Day   | Start | Finish |  |          |                                     |
| Mon   | 08:00 | 01:00  | <b>Please give further details here</b> (please read guidance note 3)<br>Application is made for recorded music for these timings to permit recorded music to be used for afternoon and evening functions such as weddings in the function rooms and to allow for the playing of background recorded music in the bar areas and the restaurant areas |          |                                     |
| Tue   | 08:00 | 01:00  |  |          |                                     |
| Wed   | 08:00 | 01:00  | <b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)   |          |                                     |
| Thur  | 08:00 | 01:00  |  |          |                                     |
| Fri   | 08:00 | 01:00  | <b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br>Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year.                 |          |                                     |
| Sat   | 08:00 | 01:00  |  |          |                                     |
| Sun   | 08:00 | 01:00  |  |          |                                     |
|   |       |        |  |          |                                     |

**G**

|   |              |               |  |          |                                     |
|---|--------------|---------------|--|----------|-------------------------------------|
| <b>Performances of dance</b><br>Standard days and timings (please read guidance note 6) |              |               | <b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b><br>(please read guidance note 2)  | Indoors  | <input checked="" type="checkbox"/> |
|   |              |               |  | Outdoors | <input type="checkbox"/>            |
|   |              |               |  | Both     | <input type="checkbox"/>            |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b><u>Please give further details here</u></b> (please read guidance note 3)<br>No events are currently envisaged but such performances may be incidental to other functions such as weddings to be held at the hotel. |          |                                     |
| Mon   | 09:00        | 01:00         |  |          |                                     |
| Tue   | 09:00        | 01:00         | <b><u>State any seasonal variations for the performance of dance</u></b><br>(please read guidance note 4)  |          |                                     |
| Wed   | 09:00        | 01:00         |  |          |                                     |
| Thur  | 09:00        | 01:00         | <b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)          |          |                                     |
| Fri   | 09:00        | 01:00         |  |          |                                     |
| Sat   | 09:00        | 01:00         |  |          |                                     |
| Sun   | 09:00        | 01:00         |  |          |                                     |

H

|  |       |        |   |          |                                     |
|--|-------|--------|---|----------|-------------------------------------|
| <p><b>Anything of a similar description to that falling within (e), (f) or (g)</b><br/>Standard days and timings (please read guidance note 6)</p> |       |        | <p><b><u>Please give a description of the type of entertainment you will be providing</u></b><br/>The company may offer facilities for functions such as wedding fairs, fashion shows, comedy shows and dinners with a murder mystery performance element, sports men's dinners and lunches.</p>  |          |                                     |
| Day  | Start | Finish | <p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>   | Indoors  | <input checked="" type="checkbox"/> |
| Mon  | 09:00 | 01:00  |   | Outdoors | <input type="checkbox"/>            |
|  |       |        |   | Both     | <input type="checkbox"/>            |
| Tue  | 09:00 | 01:00  | <p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>   |          |                                     |
| Wed  | 09:00 | 01:00  |   |          |                                     |
| Thur   | 09:00 | 01:00  | <p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>  |          |                                     |
| Fri  | 09:00 | 01:00  |   |          |                                     |
| Sat  | 09:00 | 01:00  | <p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)<br/>Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year.</p> |          |                                     |
| Sun  | 09:00 | 01:00  |   |          |                                     |

|  |              |               |  |  |
|--|--------------|---------------|--|--|
| <b>Provision of facilities for making music</b><br>Standard days and timings (please read guidance note 6) |              |               | <b><u>Please give a description of the facilities for making music you will be providing</u></b><br>Microphones and amplification systems  |  |
|  |              |               | <b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b><br>(please read guidance note 2)   |  |
|  |              |               | Outdoors <input type="checkbox"/>  |  |
|  |              |               | Both <input type="checkbox"/>  |  |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b><u>Please give further details here</u></b> (please read guidance note 3)   |  |
| Mon  | 09:00        | 01:00         |  |  |
| Tue  | 09:00        | 01:00         | <b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)   |  |
| Wed  | 09:00        | 01:00         |  |  |
| Thur   | 09:00        | 01:00         | <b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)<br>Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year. |  |
| Fri  | 09:00        | 01:00         |  |  |
| Sat  | 09:00        | 01:00         |  |  |
| Sun  | 09:00        | 01:00         |  |  |

J

|   |       |        |   |   |
|---|-------|--------|---|---|
| <b>Provision of facilities for dancing</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)  | Indoors <input checked="" type="checkbox"/> |
|   |       |        |   | Outdoors <input type="checkbox"/>           |
|   |       |        |   | Both <input type="checkbox"/>               |
|   |       |        | <b><u>Please give a description of the facilities for dancing you will be providing</u></b><br>Function rooms of the premises.  |   |
| Day   | Start | Finish |   |   |
| Mon   | 09:00 | 01:00  | <b><u>Please give further details here</u></b> (please read guidance note 3)<br>It is envisaged that the function rooms of the hotel will be used for wedding functions where dancing may take place. The company may also in the future hold other functions such as Christmas parties or fashion shows where dancing may take place.                              |   |
| Tue   | 09:00 | 01:00  |   |   |
| Wed   | 09:00 | 01:00  | <b><u>State any seasonal variations for providing dancing facilities</u></b><br>(please read guidance note 4)   |   |
| Thur  | 09:00 | 01:00  |   |   |
| Fri   | 09:00 | 01:00  | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)<br>Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year. |   |
| Sat   | 09:00 | 01:00  |   |   |
| Sun   | 09:00 | 01:00  |   |   |



**K**

|  |       |        |  |          |                                     |
|--|-------|--------|--|----------|-------------------------------------|
| <b>Provision of facilities for entertainment of a similar description to that falling within i or j</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Please give a description of the type of entertainment facility you will be providing</u></b><br>The provision of microphones for amplified voice by way of public speaking including after dinner speeches and such like.   |          |                                     |
| Day  | Start | Finish | <b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)   | Indoors  | <input checked="" type="checkbox"/> |
| Mon  | 09:00 | 01:00  |  | Outdoors | <input type="checkbox"/>            |
|  |       |        |  | Both     | <input type="checkbox"/>            |
| Tue  | 09:00 | 01:00  | <b><u>Please give further details here</u></b> (please read guidance note 3)<br>It is anticipated that microphones may be used at wedding dinners and other functions such as sport men's dinners and fashion shows.   |          |                                     |
| Wed  | 09:00 | 01:00  |  |          |                                     |
| Thur   | 09:00 | 01:00  | <b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b><br>(please read guidance note 4)  |          |                                     |
| Fri  | 09:00 | 01:00  |  |          |                                     |
| Sat  | 09:00 | 01:00  | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)<br>Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year. |          |                                     |
| Sun  | 09:00 | 01:00  |  |          |                                     |

L

| Late night refreshment<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Will the provision of late night refreshment<br>take place indoors or outdoors or both –<br>please tick (please read guidance note 2)   | Indoors  | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| Day   | Start | Finish |   | Outdoors | <input type="checkbox"/>            |
| Mon   | 23:00 | 24:30  | <b>Please give further details here</b> (please read guidance note 3)<br>The company may wish to offer late night refreshment in the<br>restaurant bar areas and function rooms until 12:30AM   | Both     | <input type="checkbox"/>            |
| Tue   | 23:00 | 24:30  |   |          |                                     |
| Wed   | 23:00 | 24:30  | <b>State any seasonal variations for the provision of late night<br/>refreshment</b> (please read guidance note 4)  |          |                                     |
| Thur  | 23:00 | 24:30  |   |          |                                     |
| Fri   | 23:00 | 24:30  | <b>Non standard timings. Where you intend to use the premises<br/>for the provision of late night refreshment at different times, to<br/>those listed in the column on the left, please list</b> (please read<br>guidance note 5)<br>Application is being made for the Millennium Hours to apply to the<br>premises on New Years Eve/New Years Day each year. |          |                                     |
| Sat   | 23:00 | 24:30  |   |          |                                     |
| Sun   | 23:00 | 24:30  |   |          |                                     |

**M**

|   |              |               |   |                  |                                     |
|---|--------------|---------------|---|------------------|-------------------------------------|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)  | On the premises  | <input type="checkbox"/>            |
|   |              |               |   | Off the premises | <input type="checkbox"/>            |
|   |              |               |   | Both             | <input checked="" type="checkbox"/> |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  |                  |                                     |
| Mon   | 09:00        | 12:30         |   |                  |                                     |
| Tue   | 09:00        | 12:30         |   |                  |                                     |
| Wed   | 09:00        | 12:30         |   |                  |                                     |
| Thur  | 09:00        | 12:30         |   |                  |                                     |
| Fri   | 09:00        | 12:30         |   |                  |                                     |
| Sat   | 09:00        | 12:30         |   |                  |                                     |
| Sun   | 09:00        | 12:30         |   |                  |                                     |
|   |              |               | <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |                  |                                     |
|   |              |               | We would also seek to allow 30 minutes drinking up time following the closure of the bar and the cessation of other licensable activities.  |                  |                                     |
|   |              |               | Application is being made for the Millennium Hours to apply to the premises on New Years Eve/New Years Day each year.   |                  |                                     |
|   |              |               | the company also wish to be able to serve alcohol to its residents whenever required by those residents.  |                  |                                     |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

|  |          |
|--|----------|
| <b>Name</b><br>Nicholas Garside  |          |
| <b>Address</b><br>3 St Lukes Terrace<br>East Morton<br>Keighley            |          |
| <b>Postcode</b>  | BD20 5RX |
| <b>Personal Licence number (if known)</b><br>MAID/0185/LP/0148             |          |
| <b>Issuing licensing authority (if known)</b><br>MAIDSTONE BOROUGH COUNCIL |          |

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

The company may occasionally hold events such as casino nights

**O**

|   |       |        |   |
|---|-------|--------|---|
| <b>Hours premises are open to the public</b><br>Standard days and timings (please read guidance note 6) |       |        | <u>State any seasonal variations</u> (please read guidance note 4)  |
| Day   | Start | Finish | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) |
| Mon   | 08:00 | 01:00  |   |
| Tue   | 08:00 | 01:00  |   |
| Wed   | 08:00 | 01:00  |   |
| Thur  | 08:00 | 01:00  |   |
| Fri   | 08:00 | 01:00  |   |
| Sat   | 08:00 | 01:00  |   |
| Sun   | 08:00 | 01:00  |   |
|   |       |        |   |

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

The ethos of the Company is to provide family friendly hotels that are focused upon providing fine dining facilities. The Company and its sister Company Individual Inns Limited are the proprietors of country pubs and hotels that are a focal point of their communities. The Company recognise their responsibilities to guests and local residents. The Company take their obligations extremely seriously and ensure that all staff are properly trained and alert to matters of security and safety.

**b) The prevention of crime and disorder**

The Company will work with the local authority and police and take all necessary steps to prevent any such occurrences. The Company will promote the same policies that they have with their other pubs and hotels (where no such problems have arisen) to ensure the well being of neighbours and the comfort of those attending the premises

**c) Public safety**

The Company will ensure that all staff are properly trained. The Company will also implement and properly manage a Health and Safety Plan which will be reviewed at regular intervals.

**d) The prevention of public nuisance**

The Company recognises and accepts that a balance must be struck between the requirements of the Hotel and its guests and the requirements of the local residents. The Company will take all necessary steps to ensure that no nuisance will be caused to residents.

**e) The protection of children from harm**

The Company will provide all necessary training to its staff to ensure that children will not acquire or consume alcohol. As the Company intend to provide facilities for functions such as weddings, children will inevitably be present but the Company will try to ensure that this is in areas away from bar services.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

|           |                 |
|-----------|-----------------|
| Signature |                 |
| Date      | 24th April 2009 |
| Capacity  | Solicitor       |

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

|  |              |                  |         |
|--|--------------|------------------|---------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13) |              |                  |         |
| Mr John Arnold<br>Cullimore Dutton<br>20 White Friars  |              |                  |         |
| <b>Post town</b>   | Chester      | <b>Post code</b> | CH1 1XS |
| <b>Telephone number (if any)</b>   | 01244 356789 |                  |         |
| <b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b><br>john.arnold@cullimoredutton.co.uk                     |              |                  |         |

**Melanie McGurk**

**From:**  
**Sent:** 18 May 2009 08:04  
**To:** Melanie McGurk  
**Subject:** RE: The Wheatley Hotel Licence Application

Melanie

My address is Wheatley Grove, Ben Rhydding, LS29 8SA. I live approximately 200 m from the Wheatley and can see it from the back of my house.

All the best

**From:** Melanie McGurk [mailto:melanie.mcgurk@bradford.gov.uk]  
**Sent:** 15 May 2009 11:16  
**To:** John  
**Subject:** RE: The Wheatley Hotel Licence Application

Dear Sir

I refer to your email, below, and advise that representations may only be made by interested parties who live within the vicinity of the premises or a person involved in a business in that vicinity. Please supply your full postal address so that I am able to confirm that your representation is valid.

Yours faithfully

**Melanie McGurk**  
Senior Licensing Officer

**Department of Corporate Services**

• Legal and Democratic • Finance • Human Resources • Business Transformation • Revenues and Benefits • Facilities Management

City of Bradford Metropolitan District Council, Room 402, 4th Floor, City Hall, Bradford, BD1 1HY  
(DX 11758 - Bradford 1)  
Telephone: 01274 431873  
Fax: 01274 741230  
Web: [www.bradford.gov.uk](http://www.bradford.gov.uk)

This e-mail and any content transmitted thereto is privileged, confidential or otherwise protected from disclosure. It must not be used by, or its contents copied or distributed to persons other than the intended recipient. Any liability for negligence or otherwise arising from any third party acting, or refraining from acting, on any information contained in this e-mail is excluded. If you are not the intended recipient, please notify the sender and delete this e-mail from your system immediately.

20/05/2009

*Please consider the environment before printing this email.*

**From:**  
**Sent:** 14 May 2009 08:09  
**To:** Melanie McGurk  
**Subject:** The Wheatley Hotel Licence Application

**FAO:** Melanie McGurk, Senior Licensing Officer

**Licence Application - The Wheatley Hotel, Wheatley Lane, Ben Rhydding, LS29 8ET**

I wish to make two points in respect of the above .

First, I support the re-opening of the Wheatley as a facility that offers pub, restaurant, hotel and small scale function facilities - just as it did previously. The facility will bring back into use an important community facility. It will also improve the visual amenity of the area; it is an impressive building that has been cleaned and appears to have been carefully refurbished.

Second, I object to the licensing application as it would allow late opening and the playing of music until 1am, seven nights a week - this would undoubtedly have an unacceptable impact on acoustic amenity.

There are several background facts that need to be taken into consideration when determining this application. These are:

#### Geographical facts

- The buildings is surrounded on all sides by peoples' homes.
- Approximately 400 people live within 200 metres of the building.
- With the exception of the parade of shops that shut early evening, Ben Rhydding is undoubtedly as residential area.
- As a consequence, the existing background ambient noise level is low particularly in the evening and at night.

#### The Permitted Use & Operational implications

- The operator has advised that the function room alone will seat up to 80 people and that a marquee could be provided to facilitate numbers up to 120 with a DJ providing music.
- This represents a significant intensification of a use that was previously an ancillary offer.
- No sound attenuation measures have been provided within the refurbishments to mitigate acoustic impact.
- Marquees provide no sound attenuation.
- If permitted the operator would be allowed to play music until 1am seven nights a week.

#### Potential impact of the above

- There is nothing to stop windows and doors being opened by those using the function rooms, allowing noise will to escape. The operator cannot reasonably prevent users from doing this.
- A marquee would have a significant impact on amenity as no sound attenuation can be offered.

20/05/2009



- The function room could be in use 7 nights a week until 1am. Whilst it may not be the stated intention of the operator to do this, economic circumstance may demand that they utilise the licence to the full extent.
- The number of residents that would be affected by the above is significant.

#### Comparison Sites

- A material consideration must be the fact that the majority of other public houses / hotels / venues in Ilkley are prevented from having a late licence and the few that do are prevented from playing music past 11pm. These decisions have rightly been made to protect residential amenity. The Wheatley is located in the most residential area of all and therefore its residents should be protected also.

To conclude, I am supportive of the re-opening of the Wheatley Hotel. However, I object to the current licensing application because of the likely unacceptable impact it will have on residential amenity. I recognise the perverseness that the current application is merely a technicality and if refused, the operator can revert to the existing licence that allows even later opening hours. I therefore implore you to use this application to engage with the operator to try and mitigate the impact this operation will have. We all want the Wheatley to succeed but not at the cost to those who wish to support it.

I look forward to hearing back from you.

Yours faithfully

Brighton Road,  
Ilkley  
LS29 8PS

Licensing Team  
Room 402, City Hall  
Bradford  
BD1 1HY

18 May 2009

Dear Sir/Madam,

**Application by Individual Inns 2 Limited in respect of the Wheatley Hotel, Ben Rhydding, Ilkley, LS29 8ET**

We wish to make a representation relating to the above application. We have lived at 5 Brighton Road, Ilkley, since 1998. Our house is opposite the Wheatley Hotel car park and some 35 metres from the building itself.

This site is surrounded on all four sides by housing. When the building was last used as a public house there were serious problems on a number of evenings with noise from functions held on the premises. These were investigated by Environmental Health Officers at the time.

We believe that to grant the licence under the conditions in the application applied for;

- Sale by retail of Alcohol: Monday - Sunday 09.00 - 00.30
- Regulated Entertainment: Monday - Sunday 08.00 - 01.00

is likely to cause an unreasonable public nuisance.

We believe that

1. for this site the hours applied for are too long, and that neither the sale of alcohol nor entertainment should not take place after 11 pm.
2. in addition, conditions should be applied to ensure that noise emissions during these hours do not cause an unreasonable public nuisance for neighbours; these could include noise limits at nearby premises, and/or conditions relating to the use of outside areas and to keeping windows and doors closed.

Yours sincerely,

Department of Legal & Democratic Services  
Licensing Team  
City Hall  
Bradford BD1 1HY

Brighton Road  
Ilkley  
West Yorkshire  
LS29 8PS

20 May 2009

Dear Sir/Madam

Re: The Wheatley Arms, Wheatley Lane, Ilkley

We write in connection with the application to vary opening hours for entertainment etc. to 0800 - 0100.

We have lived here, opposite the Wheatley car park, since 1971. We have always used the establishment, and have consistently supported its continued use as licenced premises and successfully opposed change of use to housing development.

Our experience confirms that the departure of both revellers and staff by minibus and car from the car park continues to generate noise and general disturbance for up to an hour after closing time.

We therefore propose that activities at the hotel, which is located in a quiet residential area, should cease at midnight.

Yours sincerely

Licensing

22 MAY 2009