

Report of the Assistant Director Corporate Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 4 August 2009

H

Subject:

Application for a Premises Licence for Clevedon, Ben Rhydding Drive, Ben Rhydding, Ilkley.

Summary statement:

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

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

Portfolio:

Corporate

Improvement Committee Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Ward: Ilkley

1. Summary

1.1 The applicant

Audley Clevedon Management Limited. A copy of the application is included at Appendix 1.

1.2 The Premises

Clevedon, Ben Rhydding Drive, Ben Rhydding, Ilkley

1.3 Designated Premises Supervisor

Douglas Michael Warren

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

Hours of licensable activities:

Sale of alcohol & provision of regulated entertainment.

Monday to Sunday: 11.00 to 01.30

Hours the premises proposed to be open:

Monday to Sunday: 08.00 to 02.00

1.5 Steps proposed by the applicant to address the Licensing Objectives

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

CCTV installed covering all entrances and exits, as well as internal coverage of the bar and restaurant areas. This CCTV being monitored by the staff who are on site 24/7. Resident age restricted to over 60s. Emergency call points in all communal areas and externally. Bar and restaurant staff trained in all aspects of serving alcohol and associated issues. Privacy of residents to be respected.

b) Public Safety will be achieved by;

Emergency lighting in communal areas, and suitable lighting in all circulation routes. Extensive fire safety strategy and yearly fire risk assessments. Monitoring of CCTV. Daily refuse collection and secure storage. First aid trained staff always on site. Adequate escape routes. Well lit and clearly signed parking areas. Emergency lighting in communal areas. Wherever possible, compliance with the Disability Discrimination Act to be achieved.

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

All areas built to meet sound insulation requirements. Double glazing in all windows. Notices to customers to leave quietly. No loud noise permitted after a certain time under the lease, delivery/collection drivers to use particular routes and times. Resident leases designed to maintain peaceful environment for visitors and residents duty manager on site to control all the above.

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

Children not permitted in licensed areas after 9.00pm, and must be under the supervision of an adult before that time. No 'adult' entertainment permitted. CRB checks carried out for key staff, and all those working with vulnerable people. No gaming machines on site. Appropriate signage in place regarding use of premises by children, and staff trained and made aware of restrictions.

- e) General – all four licensing objectives

Age of residents restricted to over 60s. Number of non-resident members strictly controlled. Experienced staff on site 24 hours every day. Full CCTV system in place including bar and bistro. Management available 24 hours a day. Senior staff POVA and CRB checked.

2. Relevant Representations Received

2.1 Interested Parties

Local Residents – 10 letters of representation have been received from local residents, on the grounds of anticipated noise and disturbance from regulated entertainment and patrons leaving the premises late at night. 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 parts of the Licensing Policy are 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 18 June 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).
2. Letters of representation.

11. **Background documents**

Application form, plan etc

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

Application for a premises licence to be granted 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 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.

We **AUDLEY CLEVEDON MANAGEMENT LTD** apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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

Postal address of premises or, if none, ordnance survey map reference or description CLEVEDON, BEN RHYDDING DRIVE, BEN RHYDDING, ILKLEY, WEST YORKSHIRE	
Post town ILKLEY	Post code LS29 8AJ

Telephone number at premises (if any) 01943 601964

Non domestic rateable value of premises £ TBC 18 JUN 2009

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- | | Please tick | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals* | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) A health service body | <input type="checkbox"/> | 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)

Please tick ✓

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

- 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

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

First names

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over

Please tick ✓

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 case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	AUDLEY CLEVEDON MANAGEMENT LTD
Address	CLEVEDON BEN RHYDDING DRIVE ILKLEY WEST YORKSHIRE LS29 8AJ
Registered number (where applicable)	06105652
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	01963 601964
E-mail address (optional)	dougw@audleyretirement.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
A	S	A	P				

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

Day		Month		Year			

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please give a general description of the premises (please read guidance note 1)

CLEVEDON IS AN ASSISTED LIVING SCHEME FOR THE OVER 60S, COMPRISING ON COMPLETION OF 98 APARTMENTS, CENTRED AROUND COMMUNAL FACILITIES HOUSED IN A MAIN BUILDING, OR "CLUB HOUSE", FOR WHICH THIS PREMISES LICENCE IS REQUESTED. THE WHOLE SITE EXTENDS TO APPROXIMATELY 23 ACRES.

ALL PROPERTIES ON THE DEVELOPMENT ARE INDIVIDUALLY OWNED ON A 125 YEAR LEASE, WITH THE OWNERS ABLE TO CALL ON A FULL RANGE OF BACK UP AND SUPPORT SERVICES SHOULD THEY BE NEEDED. THESE SERVICES INCLUDE A RESTAURANT AND BAR OPERATION, HEALTH AND WELL BEING CENTRE, AND INDIVIDUAL PERSONAL HOMECARE ASSISTANCE PROVIDED THROUGH A REGISTERED DOMICILIARY CARE AGENCY BASED IN THE CLUB HOUSE. RESIDENTS HAVE ACCESS TO AN EXPERIENCED TEAM OF STAFF 24 HOURS EVERY DAY. 12 OF THE 98 PLANNED APARTMENTS ARE CONTAINED AT GROUND AND FIRST FLOOR LEVEL OF CLEVEDON HOUSE.

THE SALE OF ALCOHOL WILL BE RESTRICTED TO WITHIN THE HOURS GIVEN IN THIS APPLICATION, AND WILL IN THE MAJORITY OF CASES WILL BE TO THE SCHEME'S RESIDENTS AND THEIR GUESTS. THERE WILL IN ADDITION BE OCCASIONS WHEN NON-RESIDENTS WILL BE ALLOWED ACCESS TO THE CLUB HOUSE FACILITIES THROUGH A CONTROLLED MEMBERSHIP SCHEME, AND THESE NON-RESIDENT MEMBERS WILL BE ABLE TO USE THE RESTAURANT AND BAR SERVICES SHOULD THEY WISH.

DUE TO THE AGE OF OUR RESIDENTS AND ASSOCIATED GUESTS BEING GENERALLY OVER THE AGE OF 60, LICENSED BAR OPERATIONS WILL NORMALLY FINISH BY 10.00PM, ALTHOUGH THERE WILL BE CELEBRATIONS AND SEASONAL OCCASIONS WHERE ALCOHOL WILL BE AVAILABLE LATER THAN THAT. ON THESE OCCASIONS, THE VERY LATEST TIME FOR CONSUMPTION WOULD BE 01.30 AM WITH PREMISES CLEAR BY 02.00AM.

--

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- | | |
|---|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

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

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	✓
Mon	11.00	01.30	Please give further details here (please read guidance note 3) THIS WILL GENERALLY BE NON-AMPLIFIED BACKGROUND MUSIC, FOR EXAMPLE STRINGS AS A BACKDROP TO A LUNCHEON RECEPTION. LOW VOLUME JAZZ (TRADITIONAL) MAY ALSO BE PLAYED.		
Tue	11.00	01.30			
Wed	11.00	01.30	State any seasonal variations for the performance of live music (please read guidance note 4) THERE WILL BE OCCASIONS SUCH AS EASTER, NEW YEAR AND CHRISTMAS WHEN NON RESIDENT MEMBERS WILL BE ALLOWED TO USE THE FACILITIES. THIS MAY INCLUDE THE PERFORMANCE OF LIVE MUSIC AFTER 21.00, BUT CERTAINLY NO LATER THAN 01.00HRS		
Thur	11.00	01.30			
Fri	11.00	01.30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) ALTHOUGH LIVE MUSIC WILL NOT BE A REGULAR OCCURRENCE, THERE WILL BE OCCASIONS WHEN LIVE BACKGROUND MUSIC MAY BE PLAYED, FOR EXAMPLE HARPISTS AT SOCIAL GATHERINGS OR RECEPTIONS. WE DO NOT FORESEE AMPLIFIED LIVE MUSIC. TIMINGS OF THIS LIVE MUSIC MAY BE LATE MORNING 11.00 AM THROUGH TO EARLY EVENING. (21.00) WITH VERY OCCASIONAL FINISHES AFTER MIDNIGHT FOR EXAMPLE 01.30HRS ON NEW YEARS DAY		
Sat	11.00	01.30			
Sun	11.00	01.30			

F

Recorded music 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	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur								
Fri						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. (please read guidance note 5)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing					
			Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur								
Fri						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. (please read guidance note 5)		
Sat								
Sun								

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon						
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Fri						
Sat						
Sun						
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)			

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing					
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors			
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)		
Thur								
Fri						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. (please read guidance note 5)		
Sat								
Sun								

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)					
					Indoors			
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat								
Sun								

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	01.30	State any seasonal variations for the sale of alcohol (please read guidance note 4) THERE WILL BE OCCASIONS SUCH AS EASTER, NEW YEAR AND CHRISTMAS WHICH MAY INCLUDE THE SALE OF ALCOHOL UP TO BUT NO LATER THAN 01.30 FOR THE VAST MAJORITY OF DAYS, SALE OF ALCOHOL WILL FINISH AT 23.00HRS OR BEFORE	Both	✓
Tue	11.00	01.30			
Wed	11.00	01.30			
Thur	11.00	01.30	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	11.00	01.30			
Sat	11.00	01.30			
Sun	11.00	01.30			

<p>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</p> <p>Name DOUGLAS MICHAEL WARREN</p> <p>Address 19 PANNAL ASH DRIVE HARROGATE NORTH YORKSHIRE</p> <p>Postcode HG2 0JA</p> <p>Personal licence number (if known) 3400908/WK050608274</p> <p>Issuing licensing authority (if known) HARROGATE BOROUGH COUNCIL</p>
--

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)

NO ADULT ENTERTAINMENT

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	02.00	<p>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)</p> <p>THERE MAY BE OCCASIONS WHEN NON-RESIDENT MEMBERS ARE INVITED TO SEASONAL SOCIAL OCCASIONS, FOR EXAMPLE CHRISTMAS, EASTER AND NEW YEAR.</p> <p>THE 02.00 FINISH TIME INCLUDES THIRTY MINUTES FROM 01.30 TO ALLOW FOR DRINKING UP. NO SALES TO TAKE PLACE AFTER 01.30. AND ON THE VAST MOJORITY OF DAYS SALES OF ALCOHOL WILL CEASE AT 23.00 OR BEFORE</p>
Tue	08.00	02.00	
Wed	08.00	02.00	
Thur	08.00	02.00	
Fri	08.00	02.00	
Sat	08.00	02.00	
Sun	08.00	02.00	

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)

AGE OF RESIDENTS RESTRICTED TO OVER 60s. NUMBER OF NON-RESIDENT MEMBERS STRICTLY CONTROLLED. EXPERIENCED STAFF ON SITE 24 HOURS EVERY DAY. FULL CCTV SYSTEM IN PLACE INCLUDING BAR AND BISTRO. MANAGEMENT AVAILABLE 24 HOURS A DAY. SENIOR STAFF POVA AND CRB CHECKED

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

CCTV INSTALLED COVERING ALL ENTRANCES AND EXITS, AS WELL AS INTERNAL COVERAGE OF THE BAR AND RESTAURANT AREAS. THIS CCTV BEING MONITORED BY THE STAFF WHO ARE ON SITE 24/7. RESIDENT AGE RESTRICTED TO OVER 60s. EMERGENCY CALL POINTS IN ALL COMMUNAL AREAS AND EXTERNALLY. BAR AND RESTAURANT STAFF TRAINED IN ALL ASPECTS OF SERVING ALCOHOL AND ASSOCIATED ISSUES. PRIVACY OF RESIDENTS TO BE RESPECTED.

c) **Public safety**

EMERGENCY LIGHTING IN COMMUNAL AREAS, AND SUITABLE LIGHTING IN ALL CIRCULATION ROUTES. EXTENSIVE FIRE SAFETY STRATEGY AND YEARLY FIRE RISK ASSESSMENTS. MONITORING OF CCTV. DAILY REFUSE COLLECTION AND SECURE STORAGE. FIRST AID TRAINED STAFF ALWAYS ON SITE. ADEQUATE ESCAPE ROUTES. WELL LIT AND CLEARLY SIGNED PARKING AREAS. EMERGENCY LIGHTING IN COMMUNAL AREAS. WHEREVER POSSIBLE, COMPLIANCE WITH THE DISABILITY DISCRIMINATION ACT TO BE ACHIEVED.

d) **The prevention of public nuisance**

ALL AREAS BUILT TO MEET SOUND INSULATION REQUIREMENTS. DOUBLE GLAZING IN ALL WINDOWS. NOTICES TO CUSTOMERS TO LEAVE QUIETLY. NO LOUD NOISE PERMITTED AFTER A CERTAIN TIME UNDER THE LEASE. DELIVERY/COLLECTION DRIVERS TO USE PARTICULAR ROUTES AND TIMES. RESIDENT LEASES DESIGNED TO MAINTAIN PEACEFUL ENVIRONMENT FOR VISITORS AND RESIDENTS. DUTY MANAGER ON SITE TO CONTROL ALL THE ABOVE

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

CHILDREN NOT PERMITTED IN LICENSED AREAS AFTER 9.00PM, AND MUST BE UNDER THE SUPERVISION OF AN ADULT BEFORE THAT TIME. NO "ADULT" ENTERTAINMENT PERMITTED. CRB CHECKS CARRIED OUT FOR KEY STAFF, AND ALL THOSE WORKING WITH VULNERABLE PEOPLE. NO GAMING MACHINES ON SITE. APPROPRIATE SIGNAGE IN PLACE REGARDING USE OF PREMISES BY CHILDREN, AND STAFF TRAINED AND MADE AWARE OF RESTRICTIONS.

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a 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

Date18th June 2009.....

CapacityGENERAL MANAGER.....

For joint applications signature of 2nd applicant or 2nd 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

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 19) DOUG WARREN GENERAL MANAGER CLEVEDON BEN RHYDDING DRIVE ILKLEY	
Post town ILKLEY	Post code LS29 8AJ
Telephone number (if any) 07810 008637 or 01943 601964	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) dougw@audleyretirement.co.uk	

Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Mr

DEPT OF LEGAL AND
DEMOCRATIC SERVICES

LICENSING TEAM

Ben Rhydding Drive

Room 402

ILKLEY

City Hall

LS298BD

BRADFORD

Dear Sir / Madam

re: LICENSE APPLICATION

B.M

AVONET MANAGEMENT LTD

DATES 18 / 6 / 09.

18 JUL 2009

I wish to formally OBJECT to this application. As a resident of Ben Rhydding Drive I believe that the grounds for my objection are:-

① NOISE - This is a quiet residential country area not a suburban area.

It will destroy peace and quiet late at night and car / people movements at this time are inappropriate.

② PLANNING - The development permission was for a closed 96 apartment old peoples community. NOT for EXTERNAL CLUB members and not for the development of a CLUB

③ SAFETY - The only access is along Ben Rhydding Drive. This is a private road, a country lane with no lighting (of the normal standard), no pavement and is SINGLE TRACK at various points.

It is completely unacceptable for night time traffic and again will create a dangerous road situation.

4) COVENANT - In addition there is a covenant on this land which prevents the sale of liquor.

This development is trying to change direction and create a PUBLIC club. It was never intended to be so and the Ben Rhoddy Drive is a dead end so there is no alternative access. It is not more the objective of this development to cater for over 55's as they have said they want EXTERMINATE CLUB members of ANY AGE.

Before we know it there will be live concerts.

Please register this objection

Thank You

Mr

Ben Rhoddy Dr

Ilkley

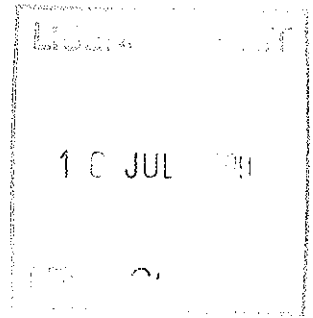
W. Yorkshire.

LS29 8BD

Ben Rhydding Drive
Ilkley LS29 8BD

Department of Legal and Democratic Services
Licensing Team
Room 402
City Hall
Bradford
BD1 1HY

7 July 2009



Dear Sir/Madam

We wish to make an objection to the application that has been made by Audley Clevedon Management Ltd for a license to sell alcohol and occasional regulated entertainment at Clevedon House, Ben Rhydding Drive, Ilkley.

We regard the hours of 11.00 to 01.30 to be excessively long for this quiet, residential area, where many elderly people and families with young children live.

We are particularly concerned at the likely increase in traffic up the private road, where there are already difficulties in keeping visitors to the speed limit.

It is not a reflection of the original plans which were agreed for the Clevedon development, which presented itself as a select, residents-only establishment, specifically for the over 50s. As the regulated entertainment will be open to non-residents, we feel as though this is contrary to the original intentions of the development.

We doubt that there are many residents of Clevedon who would require such a late license and therefore believe that the true intention of the application is to attract non-residents for late night drinking and functions, which was certainly not explained to the Ben Rhydding residents when planning permission was applied for.

Yours faithfully

**Ben Rhydding Drive
Ilkley
LS29 8BA
UK**

**Tel:
Fax:**

e-mail:

6th July 2009

Department of Legal and Democratic Services Licensing Team,
Room 402,
City Hall,
Bradford,
BD1 1HY

Dear Sir or Madam,

Re: License Application - Ben Rhydding Drive

I received notification of a License application for a proposed club at Clevedon House, Ben Rhydding Drive by leaflet on or about 3rd July 2009. As a local resident I wish to register my strong objection to this application.

My reasons are;

The original planning application by the developer made no mention of providing or operating licensed premises and occasional entertainment. This license application therefore surely contravenes the conditions of the planning approval. It would appear the developer did not disclose this as part of the planning application as this would increase the number of objections from local residents. The granting of a license for alcohol and entertainment would be unreasonable in a quiet residential area considering the potential anti social problems of noise and alcohol related behaviour.

Like others, I made objection to planning application on the grounds of it being a major breach of the Green Belt policy and, importantly, the access via Ben Rhydding Drive being unsuitable for a further increase in road traffic. Furthermore and in this regard, no traffic survey or study by Bradford MDC highways appears to have been carried out as part of the planning review/ approval process to confirm whether this access was suitable even though the drive is private and not constructed or lit to Local Authority standards.

The developer's proposal in their planning application to use a shuttle bus service was and is clearly flawed in that it is impossible to police, a fact already established after repeated problems with the previous owners, the Licensed Victuallers association and a fact which has clearly been ignored by Bradford MDC planning. The intention to open a club to the public will obviously exacerbate this traffic problem and cause further risk to residents, frontagers and users of the Drive.

I can see no reason why a further license is necessary when the Wheatley Arms, at the bottom of Ben Rhydding Drive, has recently re-opened after considerable alteration, as well as the facilities offered by the nearby Cow and Calf and Craiglands Hotels and the restaurants, clubs and pubs of Ilkley and Burley. As we suspected, the owner/ developer has obtained the important initial planning permission with comparative ease and is no doubt seeing this as the precedent for further expansion and exploitation of this site. I am concerned that I among other residents have been misled by the true intentions of this developer and look to the Local Authority to protect our position.

The further impact of this license, if granted, will seriously damage the quality of our environment and the lives of the residents.

Yours faithfully,

97 JUL 2009

Ben Rhydding Drive,
Ilkley
LS29 8BG

4/07/09

To:
Department of Legal and Democratic Services
Licensing Team
Room 402
City Hall
Bradford
BD1 1HY

Ref: Audley Clevedon Management Ltd, Clevedon House
Proposed Licence 400-01.30

Dear Sus,

We are writing to register our strong objection to the grant of the above licence:

We are immediate neighbours to this site and directly overlooked by it.

We have been supportive of this development and understand planning permission was granted on the basis that it would be sheltered housing for older people. At the time of our discussion with the developer we were assured that the target demographic market was in fact 75+.

7 JUL 2009

(P10)

Our objection is based on the following reasons:

- 1) the grant of any licence is inconsistent with the basic purpose of the development scheme; residents will have their own private accommodation where they will be free to consume alcohol;
- 2) The area is an extremely quiet and rural area; the grant of a licence is wholly inconsistent with the isolation of the area; there are adequate facilities for the public consumption of alcohol at the (soon to be reopened) Whealey pub and at the Cow and Calf (10 minute - 15 minute walk).
- 3) We are strongly opposed to the scope and duration of the licence being sought. We believe a licence for non-residents will attract significant traffic and noise (contrary to the assurances given at the time of planning being sought) and that the opening hours of 1100 - 0130 are wholly unnecessary and unreasonable in an area where there are 10 young children literally next door.

In summary, we are very surprised by this application, which seems completely at odds with the alleged purpose of the development, and which will bring unnecessary and disproportionate disruption to a very small and immediate neighbouring community.

Yours sincerely,

Ben Rhydding Drive
Ilkley
West Yorkshire
LS29 8AJ

Mobile

LICENSING UNIT

24 JUN 2009

21 June 2009

The Department of Legal and Democratic Services
Licensing Team
Bradford Metropolitan District Council
City Hall
Bradford
BD1 1HY

Dear Sirs

Audley Clevedon Management Ltd
Licence application for Clevedon House, Ben Rhydding Drive, Ilkley LS29 8AJ

I would like to register objections to the above licence application, particularly the intention to provide off premise services, the playing of music and the serving of non residents (members?) until 2.00am as this will cause considerable disturbance to both the local residents and further a field

My objections are based on the following

- Clevedon occupies a high prominent location looking over Ben Rhydding and Wharfedale and on a still summers night noise and particularly music can be heard from far away.
- Clevedon is Located at the top of Ben Rhydding Drive which despite its name is in reality a mile long quite narrow lane without footpaths or road markings. This is the only access to Clevedon and the noise of, members, traffic particularly in the early hours of the morning would be very intrusive

In conclusion can I point out that planning permission for the development of Clevedon was for Retirement accommodation with a restaurant and leisure facilities for Residents only. As such a "restaurant" Licence for service of alcohol with food to residents only should be more than adequate. Should they wish to hold the occasional "Garden Party" or similar event this could be the subject of a special licence.

Yours sincerely,

Ben Rhydding Drive
Ben Rhydding
LS29 8BG

8th July 2009

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

Dear Sirs,

Re: Objection to license application by Audley Clevedon Management Ltd for a Premises License at Clevedon House.

My first point would be that the notice issued in the Ilkley Gazette differs from that posted on telegraph poles in the vicinity of the development, where that notice states that the licence is requested until 1:30am. The notice in the local paper states that the licence is required until 2am.

However, in either case my objections are the same.

My family, including our 2 young children, lives adjacent to the Clevedon development on Ben Rhydding Drive. We were not opposed to the re-development of the Clevedon House site as an assisted living complex. However we did not anticipate that the management company would be proposing to license the premises for music and alcohol sales until the early hours of the morning 7 days a week.

Whilst I understand that the company require a license to enable them to operate their bar and restaurant facilities for residents, I fail to see why such a license would be requested, or granted, until 2am.

I also fail to understand the reference to 'occasional performance of background music, mainly classical'. I assume the licence would not differentiate between 'occasional' and 'continual', 'background' and 'booming', or 'classical' music and 'heavy rock'. If a licence is granted for the sale of alcohol, and the performance of music until 2am then the licence is granted, and any kind of music can be performed at any volume until the early hours of the morning on any day of the week.

The development at Clevedon is subject to a planning restriction that limits the age of the residents to those over 60 years of age. I fail to see any justifiable requirement for a 2am license to be granted unless the intention is for the owners of the site to open it up to late night events for non-residents.

I would not object to the granting of a licence, for the sale of alcohol for consumption on and off the premises, until a reasonable time of say 22:30.

1 3 JUL 2009

I do however strongly oppose the blanket granting of a 7 day music and alcohol license to 2am (or even 1:30am) in what is a quiet residential area, and not a town centre night club district. If a late licence is required for an occasional specific event then a variation to the licence can be applied for, and may be granted individually based on the merits of that application.

I would be grateful for an acknowledgement of this letter.

Yours faithfully

Mrs

**Ben Rhydding
Ilkley
West Yorkshire
LS29 8BQ**

01943 607515

12th. July 2009.

Dear Sir/ Madam,

Licensing at Clevedon House, Ben Rhydding.

I am writing to object on two grounds about the application for a License at the above property.

1. The hours that are being applied for are quite extraordinary. Clevedon House is meant to be a residence for older people and so why they want a licence until 1.30 in the morning This licence would open up the possibility for the developers to start outside parties such as weddings and anniversry parties.

2. The area in which this licence would be used is within 20 meters of families with young children. This is completely unfair to those families who at present live in a very quiet community. If this licence is allowed to go ahead on the proposed terms I see a lot of local neighborhood trouble.

Yours Faithfully,

14 JUL 2009

BEN RHYDDING DRIVE
ILKLEY
West Yorkshire
LS29 8BD

Department of Legal & Democratic Services
Licensing Team
Room 402
City Hall
BRADFORD
BD1 1HY

10 July 2009

Dear Sirs

Application by Audley Clevedon Management for Licence to sell /supply alcohol at Clevedon House, Ben Rhydding Drive, Ilkley LS29 8AQ

We write to express our concerns about Audley Clevedon's Application and ask you to consider them in your discussions regarding the above application.

We are aware that permission was granted for 'an assisted living community for approximately 150 people'. The community would have a communal restaurant, as well as Health and Fitness facilities. Also that, with regard to the above Application, the community would be open to 'Club Members' as well as residents.

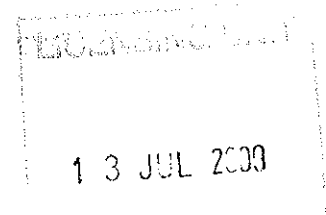
With this in mind, we must make the following observations:

- 1 The granting of a Licence as described above refers to 'the sale and supply of alcohol to residents and club members either on or off the premises'.

The sale of alcohol to residents or club members to accompany a meal onsite is very different from the sale of alcohol to someone who will then leave the premises. The scenarios are very different and Audley Clevedon must be clear in their application. The method by which alcohol would be sold/supplied, and the purposes for which it is to be sold or supplied, are important factors when considering their application.

What is meant, exactly?

Can you please provide a detailed response to the above questions?



- 2 The application refers to 'proposed hours of Operation' from 1100 to a finishing time of either i) 0200, ii) 0130 or iii) 2300. (We understand that the exact time has been changed).

Clevedon is described - and marketed - as 'Audley Club Clevedon Retirement Community'. The advertising promises a 'Bistro Bar (with) great food and drinks all day'. The use of the word 'Club' implies that the Bistro would be open to both residents and club members.

In addition to a daytime(?) Bistro, we must question the hours during which alcohol could be sold/supplied. Again, the wording of the application is unclear. It appears that someone could, if they so wished, arrive at Clevedon in the morning and drink there until the end of the licensing period.

It is understood that Audley is not responsible for the actions of any club members or residents: nevertheless it would be extremely irresponsible to have such an 'Open House' policy.

- 3 With the above comments in mind, we must ask about membership of the Club. Although not directly part of Audley's application, there is an issue of numbers and age here.

To be a Clevedon resident, one person in each apartment must be 60 or over. Does the same apply to non-resident club members? Will members be vetted in any way? Who will determine the maximum number permitted? The 'blanket' granting of an alcohol licence is open to abuse: and could lead to unpleasant/difficult situations.

- 4 Ben Rhydding Drive is a designated 'country lane', as well as being a private drive. The potential increase in traffic from non-resident club members gives cause for concern.

At first sight this may not appear relevant to the current Application. However, it has been intimated that there may be as many as 120 club members. Any additional traffic - and the speed thereof - will be a matter of concern. So, too, will be the hours during which that extra traffic will be using Ben Rhydding Drive.

- 5 A licence for 'occasional regulated entertainment' is also applied for. Once again, residents of Ben Rhydding Drive need clarification.

To what kind of entertainment does this refer? We are concerned that this may be in addition to permission already granted. Anticipated decibels must be defined and permission for entertainment granted - or withheld - on that basis. This is in the best interests of the residents of Clevedon, as well as those living on Ben Rhydding Drive. The hours during which this might take place must also be clearly laid out in any permission granted.

To sum up: what does the Planning Department understand about how and when alcohol might be sold/supplied: and under what circumstances?

Is the Planning Department confident that the proposed hours of sale/supply of alcohol are realistic?

Can the Planning Department be sure that membership of a Club will be suitable monitored?

Has full consideration been given to the issue of additional traffic and dangers thereof?

Is the Planning Department reassured that any 'entertainment' will not be intrusive, either with regard to noise or the hours during which it might take place?

We hope that you will take these issues of concern to your meeting.

Yours faithfully

Department of legal and Democratic SVCS

Licensing Team,

Room 402,

City Hall,

BRADFORD,

BD1 1HY

15 JUL 2009

FILED

The Drive
Ben Rhydding
Ilkley
Yorks LS29 8BA
Telephone: Ilkley 601512

14th July 2009

Dear Sir or Madam,

Re: Application for Grant of Premises Licence
for Audley Clevedon Management Ltd.

I was so surprised to see this application and would like to object to it. The planning permission for the change of use for the site was granted on the basis that the site was for elderly residents retirement home, some possibly needing 24hr care. Now they are advertising for outside membership to its leisure facilities turning it into a club.

The safety, maintenance and noise aspect on Ben Rhydding Drive would, particularly for houses in close proximity who have children become very worrying.

Houses on the Drive already have a problem from flooding the drains and sewer cannot deal with

the proposal already granted without extra load on the infrastructure.

Please give this application some very serious thought, I would again like to object to it.

Yours faithfully,

**Ben Rhydding Drive,
ILKLEY, W. Yorks.
LS29 8BA**

14th July 2009

Department of Legal and Democratic Services,
Licensing Team,
Room 402,
City Hall,
BRADFORD,
BD1 1HY

Dear Sirs,

Premises Licence:

Clevedon House, Ben Rhydding Drive, Ilkley, W. Yorks, LS29 8AQ

We are writing to express our objections to the application made to the Council for a premises licence at the above address.

The road leading up to Clevedon House has a voluntary speed limit of 20 miles per hour, which, unfortunately, is frequently exceeded. This road is very narrow in places with a number of blind bends. It would seem to us that granting a licence for these premises for the sale and supply of alcohol is encouraging drink driving - there being no public transport service going up to Clevedon House. Driving late at night from this venue has the potential for a serious accident involving not only other cars but pedestrians as pavements are non-existent and the lighting is very poor,

This would seem to be a completely inappropriate application given that this is a retirement complex and the likely noise late in the evening would be extremely intrusive not only for those living in the complex but for the neighbouring properties.

We trust you will take into account our objections and concerns and those of the other residents of Ben Rhydding Drive.

Yours faithfully,

15 JUL 2009