

Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Thursday 10 September 2009 in the Saville Room, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

- 1. Application for a personal licence for Rafique Ali (Document "G")**
- 2. Application for a premises licence for The Grove, 58-60 The Grove, Ilkley (Document "J")**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR AN APPLICATION FOR A PERSONAL LICENCE FOR RAFIQUE ALI (DOCUMENT "G").

Commenced: 1415
Adjourned: 1440
Re-convened: 1445
Concluded: 1450

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors L'Amie (Chair), Sajawal Hussain and Chadwick.

Parties to the Hearing:

Representing the Applicant:

Mr Ali, Applicant

Representing Responsible Authorities

PC Dawson, West Yorkshire Police

Representations:

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

At this point in the proceedings, with the agreement of the applicant and the police, the Panel passed the following resolution in order to facilitate consideration of evidence to be presented by the police.

Resolved -

That, in accordance with paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the hearing (save for the Applicant and the representative of the Police) during the presenting of evidence by the Police, namely that the police report detailed the applicant's convictions. The Panel considered that there was an overriding public interest in protecting the privacy and personal data of the Applicant.

At this point, 1455 hours, the hearing resumed in a public session.

Decision

That having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the Panel refuses to grant the application on the grounds that to grant it would seriously prejudice the crime prevention objective and in the light of evidence of a serious conviction which is unspent; and also taking into account the finding of the Panel that no exceptional and compelling circumstances has been adduced on behalf of the applicant to justify the grant of a licence.

Chair

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

RECORD OF A HEARING FOR AN APPLICATION FOR A PREMISES LICENCE FOR THE GROVE, 58-60 THE GROVE, ILKLEY (DOCUMENT "J").

Commenced: 1455
Adjourned: 1530
Re-convened: 1545
Concluded: 1550

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors L'Amie (Chair), Sajawal Hussain and Chadwick.

Parties to the Hearing:

Representing the Applicants:

Mr Mewies, Applicants' Solicitor
Mr Shanks, Applicant
Mr Exley, Applicant

Representing Interested Parties:

Mr Jones, representing Mrs Gillatt, local resident

Representations:

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

The applicants' representative informed the Panel that the applicants already had personal licences. The premises had previously been licensed for 35 years, however, the licence had been allowed to lapse during 2008. It was reported that the new application did not extend or vary the original licence.

The applicants' representative then questioned one of the applicants who made the following points:

- The nature of the business would be a bar/restaurant, as it had been previously, which would be food led and aimed at a clientele of over 25 years of age.
- The police had been informed of the application, had visited the premises and had not objected to the proposal. Checks would be in place in relation to underage policies.
- The market target for the premises was over 25 years of age, but other age groups would not be excluded. A 'Challenge 25' policy would be implemented on the premises.
- The proportion of business would be 60% food and 40% beverages.
- The use of the outside decked area would be dependant upon the weather and would involve waitress service. Staff would be trained to regularly clear the area and it benefited from a boundary wall which prevented litter emerging onto the street.

- West Yorkshire Fire Service had not objected to the application.
- Families would be allowed in the premises, but their custom would be minimal.

Members of the Panel then questioned the applicants and received the following responses:

- The external area could seat 24 people and inside could accommodate over 100 people.
- The clientele base would be the same throughout the day and evening.
- They had leased the building since June 2009.
- The business was not open as yet as a premises licence was required.
- The request for provision of late night refreshment was to cover the premises if food was served later.
- There were residential properties above and next to the premises, as Ilkley was a residential area.
- The decking area would be used until the food service ceased.
- That a condition limiting the time that the outside area could be used until was acceptable.
- Private functions would be allowed, however, 18th birthday parties would not be permitted. Staff and management controls would be in place to ensure that functions were properly conducted.

The objector's representative addressed the meeting and explained that the main issue was the noise and disturbance that would emanate from the premises which was surrounded by residential properties. The Panel were informed that the previous owners had tried to turn the premises into a bar/restaurant and had provided entertainment, which a large number of people had objected to. The objector's representative indicated that the objection was not against the proposal to turn the property into a restaurant. The majority of residents in the area were elderly and they did not want to be disturbed by noise from people leaving the premises late at night. In order to alleviate the issue, conditions were requested that prohibited music from being played outside and restricted the time of the outside food and drink service.

In response the applicant's representative stated that it seemed unfair to prejudice the application based upon concerns regarding the previous occupiers of the premises. The applicant also confirmed that entertainment had not been applied for as part of the licence and that there were not any external speakers.

In conclusion the applicant's representative reiterated that the licence was necessary as the old one had lapsed. The application had not sought to extend the licensable hours and restrictions would be put in place to ensure that the premises was carefully managed inside and out. There had not been any objections from the Police or Fire Service. The applicants were responsible people who were committed to the project and had invested a substantial amount of money in the premises. The objectors concerns had been taken into consideration, however, there were other licensed premises in the vicinity.

Decision

That having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application subject to the following conditions:

- 1.1 That the consumption of alcohol and food in the external areas of the premises shall not be allowed after 2200.**

1.2 That a 'Challenge 25' proof of age policy be implemented on the premises.

1.3 That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.

Reason: In order to ensure that the Licensees takes all steps in their control to prevent nuisance being caused to neighbours as a consequence of users of the premises drinking and eating outside the premises – Prevention of Public Nuisance Objective and to prevent the sale of age restricted products to underage customers – Protection of Children from Harm Objective.

Chair

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

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