

Report of the Assistant Director Corporate Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 10 September 2009

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Subject:

Application for a Premises Licence for The Grove, 58-60 The Grove, Grove Road, Ilkley.

Summary statement:

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

Suzan Hemingway
Assistant Director Corporate Services (City Solicitor)

Report Contact: Melanie McGurk
Senior Licensing Officer
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E-mail: 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)



Ward: Ilkley

1. **Summary**

1.1 **The applicant**

Mr Elliot Exley & Mr Peter Shanks. A copy of the application is included at Appendix 1.

1.2 **The Premises**

The Grove, 58-60 The Grove, Grove Road, Ilkley

1.3 **Designated Premises Supervisor**

Peter Shanks

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 late night refreshment

Hours of licensable activities:

Sale of alcohol & provision of late night refreshment (from 23.00)

Monday to Saturday:	10.00 to 00.00
Sunday/Good Friday/Christmas Day:	12.00 to 23.30
New Years Eve:	10.00 hours until the start of permitted hours the following day

Hours the premises proposed to be open:

Monday to Saturday:	10.00 to 00.30
Sunday/Good Friday/Christmas Day:	12.00 to 00.00
New Years Eve:	10.00 hours until the start of permitted hours the following day

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

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

Adequate lighting outside the premises.
We intend to join any licensed premise alert scheme.

b) Public Safety will be achieved by;

The premises has a modern fire alarm system, fire extinguishers and emergency exit points which are signed.

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

Noxious cooking odours from the premises will be controlled.

Any deliveries to the premises will take place at a reasonable time in consideration of other residents/business users.

Notices will be displayed inside the premises advising patrons to leave the area quietly.

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

Children will only be permitted on the premises if accompanied by an adult.

- e) General – all four licensing objectives

A Personal Licence holder will be on the premises at all times the licence is being used.

All staff will be trained on licensing issues.

At this time due to the nature of the business we do not consider that we will require Doorstaff or CCTV.

2. Relevant Representations Received

2.1 Interested Parties

Local Residents – 6 individual letters and 6 pro-forma letters of representation from local residents have been received, on the grounds of anticipated noise and disturbance from patrons using the outdoor areas and leaving the premises late at night. Concerns are also raised regarding anticipated anti-social behaviour by patrons of the premises and litter problems and broken glass outside the premises. 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 4 (prevention of crime and disorder) and 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 20 July 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

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

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

20 JUL 2009

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.

We Elliot EXLEY & Peter SHANKS 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	
THE GROVE 58 - 60, THE GROVE GROVE ROAD	
Post town	Post code
ILKLEY	LS29 9PA

Telephone number of premises (if any)

01943 - 816477

Non-domestic rateable value of premises

£ BAND C

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick ✓

- | | | | |
|----|---|-------------------------------------|-----------------------------|
| a) | An individual or individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual* | | |
| | i. as a limited company | <input 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 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 discharge 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 yes

I am 18 years old or over

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

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

Shanks

First names

Peter

I am 18 years old or over

please tick
✓ Yes

**Current postal
address
if different from
premises address**

The Grove
58- 60, The Grove
Grove Road

Post Town

Ilkley

Postcode

LS29 9PA

Daytime contact telephone number

01943 - 816477

**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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail addresses (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
		0	8	2	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		

If 5,000 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)

The premises is currently a restaurant and consists of a basement, groundfloor , first and second floor.

The restaurant business will use the basement and groundfloor areas with the first and second floor as private living accommodation.

The kitchen, food preparation and store areas are situated in the basement.

The groundfloor will be the public area for the restaurant business where licensing activity will take place. Consisting of the reception , a small bar area, dining areas, toilets and storage.

The premises will be used to provide a restaurant business for the provision of food and alcohol for consumption on the premises.

To the right of the premises are residential flats and to the left of the premises are a mix of residential and business premises. Opposite the premises are situated other commercial premises.

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 ✓ yes

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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)	Both	
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 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)	Both	
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 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)			<u>Please give further details here</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick [✓]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon					
Tue					
Wed					
Thur					
Fri			<u>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</u> (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		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri				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)		
Sat						
Sun						

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		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for playing 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 entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both - please tick [✓] (please read guidance note 2)</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of dance (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
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)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick [✓] (please read guidance note 2).</u>	Indoors	
				Outdoors	
				Both	
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of 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)</u>		
Sat					
Sun					

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick [✓] (please read guidance note 2)	
Day	Start	Finish		Indoors
				Outdoors
				Both
			Please give a description of the facilities for dancing you will be providing	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri			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 (please read guidance note 5)	
Sat				
Sun				

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	
Day	Start	Finish	Will this entertainment facility be indoors or outdoors or both - please tick [<input type="checkbox"/>] (please read guidance note 2).	Indoors
Mon				Outdoors
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or K (please read guidance note 4)	
Fri				
Sat			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 j or K at different times to those listed in the column on the left, please list (please read guidance note 5)	
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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	00.00			
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	Non-standard timings. Where you intend to use the premises for the provision of late night entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23.00	00.00	Good Friday - 23.00 to 23.30 Christmas Day - 23.00 to 23.30 New Years Eve - 23.00 until the start of permitted hours the following day.		
Sun	23.00	23.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (please tick box ✓) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00	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 (please read guidance note 5)		
Fri	10.00	00.00	Good Friday - Noon to 23.30 Christmas Day - Noon to 23.30 New Years Eve - 10.00 until the start of permitted hours the following day.		
Sat	10.00	00.00			
Sun	12.00	23.30			

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

Name Peter Shanks

Address The Grove
58 - 60, The Grove, Grove Road,
Ilkley

Postcode LS29 9PA

Personal licence number (if known)

Issuing licensing authority (if known)

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)

O

Hours premises are open to the public

Standard timings
(please read guidance note 6)

Day	Start	Finish
Mon	10.00	00.00
Tue	00.00	00.30
	10.00	00.00
Wed	00.00	00.30
	10.00	00.00
Thur	00.00	00.30
	10.00	00.00
Fri	00.00	00.30
	10.00	00.00
Sat	00.00	00.30
	10.00	00.00
Sun	00.00	00.30
	12.00	00.00

State any seasonal variation (please read guidance note 4)

Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list. (please read guidance note 5)

Good Friday - 12.00 to 00.00
Christmas Day - 12.00 to 00.00

New Years Eve - 10.00 until the start of permitted hours the following day.

P

Describe the steps you intend to take in order to promote the four licensing objectives:

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

1. A personal license holder will be on the premises at all times the license is being used.
2. All staff will be trained on licensing issues.
3. At this time due to the nature of the business we do not consider that we will require Door staff or CCTV.

b) The prevention of crime and disorder

1. Adequate lighting outside the premises.
2. We intend to join any licensed premise alert scheme .

c) Public safety

1. The premises has a modern fire alarm system, fire extinguishers and emergency exit points, which are signed.

d) The prevention of public nuisance

1. Noxious cooking odours from the premises will be controlled.
2. Any deliveries to the premises will take place at a reasonable times in consideration of other residents/ business users.
3. Notices will be displayed inside the premises advising patrons to leave the area quietly.

e) The protection of children from harm

1. Children will only be permitted on the premises if accompanied by an adult.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent you 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 [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - 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 17/07/09

Capacity

.....

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 17/07/09

Capacity

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Mr Martyn Woodley
Mewies Solicitors
Clifford House
Keighley Road

Post town

Skipton

Post code

BD23 2NB

Telephone number (if any)

01756 - 799000

If you would prefer us to correspond with you by e-mail put your e-mail address (optional)

Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licencing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be 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 ie Christmas Eve.
6. Please give timings in 24 hour clock (eg 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 to 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.

Melanie McGurk

From:
Sent: 31 July 2009 21:22
To: Tracy McLuckie; Melanie McGurk
Subject: The Grove Restaurant, 60 The Grove Ilkley

Dear Sir / Madam

Please accept this email as our formal objection to the propose license at The Grove Restaurant, Ilkley.

The Grove is reopening as an A3 restaurant which will be a welcome addition to the area, however we have a number of concerns and would reccomend you vary the application to accomodate our wishes.

The licensing application for The Grove seeks to approve opening hours until midnight (according to the public notice in the Ikley Gazette) throughout the week which would be a significant change to the environment in our part of The Grove, together with all night opening on New Years Eve.

Of particular concern would be the outside decking area which would become a drinking / smoking area with the obvious potential harm, by smoke and broken glass left on the wall next to the pavement , to children walking to and from school. As next door neighbours we are concerned that outside smoking in the evening will pervade our property.especially as our only opening window is directly above the decking area.

The applicant is a former bar manager of The Yard which strangely also has an A3 restaurant license but in reality is a late night pub - a concern is that The Grove will go the same way, and will need to be monitored closely to ensure it remains firmly a restaurant rather than a bar. Other establishments i/e Johnson's have had late night nuisance issues whilst purely in the commercial part of town. Surely a more appropriate time to finish serving alcohol would be 11pm which would ensure any rowdy behaviour / crime or disorder is limited.

No other late night bars in Ilkley are in such close proximity to residential properties as The Grove and we believe this would be a cause of considerable public nuisance in a quiet residential area. Local parking is limited and will be come even scarcer once the restaurant re-opens.

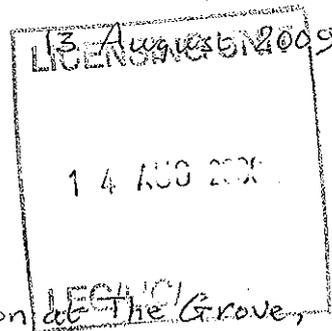
Regards

. The Grove
Ilkley
LS29 6AH

03/08/2009

Carv Croft Court Ltd
Parish Ghyll Road
Ilkley

Licensing Department
Bradford Met. Dist. Council
Room 402
City Hall
Bradford BD1 1HY



Dear Sirs,

Re: Premises Licence Application at The Grove,
58-60 The Grove, Grove Rd, Ilkley, LS29 9PA

I write in my capacity as Chairman of Carv Croft Court Ltd, representing 13 residences situated across the road almost opposite the Grove Restaurant and separated by the Public Garden at the bottom of Parish Ghyll Road. We find the idea of the proposed licence request to be totally repugnant when we consider the expected consequences of the granting the Licence application. Over the years, many people have been pleased to buy their homes in this area because of its peaceful and tranquil character. The granting of the proposed licence would destroy the peace and calm of the area. I would make the following points.

A) In consideration of crime and disorder, we can only anticipate that the present occasional crime of damage to residents cars in the area will get worse. The prevention of disorder caused by argumentative drinkers which leads to fights cannot be guaranteed by anyone. There is no demand for late night drinking in this residential area and this planned wage is not wanted by the residents, hence the many letters of objection.

B) In considering public safety, the area around The Grove Restaurants would become less safe for the general public going about their daily business. The practice drunkenness usually leads to trouble, often some innocent passer-by being insulted, attacked and abused in some way. Children would suffer the offence of seeing the filth on the streets on their way to school.

C) We would anticipate that the granting of a Licence would bring to this area a public nuisance of excessive noise, vulgarity and every obnoxious behaviour. It would attract uncouth jobs from miles around to gather and pollute the area for hours on end and into the early morning. Binge drinkers and not friendly people, they are devoid of common decency, they have no personal discipline and are uncontrollable. They present terrible problems in all our cities and towns and the Government is showing much concern about the matter. Another fact is that there is no car park adjoining the premises which means that nearby streets would be cluttered with extra vehicles, and would result in noise pollution of car doors banging well after the midnight hour.

D) A most important consideration for the Licensing Panel is the maintaining of a quiet and peaceful ambience for the residents, many of whom are elderly and deserve respectful treatment by all.

We wish you to know that there is an avalanche of strong feeling against this application, and ask that it be rejected.

Yours sincerely,

Grove Square
Regent Road,
Ilkley.
11 08 09

THE GROVE RESTAURANT AND MARTINEZ WINE BAR.

Dear Sir,

We object to the terms of the licencing of the Grove Restaurant for the following reasons:-

1) The application as displayed is incomprehensible, reading as follows:-
Hours of opening, Mon. to Sat 11pm to midnight and 10am to midnight" What does this mean?

2)It also reads "Sale by retail of alchohol and late night refreshments". This, and the opening to midnight suggests that even if it operates as a restaurant it would,in the late hours of the evening, become a late night pub which was turned down in a recent application for the same premises.

3)The premises are in close proximity to a quiet residential area and late night drinking during the proposed opening hours on the outside decking (and for a drinking up period after the midnight closing) would cause considerable disturbance in the peaceful and quiet area.

4)The immediate effect of a late night pub is usually an accumulation of litter and broken glass. This would inevitably result in additional expense to the council tax payer in clearing this. There would be danger to children walking through such litter on their way to school. This is a Health and Safety issue.

5) In the event of Martinez being granted permission to open a bar to the front there might be a potential for disturbance between the different clientele groups. Wine drinkers may be seen to be somewhat different from late night boozers.

6) There are sufficient late night drinking establishments already in Ilkley. An addition would simply attract more undesirable elements to what is a quiet environment.

The licensing team,
City Hall,
Bradford
BD1 1HY

LICENSING UNIT

13 AUG 2009

Grove Square,
23 Regent Road,
Ilkley.
LS299EA

Dear Sir,

I wish to object formally to the granting of extended opening hours & late night drinking to "The Grove Restaurant" on the grounds of harm to public safety & unreasonable public nuisance.

I, for one, will feel seriously intimidated by an overspill of noisy customers when walking home late at night. The commotion caused by drinkers at "The Grove" (& "Martinez" & "Bar 22") throughout the late hours will doubtless constitute a public nuisance as far as this mainly residential part of Ilkley is concerned. There will also be the hazard of broken bottles & motley litter to be dealt with. The whole situation will need to be regularly & thoroughly monitored. There are no other late night bars so close to residential property.

Yours faithfully,



The Grove
Ilkley
LS29 9PA

11 August 2009

Dear Sirs

Licensing Application: 58-60a The Grove, Ilkley

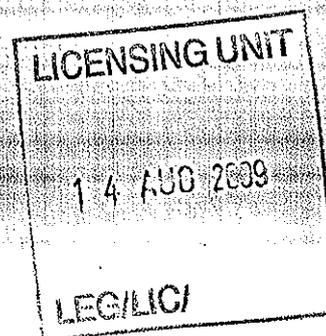
I am writing to ask that you consider some reasonable conditions if you grant the current application for the above premises.

When The Grove was open previously there were numerous instances of customers drinking and shouting until 1 am and, even across the road, noise from outside tables at Martha & Vincent causes disturbance. The decking at The Grove was a particular problem and repetition of previous disturbance from this decking fills us with great apprehension.

This is a residential area, and the impact of operating premises with external facilities needs to be very carefully considered and appropriate safeguards put in place to protect the quiet enjoyment of their homes by residents. I would hope that you will recognise the legitimate concerns of residents in this matter, including the potential infringement of human rights, and impose sufficient conditions to protect our quiet enjoyment of our homes.

I would point out, however, that even when conditions are imposed it seems neither the authorities nor residents have little success in enforcing them when they are (and they always seem to be) infringed. I would be grateful if you could write and let us know of your decision. Many thanks.

Yours sincerely



ILKLEY

11 AUG 2009

AREA OFFICE

13 AUG 2009

LEEDS

Crave So.,
Regent Rd.,
Ilkley.
LS29 9EA
August 8th '09

Dear Sir,

(licensing and planning applications)

I am writing to express my concerns about the application made for licensing hours at the Crave restaurant on the Crave in Ilkley. This is a residential area and it will create too much noise throughout the week if drink is served until mid-night, especially as there is an outside decked area which will be in use. Also I believe that all night opening on New Year's eve has been requested.

There is often public nuisance when people are leaving the premises of late night drinking establishments.

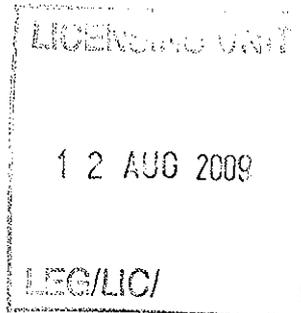
Bar 52 has been granted a license recently and I note that their hours will be earlier and they have to stop serving alcohol on the decking area at a reasonable time.

Ilkley is a beautiful area of which people are proud and it would be a great shame for this to change.

Thanking you in anticipation of a fair judgement.

Yours sincerely,

Dept. of Legal and Democratic Services
Licensing Team
Bradford MDC
City Hall
West Yorks
Room 402
Bradford
BD1 1HY



Carr Croft Court
Parish Ghyll Road,
Ilkley
West Yorkshire
LS29 9NE

Tel 01943 600637
Monday, August 10, 2009

Dear Sir,

Re Premises Licence application 020961
Exley and Shanks
Re The Grove, 58-60a The Grove, Ilkley

I write to comment on this application and to ask you to use your powers under this procedure to impose conditions on any licensing of this property in order to protect this residential area of The Grove as the quiet and peaceful area it has hitherto been.

I have direct experience of the unacceptable noise and disturbance caused some four years ago by these premises when the previous occupiers-but-one (when it was Grecos) were granted occasional permissions to stay open later and have entertainment. On several occasions then I was awoken in the early hours by the live music being provided and the subsequent noise and disturbance from customers on their way home. On at least 2 occasions I asked a relative to make a formal complaint to Environmental Health on my behalf.

This Western end of the Grove is not part of what may be termed the commercial heart of the town. It is a pleasant, quiet, quite densely populated, and very predominantly residential area. There are 500 flats and houses within 200 metres of the applicant-property, and the immediate neighbours include many elderly people living in mostly owner-occupied apartments.

But I am concerned that this end of The Grove is in danger of becoming a centre for late night entertainment in the town. The former Steps restaurant at nearby 52 The Grove has recently been re-classified as a bar; the Martinez Wines Shop, just across the road, has applied to open a Wine Bar and I am concerned that this application may result in the premises presently under consideration being converted into what in effect will be a bar, with all the attendant problems such premises will bring to a residential area. 58-60a is a large building and there was huge opposition from local residents to it becoming a bar when a previous application was put in (ultimately withdrawn) some 18 months ago.

As far as I know there has been no application for a change of use under Planning law, but I am requesting that you use your powers to make sure that this cannot happen by stealth and would therefore ask you to impose the following restrictions so that these premises cannot become a community problem:

- Alcohol can only be served as an accompaniment to table meals
- Indoor service only after 10pm
- Recorded Background music only – no live entertainment – no karaoke

Yours Sincerely

Grove Square
Regent Road,
Ilkley.
11 08 09

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2) It also reads "Sale by retail of alcohol and late night refreshments". This, and the opening to midnight suggests that even if it operates as a restaurant it would, in the late hours of the evening, become a late night pub which was turned down in a recent application for the same premises.

3) The premises are in close proximity to a quiet residential area and late night drinking during the proposed opening hours on the outside decking (and for a drinking up period after the midnight closing) would cause considerable disturbance in the peaceful and quiet area.

4) The immediate effect of a late night pub is usually an accumulation of litter and broken glass. This would inevitably result in additional expense to the council tax payer in clearing this. There would be danger to children walking through such litter on their way to school. This is a Health and Safety issue.

5) In the event of Martinez being granted permission to open a bar to the front there might be a potential for disturbance between the different clientele groups. Wine drinkers may be seen to be somewhat different from late night boozers.

6) There are sufficient late night drinking establishments already in Ilkley. An addition would simply attract more undesirable elements to what is a quiet environment

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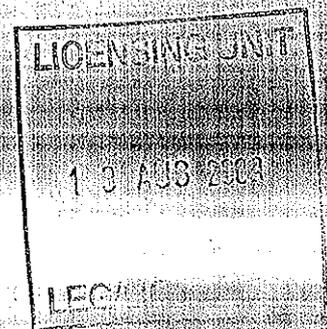
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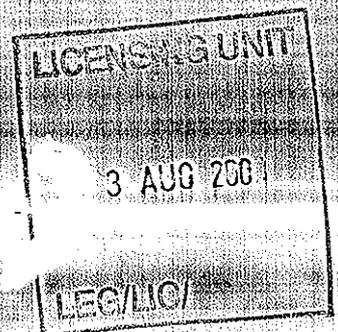
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