

# City of Bradford Metropolitan District Council

[www.bradford.gov.uk](http://www.bradford.gov.uk)

(mins.dot)

## Record of a Hearing of the Keighley and Shipley Licensing Panel held on Thursday 1 December 2011 in Committee Room 1, 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.

### Hearings

**Application for variation of a premises licence for Gascoigne's of Haworth, 98a Main Street, Haworth (Document "B")**

**Application for a premises licence for 14 Springfield Mount (Outbuilding), Addingham (Document "C")**



**RECORD OF A HEARING FOR AN APPLICATION FOR VARIATION  
OF A PREMISES LICENCE FOR GASCOIGNE'S OF HAWORTH,  
98A MAIN STREET, HAWORTH, KEIGHLEY**

**Worth Valley**

Commenced: 1010  
Adjourned: 1110  
Re-convened: 1150  
Concluded: 1155

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Amin (Chair), Ahmed and L'Amie

**Parties to the Hearing:**

**Representing the Applicant:**

Mr R Black and Mr A Nixon, Legal Representatives  
Ms L and Mr A Gascoigne, Applicants

**Representing Interested Parties:**

Councillor R Brown  
Richard Carroll  
Christopher Bradford

**Representations:**

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

The Applicant's Legal Representative addressed the meeting in support of the application. He explained that the premises had been a run down grocery store which the applicant had renovated returning a disused building into a prominent and productive business. Extensive renovation work had been undertaken to ensure the building remained in character with buildings in Haworth and the refurbishment of the premises were a positive development for the area.

It was explained that the premises had received planning approval to extend their opening hours and the application under discussion was to allow them to serve alcohol during those extended hours.

In response to the representations received it was explained that the applicant had 15 years experience in the licensed trade; he had assisted police with the use of close circuit television (CCTV) in the past and would liaise with other licence holders in the area to mitigate any problems which could arise in licensed premises. A sample menu was presented to illustrate the nature of the venture. It was maintained that the business was an award winning enterprise, serving beer and wine with meals to its customers. The nature of the restaurant/delicatessen business attracted a more mature and responsible clientele into the area.

Following its successful operation the brewery, currently attached to the restaurant, would be moving to alternative premises in the New Year.

Photographs of the location of the premises and surrounding residential properties were circulated and the proximity of other licensed premises discussed.

A number of issues were raised by Members to which the following responses from the applicant's legal representative were provided:-

- The application was to allow for drinks to be served with meals in the restaurant and for the purchase of beer from the brewery to be consumed off the premises. The applicant had no objection to a condition on the licence to that effect.
- The business did not have a beer garden.
- The brewery would be moving to alternative premises in the New Year.
- Alcohol was not consumed outside of the premises. The Council's Licensing Officer advised that drinking was not permitted on public pavements by any premises not in possession of a Pavement Café Licence.
- An ashtray was available outside of the business for patrons who went outside to smoke. Customers were not permitted to consume alcohol outside of the building.
- The majority of customers who purchased beer from the brewery did so for consumption off the premises. Only one or two customers bought beer to consume on the premises without buying this as an accompaniment to a meal.
- The applicant would like to continue to sell beer from the brewery for consumption off the premises during the extended hours of operation.
- Hand pulled beer was previously sold at the premises. This trade had now ceased as the business had failed to sell a large enough volume for it to be economically viable to continue.

In response to a question from a resident at the meeting it was explained that there were six tables allowing for 20 patrons dining at the premises at one time. Equivalent restaurants in the area catered for more customers, however, comparisons could not be made as their businesses models did not include a brewery.

A local resident addressed the meeting and reported he was representing a number of local residents who shared his concerns about the operation of the premises. Concerns that nuisance and noise would generate from patrons drinking large quantities of alcohol were raised. It was feared that the availability of 'cheap' beer from the brewery would result in increased consumption and patrons using the premises as a public house as opposed to the current restaurant/delicatessen. It was claimed that residents had no objection to the operation of a café or restaurant serving alcoholic drinks with a meal. They were concerned, however, that customers visiting the premises merely to drink would result in an increased turnover of customers which would generate noise and disturbance to people living in close proximity.

The requirement for a doorman, as referred to in steps proposed by the applicant to address licensing objectives was questioned. It was maintained that premises operating as a restaurant should not require door staff. It was also explained that other premises in the area had the benefit of a double door entry system, providing insulation barriers, which Gascoigne's had not installed.

The close proximity of bedrooms in residences located to the premises was discussed and the location of houses and habitable rooms were identified on a plan of the area.

In response the Applicant's Legal Representative provided photographs of other premises in the area which also had not installed a double door entry system. He maintained that the bedroom of a residence in the area was located further from the premises than other licensed venues. The offer to provide a door supervisor at the premises was made to appease residents and it was not believed that their use was necessary or appropriate. The applicant was willing to do all they could to alleviate resident's concerns about the premises.

A representative from a local business addressed the meeting. He explained that he was confused about the nature of the application and was concerned that it was intended to change the premises from a small restaurant into a public house. Although the applicant had reported that he only required the licence to allow him to serve alcohol as an accompaniment to a meal there were fears that, unless those restrictions were on the licence, the applicant could sell the restaurant and it could become a karaoke bar or disco.

An occasion when the premises had opened for a private function in the evening was reported. It was claimed that customers had spilled outside of the premises and this had generated a public nuisance in the area. Residents were concerned that this could become a regular occurrence unless there were conditions placed on the licence.

A local Ward Councillor explained that he, and his ward colleagues, had been contacted by a number of residents expressing a range of views about the application. He reported that he had no objection to the applicant developing a successful business and enriching the area. He was concerned that the proposal could cause disturbance to residents. In response to questions the Ward Councillor reported that noise disturbance referred to in representations emanated from other premises in the area.

A local resident, in summary, reiterated concerns that a public house would generate a higher and more frequent visitor turnover which, in turn, could create disturbance to residents.

The representations from a local business were concluded with the view that the application to provide alcohol with a meal at a restaurant was welcomed. It was requested, however, that restrictions be placed on the licence to ensure the premises did not become a public house with customers spilling out into the street and causing disturbance in the area.

In summary the applicant's legal representative maintained there was no evidence to suppose that previous noise disturbance in the area would arise from the application.

## **Decision**

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

- 1.1 That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.**
- 1.2 That alcohol sold for consumption off the premises shall only be sold or supplied in unopened bottles or containers.**

**Reason:** It is considered that the above conditions are necessary in order to ensure that the premises remain in operation for its original intention and does not, by default, change to a public house generating an increased level of custom and aggravate noise and disturbance to residents in the area - Prevention of public nuisance objective.

Chair

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

i:\minutes\lpk1Dec

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

**APPLICATION FOR A PREMISES LICENCE FOR 14 SPRINGFIELD MOUNT Craven  
(OUTBUILDING), ADDINGHAM**

Commenced: 1155  
Adjourned: 1210  
Re-convened: 1220  
Concluded: 1225

**Present:**

**Members of the Panel:**

Keighley and Shipley Licensing Panel: Councillors Amin (Chair), Ahmed and L'Amie

**Parties to the Hearing:**

**Representing the Applicant:**

Mrs F Mann, Applicant  
Mr Mann

**Representations:**

The Licensing Officer in attendance summarised the background to the application and valid representations received as set out in the report. It was reported that the applicant had indicated her willingness to reduce the hours of operation to Monday to Saturday 1500 to 2200 hours.

In response to questions the applicant addressed Members and explained alcohol was not brewed on the premises. It was purchased elsewhere prior to it being blended with fruit and berries on her premises.

The business which had begun as a hobby was a small cottage industry and purchasers of the products were usually only family and friends. The application had been made to allow people to purchase her products legally and the applicant explained that she had been naïve when she had submitted the hours of operation in the application. She had never intended to operate her business for all of the hours she had stated and was happy to restrict the hours of operation as previously reported by the Licensing Officer.

Photographs of the applicant's house depicting the location of the outbuilding were circulated. The criteria to ensure children could not access the building's contents were questioned. It was explained that the building was kept locked and that products were only produced in the kitchen of the applicant's house when her children were at school or in bed.

In response to Members questions she assured them that her clientele were responsible and mature people. The business was not intended to be open as a retail outlet and it was only envisaged that sales would only be to family or friends. No delivery vehicles would be visiting the premises. If the current cottage industry expanded the business would be located elsewhere and away from domestic premises.

**Decision –**

**That having considered all valid representations made by parties to the hearing; valid representations made 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 hours of the licensable activities for the sale of alcohol be restricted as follows:**

**Monday to Saturday: 1500 – 2100 hours**

- 1.2 That alcohol shall only be sold or supplied in unopened bottles or containers.**

- 1.3 That an appropriate proof of age policy, incorporating the principles of the ‘Challenge 21’ Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph.**

**Reason: It is considered that the above conditions are necessary In order to ensure that the Licensee takes all steps in their control to limit noise and disturbance to local residents from patrons using the premises – Prevention of Crime and Disorder Objective and 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.**

i:\minutes\lpk1Dec

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