

Report of the Assistant Director Environmental & Regulatory Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 1 December 2011

B

Subject:

Application for Variation of a Premises Licence for Gascoigne's of Haworth, 98A Main Street, Haworth, Keighley.

Summary statement:

Application for variation to extend permitted hours for the sale of alcohol.

John Major
Assistant Director
Environmental & Regulatory Services

Report Contact: Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
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Portfolio:

Environment & Waste Management

Improvement Committee Area:

**Environment & Waste Management
Safer & Stronger Communities**



Ward: Worth Valley

1. **Summary**

1.1 **The applicant**

Kelly Louise Gascoigne. A copy of the application is attached at Appendix 1.

1.2 **The Premises**

Gascoigne's of Haworth, 98A Main Street, Haworth.

1.3 **Designated Premises Supervisor**

Kelly Louise Gascoigne

1.4 **Current Licence**

The premises currently hold a Premises Licence with the following permitted hours;

Sale/supply of alcohol for consumption on and off the premises

Monday to Saturday:	11.00 to 18.00
Sunday:	12.00 to 18.00

Opening hours

Monday to Sunday:	10.00 to 19.00
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A copy of the Licence is attached at Appendix 2.

1.5 **Variation Application**

The variation application has been submitted to extend permitted hours for the sale of alcohol

Sale/supply of alcohol

Monday to Saturday:	10.00 to 23.00
Sunday:	11.00 to 22.00

Opening hours

Monday to Saturday:	10.00 to 23.00
Sunday:	10.00 to 22.00

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

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

I will have an ID ruling for anyone that I believe is under the legal required limit. If needed we will have a search policy in place and will communicate with other

licensed premises. If needed we will place a certified person on the door on busy nights to ensure appropriate persons are permitted.

b) Public Safety will be achieved by;

We have installed emergency lighting in the premises with easy and accessible escape routes in the event of an emergency. There will be first aid provisions as well as an appointed first aider on the premises.

c) Prevention of public nuisance will be achieved by;

The building has secondary glazing but will never be used for a form of regulated entertainment. Our music will never exceed the maximum level as it is only a CD player and not a music system in place. All our deliveries will take place at off peak hours as to be considerate to road users and pedestrians. We have a system in place that enables us to control odours from cooking so not to cause a nuisance to the public and unnecessary smells from cooking. We will put up notices that ask all patrons to leave the premises quietly when they leave.

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

We will ask that all children are accompanied by adults at all times. Proof of age cards will be in place. Children over 16 will only be allowed an alcoholic drink when sitting and having a full meal with the parents consent.

e) General – all four licensing objectives

I will promote all 4 licensing objectives by ensuring that I always have a personal licence holder on the premises when the licence is in place and being used. I will train all members of staff on licensing objectives to help promote and ensure all licensable activities are carried out safely and accordingly. I will also have a suitable CCTV system of the shop in place.

2. **Relevant Representations Received**

2.1 **Interested Parties**

Six individual letters of representation and 2 pro-forma letters have been received from local residents, 1 letter from a local business and a letter of representation from the Ward Councillors. The letters raise concerns of noise and disturbance from customers drinking outside the premises and leaving the premise later and anti-social behaviour from patrons outside the premises.

The letters of representation are attached at Appendix 3.

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, 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) Vary the premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Vary the premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
 - (c) Refuse to vary the premises licence.
- 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.

7.2 Community safety implications

There are no apparent community safety implications.

7.3 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 5 October 2011.
2. Current Licence.
3. Letters of representation.

11. Background documents

Application form, plan etc

Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RW

Application to vary a premises licence 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.

I/We KELLY LOUISE GASCOIGNE (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

BD/PRA 1342

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

98A MAIN STREET HAWORTH

Post town

KEIGHTLEY

Post code

BD22 8DP

Telephone number at premises (if any)

01535 646059

Non domestic rateable value of premises

£

Part 2 - Applicant Details

Daytime contact telephone number

01535 646059

Email address (optional)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

GASCOIGNE

First names

KELLY LOUISE

Current postal address if different from premises address

Post Town

Postcode

Part 3 - Variation

Please tick ✓ Yes

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day		Month		Year			

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

WE HAVE NOW GOT PLANNING PERMISSION TO OPEN OUR RESTAURANT ON AN EVENING MONDAY TO SATURDAY UNTIL 11PM + SUNDAYS 10PM. WE NOW WISH TO BRING OUR LICENCE INTO LINE WITH OUR RESTAURANT OPENING HOURS .

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Provision of regulated entertainment

- 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) performance 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)

Please tick ✓ Yes

Provision of entertainment facilities:

- 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)

✓

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

--

In all cases complete boxes N, O and P

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	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4) N/A		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	11:00	22:00			
			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) N/A		

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)

N/A

0

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	10:00	23:00	N/A .
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	22:00	
			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)
			N/A .

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A .

I have enclosed the premises licence

Please tick ✓ Yes

<input checked="" type="checkbox"/>
<input type="checkbox"/>

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

I WILL PROMOTE ALL 4 LICENSING OBJECTIVES BY ENSURING THAT I ALWAYS HAVE A PERSONAL LICENCE HOLDER ON THE PREMISES WHEN THE LICENCE IS IN PLACE + BEING USED. I WILL TRAIN ALL MEMBERS OF STAFF ON LICENSING OBJECTIVES TO HELP PROMOTE + ENSURE ALL LICENSABLE ACTIVITIES ARE CARRIED OUT SAFELY + ACCORDINGLY. I WILL ALSO HAVE A SUTIBLE CCTV SYSTEM OF THE SHOP IN PLACE

b) The prevention of crime and disorder

I WILL HAVE AN ID RULING FOR ANYONE THAT I BELIEVE IS UNDER THE LEGAL REQUIRED LIMIT. IF NEEDED WE WILL HAVE A SEARCH POLICY IN PLACE AND WILL COMMUNICATE WITH OTHER LICENSED PREMISES. IF NEEDED WE WILL PLACE A CERTIFIED PERSONS ON THE DOOR ON BUSY NIGHTS TO ENSURE APPROPRIATE PERSONS ARE PERMITTED

c) Public safety

WE HAVE INSTALLED EMERGENCY LIGHTING IN THE PREMISES WITH EASY + ACCESSIBLE ESCAPE ROUTES IN THE EVENT OF AN EMERGENCY. THERE WILL BE FIRST AID PROVISIONS ASWELL AS AN APPOINTED FIRST AIDER ON THE PREMISES.

d) The prevention of public nuisance

THE BUILDING HAS SECONDARY GLAZING BUT WILL NEVER BE USED FOR A FORM OF REGULATED ENTERTAINMENT. OUR MUSIC WILL NEVER EXCEED THE MAXIMUM LEVEL AS IT IS ONLY A CD PLAYER + NOT A MUSIC SYSTEM IN PLACE. ALL OUR DELIVERIES WILL TAKE PLACE AT OFF - PEAK HOURS AS TO BE CONSIDERATE TO ROAD USERS + PEDESTRIANS. WE HAVE A SYSTEM IN PLACE

e) The protection of children from harm

WE WILL ASK THAT ALL CHILDREN ARE ACCOMPANED BY ADULTS AT ALL TIMES. PROOF OF AGE CARDS WILL BE IN PLACE. CHILDREN OVER 16 WILL ONLY BE ALLOWED AN ALCOHOLIC DRINK WHEN SITTING AND HAVING A FULL MEAL WITH THE PARENTS CONSENT.

* THAT ENABLES US TO CONTROL ODOURS FROM COOKING SO NOT TO CAUSE A NUISANCE TO THE PUBLIC + UNNECESSARY SMELLS FROM COOKING. WE WILL PUT UP NOTICES THAT ASK ALL PATRONS TO LEAVE THE PREMISES QUIETLY 20 WHEN THEY LEAVE.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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 3/10/2011

Capacity OWNER ~~ASSISTANT~~

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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.

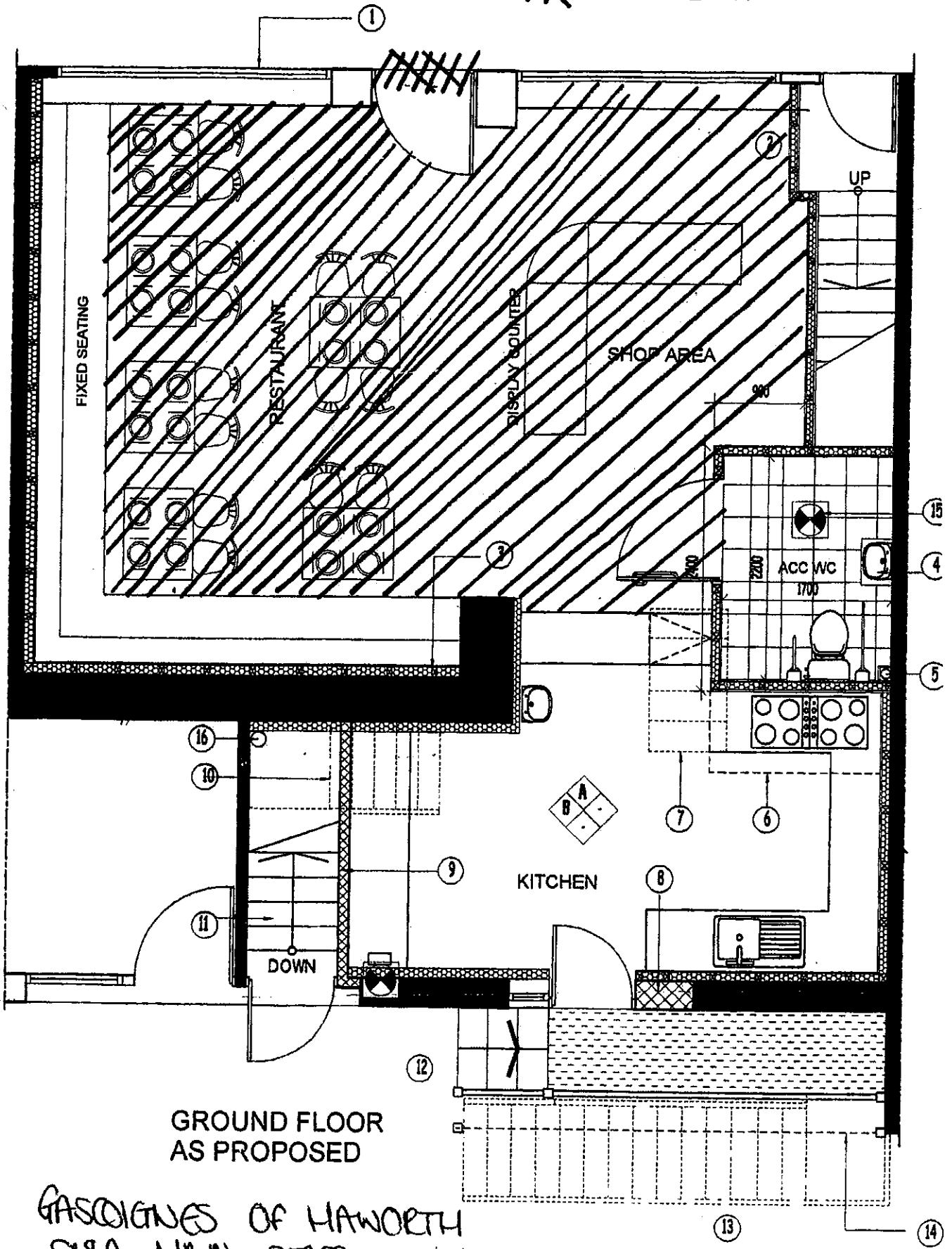
Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
if you would prefer us to correspond with you by e-mail your e-mail address (optional)	

/// FIRE EXIT



GROUND FLOOR
AS PROPOSED

GASCOIGNES OF HAWORTH
98A MAIN STREET
HAWORTH
BD22 8DP

/// LICENSED
AREA

Licensing Act 2003
Premises Licence

BD/PRA1342

Date Issued: 24/02/2011

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Gascoigne's of Haworth

98A Main Street, Haworth, West Yorkshire, BD22 8DP.

Telephone 01535 646059

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am	6:00pm
	Sunday	Noon	6:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	7:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Kelly Louise Gascoigne

98a Main Street, Haworth, West Yorkshire, BD22 8DP.
Telephone 01535 646059 or 07871 346493

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kelly Louise GASCOIGNE

98a Main Street, Haworth, West Yorkshire, BD22 8DP.
Telephone 01535 646059 or 07871 346493

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BD/PER2953

Issued by Bradford

ANNEXES

Annex 1 - Mandatory Conditions

Date First Granted: 26/05/2010

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003 Premises Licence

BD/PRA1342

Date Issued: 24/02/2011

ANNEXES continued ...

1. No supply of alcohol may be made under the premises licence;-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

Licensing Act 2003 Premises Licence

BD/PRA1342

Date Issued: 24/02/2011

ANNEXES continued ...

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions Consistent with Operating Schedule

All four Licensing Objectives:

8. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

9. A Personal Licence holder shall be present on the premises when licensable activities are taking place.

The Prevention of Crime & Disorder:

10. The licensee shall maintain regular and effective liaison with nearby licensees in order to take any necessary coordinated steps in order to address the licensing objectives.

11. A CCTV System shall be installed at the premises, shall be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be made available to the Licensing Authority or a Responsible Authority on request.

Public Safety:

12. All emergency lighting and first aid facilities shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use and about the evacuation procedures for the premises.

The Prevention of Public Nuisance:

13. The Licensee shall ensure that the kitchen extraction system is maintained in good and effective working order in order to avoid nuisance from smells and noise to neighbouring properties.

The Protection of Children from Harm:

14. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

15. Children under 16 years old shall only be allowed access into the premises when accompanied by an adult.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Licensing Act 2003
Premises Licence

BD/PRA1342

Date Issued: 24/02/2011

ANNEXES continued ...

Not Applicable.

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Licensing Act 2003

Premises Licence Summary

BD/PRA1342

Date Issued: 24/02/2011

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Gascoigne's of Haworth

98A Main Street, Haworth, West Yorkshire, BD22 8DP.

Telephone 01535 646059

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am	6:00pm
	Sunday	Noon	6:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	7:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Kelly Louise Gascoigne

98a Main Street, Haworth, West Yorkshire, BD22 8DP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kelly Louise GASCOIGNE

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



Servicemark™
YORKSHIRE + HUMBER



OLD WHITE LION HOTEL



Haworth Keighley West Yorkshire BD22 8DU

Tel: (01535) 642313 Fax: (01535) 646222

E-mail: enquiries@oldwhitelionhotel.com

Web Site: www.oldwhitelionhotel.com

Environmental & Regulatory Services,
Licensing Team,
6th Floor North,
Jacobs Well,
Bradford.
BD1 5RW

Wednesday, 19 October 2011

Dear Sir / Madam

I would officially like to object to the licence variation to be used at the premises.

98a, Main Street, Haworth, BD22 8DP.

In an already over noisy environment at the top of Haworth main street, this would add to the noise pollution we endure, which is an ever increasing problem. Where as this may or may not increase whilst under the ownership of Mr Gascoigne, if a change of management or ownership of the premise occurs & subsequent usage, we could be left with another Disco Karaoke Bar not a bistro bar, once this extension has been granted.

On the one occasion, to my knowledge, when a private function has being held at the said premises, there was a notable increase in noise, maybe due to the open door & overflow of people onto the main street.

As it stands ,the front three rooms on our hotel are nearly now un-lettable, on occasions, without recourse from our guests the next morning. This continues to cost us dearly in offering compensation. I enclose a email from one of our most recent guest complaints who left a day early over the weekend. However could I please ask for the email not to be publicly displayed to save any further inconvenience or harm to an already poor experience of Haworth, a literary village steeped in Yorkshire tradition & hospitality.

Lastly, how many licences can Haworth main street sustain in an already difficult economical time? The extension of this outlet selling cheaper beer from their brewery could certainly attract more undesirable elements, increase noise to residents & businesses alike & eventually bring about the demise of some already existing trading outlets.

I thank you for your consideration in this matter & hope that common sense prevails.

Yours faithfully

The Old White Lion Hotel

LICENSING UNIT

21 OCT 2011

LEG/LIC/

Cllr Glen Miller
Worth Valley Ward Councillor
c/o Conservative Leader's Office
Room 108, City Hall, Bradford BD1 1HY
Tel: 01274 432079
Res: (01535) 600344

Licensing Team
6th Floor North
Jacobs Well
BRADFORD
BD1 5RW

1 November 2011

Dear Melanie

APPLICATION FOR PREMISES LICENCE
Gascoigne's of Haworth, 98A Main Street, Haworth

Due to the level of correspondence received in relation to the above application, we as Worth Valley Ward Councillors would like to support our residents in objecting to the extension of the existing license to sell alcohol.

We believe the extension will lead to increased noise levels and anti social behaviour, As there are already three established premises selling alcohol within 50 metres of this establishment and we regularly receive complaints regarding noise from taxi horns etc.

Additionally there is a concern that an extension to the current hours would increase alcohol sales and as a result necessitate an increase in production from their brewery of which may not have been granted planning permission. The noise and smell already has an impact and this application is likely to increase that. Furthermore there is also the question of safety regarding the production of alcohol within a residential area.

Yours sincerely

Yours sincerely

Yours sincerely

Cllr Glen Miller
Worth Valley Ward

Cllr Rebecca Poulsen
Worth Valley Ward

Cllr Russell Brown
Worth Valley Ward



Conservatives

Main Street
Keighley
West Yorkshire
BD22 8DP

27 October 2011

Environmental and Regulatory Services
Licensing Team
6th Floor North
Jacobs Well
Bradford
BD1 5RW

Dear Sirs

Re: Kelly Louise Gascoigne application to use the premises at 98a Main Street, Haworth, Keighley, BD22 8DP for the sale by retail of alcohol between the hours of 1000 – 2300 hours Monday to Saturday and 1100 – 2200 hours on Sunday.

I am writing to lodge my opposition to the above application.

I am joint owner of a property directly across the street from Gascoigne's and therefore feel to have a responsibility for ensuring the values of Haworth, particularly the top of the Main Street, remain an environment suitable for residents and visitors.

The village of Haworth already is well served by a large amount of Public Houses, of which The Black Bull, The Kings Arms and The White Lion Hotel are in direct proximity to Gascoigne's. Noise levels at the present time can be unacceptable late in the evening and into the early hours, unruly behaviour, which alcohol can only help fuel, of which I have witnessed over the 61 years of living/owning our property at the top of Haworth. I therefore do not feel that to further another licensing premises is necessary and it will only be detrimental to our village.

At this current time Gascoigne's are providing a good business service and are highly valued by both residents and visitors.

Yours faithfully

Copy: Glen.Miller@Bradford.gov.uk

Melanie McGurk

From: Saima Khan
Sent: 31 October 2011 11:06
To: Melanie McGurk
Subject: FW: Gascoigne's

Dear Melanie

Please find below email Cllr Miller has received objecting to the above.

From:
Sent: 30 October 2011 21:40
To: Cllr Glen Miller
Subject: FW: Gascoigne's

T:
M:

From:
Sent: 30 October 2011 21:34
To: 'glen.miller@bradford.gov.uk'
Subject: Gascoigne's

Dear sir

We are _____ we are the managers of the _____ main street Haworth.

We are writing to you to express our deep concerns over the proposed extended opening hours of Gascoigne's. Since _____ and I took over we have worked extremely hard to keep out the binge drinking element of the village out of respect for our neighbours.

We think that any extension of the hours will encourage this anti social element already through the day people sit outside the premises drinking beer out of open vessels. we thought there was a rule for this on the public footpath although we may be wrong. the beer is being sold at around £2 per pint and bottles (pint size) at 1.06 if this is to continue into the evening this could attract unsavoury elements to the top of main street as is already the case at another premises.

The top of the street already houses three licensed premises we do not believe there is the need or even the customer base for a fourth we are not another set of whining landlords complaining about trade loss although our daytime trade is affected.

our concern is for our neighbours the noise levels will rise as their customers will be on the footpath outside dwellings smoking. the mess from cigarette ends will be all over the road all the other pubs may be forced into a price war to compete again increasing the potential for anti social behaviour. this we think is grossly unfair to the shop owners and residents in the immediate vicinity. from a personal point of view we have to deal with the noise of people falling out of another pub up the street at stupid o clock when we have closed as we don't do stop backs but we have been tagged because of their customers lingering around between the bull and tea rooms across the road. also they are not members of the pub watch so all the hard work we

do to keep troublemakers away could be undone. this could be made worse by the fact the proposed licensee is a young person of little experience of a "real pub" and the issues that selling cheap alcohol can cause. there is the potential hazard of a lot of people spilling out into the street from there and we hate to think what would happen if a car came up the bank from the fish shop way and didn't see someone must be a health and safety issue.

we must also point out that we know at least one shop owner who will sell up as it will have a major impact on their quality of life if this happens and especially in the current economic climate this could have a major effect on trade for the whole street also we have had to refund guests money as they were awakened through the night from a noisy element that was nothing to do with us so you see our concerns.

M:
T

Elizabeth Flynn

From:

Sent: 29 October 2011 11:02

To: Licensing Team

Cc: Cllr Glen Miller

Subject: Re: Application by Kelly Louise Gascoigne, 98a Main Street, Haworth BD22 8DP

Re: Application by Kelly Louise Gascoigne, 98a Main Street, Haworth, BD22 8DP

For the past eighteen months I have given my full support to Gascoignes, both as a daily customer and also as a friend and neighbour. It was with sadness and disappointment that I read their most recent planning application: i.e. to serve alcohol not only throughout the day, but to extend their opening hours to 23.00 hours Monday - Saturday, and to 22.00 hours Sunday for the sale by retail of alcohol.

I wish to object to the above application for the following reasons:

98a Main St, Haworth is part of a small terrace of four shops, each with living accommodation above the shop. Directly opposite are four more shops also with living accommodation above. It should be taken into consideration that the area is residential as well as retail, and it is unfair that residents lives could be further disrupted by yet more noise and alcohol fuelled anti-social behaviour. We have 3 public houses all within 100 steps of Gascoignes shop door - all trying to make a living.

We already have to contend with the, often, unacceptable noise of traffic (taxis) and vandalism arising from the effects of too much alcohol. An increase in volume of any of these would cause yet more stress to the existing businesses and residents. I am also concerned, if this application is successful, that a change of proprietorship of the existing business at any time would then further facilitate easier change of use planning permission applied for at a later date.

Whatever the outcome of this application is, it will cause ill feeling and tension. We will lose the "feel good and working together" factor - something that is so very important in a small neighbourhood like ours, where people both work and live in close proximity.

Regards

Main Street, Haworth

Environmental & Regulatory Services
Licensing Team
6th Floor North
Jacobs Well
Bradford
BD1 5RW

Main Street
Haworth
West Yorkshire
BD22 8DP



13th October 2011

Dear Sir/Madam

I wish to object to the application to use the premises at 98a Main Street, Haworth, Keighley, BD22 8DP for the sale by retail of alcohol between the hours of 10.00 – 23.00 Monday – Saturday and 11.00 – 22.00 on Sunday.

Living and having a shop at the top of Haworth Main Street, I think that this will be an unbearable nuisance to me and an invasion of my right to live peacefully. I believe passionately that to extend their current licence will be a detriment to the village for the following reasons:-

1, Gascoigne's have recently started brewing their own beer and have been able to offer it at much cheaper prices. By undercutting the pubs, I have noticed regulars choosing to drink at Gascoignes (usually outside) instead of within local Public Houses. The drinks are not purchased alongside food which is what we were assured by them when they first got a licence. I've seen these people sit outside Gascoigne's from 10am drinking during the week. My customers and I find this not only off putting but gives a negative impression on the village for visitors. This is already a problem due to the clampers and you the council are continually reassuring us that you are concerned about protecting the village tourism.

2, Over the past couple of years the offensive behaviour from drinkers has increased tremendously on Main Street resulting in many shops having to install CCTV outside. Many mornings we as shopkeepers find broken glass and debris outside our shops, this is not only disheartening but time consuming for us to clean up. I think this behaviour results from having too many public houses and licensed premises already in existence in such a small space with fewer and fewer customers, it is after all a recession. Existing pubs to survive are now in competition to offer loud music and cheaper drinks to entice customers. I truly believe that yet another licensed premise will only result in increased drunken behaviour and worsen the binge drinking culture which we seem to have within this village. The Old Sun Hotel recently had its opening hours reduced due to the anti social behaviour and impact on village life. Surely this is not the culture we should be encouraging for our 'jewel in the crown' as stated by the Yorkshire tourism board!

Yours sincerely



**Environmental & Regulatory Services
Licensing Team**

**6th Floor North
Main Street
Jacobs Well
Haworth
Bradford
West Yorkshire
BD1 5RW
BD22 8DP
October 2011**

12

Re: Kelly Louise Gascoigne's application to use the premises at 98a Main Street, Haworth, Keighley, BD22 8DP for the sale by retail of alcohol between the hours of 10.00 – 23.00 hours Monday – Saturday and 11.00 – 22.00 hours on Sunday.

I wish to express my objection to this application which is an extension of the hours of the existing licence to sell alcohol.

My objection is simple, but nonetheless profoundly firm.

There are already three established premises within a mere 50 meters of this establishment providing alcoholic beverages in the evening hours. To have yet another would just be insanely overkill. ENOUGH IS ENOUGH! We have enough anti-social drinking and noise in the area without one more to add to the mix. Haworth is a very small village, and most importantly the top of Main Street is extremely confined. There is absolutely no room, need nor desire for another business to supply an evening hangout for alcoholic consumption.

I could go on about the economic impact on the surrounding

small businesses, however, I am hoping they have already responded. Gascoignes is a fine CAFE, and is well received as such. To allow it to serve alcohol as an evening business would thereby turn it into functioning as a mini-pub; which we certainly do not need nor want here!

Likewise, I imagine the residents above and around the business have legitimate issues with the servicing of alcohol at this location.

In the time this business has operated in the evenings during this application period, it has been shown that it is like **RUNNING A GAUNTLET** to get past the site when people are drinking outside. The shop is **TOO SMALL** to accomodate even a handful of patrons, without over-spilling into the street. The patrons block/obstruct the very small footpath in front of the business, and make it a nightmare to merely walk past. There is a *microscopic* physical area in front of the shop, hence patrons will not only be blocking the public footpath, but be drinking **IN THE ROADWAY**. (Is that not a VIOLATION OF PUBLIC ORDER?) I believe granting this request is therefore in-and-of-itself a **VIOLATION** of established law!

Granting of this request would also open you -the Council- to deal with a *mindfield* of legal challenges associated with these very obvious legal issues. I do not believe this is wise nor prudent to allow this permit to be granted.

I therefore **FIRMLY** request this application be denied.

Yours faithfully,

Environmental & Regulatory Services
Licensing Team
6th Floor North
Jacobs Well
Bradford
BD1 5RW

Main Street
Haworth
West Yorkshire
BD22 8DP

11th October 2011

Re: Kelly Louise Gascoigne's application to use the premises at 98a Main Street, Haworth, Keighley, BD22 8DP for the sale by retail of alcohol between the hours of 10.00 – 23.00 hours Monday – Saturday and 11.00 – 22.00 hours on Sunday.

I wish to express my objection to this application which is an extension of the hours of the existing licence to sell alcohol.

My primary concern is as a neighbour living directly next door, with school age children. Already my children are affected by noise levels from adjacent public houses, which at times prevents them from sleeping. This property is closer still and the impact will likely be much worse. I am especially concerned about the additional noise that will be created by customers accessing the property between these hours and particularly by those who will undoubtedly drink outside in order to smoke. Imbibed with alcohol, it is to be expected that the behaviour of customers will be disinhibited and disruptive.

The Gascoigne's have converted garages to the rear into a micro-brewery. I would be concerned that an extension of the current hours would increase alcohol sales and as a result necessitate an increase in the production from their brewery. The noise and smell already has an impact upon us and this application is likely to increase that. There is also a question of safety regarding the production of alcohol within a residential area, so far as I am aware no planning application for change of use has been made or granted.

I am also concerned that an additional establishment selling alcohol in such close vicinity, i.e. less than 50 yards, from two public houses and a hotel will increase the already escalating anti-social behaviour from evening drinkers and put at increased risk the safety of my family and fellow residents.

As a member of the local community, I would also ask that you consider the potential negative social impact of this application. At a time when public houses are struggling to remain open, this application will no doubt further jeopardise the continued existence of those nearby. For centuries these businesses have been an integral part of community life and their individual histories a prominent part of the overall village history, which as you will know is key to the villages continued prosperity. With their own brewery, the Gascoignes have been able to significantly under-cut the prices of beer locally. I believe that this has helped to fuel a price and entertainment war between nearby pub's, a factor which I also believe has played a significant part in increased anti-social behaviour.

Already the majority of alcohol sold at the address above does not appear to be consumed with meals, but due to the reduced prices is attracting groups of drinkers who would otherwise use the public houses. The limited seating means that they are often stood outside and we have already received complaints from customers of our adjacent clothes retail business regarding their use of offensive language and the smell of smoke.

Because of these same concerns, which are already impacting upon my quality of life and that of my family, I would also request that you review the existing licence to sell alcohol. Please advise me if you require me to make this request separately.

Yours faithfully

Main Street
Haworth West Yorkshire
BD22 8DP

25 October 2011

Ref. Variation of Premises Licence for 93a Main Street Haworth Keighley
BD22 8DP

Dear Sir

We would strongly object to the above application on the following grounds.

We live at the top of Main Street Haworth opposite the Black Bull public house, there are two other public houses located within one hundred metres of our premises, all of which generate noise and anti social behaviour.

To add a further licensed premises will only contribute to the problems we have on Main Street. We believe that the premises in question are undercutting the other public houses and selling their beer at a much lower price, this practice can only cause more drinkers to gravitate to them, this has already happened and drinkers have spilled out onto the pavement during the day blocking the pavement and upsetting visitors.

Haworth Main Street is a place where visitors would like to visit and not have to be confronted by blocked pavements and drunken behaviour and therefore we would like you take our objections into account.

Yours sincerely

Main Street
Haworth West Yorkshire
BD22 8DP

25 October 2011

Ref. Variation of Premises Licence for 93a Main Street Haworth Keighley
BD22 8DP

Dear Sir

We would strongly object to the above application on the following grounds.

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Yours sincerely