

Record of a Hearing of the Keighley and Shipley Licensing Panel held on Friday 12 April 2013 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

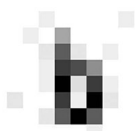
No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearing

- 1. Application for variation of premises licence for Ghyll Beck Restaurant, Ghyll Beck Golf Driving Range, Esholt Lane, Baildon (Document "F")**



**INVESTORS
IN PEOPLE**



2009-2010
*Positive engagement
of older people*

2006-2007
*Improving Rural Services:
Empowering Communities*



BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR GHYLL BECK RESTAURANT, GHYLL BECK GOLF DRIVING RANGE, ESHOLT LANE, BAILDON (DOCUMENT "F")

Commenced: 1110

Adjourned: 1135

Re-convened: 1200

Concluded: 1205

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Khaliq (Chair), Dredge and Ellis.

Parties to the Hearing:

Representing the Applicant:

Mrs K Sheldon – Applicant
Mr Sheldon

Representing Interested Parties:

Mr J Cordingley – Legal Representative
Mr M Padley } local residents
Mr D Smith }
Ms J Hindmarsh }
Councillor L'Amie

Observer: PC S Dawson, West Yorkshire Police

Representations:

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

The applicant addressed the meeting and explained that he wished to extend hours of licensable activities to cater for pre-booked functions. The premises had already received bookings for 140 weddings over the next two years. If granted the extended hours would not be operated as a matter of course but would be at the discretion of management. It was anticipated that the extension would be used for approximately 20 functions per year.

It was maintained that the application was not in an attempt to operate the facility as a nightclub. The applicant referred to an incident at a recently held function which had been booked as a charity fundraising event by a local secondary school. Patrons had arrived at the event after consuming alcohol elsewhere and this was evidenced by bottles and cans found later in the area which were not brands stocked at the premises. Once it became apparent that there was a problem at the function the event had been stopped and the police were called. It was proposed that bookings for events catering solely for people under the age of 21 would no longer be accepted.

Measures employed to clear litter following functions and standard maintenance procedures were outlined. It was explained that door staff would not allow customers to take alcohol outside of the premises.

In response to a number of questions from the objectors, their legal representatives and a local Ward Member, the applicant responded as follows:

- Wedding bookings would continue to be accepted regardless of the decision of the hearing.
- The extension of hours was requested to cater for wedding parties. It was accepted that civil ceremonies took place between 11am and 4pm but it was proposed that those times could be extended.
- The majority of parties would not extend until 2am. If ceremonies/celebrations commenced early in the day it was likely that those events would conclude earlier in the evening.
- It was believed that the provision of later opening hours would result in guests leaving the premises gradually with the majority leaving before 2am.
- The premises were located on the edge of a conservation area. There was a traveller's site opposite and apart from three neighbours the premises were located quite a distance from other residents of Esholt.
- The premises were owned by the Council and leased by the applicant.
- The litter depicted in photographs provided by objectors could have been produced from the local traveller's site. The pictures depicted brands which were not sold at the premises. The applicant had a policy of clearing litter around the premises and when a problem had occurred following the charity event the litter had been cleared at 8am the following morning.
- The charity event was closed by the applicant. The applicant had acted responsibly and had phoned the police for help. The applicant, police and the Council's licensing team had discussed the incident subsequently and assurances were provided that a repeat of the incident would not occur.
- The business's diary for the charity event demonstrated that the function was booked as a non alcohol event with a sweet shop being provided for patrons. In reality young people arrived under the influence of alcohol and had brought with them alcohol which they had purchased elsewhere.
- The applicant was happy for a condition to be placed on the license to prevent bookings from young people being accepted.
- The applicant and her husband held personal licences. Mr Sheldon was the premises licence holder.
- It was believed that comments made about a booking accepted by a former member of staff were not defamatory but accurately recorded that she had, mistakenly, accepted a booking for a function to finish at 2am when the premises were unable to apply for additional Temporary Event Notices (TENs).
- There had had been one occasion when a complaint had been made about the use of TENs to facilitate functions operating until 2am. The police had provided no objection to the application under discussion.
- Procedures were in place to prevent noise disturbance from the disposal of glasses or patrons using the premises causing disturbance to neighbours.
- It was not intended that the business would be operated as a nightclub. It would not be commercially viable to operate for that purpose in the location.
- The address stated on the application for the variation of the license was the applicant's mother's address. Since that application was made the applicants had moved to Esholt.
- Representations had been made by a former employee who lived close to the premises. The applicants had put her in touch with the landlord of the house she rented and she was aware of the nature of the business when she moved to that location.
- The premises catered for 240 people although weddings usually had up to 120 guests.

- The majority of functions were held on a weekend. An extension of the hours of licensable activity would not increase the number of functions as the diary was almost full. It would, however, provide an option to extend the celebrations at some events.
- At the current time 17 requests for extended hours had been received but it was only possible to apply for 12 TENs in a 12 month period.
- Over the preceding four years 33 TENs had been granted and no problems had occurred at any of those events.
- The restaurant was located 1 mile away from the village of Esholt. It was ensured that all windows and doors were closed to reduce potential noise disturbance by 9pm. The premises were constructed of stone and the source of the music was located at the opposite end of the building to residential housing.

Following consideration of photographs provided by those making representations the applicant confirmed that the brands of bottles and cans depicted were not sold at the premises. The policy to clear the area of litter was undertaken to keep the area neat and presentable for patrons. Litter not generated from patrons was also cleared.

The booking sheet for the premises was tabled and demonstrated that the wedding bookings were very seasonal; the majority of those were at the weekend although there could be additional requests at bank holiday times.

Interested parties and their legal representative addressed the meeting as follows:

- Local residents believed hours of operation until 2am would be intolerable and unacceptable.
- During operation under TENs there had been incidents of loud music; breaking glass; frequent opening of fire doors; vandalism and theft.
- Esholt was a quiet rural conservation area.
- Operation of a late night commercial operation would result in a loss of amenity and reduce property values.
- The premises were located in an unsuitable area without street lights or paths.
- Residents were concerned that the premises would be run as a night club.
- Following the application to vary the license the application had not been advertised correctly and had resulted in the application being deferred for a period of two weeks.
- Residents had no confidence in the management to run the premises correctly.
- There was an occasion when 20/30 young people were sitting on a wall drinking alcohol.
- The application was a smoke screen to facilitate late night drinking.

A written response provided by the applicant to the objections was circulated and summarised.

A former member of staff, referred to in the incident about an error in a booking, who was objecting to the variation, reported that the initial booking in the diary had been taken before she was employed. Since the recent charity function two bay trees had disappeared from her garden and to prevent further thefts she had installed a costly CCTV security system. She believed that the area was not safe for people to access the premises.

In response the applicant stated that CCTV would show that the theft of the trees was not by patrons of the premises. She maintained that the booking referred to was an enquiry. At the time the booking was confirmed all TENs had been used for the year.

In conclusion local residents and their legal representative reported that all letters of objection predated the charitable function which had caused problems at Easter. It was reiterated that the location was unsuitable as it did not have street lights, pathways or pavements. Members were reminded of the public nuisance which had occurred at the premises which had already been discussed and of incidents of children attending the charitable event and drinking underage. It was maintained that the applicant had a responsibility to ensure that underage drinking was not allowed. Internal plans of the building depicted that the fire door opened on the side of the premises located next to residential homes. No other establishments in the area had a licence until 2am and it was feared that the extension of operating hours would result in young people visiting the premises for a late night drink.

The local Ward Member, in summary, believed that the hours under discussion were more suited to a city centre venue. He feared if the hours were approved they could be operated inappropriately by subsequent licences and that in the current location the hours were excessive and likely to disturb residents.

The applicant, in conclusion, reported that the application was to cater for functions at the premises and it was not intended that the business would operate as a nightclub.

Decision –

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

(1) Hours of licensable activities restricted as follows:

Friday to Monday	0900 to 0200
Tuesday to Thursday	0900 to midnight

Reason: To prevent noise, disturbance and nuisance to residents in the vicinity of the premises - prevention of public nuisance objectives.

(2) That no events catering solely for people under 21 years of age be permitted.

Reason: It is considered that the above condition is necessary to ensure that the premises do not attract underage patrons and to limit disturbance to local residents from patrons using the premises - prevention of public nuisance and protection of children from harm objectives.

Chair

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

i:\minutes\lpk12April