

## **Record of a Hearing of the Bradford District Licensing Panel held on Monday, 10 December 2018 in Committee Room 4 - 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**

- 1. Application for a Premises Licence for Hamiltons, Olicana Park, High Mill Lane, Bradford (Document "M")**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR HAMILTONS, OLICANA PARK, HIGH MILL LANE, ADDINGHAM (DOCUMENT "M")**

Commenced: 1115  
Adjourned: 1210  
Reconvened: 1225  
Concluded: 1230

**Present:**

**Members of the Panel:**

Bradford District Licensing Panel: Councillors Slater (Chair), Ellis and BM Smith

**Parties to the Hearing:**

**Representing the Licensee:**

Mr Cohen, applicant's solicitor  
Mrs Stewart, Designated Premises Supervisor  
Mr Stewart, Director  
Mr Shelton, Director

**Interested Parties:**

Mr Worsnop, local resident in support of the applicant  
Mr Harding, local resident in objection  
Mr Lunn, local resident in objection  
Mr Moss, local resident in objection

**Observers:**

Mr Cheetham  
Mrs Cheetham  
Mr Dakin  
Mrs Dakin  
Mr Hawkins  
Mr Marshall  
Mrs Marshall  
Mr Navotni

Mr Edmondson  
Mr Garforth  
Mrs Garforth  
Mr Lancaster  
Mrs Moss  
Mr Ramsden  
Mrs Ramsden

## **Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that 18 representations against and 16 in support of the proposal had been submitted. The applicant had also provided a number of photographs to substantiate the application.

The applicant's solicitor addressed the Panel and explained that the photographs provided gave a flavour of the type of premise that was being considered. The alcohol licence would be from 1100 hours to 2200 hours and breakfast would be available prior to this. Only background music would be played. He reported that a number of steps had been undertaken to address the licensing objectives which included that the premises had a CCTV system, emergency lighting, was detached and double glazed and no gambling or unaccompanied children after 1900 hours would be permitted. Members were informed that the business had been a caravan park since the 1950s and it had been purchased by the current owners in 2015. Log cabins had been constructed on the site and the main house had been converted, with 12 car parking spaces available on High Mill Lane.

The applicant's solicitor confirmed that the premises would provide 36 covers and serve the caravan park, log cabins, cottages, walkers and local residents. He reported that the proposal had generated considerable interest, with representations received in support from users of the caravan park and in objection from local residents. There had not been any submissions from responsible authorities. The representations were speculative as to how the business would be operated and Members were informed that it would be well managed and an asset to the area. Measures would be available by the way of a review of the licence if required. The applicant's solicitor stated that it would not be a drinking destination and food would be the main concern.

In response to questions from the Panel, the applicant's solicitor confirmed that:

- Originally there had been 50 caravans on the site, 29 caravans remained and five log cabins had been installed.
- The premise was not currently operating as a café.
- 12 car parking spaces were available in the overflow area with four others nearby on the site.
- Caravans on the site had two parking spaces each, which was sufficient and they would not need to use the overflow parking.
- Any possible increase in traffic would be a planning issue.
- The change of use was acceptable from a planning perspective.

A supporter of the applicant was present at the meeting and explained that the majority of the site's tenants had been there for over 20 years. The Park had made an excellent journey from where it had been and many people had made a major investment by purchasing new caravans. He stated that the new facilities had been welcomed and enabled food and drink to be purchased on the site. Other venues in the village provided the same service and the owners managed the business impeccably.

An objector that lived in a cottage near the site stated that he believed the premises required Class A4 planning use and that A3 had been granted, therefore, the Panel did not have any jurisdiction. He explained that the site was located in a beautiful and tranquil area at the bottom of a private lane and if the licence was granted it would be detrimental

to the surroundings. No objections had been submitted in relation to the planning application submitted in 2016 as it had been described as a small café/tea room. Members were informed that a letter from the applicant to the residents had stated that the facility would serve people on the site, the local community and walkers, however, the premises had a large veranda and was near grass banks down to the river, which would make it an ideal 'destination' venue. It was believed that residents may want to use the premise a couple of times per week, however, there were five other licensed properties within a 20 minute walk of the site. The objector acknowledged that a seven day per week licence would attract more customers and make commercial sense, however, the proposal had changed from a small tea room to a restaurant and bar open seven days on the banks of the River Wharfe. The premise had intended to be a large scale destination place and not just an amenity for residents and walkers as portrayed.

Another objector informed the Panel that High Mill was a peaceful residential community and the development had caused substantial stress and anxiety. He explained that local residents would not be present if the proposal had remained as a tea room and the applicant had declared that there wouldn't be a bar. Meetings had taken place, but an agreement had not been reached. The objector stated that the hours requested did not include closing and clearing up time and the potential noise. The company had made a significant investment in the site, however, the planning permission had been granted based upon it being a tea room and no objections on highways grounds had been submitted on this use. Members were informed that the applicant's website stated the restaurant would be open to non-residents, therefore, it would be marketed as a destination venue and concerns had been raised that the business was seeking to attract significant customers which would increase the traffic in a rural area. It was believed that the licensed premises would increase the risk to children, local residents and their families and safety would be compromised. The objector reported that people were already visiting to enquire when the facility would open. High Mill Lane was a narrow, private lane that was challenging and additional traffic would create more risks. The applicant had indicated that 12 overflow parking spaces would be provided, but they could not be controlled and any surplus traffic could not be accommodated. The venue could cater for approximately 36 covers with a substantial terrace with 24 covers and it was anticipated that it would attract drinkers during the summer months. The sale of alcohol created the risk of extra noise and disturbance. Since the development there had been instances of theft on the private lane and the lives of local residents were being disrupted by the aims of the company. The objector reiterated that it was a rural setting and a totally unsuitable location for the proposal.

The final objector explained that he lived on the main approach road to the site and the overflow parking and traffic would cause issues. The planning permission had been granted as the premise had been described as a low key operation, however, the statements from the Council's Planning Department were not compatible with the proposal under consideration, which would not be just for the residents on the site. The objector noted that Class A3 use had been granted but Class A4 was defined as a drinking establishment and the bar would be fundamental to the success of the enterprise. If licensed, alcohol would be sold for consumption on and off the premises and double glazing would not prevent the noise outside. Allowing drinking off the premises also signified that it should be Class A4 use. Members were informed that the caravan site was in the Green Belt and the premises licence would entitle casual users to drink on the river bank and encouraged evening drinking. The objector then requested that the application be rejected and referred to the Planning Department in relation to the unauthorised change of use.

In response to comments, the Council's legal representative confirmed that enforcement and planning matters were not for the Panel to consider. The application had to be judged in terms of the licensing requirements and not whether it was legal in planning terms.

In conclusion the objectors stated that an error could have been made by the Planning and Highways Departments and they believed that the matter should have been looked at in more detail by them and the police. The Panel was being asked to approve a seven day licence on a private road within the Green Belt in a beautiful setting.

The supporter of the applicant informed the Panel that people already brought alcohol onto the river bank and caused disruption. The premises would be managed correctly and the road traffic had decreased as there were fewer caravans.

In summation the applicant's solicitor stated that the premises licence was for the sale of alcohol only, not regulated entertainment and the application should be determined solely on the four licensing objectives. He reiterated that the responsible authorities had not submitted an objection and the police would be present if they had concerns. The premises would be well run and there was a plethora of powers available if issues arose, such as a review of the licence. The venue would be a café with a licence and the decision of the Panel should be evidence based and proportionate.

#### **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 the application subject to the following condition:**

- (1) The disposal of waste bottles into externally located receptacles shall not take place between the hours of 2300 and 0700 hours on any day.**

**Reason - It is considered that the above condition is necessary in order to minimise noise disturbance to nearby residents.**

**Chair**

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