

Record of a Hearing of the Bradford District Licensing Panel held on Friday, 12 July 2019 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

- 1. Application for a New Premises Licence for Ainsbury, 7 Thackley Road, Thackley, Bradford (Document "A")**

AINSBURY, 7 THACKLEY ROAD, THACKLEY, BRADFORD

RECORD OF A HEARING FOR A NEW PREMISES LICENCE FOR AINSBURY, 7 THACKLEY ROAD, THACKLEY, BRADFORD (DOCUMENT "A")

Commenced: 1010
Adjourned: 1050
Reconvened: 1130
Adjourned: 1135
Reconvened: 1150
Concluded: 1155

Members of the Panel:

Bradford District Licensing Panel: Councillors Slater (Chair), Dodds and Hawkesworth

Parties to the Hearing:

Representing the Licensee:

Mrs Townend, applicant

Interested Parties:

Councillor J Sunderland
Mr Spooner, local resident in objection

Responsible Authorities:

Mr Farmer, Environmental Health, Bradford Council

Observers

Mr Townend
Ms Townend
Mr Cheetham-Hudson

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 the application requested the grant of a premises licence for the sale of alcohol and the provision of regulated entertainment. A number of representations, including one from a Ward Councillor had been submitted and the Council's Environmental Health Unit had asked that a condition be placed on the licence in order to address the prevention of public nuisance objective.

The applicant addressed the Panel explaining that the concerns of neighbours had been considered and a Ward Councillor had been asked to act as a mediator but had declined.

It was noted that objectors had not attended the Council's Planning meeting when the proposal had been discussed and approved, subject to a number of conditions including soundproofing. The applicant confirmed that it had been her decision to restrict the opening hours and the premises would be a micro pub serving cask ales in a quiet environment. Members were informed that the premises could not be held responsible for the disturbance caused by the takeaway that closed at 11pm or the cricket club that was open until midnight. The church opposite also created parking problems between 7 and 9pm. There would be a designated area for smokers that would be cordoned off, food would not be served and bins would not be placed outside.

In response to questions from the Panel, the applicant reported that:

- The smoking area was owned by the property.
- The planning officer's recommendation had been to refuse the application.
- The upstairs area would be used by people 'vaping' and there would be a designated area outside for smokers.
- Patrons would be asked to be quiet and respect neighbours.
- The property had been a shop until the 1970s.
- The Council's Planning Department would make a decision in relation to the soundproofing on 18 July 2019.

With regards to the Planning meeting, the Council's Environmental Health Unit representative confirmed that an objection had been submitted to planning officers and added that constructive comments had been raised regarding the premises licence, as conditions would be required if it was granted.

An objector informed the Panel that he had been given one weeks notice of the Planning meeting and local residents could not attend due to work commitments. He stated that the premises would create noise nuisance with people coming and going. It was a busy area and it could not be guaranteed that customers would walk to the premises. The traffic report that had been presented to the Planning meeting was not fit for purpose and 1 Crag Hill Road was located on a blind bend that was dangerous.

A Ward Councillor stated that she had supported five applications for micro pubs in her ward, however, the proposal was not feasible in this situation and a complaint had been submitted in relation to the planning process. Her objection was in relation to the prevention of public nuisance and the adverse impact that customers visiting the premises would create. The regulations in relation to the distance from the premises for a smoking area and whether it was common practice for seating to be placed outside premises were queried and it was noted that external noise issues had been discussed at the Planning meeting. Off-street parking would not be provided and concerns had been raised that drinkers would use the community garden opposite. The Panel were informed that residents would suffer from the noise created by customers being collected and deliveries to the premises and the only way to protect them would be to refuse the application. The Ward Councillor then indicated that if the Panel were minded to grant the licence then drinking, smoking, 'A' boards and chairs and tables should not be permitted outside the premises.

In response to questions from the Chair, the Ward Councillor explained that:

- Customers congregated outside all micro pubs. People had a right to operate a business, however, in this situation it would be anti-social as customers would

gather outside the front room of residents' properties. The anti-social behaviour from the young people at the church opposite was not the fault of the premises.

- There was nowhere to stand, so people would probably use the community garden opposite.
- The police had been involved in an incident outside a micro pub within the ward, however, the other premises did not have residential properties either side.

The objector thanked the Ward Councillor for her comments and stated that residents had feared to attend the hearing. He confirmed that he had not been approached by the applicant and believed that the concerns of residents were insignificant to the business.

The Council's Environmental Health Unit representative reported that the outside of the premises was a major concern and it could not be controlled. Council officers could not be in attendance every night and the outside area would require constant policing by the applicant.

In conclusion the applicant stated the parking issues were caused by the church opposite and micro pubs were small premises without outside areas. The Panel were informed that the objector had not been approached as he had threatened to contact the police, however, the applicant wanted to resolve the outstanding issues. The applicant confirmed that she was a Designated Premises Supervisor who adhered to the licensing objective and requested that the application be granted.

Following an adjournment, the Chair questioned whether the Council's Environmental Health Unit representative would be satisfied if a condition were placed on the application that alcohol would not be permitted outside the premises. In response the representative acknowledged that it was a constructive suggestion, however, smoking would still be allowed outside. The Chair then posed the same question to the Ward Councillor who reiterated that smoking would still take place outside. The applicant stated that customers would not have a reason to go outside other than to smoke as there would not be any seating. It was acknowledged that the objector's property was next to the premises, but confirmed that a fence would be erected and she was not aware of any pub where drinks were not permitted outside. The Chair questioned if the condition would be accepted and the applicant confirmed that it would.

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 conditions:

- 1. That noise from recorded music from within the licensed premises shall not be audible in the nearest noise sensitive residential premises.**
- 2. That the consumption of alcohol and other drinks shall not be permitted outdoors.**
- 3. That no seating or tables shall be permitted outdoors.**
- 4. That the disposal of waste bottles in to externally located receptacles shall not take place between the hours of 2100 and 0700 on any day.**

5. That the Licensee shall ensure that the external areas around the perimeter of the premises are kept clear of litter and refuse.

Reason - it is considered that the above conditions are necessary to minimise noise disturbance to nearby residents – 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.

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