

Record of a Hearing of the Bradford District Licensing Panel held remotely on Wednesday, 23 September 2020

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

Application for Variation of a Premises Licence for Ainsbury, 7 Thackley Road, Bradford BD10 0RS (Document “D”)

RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE - AINSBURY, 7 THACKLEY ROAD, BRADFORD BD10 0RS

Commenced: 1000
Adjourned: 1005
Reconvened: 1400
Adjourned: 1455
Reconvened: 1530
Concluded: 1535

Members of the Panel:

Bradford District Licensing Panel:

Councillors Slater (Chair), Godwin and Hawkesworth

Parties to the Hearing:

Applicant:

Mrs C Townend

Interested Parties:

Mr C Terry – local resident in objection

Representations:

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document “D”**)

The licensing officer in attendance summarised the background to the application for variation of the premises licence and valid representations received as set out in the report.

The variation application included the addition of sales of alcohol to be consumed off the premises and it was explained that the Business and Planning Act 2020 currently permitted off sales to be made until 2300 hours or existing closure times. That permission would lapse on 30 September 2021 unless the temporary period was extended by regulations made by the Secretary of State or was otherwise suspended, removed or varied.

The entirety of the variation requested was outlined in the report together with steps the applicant would take to address the Licensing Objectives. Four representations had been received raising concerns about the variation and they were appended to the report.

The applicant addressed the meeting reporting that she had opened her business on 9 November 2019 but had closed, due to the current global pandemic, on 15 March 2020 and the business had not yet reopened.

Photographs depicting the premises were presented and it was confirmed that the capacity of the business was a maximum of 25 people. Additional photographs revealing the location of other licensed premises in the area and the exterior of the building were

provided. The location of seating and tables within the premises was described.

Members were assured that customers would be asked to respect neighbours and a fence or dividing wall could be erected to provide additional privacy in exterior areas. CCTV coverage would extend to outside of the premises and could be provided as evidence that the operating hours were being complied with.

It was explained that the variation application was to permit the business to extend the hours they could sell alcohol for consumption on the premises; extend permitted hours for the playing of recorded music and allow for the sale of alcohol for consumption off the premises. The application was made to allow the business to trade for hours similar to other premises in the area and was the only way that the applicant could make a living from the business. It was stressed that the sale of alcohol would still cease at 9pm Sunday to Thursday.

The applicant strongly denied allegations which had been made suggesting that she was not complying with the licence and stated that she wished to enjoy her business without being bullied or harassed with complaints being made to the Local Authority.

It was stressed that although her licence allowed the provision of music she had never played music at the premises and that Environmental Health reports demonstrated that measures to minimise noise disruption were effective. It was maintained that the applicant did not have furlough rights; she was reliant on her husband's income and needed to reopen the business to earn a living

In response to questions from the Panel and the Council's Legal Officer, the applicant reported that:

- Customers used the business as a stop off point between other licenced premises. If the facility was at capacity they moved on.
- CCTV cameras provided coverage of the internal and exterior areas and were available for 28 days. Coverage could also be viewed on the applicant's mobile telephone.
- The premises were insulated to the satisfaction of the Council's Licensing Department.
- The outside area was small and usually attracted clientele who would stop as they were walking pets in the area.
- The application was made to ensure that sales could be made for consumption off the premises once the Business and Planning Act 2020 had expired.
- Alcohol would be served for consumption off the premises in bottles; bags or cartons. The nature of the premises as a 'real ale' pub attracted an older clientele and would be advised that the drinks should be taken home for consumption. Younger people purchasing 'off sales' would cause concern and checks would be made that people were not drinking outside of the premises or littering the area.
- The applicant would be on the premises for the majority of the hours of operation and a Designated Premises Manager would be there in her absence. Last orders were called at the premises at 8.30pm and customers were off the premises by 9pm.

The applicant was asked if she accepted the concerns raised by local residents. She stated that there had been some opposition to planning approval for her business and that certain neighbours had tried to have the business closed down. The complaints which

they had made to Environmental Health and Waste Services had been dismissed.

The applicant did acknowledge that all licensed premises could cause disturbance but she stated that her business was a small micro pub located opposite a local cricket club which was licensed from 11am to 11pm. It was accepted that the micro pub was in a terrace with houses adjacent and could generate more noise than a residential property but it was explained that the property had originally been built as a shop.

A local resident in objection to the variation reported that he had lived directly opposite the premises since 2008 and that he was also representing another local resident. Their main concerns were that the grant of extended hours at the weekend would cause disruption in the locality. It was believed that a license extending to 11pm would incur additional 'drinking up' time and extend the potential for noise disturbance even later in to the evening.

He reported that the premises had been closed during the summer period so residents had been unable to gauge how much noise nuisance might be incurred during that time. It was stressed that the area was a quiet residential neighbourhood and it was feared that the variation would change the nature of the area.

It was believed that residents would have been aware of other licensed premises when they had purchased their properties whilst the business under discussion was previously a residential property. It was acknowledged that the local cricket club was licensed from 11am to 11pm but in reality that license was only used on an ad-hoc basis.

In relation to the application to sell alcohol for consumption off the premises it was feared that this could result in people drinking in the street and cause considerable nuisance to residents and detract from the residential nature of the area.

In response to questions he confirmed that he had not previously made representations to responsible authorities about the premises. He explained that he had discussed concerns with other residents and it was believed that they had previously raised their concerns.

The problems he had personally encountered were discussed and it was confirmed that as the business was currently closed there were no issues to report at the present time. He maintained, however, that this closure had resulted in residents being unable to gauge the level of disturbance that the business could create throughout the summer months and understand how much potential disturbance the variation may cause.

The Licensing Officer confirmed that there had been representations made from residents unable to attend the meeting. Those comments were included in Appendix 3 of the report and were reiterated by the Licensing Officer at the meeting.

The local resident did not make a closing statement as he believed he had said all he wished in his opening statement.

In summation the applicant referred to photographic evidence revealing the location of other licensed premises in the area. It was acknowledged that one incident had occurred shortly after the business had opened although that had been discussed with the Licensing Authority and no further problems had occurred. It was reiterated that complaints to responsible authorities had been unfounded and it was believed that the majority of residents welcomed the premises.

Resolved -

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 as applied for.

ACTION: Interim Assistant Director, Waste, Fleet and Transport Services

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