

Record of a Hearing of the Bradford District Licensing Panel held remotely on Tuesday, 27 October 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

Hearings

Application for a New Premises Licence for The Station Master's House, 6 Park Road, Bingley, Bradford BD16 (Document "H")

RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE SALE OF ALCOHOL FOR PLAYING OF RECORDED MUSIC AND THE CONSUMPTION OF ALCOHOL ON AND OFF THE PREMISES AT STATION MASTERS HOUSE, 6 PARK ROAD, BINGLEY BD16 4JD

Commenced: 1010
Adjourned: 1110
Reconvened: 1125
Concluded: 1130

Members of the Panel:

Bradford District Licensing Panel:

Councillors Slater (Chair), Hawkesworth and S Khan

Parties to the Hearing:

Responsible Authorities:

Mr B Fairclough, Environmental Health

Representing the Applicant:

Mr M Hogg, Applicant and Director of Hopscotch Taverns Ltd

Mrs J Hogg, Director of Hopscotch Taverns Ltd

Mr S Williams, Director of Hopscotch Taverns Ltd

Representations

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

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 for consumption on and off the premises and the playing of recorded music. A representation had been received from Bradford Metropolitan District Council's Department of Environmental Health and details of that representation were appended to the report.

The applicant addressed the meeting and explained that he was a resident of Bingley who owned licensed premises in the area and in Leeds. He believed that there was a gap in the market for residents to enjoy fish and chips in a restaurant setting and to enjoy an alcoholic drink with that meal. He maintained that the food would provide over 50% of the offer available and the restaurant would provide a premium service and be focused on a more mature clientele. There would be no late night activities and door staff would be employed at the weekends to meet and greet customers and ensure the business did not attract unwanted customers. In addition to evening trade it was hoped that the facility would be enjoyed by employees of nearby businesses at lunchtime that would be provided with discounts and would also attract a tea time trade.

The Director of Hopscotch Taverns, representing the applicant, explained that he was not involved in the operational side of the business which would be a family business operated by his daughter and son in law. He questioned noise ratings suggested in the representations made by the Environmental Health officer and believed that those levels were quieter than those required for private dwellings.

Details of other licensed premises and their proximity to the Station Master's House and local residential premises were provided and included a number of businesses operating much later hours than those requested by the applicant. It was pointed out that the building was near a rail line, a busy road and several late night bars. It was stressed that the business would be a family run restaurant and that any noise in the area would not be emanating from the business.

It was reported that interaction had occurred with local residents who had been invited to visit the premises and had been impressed with the renovations undertaken on the building.

Following the applicant's opening statement Members questioned the proximity of residential properties to the premises. The applicant advised that there were a number of flats located above nearby businesses; the nearest of those were located above a take away and charity shop on Busfeild Street. It was believed that there were approximately five homes within 90 metres of the premises under discussion.

It was queried if market research had been undertaken to assess the demand for the business and it was confirmed that word of mouth and social media had been utilised to understand the market. The applicant explained that he also ran the Brown Cow a public house in Bingley; he had lived in the area for 40 years and knew the town well. He felt he had spotted a gap in the market as there were no premises where customers could enjoy a sit down meal of fish and chips with wine or beer. He had investigated similar premises in other locations and found them to be popular.

It was queried if there had been any objections raised from other parties and it was confirmed that, with the exception of representations from Environmental Health, there had been no objections from residents or other responsible authorities.

The Council's Solicitor raised a number of queries which he explained to the applicant were standard questions asked to most applicants. The applicant provided the following responses to those questions: -

- The application form had been completed on behalf of Hopscotch Taverns by the applicant's wife.
- The steps proposed to address the licensing objectives were consistent with those at other businesses operated by the applicant.
- The premises would predominately be a fish and chip restaurant with the provision of craft beers and wine. A take-away facility would be available and it was hoped that alcoholic drinks could also be provided with meals purchased to take away.
- The business at the Brown Cow in Bingley was approximately 60% food based and it was proposed that this would also be the case at the new premises.
- It was accepted that some customers at any premises could cause nuisance through parking; litter or noise. It was believed, however, that the business offer would attract more mature and responsible customers.

- The business would be more than happy to work with officers from Environmental Health to address concern about potential noise nuisance and plans would be put in place to keep noise levels as low as possible.
- There was an abundance of parking in the town and close to the premises. It was proposed to reimburse parking costs with the cost of meals although it was felt that the location of the premises and offer of alcoholic drinks would attract customers who would not be driving.
- Signs would be erected asking customers to behave appropriately when leaving the building.
- A taxi rank was located 20 metres from the building and customers would be encouraged to use that facility.
- The applicant had operated the Brown Cow public house for approximately six years and the Town Hall Tavern in Leeds for three years. Prior to that the applicant and his wife had been general managers for a local brewery company for 14 years managing various sites and they had over 20 years' experience in the licensed trade.
- The building had the benefit of new double glazed windows and doors which would minimise any noise from within the premises.
- The interior of the building was designed with the restaurant and bars located nearest to the railway station side of the premises and further away from local properties. Background music would be played in that area of the building.
- A porch/vestibule area was located on the Park Road side of the building and would prevent noise emission from the take-away facilities.
- There was minimal outdoor seating, approximately four tables, and these were located on the railway station side of the building which was further away from residential properties.
- It was accepted that there were a number of licensed premises in the area but it was felt that the fish and chip business was unique and provided a different service to other licensed premises.

The representative of Environmental Health addressed the meeting and explained that he needed to be satisfied that the business would not result in a loss of amenity to local residents. It was explained that since 2012 it had been the Council's policy to ensure that amplified music was not audible from licensed premises. When alcohol was provided it was standard procedure to request a noise report to provide a baseline standard of noise levels. It was accepted that the business was located near to a railway line; a busy highway and other licensed premises but concern was expressed that noise levels could creep and result in a very noisy environment.

In response to suggestions that it would be difficult to measure noise emissions until the business was operational it was reported that it was standard practice for noise consultants to predict noise levels.

It was questioned what decibel levels would be acceptable to Environmental Health and confirmed that until a noise report was provided those levels could not be defined.

In his closing statement the Environmental Health Officer confirmed that he did not object to the application per se but was concerned that if a licence was granted and the business model changed from a restaurant to a bar there could be noise disturbance if noise levels were not conditioned. Industry standards for noise prediction were reported.

In summation the applicant thanked the panel for their considerations and assured Members that the business would be operated as a fish and chip restaurant and there were no plans to operate a night club at 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 subject to the following conditions:

- (a) That an appropriate proof of age policy, incorporating the principles of the “Challenge 25” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 25 years of age are asked to prove that they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport, new style driving licence displaying their photograph or PASS identification.**
- (b) That no amplified sound is to be audible at the nearest residential premise during the hours of licensable activity.**

Reason - it is considered that the above conditions are necessary to protect children from harm and to minimise public nuisance – Prevention of Public Nuisance and Protection of Children from Harm Objectives.

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