

Record of a Hearing of the Bradford District Licensing Panel held remotely on Tuesday, 12 January 2021

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 Premises Licence for Pave, 98B Main Street, Haworth, Keighley, BD22 8DP (Document "J")

RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AT PAVE, 98B MAIN STREET, HAWORTH, KEIGHLEY, BD22 8DP

Commenced: 1500
Adjourned: 15.55
Reconvened: 16.10
Concluded: 16.15

Members of the Panel:

Bradford District Licensing Panel:

Councillors Slater (Chair), Dodds and Godwin

Parties to the Hearing:

Applicant

Mr A Britton

Representations:

The Interim Assistant Director, Waste, Fleet and Transport Services presented a report (**Document "J"**)

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 two representations had been received from local residents who had concerns about street drinking if off sales were allowed, noise and disturbance emanating from the premises and potential litter problems. The representations were appended to Document "J" and summarised by the Licensing Officer.

The applicant addressed the meeting and provided background information about the rationale for him and his wife developing a new business in Haworth. He explained that they lived in the area, were passionate about high quality food and drink and wished to provide a service to the local community which it was not felt was provided elsewhere in the locality.

He referred to the business plan they had developed and believed that the people who had made objections had not been aware of the nature of the business proposed. He stressed that it was not intended to operate the premises as a bar and that the business would be a delicatessen and bistro selling meats and cheeses. European and local suppliers would be used to provide high quality chacuterie and wine.

The hours requested to sell alcohol were identical to the opening hours of the delicatessen to prevent any confusion but it was not anticipated that many customers would shop for alcohol early in the day. It was hoped that people would purchase alcohol to take home to drink in their own homes and it was not envisaged that customers would purchase expensive wine to drink in the street. The business would not be selling packs of beer or

lager available at local supermarkets but may provide specialist ale and beers.

It was hoped to tap into the tourist market but first and foremost the business was aimed at the local community and there had been a positive response from residents and other local businesses.

The steps which would be taken to address the licensing objectives were included in the report and expanded on as follows: -

- Prevention of Crime and Disorder – the applicant reported his previous experience in the licensed trade and of dealing with difficult customers. He reported his retail and training knowledge and belief that there was no evidence of anti-social behaviour in the area. He stated that no representations had been received from responsible authorities.
- Prevention of Public Nuisance – it was stressed that the business would not be operated as a public bar. There would only be background music played and the business would not utilise any frying equipment so no food emissions would be discharged.
- Public Safety – the applicant had worked with West Yorkshire Fire and Rescue Service and a local company to install a high quality fire alarm. There was a rented apartment above the business and consideration had been given to residents' safety. Emergency lighting had been installed and staff would be trained in evacuation procedures.
- Protection of Children from Harm – the business would comply with any age verification process. It was not felt that the business would attract a clientele which would be rowdy but those issues would be addressed should they arise. A record of attempted underage sales would be kept and provided to the police.

The applicant confirmed that he had worked with the local authority's building control and environmental health services and that they were assisting with health and safety at the premises.

It was re-iterated that there had been no representations received from responsible authorities to the application.

Following a detailed presentation and in response to Members' questions the applicant confirmed that the entrance to the shop on Main Street would lead into a refrigerated counter containing olives, meats and cheeses. Meats would also be hung from the ceiling in traditional charcuterie style. At the rear of the premises would be space for tables and chairs. The premises would initially open as a food store and, once COVID-19 restrictions were lifted the seating area would be a bistro café.

Members questioned the nature of the bistro the business plan referred to and the applicant explained that bistro evenings were intended to predominantly be for people to enjoy food and wine. If people wished to just order wine that would be permitted but it was stressed that the premises would not be operated as a bar.

The provision of late night refreshments was discussed and the Licensing Officer confirmed that a late night refreshment licence would only be required for hours of

operation beyond 11pm. It was also clarified that the provision of background music was not a licensable function.

Members questioned if alcohol would be served with breakfasts and were assured that, unless the market dictated, it was not intended to serve alcohol until midday. It was queried if the business would be an off licence or high class restaurant and the applicant clarified that he wished to be able to provide off sales during all of the hours that the business was open and would be operated as a delicatessen also providing bistro meals. It was believed that other local stores did not provide the range of quality wines that the business would stock. Until the bistro could be developed it was envisaged that the delicatessen would open between 9am to 5pm.

It was questioned if additional staff would be employed at the business and it was confirmed that initially the business would be run by the applicant and his wife. It was hoped that the business would grow and jobs would be provided for local residents.

The Council's Solicitor referred to the applicant's previous experience and training knowledge and the applicant confirmed that he and his wife had worked together on the compilation of the business case and training requirements for a personal licence holder. It was explained that the applicant's wife was an experienced criminal lawyer.

In response to questions about the traffic passing through the area and the pavement outside of the business it was confirmed by the applicant that the road was not a main road; the width of the pavement would prevent any tables and chairs being placed outside of the business and the applicant did not wish to operate that type of business. He referred to the availability of beer gardens in the area for people to sit outside and drink.

Steps to address potential litter and street drinking were questioned. The applicant believed that the business would not generate litter for immediate disposal. He was happy to install a litter bin if that proved necessary but as the business was located within a conservation area that may not be permitted. He confirmed that there were many waste receptacles in the vicinity of the business. In relation to street drinking it was confirmed that alcohol would not be served for that purpose and it was felt that the nature of the business, selling high quality expensive wines, would not attract a clientele wishing to drink in the street.

The accommodation above the business was discussed and the applicant confirmed that he had, at this own expense, provided additional sound proofing to assure the landlord that tenants would not be disturbed.

The Council's Solicitor asked the applicant if he had contacted West Yorkshire Trading Standards (WYTS) for advice about underage sales. The applicant confirmed he had not contacted WYTS but had been in touch with the police licensing officer.

In conclusion the applicant referred to the objections which had been received and believed that they had been made without the knowledge of how the business would be operated. It was hoped that they now were aware of the nature of the business proposed.

He re-iterated that there had been no objections received from responsible authorities which he felt was because they had no concerns about the business. He and his partner wished to provide something different in the area for the benefit of the local community, to enhance the tourist trade and boost the local economy. It was felt that Haworth had the

potential to match other tourist areas and would become a destination place. It was hoped that Members could see what the business would bring to the area and would grant the application.

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 condition:-

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.

Reason - it is considered that the above condition is necessary to protect children from harm – Protection of Children from Harm Objective.

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

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