

## **Record of a Hearing of the Bradford District Licensing Panel held remotely on Tuesday, 23 February 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 New Premises Licence for Clifford House, Gill Bank Road, Ilkley (Document “K”)**

**RECORD OF A HEARING FOR A PREMISES LICENCE FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AT CLIFFORD HOUSE, GILL BANK ROAD, ILKLEY**

Commenced: 1400  
Adjourned: 1445  
Reconvened: 1455  
Concluded: 1500

**Members of the Panel:**

Bradford District Licensing Panel:

Councillors Slater (Chair), Dodds and Godwin

**Parties to the Hearing:**

**Applicant:**

Mr J McIntosh

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document "K"**) which outlined an application for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

The Licensing Officer in attendance outlined the background to the application for the grant of a Premises License for the sale of alcohol for consumption off the premises and one valid representation as set out in the report.

The applicant addressed the meeting and explained that his business was a water business specialising in a water called 'Larkfire' which was marketed as an accompaniment to whisky. Small cans of the water were distributed from a warehouse in Keighley. On occasion, approximately once per month, virtual whisky tasting sessions were arranged. Packs of water and small samples of whisky were despatched to interested parties to promote the brand of water.

It was reported that collections were being despatched from the applicant's home for two reasons. The warehouse in Keighley was shared by other businesses and did not have a premises licence and during the recent pandemic it was easier to despatch the products from the applicant's home. Assurances were provided that there was only a limited stock of alcohol stored and this was kept safely in a locked garage.

The applicant maintained that only limited collections would take place; that the distribution was for marketing purposes only and it was not intended for the business to sell alcohol on line. He believed that the collections only once or twice per month were no more than other deliveries being made neighbours.

In response to questions the applicant explained that he lived at the premises under consideration and explained the location of the garage in relation to his home. He confirmed that although the hours requested on the application were between 8.30 to 1700 hours it had been necessary to state those hours as it could not be guaranteed, within those hours, when collections may actually take place. Members were assured that there would only be one or two, at the maximum, collections from his home per month.

The applicant confirmed that he did not supply alcohol to the public from his home. He reported that planning permission for change of use had not been sought and it was suggested that he contact the local planning authority to investigate if permission was required.

The role of the Designated Premises Supervisor was questioned. In response it was explained that on average a tasting would involve 40 to 50 people which would require a stock of approximately six bottles of whisky to be despatched in small samples. The DPS would maintain the stock and ensure it was stored safely.

It was questioned if after the pandemic the business might change and, whilst not knowing what the future may bring, the applicant explained that he was keen to return to face to face business practices. He maintained that the application was to allow the despatch of whisky probably only once per month as a marketing initiative to compliment the core water business and that despatch had been necessary as a way to maintain business relationships and reach target audiences. The samples were despatched, as a compliment to the main business of Larkfire Water, to whisky distillers; producers or market influencers. A sample bottle was shown to the Panel and it was explained that a pack of four tins of water would be despatched with three or four shots of whisky and a set of taster notes to an online panel.

The samples were despatched by a local courier and all samples for one monthly taster session would be despatched in one collection. In response to questions about despatching from the warehouse in Keighley it was reiterated that the warehouse was shared by others and did not have a premises licence.

In response to questions about the production of the water it was explained that the water was from the Isle of Lewis in the Outer Hebrides of Scotland. Due to the way it pooled on rocks it did not contain minerals and was an ideal accompaniment to whisky. The water was canned in Hereford before being despatched from Keighley.

The Council's Legal Adviser raised a number of points to which the following responses were provided: -

- The absence of a premises licence was the reason the whisky was not despatched from the warehouse. The warehouse premises were shared with other businesses and there was no incentive for the owners to apply for a premises licence as it was not required by other warehouse users.
- The marketing packs were not advertised for consumption by the general public.
- The applicant's home address was not advertised on the company website and it was not envisaged the address would ever be made public.
- Water and complimentary whisky shots would only ever be despatched by local courier.
- An event which had been publicised on the company website had been a venture

- with a charcuterie company.
- There was no issue with conditions on the licence to prevent the sale of alcohol except for taster purchases or to limit noise nuisance.
  - The whisky tasting sessions were scheduled to occur on a fixed date which would ensure that only one or two collections of stock were needed each month.

In summation the applicant thanked the Panel for their time and provided assurances that the tasting sessions were not intended to be held more than once per month. He explained that he was happy to agree to any conditions on the licence to limit stock collections. He explained that he had good relationships with all his neighbours and, with the exception of the person making representations, he had discussed his plans with them. It was reported that his neighbours were happy with the proposals and he hoped that the person making representations would speak to him about any concerns.

#### **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:**

- **All sales of alcohol shall be remotely ordered and pre booked for delivery and there shall be no direct sales or collections by the purchaser from the premises.**

**Reason - it is considered that the above condition is necessary to protect children from harm; minimise public nuisance and prevent crime and disorder – Prevention of Public Nuisance; Protection of Children from Harm and Prevention of Crime and Disorder Objectives.**

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