

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 16 December 2021 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

**Application for a Premises Licence for 68 Main Street, Haworth, BD22 8DP
(Document "R")**

**APPLICATION FOR A PREMISES LICENCE AT 68 MAIN STREET, HAWORTH, BD22
8DP**

Commenced: 1010
Adjourned: 1120
Reconvened: 1135
Concluded: 1140

Parties to the Hearing:

Members of the Panel:

Councillors Slater (Chair), Davies and S Khan

Representing the Applicant:

Mrs J Ross and Mrs N Taylor, Applicants
Dr Ross

Interested Parties: - local business owners

Mr and Mrs Joy

Representations

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document "R"**) which outlined an application for the grant of a new Premises Licence for the sale of alcohol for consumption on and off the premises at 68 Main Street, Haworth. The report revealed that there had been five letters of representation received, three from local residents and two from a business which raised concerns of noise nuisance from patrons using the outdoor areas and congregating in the road, anti-social behaviour and criminal damage.

The applicants and their representative addressed the meeting. It was explained that the property at 68 Main Street had been purchased in September 2021 and that it had been a licensed premise at that time. The previous hours of operation had been 1100 to 2300. It was explained that the freehold of the property had been purchased but not the business and when the applicant contacted the Licensing Authority to change the name on the licence she was advised that it had been surrendered and a new application would have to be made.

The applicant explained that she was a personal licence holder and that she had operated Cobbles and Clay, a 100 seater café business next door to the new premises on Haworth Main Street, for over 15 years. Her premises had an entertainment licence although no entertainment was provided; strict closing hours were adhered to and not one complaint had been made about the premises whilst in operation. The hours permitted at that business were reported. It was explained that smoking was not be allowed outside on the terrace of the property and signage was in place to that effect.

It was reported that the intention for the new business was to provide afternoon teas with alcoholic drinks as an option and it was not intended to serve only alcohol at the premises. The applicants were old friends one of which resided in the flat above 68 Main Street. The rationale for the hours requested to serve alcohol were in line with other premises in the

area and were to cease earlier than some businesses which had objected to the application.

In response to objections raised the applicant's representative made the following comments-

- There had been confusion about a planning application for land at the existing business and the premises licence under consideration.
- Information from a local website (tabled at the meeting) depicted very low statistics for crime and disorder. Monthly reports between January and October 2021 revealed no incidents on Main Street.
- The area was cobbled and it would be very difficult to drive at high speeds causing anti-social behaviour. There were taxis using the area on occasion but these were often returning residents to their homes and there was no evidence any incidents of anti-social behaviour were related to the application.
- The application was not for additional premises in the area but a replacement of a licence in place since 2018.
- The premises were located further away from other licensed premises about which there had been no objection.
- Trip advisor reviews of a local business were excellent and made no reference to the objections raised by the owners including concerns about potential smoking outside those premises, tapping on windows or urinating in the ginnel passageway.
- Photographs of the business did not depict a travel cot near the window of the business and it was believed that it was not accurate to say that a travel cot was located permanently in that position. The photographs also showed the height of the window in relation to street level.

The applicant's representative maintained that the premises would not be operated as a pub but customers would visit the premises and have an associated drink to accompany other activities. The applicant who would be running the premises had a degree in artisan cookery and it was believed the business would create a further tourist destination in Haworth.

In responding to questions from Panel members it was confirmed that the upstairs of the property was residential. The properties depicted on the map at the rear of the premises had not made any representations and were not affected by the application. It was confirmed that there was no seating at the back of the premises.

In response to questions about potential job creation it was explained that the applicant's existing business employed 20 full time equivalent local people. The new business would initially employ one of the applicants and an additional full time chef. If business demanded more people would be employed.

In questioning the applicants and their representative the Council's Legal adviser asked if they accepted that the opening of the premises could create public nuisance. In response it was confirmed that they were aware of the objectives of the Licensing Act 2003 and the definition of public nuisance. The front of the premises would be used for customers to eat and drink but without the premises being licensed they could sit and talk. The premises did have a licence to operate as a café.

The Council's Legal Advisor questioned the applicants statement about confusion regarding a planning application for the existing business and it was explained that the

planning application had been for decking at the rear of Cobbles and Clay. There was no possibility that customers could access the new business from that property as they would have to walk through the kitchen area. It was confirmed that there was no intention to use the rear of the premises at 68 Main Street.

In response to questions it was maintained that the application had requested hours of operation to 2300 hours to be consistent with the previous licence. It was pointed out that other licensed premises in the locality operated until 0030 hours.

Two local business owners who had submitted a representation addressed the meeting and explained that they had operated alongside the applicant for a number of years. The previous owner had always closed the premises at 68 Main Street at tea time. The photographs which had been tabled depicted the bedroom window and they were concerned about people drinking outside of their property. There had been a previous issue from a property higher up Main Street which had resulted in a glass being thrown through the window of their cottage. They were concerned that if the application were granted until 2300 hours the level of activity in the location would increase as the building butted on to the holiday cottage which they owned. They asked for a compromise to about the hours of operation allowed to be reached.

The layout of the cottage was discussed together with reviews from Trip Advisor. It was explained that the travel cot was kept in a cupboard for occasional use by visitors. The travel cot would be moved into the parent's bedroom when in use. The upstairs windows of the property were not as high as others as Main Street sloped. It was reported that cooking smells did transfer from the previous business into the cottage in an afternoon. This had not been problematic as the business did not operate in the evening, however, they were concerned that with the extended hours and customers being prevented from smoking at the premises they would smoke outside of the cottage below open windows.

The deeds of their property showed that the ginnel at the side of 66 Main Street belonged to that property. Concerns were reiterated that people unable to smoke at the next door premises would step into that ginnel and smells would permeate into the cottage. It was maintained that the owners were very proud of their cottage. They did not allow pets in case of customers' allergies, they used bio detergents and were concerned of the effect of smoke on their patrons. It was requested that a compromise on hours of operation be reached. The operating hours of other licensed premises within the area were reported with a number closing at 1930 hours.

Following discussions about the windows and insulation it was confirmed that the cottage was located in a conversation area and, to adhere to procedures, the property had been fitted with single glazed sash windows to the front and side.

In response to questions from the Panel it was confirmed that no problems had occurred from the previous business at 68 Main Street as the premises had closed at tea time.

In closing they believed that they had clarified the situation and that the panel had understood their concerns.

In summation the applicants and their representative referred to the application as a replacement licence and that there had been no previous complaints. They maintained that smoking was not relevant to the licence to sell alcohol and that there was no evidence that customers would enter the ginnel to smoke. One applicant explained that she had not

seen any evidence of cigarette smoking or people urinating in the area whilst she had lived at the premises. A previous incident of anti-social behaviour in the area had resulted from other premises. It was reiterated that smoking would not be allowed 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 as applied for.

ACTION: Interim 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