

Appendix 5

From: Cllr David Heseltine
Sent: 05 November 2018 13:14
To: Licensing Team
Subject: Delilahs, Chapel Lane, Bingley

I am objecting to the granting of a licence as applied for by SA Bars.

There are three things to consider

Is the premises suitable

Effect on neighbouring property

Fitness of applicant

Maybe the premises are suitable however after the tragic death of a customer at the hands of contractors employed by the then owner, there is a great swell of public opinion against the reopening particularly as a thinly disguised gin bar open till 4am. It is a nightclub in all but name.

As to effect on neighbouring properties as per my original objection to Bijou it will impact adversely on the residents of overlooking apartments and as such is detrimental to their rights to peaceful enjoyment of their property.

Fitness of applicant's has to be the biggest issue, the bar was previously operated by Rory Proctor where while he was in charge of the business, there were numerous negative issues regarding the operation of the venue, culminating with the death of a customer at the hands of door staff in the employ of ultimately Mr Proctor.

I fail to see how Mr Proctor or any company he is involved with, could be granted a licence as he abjectly failed in his duties when running the venue previously.

There are community tensions regarding this venue and particularly Mr Proctor. In my view it is not in the public interest to grant a licence. I am concerned for the safety of the public and the feelings of the bereaved family and friends.

Regards David H
Cllr David Heseltine

Application For Premises Licensing Application Delilah's, Unit 11b Five Rise Shopping Centre, Chapel Lane, Bingley, BD16 2NG

(Preface)

Before proceeding to state its grounds for objection to the licence application, Bingley Town Council would like noted for public awareness the insensitivity of this application. As the anniversary of the tragic and unfortunate passing of James Etherington outside Bijou (the previous premises) approaches, the Town Council is in disbelief that such an application has been made. This disbelief is surpassed by dismay that amongst the directors of the company making the application is the Director of the company responsible for Bijou. The Town Council believes that the application has been made with disregard for both the family of James Etherington and the wider Bingley community.

(Grounds for Objection)

Bingley Town Council objects to the premises licence application submitted by *SH Bars* for the premises named above. The grounds for our objection are predicated on the undermining of the four licensing objectives contained within the Licensing Act (2003) s4(2)(a-d):

- (i) The prevention of crime and disorder
- (ii) The prevention of public nuisance
- (iii) The protection of children from harm
- (iv) Public safety.

Bingley Town Council's objection relating to the undermining of all four licensing objectives is founded on two primary reasons.

The first reason is the consideration of the evident anti-social behaviour, nuisances and noise disturbances caused by the experience of the previous late-hour licensed premises, *Bijou Cocktail Bar*.

Local businesses and residents on Chapel Lane and in the community have raised concern about any application for late-hours premises on Chapel Lane, Bingley (late hours referring to a licensed premises open between the hours of 00.30 and 5.00). The concerns relate to experiences when Bijou was open; all have concerns about the antisocial behaviour brought about by a late-hours licensed premises on the street. (Antisocial behaviour on Chapel Lane had not occurred prior to a late-hours premises opening in 2014 and has not occurred since the closure of the last late-hours premises in 2018).

- **The Corner Bakery:** The antisocial behaviour in the past has led to windows being smashed in, early morning delivery personnel being threatened and intimidated, suspected drug-dealing and litter waste strewn about the street.
- **Bradford Engravers:** The antisocial behaviour in the past has led to breakages to their windows and increased litter and rubbish left in the morning to clean up.

- **The Jewellery Workshop:** The antisocial behaviour in the past has led to smashed glass, vomit, condoms and other assorted debris outside their business.
- **Advanced Mobility Solutions:** The antisocial behaviour in the past has led to cracks being made to their windows. They also had concerns about broken glass, vomit, white powder bags (suspected cocaine bags) littered outside their business.
- **Rustic Garden:** The antisocial behaviour in the past has led breakages in their windows prompting the business to consider an application for shutters. They also had concerns about broken glass, sick and other debris strewn immediately outside their business.
- **Resident Concerns:** The antisocial behaviour in the past contributed to high levels of disruptive noise pollution emanating from the premises and its clientele at extremely unsociable hours of the early morning. Fights and other activities further contributed to the noise pollution.

Residents at the last Bingley Town Council meeting also registered concerns regarding underage drinking when the previous late-hours premises were open and a clear failure of the premises to regulate this.

The previous licensed premises, *Bijou*, had its licence revoked (3 Jan, 2018) on the grounds that "(...) the continuation of the licence will undermine all four licensing objectives." The licence hours of *Bijou* are not so dissimilar from the current premises licensing application.

The evidence from the West Yorkshire Police Report (submitted 20 Dec, 2018) at the licence hearing for *Bijou* is pertinent in the consideration of this application as it emphasised the peak times when antisocial behaviour occurs:

A Temporal analysis from the beginning of 2017 shows that 65% of offences attributable to the premises have taken place between 00.00hrs and 03.00hrs. Other offences in the immediate vicinity which we cannot directly link to the premises have occurred at 01.20hrs and 04.20hrs. It would suggest that the late opening hours of Bijou contributes to offences being committed.

Given the significance of that evidence in the determination for the revocation of the premises licence for *Bijou*, it is Bingley Town Council's belief that such evidence should likewise be taken into consideration in this determination. Subsequently, no premises licence on Chapel Lane, Bingley should be granted for applications seeking to operate between the hours of 00.30 and 08.00. Such a restriction to any licence applications would merely put a licensed premises in parity with the existing licensed premises on Chapel Lane, Bingley.

Bingley Town Council would like to draw the attention of the licensing panel to two other factors for consideration to support its first reason for objection.

- (1) The Officer's Report regarding the first planning application made by Rory Proctor for *Bijou* (21 Aug, 2014), in which the following statement was made regarding the opening hours:

*(A) proposed 5 am closing time is not acceptable in view of the presence of some residential accommodation on Chapel Lane and the quieter nature of the area. **The premises are set away from the main street and whilst some disturbance is expected in a town centre it is not considered that 5 am is appropriate. It will result in disturbance for surrounding residents, until the early hours of the morning from people walking to and congregating at the premises well after other bars have closed and further disturbance late at night due to people leaving and dispersing after the 5 am closing time.***

The assertions made by the Officer's Report at the first application, given the history of a late-hours premises to date, have clearly proven to have genuine foundation and

should merit serious consideration in the determination of this application

- (2) The Officer's Report submitted (9 Jan, 2015) in the second application where changes were made states that:

The potential antisocial behaviour as a result of customers leaving the premises is a concern but on balance it is not considered that this is a "residential amenity" issue as such.

Reality has proved that the revised assertion made by the Officer's Report at the second application was wrong and that on balance the concerns around antisocial behaviour raised in the Officer's Report at the first application are a significant and real issue when considering late-hours applications on Chapel Lane, Bingley.

Bingley Town Council's second reason for its objection is that strong consideration should be given to the fact that one of the Directors of the company making this application for a premises licence, Rory Proctor, is the Director of the company whose premises licence for *Bijou Cocktail Bar* was revoked in January 2018.

It is Bingley Town Council's belief that the liquidation of one company and the formation of a new one should not serve to disguise the reality that one of the Directors of the company has a history of running licensed premises that have undermined the four licensing objectives. The Town Council believes that, given the history of this particular Director, substantial concerns should be raised about a potential return to the harmful and concerning conditions created by their former licensed premises.

(Conclusion)

Bingley Town Council objects in the strongest possible terms to this licence application on the grounds that it presents a situation whereby all four Licensing objectives will be breached given the considerations submitted above. Bingley Town Council calls on the Licensing Panel to:

- (2) Reject this licensing application.
- (3) Make clear that no licensing application for this unit on Chapel Lane, Bingley (given the history of previous late-hour licensed premises) be granted a premises licence to operate between the hours of 00.30 and 08.00. To reiterate a point raised above, this restriction would merely serve to put future applications in parity with the existing licensed premises on Chapel Lane, Bingley.