

STATEMENT OF WITNESS

STATEMENT OF **Richard Scholes**

Age of witness (if over 18, enter “over 18”): over 18

This statement (consisting of 7 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I make this statement in support of my application to vary the premises licence for Greens Bistro and Parlour, Wade Road, Uppermill.

The application seeks to vary the hours for the sale of alcohol on Thursdays to Sundays from 11.00 to 21.30 (currently 11.00 to 19.00) and consequently to extend our opening hours Thursdays to Sundays from 09.00 to 22.00 (currently 21.30) to allow an additional 30 mins for an eating/drinking-up period.

The Premises Licence is held by Grandpa Green’s Uppermill Ltd a company in respect of which I am the Managing Director.

Quite separately over 20 years I have developed our Grandpa Green’s luxury ice cream into a successful multi-award-winning brand. Our Visit England Accredited Ice Cream Parlour and Café opened in Diggle in 2005 where it has successfully traded without issues.

I saw the opportunity to develop a second site at the King George V Park in Uppermill to replace the aging and unattractive toilets (Photo 1). Following negotiation the council granted us a new 35 year lease (Photo 2). We invested over £350,00 and in May 2023 we completed the development of the new restaurant which incorporates an exterior facing Grandpa Green’s Ice Cream counter. The restaurant is bright and airy (Photos 3) and has some retractable windows, although a section of the elevation closest to residents on Wade Row are of fixed glazing. We employ 25 local staff under the guidance of Caroline Burrows our experienced Operations Manager. The development is eco-friendly and includes a “living roof”. We have a defibrillator (Photo 4). I am proud of what we have achieved and honestly believe we have created a new facility that contributes to Uppermill’s attraction. We are one of the Top 10 Tripadvisor places to eat in Uppermill. Please see our menu

attached (Photo 5)

As mentioned, the development incorporated and replaced the park's public toilet (Photo 6) as well as having our own internal toilet facilities. We manage the public toilet which in accordance with planning, is available at all times the restaurant trades. We are responsible for maintaining, cleaning and servicing the toilet.

Our application has received objections from five neighbours. Here are my responses:

Ryan Smith, Wade Row House. I am confused why Ryan has submitted this objection, when in our previous (November 2024) application he and his wife Alex expressed their support in text exchanges with me which read as follows:

"Hi Ryan Hope you are well. I just wanted to update you that we have submitted a request to the council to allow us to open for dinner on Thursdays, Fridays & Saturday nights. We have had lots of requests from customers to open later for food and in such challenging times for hospitality if the demand is showing we have to try and make the most of the opportunity. I hope you would agree since we opened we have been and will continue to be a responsible operator (other than our alarm issues which we hope are now resolved). We will also continue to only serve alcohol with food. Our new proposed opening times will allow us to open up bookings for dining at 19.30/20.00 until 21.00.

If you or any other local residents have any questions or concerns please let me know and I will do my best to help. Many thanks Rick, Grandpa Green's

To which the following reply was received:

Hi Rick, this is Alex Ryan's wife's number! Thanks a lot for letting us know. No issues from us, we look forward to trying it.

To which I replied – Hi Alex, Thanks so much for your support."

(Photo 7)

Not having received any negative feedback from Ryan or Alex I remained under the impression they were still supportive. The text exchange actually answers many of the points raised in Ryan's objection such as confirming that; I did notify Ryan and Alex (and through him other residents) of our intention to vary the licence – in fact in his representation he acknowledges that we do engage with local residents. It is my intention to continue to do so and if I thought for one moment that a meeting would assist, I would happily agree – even now before a hearing if residents wish - and explain; how we will continue to operate as a restaurant where alcohol is only served as ancillary to food; that Grandpa Green's Bistro and Parlour is definitely a restaurant and

not a pub; my reason for the application due to the challenging times for hospitality – it is well documented that numerous restaurants are closing due to massively increased overheads, the cost of living crises which has led to a reduction in customer demand, increased labour costs, minimum wages, higher NI contributions, significant increase in cost of supplies and energy costs - to name just a few.

Mary Campbell

To answer Mary's concerns I would explain our licence is in respect of the restaurant and not the park. We love the location overlooking the park. It is ideal for our diners who enjoy our varied menu (Photo 5) in a bright and airy environment. We understand our obligations not to permit drunkenness, although this rarely features in restaurants but I acknowledge can arise, however all our team have been trained in how to recognize the signs of inebriation and how to refuse sales. If we were to ignore this responsibility our licence could be in jeopardy.

I notice Ms Campbell lives at 6 St Mary's Gate, much closer to Grand Caffè Abaco than Grandpa Greens (Photo 8).

A word about Abaco. It seems to trade successfully on the corner of the High Street (A670) and St Mary's Gate. It's a bar restaurant over three floors with an extensive outdoor terrace – all close to residents on St Mary's Gate. Its website "cafeGrandAbaco.com" refers to it trading late and advertises its opening hours on Fridays and Saturdays from 8am, closing at 11pm (Photo 9).

Steve and Marilyn Henderson

The Hendersons live in a flat (No 10) on Hopkinson Close overlooking the park. I am slightly disappointed they have not given any credit to our development in transforming tired and dated toilets into a modern attractive restaurant. Simply put we do not condone any acts of anti-social behaviour, be it drunkenness, foul language, drugs or urination. We have clean, modern toilet facilities within the restaurant. There is also a new external public toilet which is open all hours we trade.

June and Colin Taylor,

The Taylors also live on Hopkinson Close (no 12) it seems next door to the Hendersons. Although possibly the closest residents their property to a large extent is shielded by a 12 foot high wall.

To suggest that what we are proposing, in relaxing arrangements to permit

slightly more time for diners to enjoy a meal, will encourage crime and disorder is totally wide of the mark and an unjustified exaggeration. I have frequently messaged June to keep her updated. Only recently June met with Caroline over coffee to discuss how we might be able to improve some aspects of the business. I would encourage continuity of such dialogue so we can each better understand the others point of view. As a result of that discussion we are looking at the feasibility of fitting a door closure to the “chef’s door”. The restaurant entrance door is already fitted with a door closure.

I have either addressed June and Colin’s other points in previous responses above or separately below.

Karen Spelman

Lives at 25 Lee Street (Page 8). Her home is some distance away from Greens Bistro and Parlour and she cannot possibly be disturbed by any of our activities. She lives on the other side of High Street (A670) away from Greens, far closer to Abaco – see my comments above.

Karen suggests that diners will encourage anti-social behaviour. Families, children and dogs will be affected by evening drinking! Again, the suggestion is that we are operating a drinking establishment which is simply not the case. I am pleased that Karen enjoys her grandson playing football in the park. We absolutely want to encourage that and hope she will treat him to one of our award-winning ice creams, mention of which is absent from all the objectors.

Planning

We have planning permission to open from 09.00 to 19.00 Monday to Wednesday and 09.00 to 21.30 Thursday to Sunday. I accept it is important to comply with these hours but I understand that planning and licensing are two separate regimes and there is nothing to prevent the licensing sub-committee granting me the licensing hours applied for, but should they do so I will respect the planning conditions including those regarding hours of use, deliveries and availability of the public toilet. I would add that we have no intention of the premises morphing into a wine bar.

Crime and Disorder.

A number of objectors refer to this as a potential outcome if the application is granted. It is hard to understand why this might occur simply if diners can stay later. It is to be noted there are no police objections.

The evidence would seem to suggest the opposite. We are aware of reports of anti-social behaviour in the park after we close. To permit Greens to trade later could act as a deterrent to those who may otherwise misbehave.

Noise

Please note there is no objection from Environmental Health.

See our Operating Schedule which deals with: noise which causes a nuisance, notices advising customers to depart quickly and quietly, no noise or odours from kitchen extraction, retractable opening windows and roof to be closed at 19.30, lighting checks to ensure absence of light nuisance, dispersal policy, smoking area away from residents – with notices to use the area quietly, no bottles to be disposed of or rubbish bins emptied between 21.00 and 08.00, no deliveries to take place before 08.00 or after 17.00 Monday to Saturday and before 09.00 or after 17.00 on Sundays and Bank Holidays. In addition, we state that no alcohol or glassware is to be taken from the restaurant, we have strict staff training regime covering how we will prevent crime and disorder, promote customer safety and protect children from harm.

Please note it is my intention to replace any discrepancies with the Operating Schedule with those detailed in this statement.

To breach conditions is a criminal offence and could lead to loss of our licence.

Regarding children:

The majority of objectors raise concerns about the potential harm to children should the restaurant be permitted to remain open until 9.30pm for dining. With the greatest of respect such comments underline the unreasonable nature of those who oppose our application. We cater for families. At Greens Bistro and Parlour we have a children's section to our menu, and by the way, we are also dog-friendly. Our ice-creams and milk shakes are especially popular with children who are always welcome (Photo 10). Our staff are knowledgeable about their responsibilities regarding service of alcohol to underage. No one has ever raised this as an issue. I emphasise Greens Bistro and Parlour is a restaurant and not a pub. Alcohol service to tables is ancillary to food and must be consumed on the premises. There is no bar. We do not have an off licence, so no alcohol can be taken into the park or elsewhere. When I consider other licensed premises in Uppermill – many close to residential properties, and none of which so far as I can tell have similar restrictions – it is difficult to accept finding ourselves at such a competitive disadvantage. The fact is there are numerous licensed premises that welcome children including for example, pizza restaurants (Pizza Express and Pizza Hut particularly market to children) cinemas, theatres, churches, function rooms used for weddings and christenings and so on.

Previous Outcome re Hearing 12th November

In November last year I was saddened to receive the refusal and felt I had not

properly done justice to my case. I am hoping this new application will put matters into perspective and would like to comment on the Licensing Sub-Committee's reasons given for the decision which were based on:.

Noise nuisance from extended hours which would be too significant and detrimental to surrounding residents. Reference is made to unreasonably loud music and bin storage issues at night and into the early morning.

I have looked carefully at what the objectors now say regarding music noise and can find no reference whatsoever to unreasonably loud music. Any music we do play is at background levels. The issue regarding bin storage noise is dealt with above. The Sub-Committee must have misunderstood our application which sought a variation of the licence on Fridays and Saturdays until 21.30 to match planning hours already approved. I am unable to understand the decision based on noise "into the early morning".

The decision notice also referred to the protection of children from harm in the park associated directly with alcohol consumption and also wider harms caused by exposure to strong language and sexual expletives. I repeat our licence is restricted to restaurant use and does not permit off sales. As I have said we are family friendly and our team understand the need to be vigilant regarding underage consumption. I can say without fear of contradiction that if there are individuals causing concerns in the park that has no causal connection with Greens Bistro and Parlour and any sanctions should be targeted at those establishments that are enabling that sort of behaviour.

There is no objection from the Child Protection Services.

Ryan Smith suggests that the restaurant can be viewed from the children's play area. I am not sure how that offends the licensing objectives. In fact Saints Café has an external area and is much closer to the play area than Greens (Photo 11). The fact is there are numerous licensed premises in Uppermill, which welcome families with children who will see alcohol consumption without it having any negative effect. Abaco with its extensive terrace fronting the High Street, is another example as well as Saints. (Photos 12 and 13)

I trust I have dealt adequately with our position regarding children above.

Conclusion

I would hope that in the absence of representations from any of the responsible authorities and taking account of this statement, that the application will find favour with the Sub-Committee.

I commit to continuing to consult with our neighbours (whatever the outcome).

I also look forward to assisting panel members should they have any questions.

Signed: (witness)

Date: