

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Huddersfield
HD1 2TG

Tel: 01484 221000

Please ask for: Carol Tague

Email: carol.tague@kirklees.gov.uk

Tuesday 28 May 2019

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Old Court Room - Town Hall, Huddersfield** at **9.30 am** on **Wednesday 5 June 2019**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing Panel members are:-

Member

Councillor Amanda Pinnock (Chair)

Councillor James Homewood

Councillor Paola Antonia Davies

Agenda

Reports or Explanatory Notes Attached

Pages

1: Minutes of Previous Meeting

1 - 4

To approve the minutes of the meetings of the Panel held on 10 May 2019.

2: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

3: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

4: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

5: Public Question Time

The Committee will hear any questions from the general public.

6: Application for Review Hearing under Section 51 Licensing Act 2003 - The Cotton Mill, 446 Wakefield Road, Lockwood, Chickenley, Dewsbury, WF12 8PX 7 - 44

To consider the application at 0930 am.

Contact: Anwar Butt, Licensing Officer, Tel 01484 221000, Email: russell.williams@kirklees.gov.uk

7: Licensing Act 2003 - Application for the Grant of a Premises Licence: Lina Mini Market, 86 Bradford Road, Huddersfield 45 - 84

To consider the application at 1000 am.

Contact: Rox Javaid, Licensing Officer, Tel 01484 221000, Email: rox.javaid@kirklees.gov.uk

8: Licensing Act 2003 - Application for the Grant of a Premises Licence: Golcar United Community Playing Fields, Longfield Avenue, Golcar, HD7 4AZ 85 - 116

To consider the application at 1030 am.

Contact: Andrew Prescott, Licensing Officer, Tel 01484 221000, Email: andrew.prescott@kirklees.gov.uk

9: Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

10: Application to Review Personal Licence

117 -
124

To consider the application at 1100 am.

Contact: Russell Williams, Group Leader – Licensing, Tel 01484
221000, email: russell.williams@kirklees.gov.uk

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Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING PANEL

Friday 10th May 2019

Present: Councillor Carole Pattison (Chair)
Councillor Karen Allison
Councillor Christine Iredale

In attendance: Richard Woodhead, West Yorkshire Police, Licensing Officer
PC Katie Jagger, West Yorkshire Police Licensing
Stephanie Mashiter, Senior Licensing Officer
Mike Skelton, Licensing Officer
Philip Asquith, Assistant Licensing Officer
David Stickley, Senior Legal Officer
Carol Tague, Principal Governance and Democratic Engagement Officer

1 Minutes of Previous Meeting

That the minutes of the meeting held on the 16 April 2019 be approved as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

That agenda items 1 to 7 be considered in public session.

That the public be excluded from the meeting in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100 (A)(4) of the Local Government Act 1972 the public during consideration of agenda item 8.

4 Deputations/Petitions

No deputations or petitions were received.

5 Application for Review Hearing under Section 51 Licensing Act 2003 - Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB.

The Senior Licensing Officer outlined the application, advising the Panel that on 27 March 2019, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives of the prevention of crime and disorder and public safety were not being achieved at the premises.

Licensing Panel - 10 May 2019

West Yorkshire Police Licensing Officer, outlined the reasons for requesting a review hearing. The Panel were advised that the licence for the premises had been granted on 12 February 2019, less than 60 days before the review request. Following a series of complaints and intelligence received that the premises were selling non-duty paid alcohol and tobacco, a joint operation was put in place between Trading Standards and West Yorkshire Police on 19 March 2019. Non-duty paid products, including cigarettes and alcohol, were found in the premises along with an illegal worker who was the only person in the shop at the time of the visit. The Panel were also informed that breaches in the licensing conditions were evident and the Senior Licensing Officer provided further information as to this.

The Premises Licence Holder put forward representations informing the Panel that the individual behind the till was only there for one hour and was not working and that invoices were now available for the goods seized. The Premises Licence Holder added that they had run a shop for 3 years, had good staff and a good reputation and there had been no issues with selling illegal products or illegal staff.

In response to questions as to the validity of the invoices presented, the Premises Licence Holder stated that when the alcohol in question was delivered, the company advised that invoices would be sent at a later date and they could not be backdated. The Premises Licence Holder added that this was a known company and details could be checked directly with them. The Premises Licence Holder did not answer a question from the Panel in relation to Challenge 25.

In their final submission, the West Yorkshire Police Licensing Officer concluded that it had been demonstrated that the Premises Licence Holder did not have an understanding of Challenge 25, licensing law or the conditions of their license. The Panel were advised that even if duty had been paid on the alcohol seized, there were still illegal cigarettes on the premises at the time of the visit.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED - That the premises licence in respect of Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB be revoked.

The Panel was sufficiently persuaded that revocation of the licence was a necessary and proportionate step.

6 Application for Review Hearing under Section 51 Licensing Act 2003 - Westgate News, 24 Westgate, Huddersfield HD1 1NU

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Westgate News, 24 Westgate, Huddersfield HD1 1NU.

The Senior Licensing Officer outlined the application, advising the Panel that on 28 March 2019, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives of prevention of

Licensing Panel - 10 May 2019

crime and disorder, the protection of children from harm and public safety were not being achieved at the premises.

West Yorkshire Police Licensing Officer, outlined the reasons for requesting a review hearing. The Panel were informed of a number of incidents involving illegal sales and noted that prior to the search warrant being executed on 26 March 2019, a steady stream of youths were observed entering the shop, one of which left the shop with a lit cigarette in their mouth. Single cigarettes were on sale illegally and the packaging indicated that they were non-duty paid cigarettes. Further packets of cigarettes, which appeared to be non-duty paid, were also discovered and seized.

West Yorkshire Police had called for the review as the premises licence holder appeared to have a blatant disregard for the law. Illegal cigarettes were sold on separate occasions to children and staff appeared to have no knowledge of laws governing age restricted products.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED - That the premises licence in respect of Westgate News, 24 Westgate, Huddersfield HD1 1NU be revoked.

The Panel was sufficiently persuaded that revocation of the licence was a necessary and proportionate step.

7 Exclusion of the Public
Determined

8 Application to Review Personal Licence
The Panel considered a review of a Personal Licence under the provisions of the Licensing Act 2003.

RESOLVED - That no action be taken in relation to the Personal Licence.

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KIRKLEES COUNCIL					
COUNCIL/CABINET/COMMITTEE MEETINGS ETC					
DECLARATION OF INTERESTS					
Licensing Panel					
Name of Councillor					
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest		

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Licensing Panel

Date: Wednesday 5th June 2019, at 9.30 am – Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Application for Review Hearing under S51 Licensing Act 2003 – The Cotton Mill, 446 Wakefield Road, Lockwood, Chickenley Dewsbury, WF12 8PX

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams – Group Leader Licensing (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Naheed Mather

Electoral wards affected: Dewsbury East.

Ward councillors consulted: Not Applicable

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been ammended

1 Summary

- 1.1 On 27th March 2019 West Yorkshire Police made an application for the review of the premises licence under Section 51(1) of the Licensing Act 2003. The applicant believes that the Licensing objectives of the prevention Public nuisance, the prevention of crime and disorder and public safety are not being achieved at the premises.
- 1.2 Full details of the grounds for the review are contained in the attached review application at **Appendix A**.

2 Information required to take a decision

Background

- 2.1 The Cotton Mill first granted a licence under the Licensing Act 2003 in February 2007 and at the time operated as The Spinners Arms. Since this time the licence has been transferred on three occasions prior to Clifton Properties Ltd, taking over the licence in January 2011. A Copy of the current Premises Licence PR(A)1139 is attached at **appendix B**.
- 2.2 During the time that this premises has benefited from a Premises Licence there has been a history of complaints from residents on the basis of noise and anti social behaviour, dating back as far as 2014. The frequency of which have compounded of late leading the West Yorkshire Police making an application for review of the Premise Licence section (51) licensing Act 2003. A copy of the review application is attached to this report as **appendix A**

Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety

2. *Prevention of crime & disorder*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the review relates to prevention of crime and disorder and public safety, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

3.5 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

- 4.1 Consultation has taken place in accordance with the Act, and a further representation has been received from a local resident. A copy is attached at **appendix D**.

5 Next steps and timelines

5.1 When determining the review application Members, having had regard to the information in the application, may take any of the following steps as they consider appropriate:

- a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b) Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- c) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

5.2 Findings on any issues of fact should be on the balance of probability.

5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.

5.4 The decision should be based on the individual merits of the application.

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

7.1 Not applicable

8 Contact officer

8.1 Anwar Butt

Licensing Officer

01484 221000

anwar.butt@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Review Application

9.2 Appendix B – Copy of Premises Licence

9.3 Appendix C – Secretary of States Guidance

9.4 Appendix D - Supporting Representation.

10 Strategic Director responsible

Karl Battersby – Strategic Director Economy and Infrastructure

Tel: 01484 221000

Email: karl.battersby@kirklees.gov.uk

Appendix A



RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, (insert name of applicant) PC JAGGER 4346

- Apply for the review of a Premises Licence under Section 51
Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

The Cotton Mill, Wakefield Road

Town/City: Dewsbury

Postcode: WF12 8PX

Name of premises licence holder or club holding club premises certificate (if known):

Clifton Properties (Yorkshire) Ltd, 50 Commercial Street, Batley, WF17 5EP

Number of premises licence or club premises certificate (if known): PR(A) 1139

Part 2 - Applicant details

Please 'check' appropriate box(es)

I am:

27 MAR 2009

- 1. An interested party (please complete A or B below)
(a) a person living in the vicinity of the premises
(b) a body representing persons living in the vicinity of the premises
(c) a person involved in business in the vicinity of the premises
(d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A - Details of individual applicant

Surname:

Forename(s):

I am 18 years old or over:

checkbox

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

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RESTRICTED

B – Details of other applicant

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Surname: [REDACTED]

Forename(s):

Address:

Licensing Office, Flint Street Depot, Flint Street,

Town/City:

Huddersfield

Postcode: HD1 6LG

Daytime contact telephone number:

E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

The Cotton Mill is owned by Clifton Properties (Yorkshire) Ltd. It is currently without a tenant and is closed due to the [REDACTED] Designated Premises Supervisor (DPS) handing the keys back after [REDACTED] found it impossible to deal with the customers, and to make the business pay. [REDACTED] [REDACTED] had been with [REDACTED] to assist in the day to day running, but as a team they found it extremely difficult to manage. There has been a number of different people who have, over the past years, tried to make this business a success, but all have failed.

Since 2016 West Yorkshire police and Environmental Health have received complaints regarding noise and anti-social behaviour occurring at this Premises. The only respite in complaints have been when the Premises has been closed between tenants.

We are requesting a review on the premises due to the business impacting on the following lice objectives.

- 1) Public Safety.
- 2) Public Nuisance
- 3) Crime and disorder.

Due to the Premises re-opening on the 1st November 2018 there has been a marked increase in complaints from local residents to both West Yorkshire Police and Environmental Health. There has been an increase in crime and disorder at the Premises and complaints of excessive noise.

Please provide as much information as possible to support the application (please read Guidance note 2)

For the benefit of the review West Yorkshire police have only referred to incidents since the new tenant took the business over in November 2018. However to demonstrate the noise issues witnessed by Environmental Health and local residents, we have gone back to 2016.

The following have been reported to West Yorkshire Police

Disorder 2nd November 2018

This was the opening night of the Premises with the new DPS. Loud music and voices was heard coming from the Premises until 02:00hrs.

Disorder 3rd November 2018 02:10hrs

Loud music and voices was heard coming from the Premises until 02:00hrs. Residents of Heath Road reported witnessing a fight on Heath Road between males who had come from the Premises.

Affray 22nd December 2018 at 00:50hrs

A number of males were seen fighting in the ginnel situated at the side of Premises where knives have been involved. The suspects have made off on foot before the police arrive. One male is arrested but was later released without charge due to lack of independent evidence.

Assault 29th December 2018 20:30hrs

Two ex ██████ have a verbal argument in the carpark of the Premises. Resulting in a ██████ punching a ██████ on the side of the forehead. The ██████ leaves the scene before the police arrive and the ██████ later declined to prosecute resulting in no further police action.

Affray 31st December 2018

Approximately 7 males were seen fighting outside the Premises, the police were called. These ██████ had dispersed before the police arrived. No further police action taken due to their being no suspects

or independent witnesses.

Section 47 Assault 9th February 2019 01:30hrs

On leaving the Premises a [REDACTED] customer was punched to the head by an unknown [REDACTED] causing [REDACTED] to fall over, lose consciousness and sustain a cut to his head. Enquiries into this assault are still ongoing, no suspect has been identified as yet.

22nd February 2019 01:30hrs

Customers of the Premises were seen throwing glass bottles at vehicles driving along Wakefield Road. Approximately 30 youths were seen by residents hanging about in the carpark of the Premises shouting and swearing at each other.

Disorder 1st March 2019 10:30pm

Large group of males seen fighting in Health Road. They had come from the Premises. One was seen to hit another over the head with a piece of wood.

Residents who wish to remain anonymous have reported that every time the Premises opens with a new tenant fights, disorder and noise ensue. This has resulted in residents suffering from stress and anxiety and struggling to sleep on a weekend. One resident has lived in Heath Road since [REDACTED] during this time the Premises has re-opened on 3 occasions. On each occasion there has been instances of crime, noise and anti-social behaviour. Another resident moved there in [REDACTED] but now wishes to move away from the area as a result of the issues at The Premises.

Since the 1st November 2018 West Yorkshire police spoke with and met with the Designated Premises Supervisor, [REDACTED] on a number of occasions, to try and assist in reducing crime and disorder linked to the pub. At the last meeting door staff were suggested, but the tenant was not in a financial position to employ them.

Complaints to Environmental Health were received from a number of different complainants. These do stem back over a further time period, but are used to demonstrate the problems local neighbours are encountering when the premises is open.

One of the worst complaints is that the car park adjoining the pub since 1st November 2018 had become a saw mill, with the [REDACTED] of the Designated Premises Supervisor using the facilities to chop up logs with a chain saw and advertise them as fire wood.

28/05/2016 - Night Time Noise Service (NTNS) called re loud music.

31/05/2016 - Complaint received about noise from loud karaoke music.

04/06/2016 - Night Time Noise Service (NTNS) called but the complainant didn't want a visit due to fear of reprisals.

10/06/2016 - Further complaint received using rear area for smoking causing noise from customers and loud music as door is open.

16/01/2017 - Complaint logged advising noise nuisance every weekend. Warning letters sent to DPS on 23 1 2017. No further complaints received.

08/11/2018 - Further complaint received stating pub had reopened and on first weekend noise until 2am. This led to formal letters sending to the DPS. Record sheets were received from the complainant and a meeting was held with Police licensing and DPS. Warnings put in place about further action should they not control the noise and antisocial behaviour.

02/12/2018 - Further complaint received.

02/02/2019 - Complaint received about noise at weekend evenings. The complainant was being woken between 12am and 3am.

25/02/2019 - Complaint received stating loud music continues after midnight.

This pub is no longer in a position to become a successful business without it impacting upon local residents. Geographically it is located in a built up residential area, and over the years, residents have suffered due to a string of different licensees trying to make the pub become successful.

The owners Clifton Properties (Yorkshire) Ltd do not keep the building in a good state of repair and do not maintain the outside of the property to an acceptable standard. Local residents have expressed their concerns about the state of the property to Kirklees Licensing.

Loud music, discos and karaoke may attract a certain customer base but at the detrimental effect to others. The customers this pub has attracted in the past has also lead to an increase in crime and disorder both at the pub or in the immediate area. Therefore West Yorkshire police request serious consideration be given to revoking the licence for the premises.

Have you made an application for review relating to this premises before?

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

No.

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature:..... Date: 27/3/19.....

Capacity: Police Licensing officer.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City:

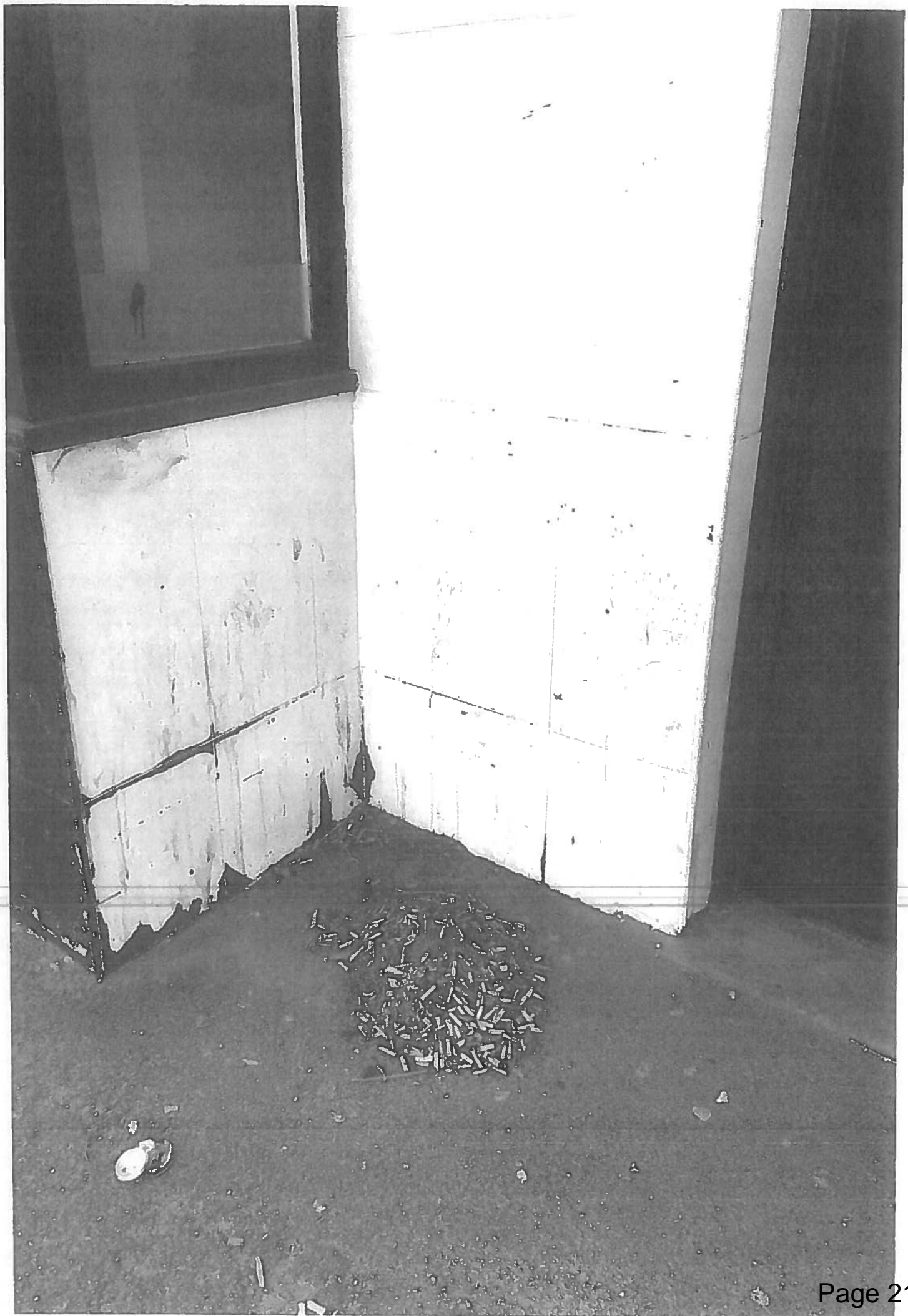
Postcode:

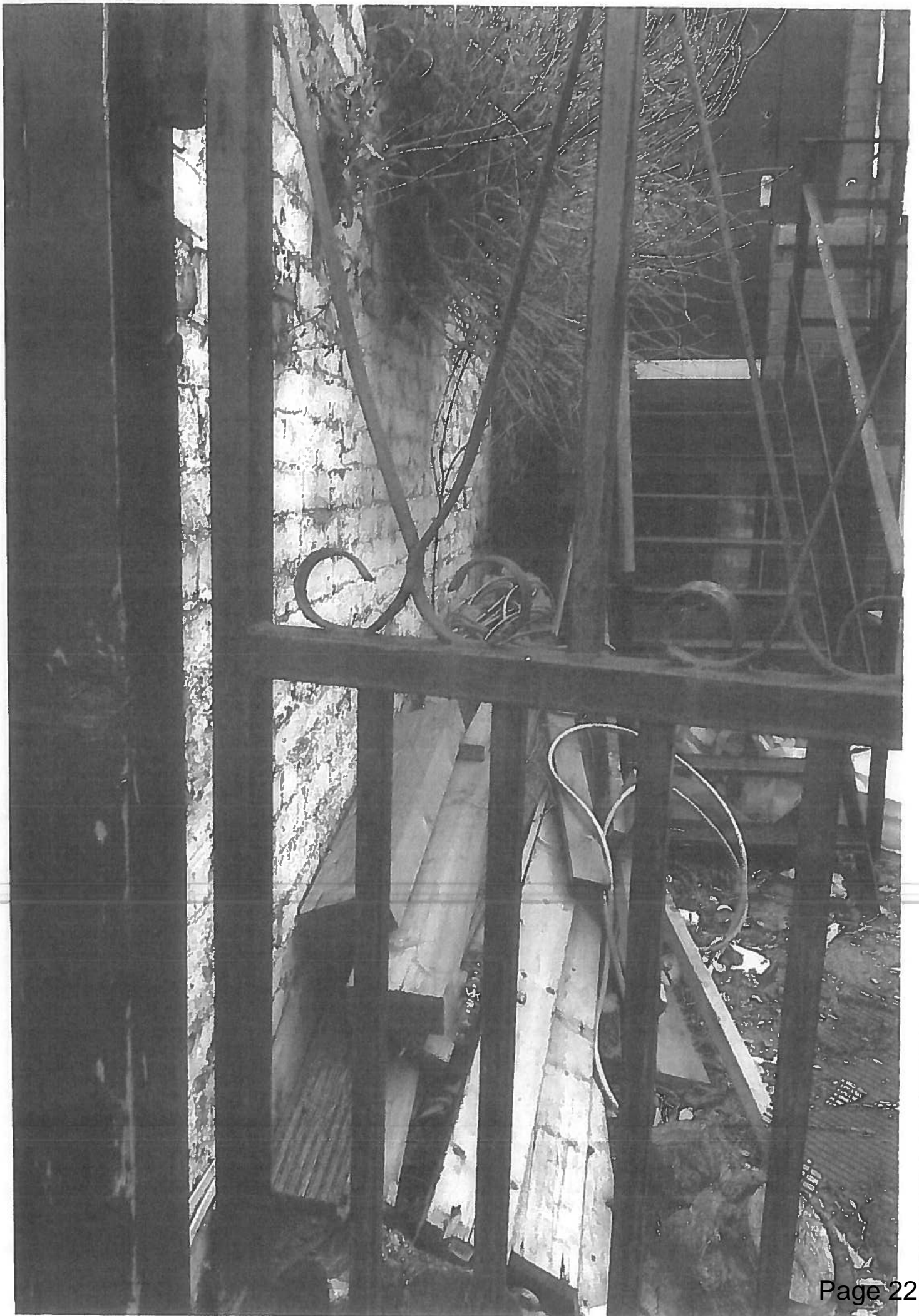
Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

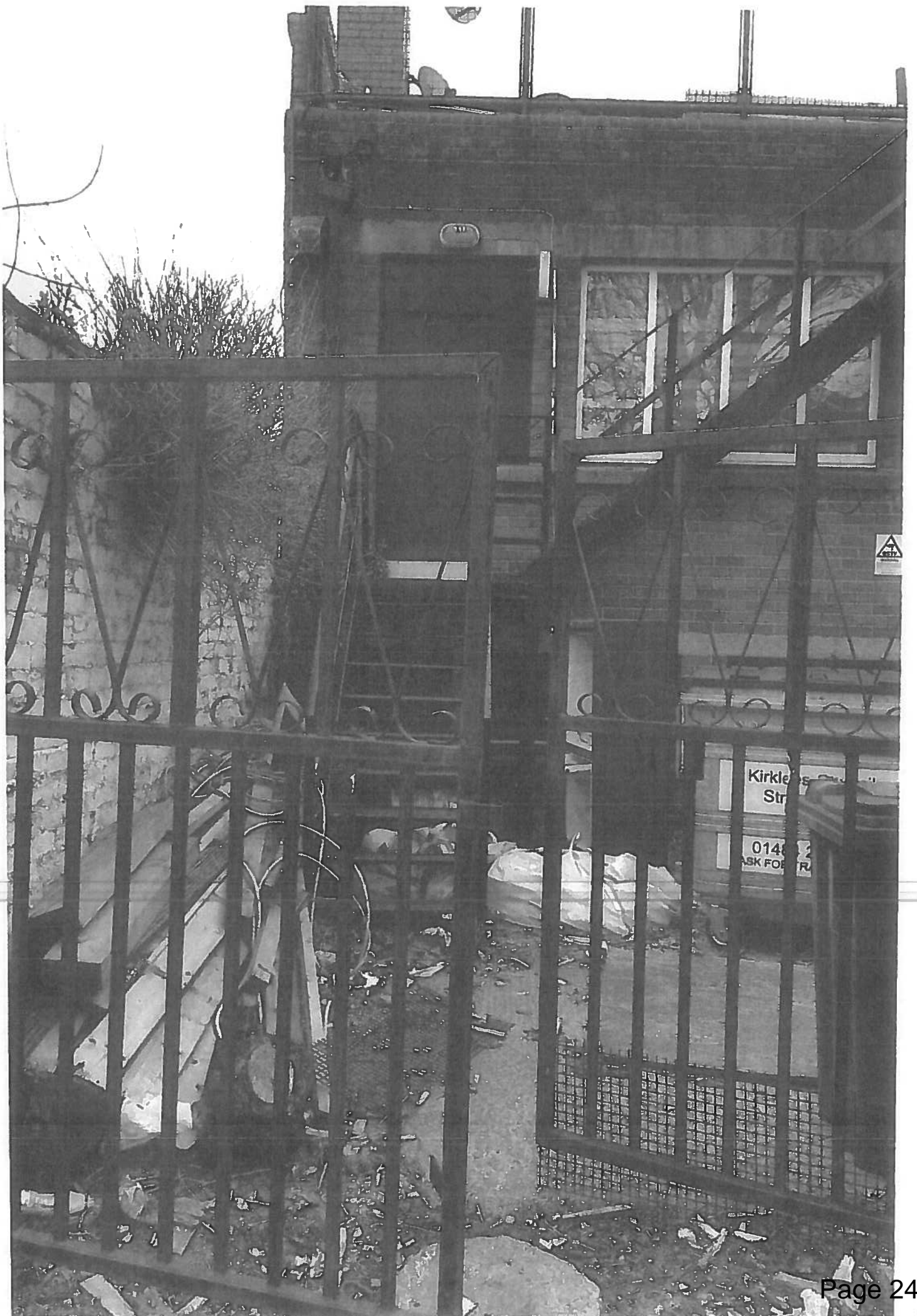
Notes for Guidance

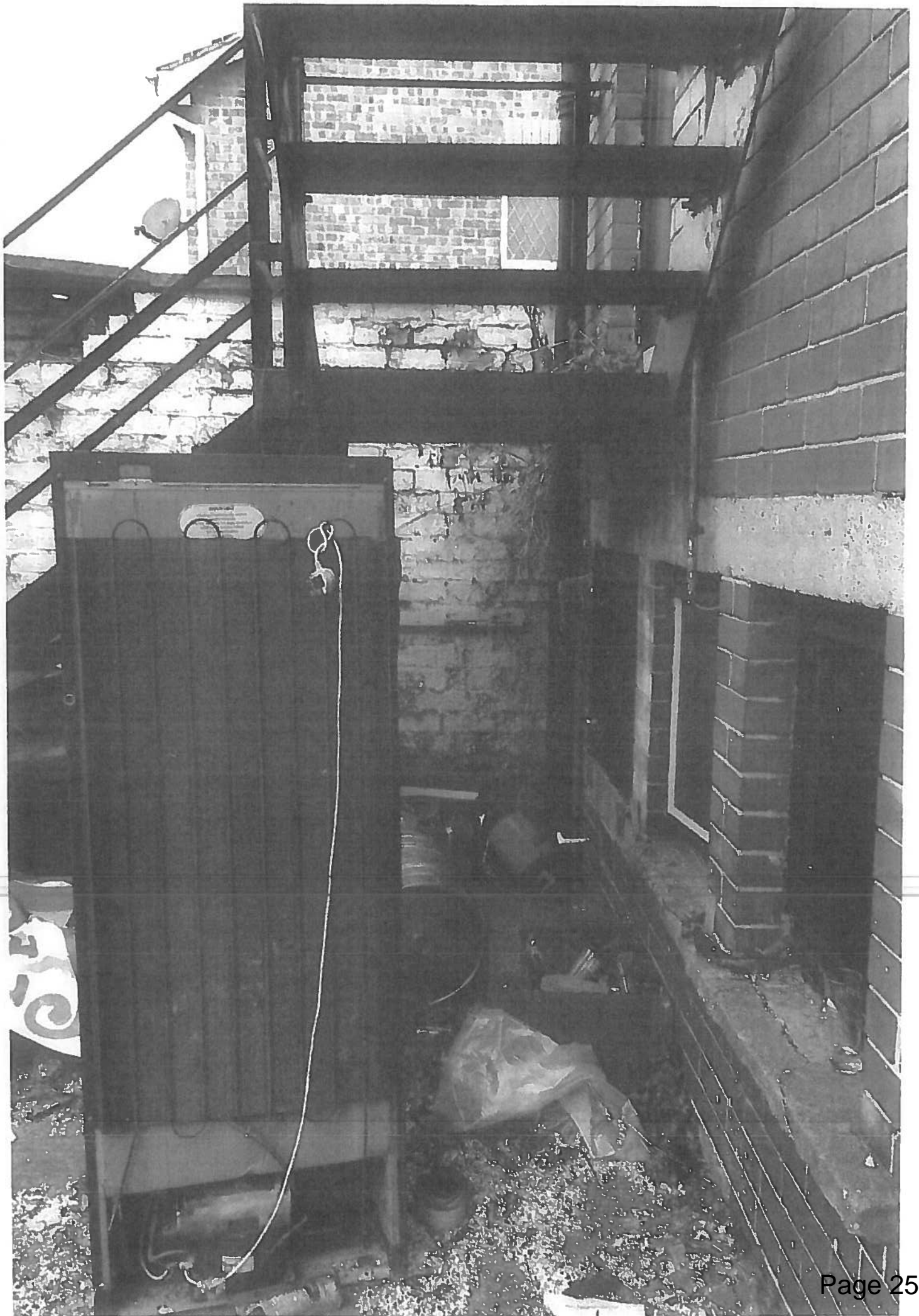
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

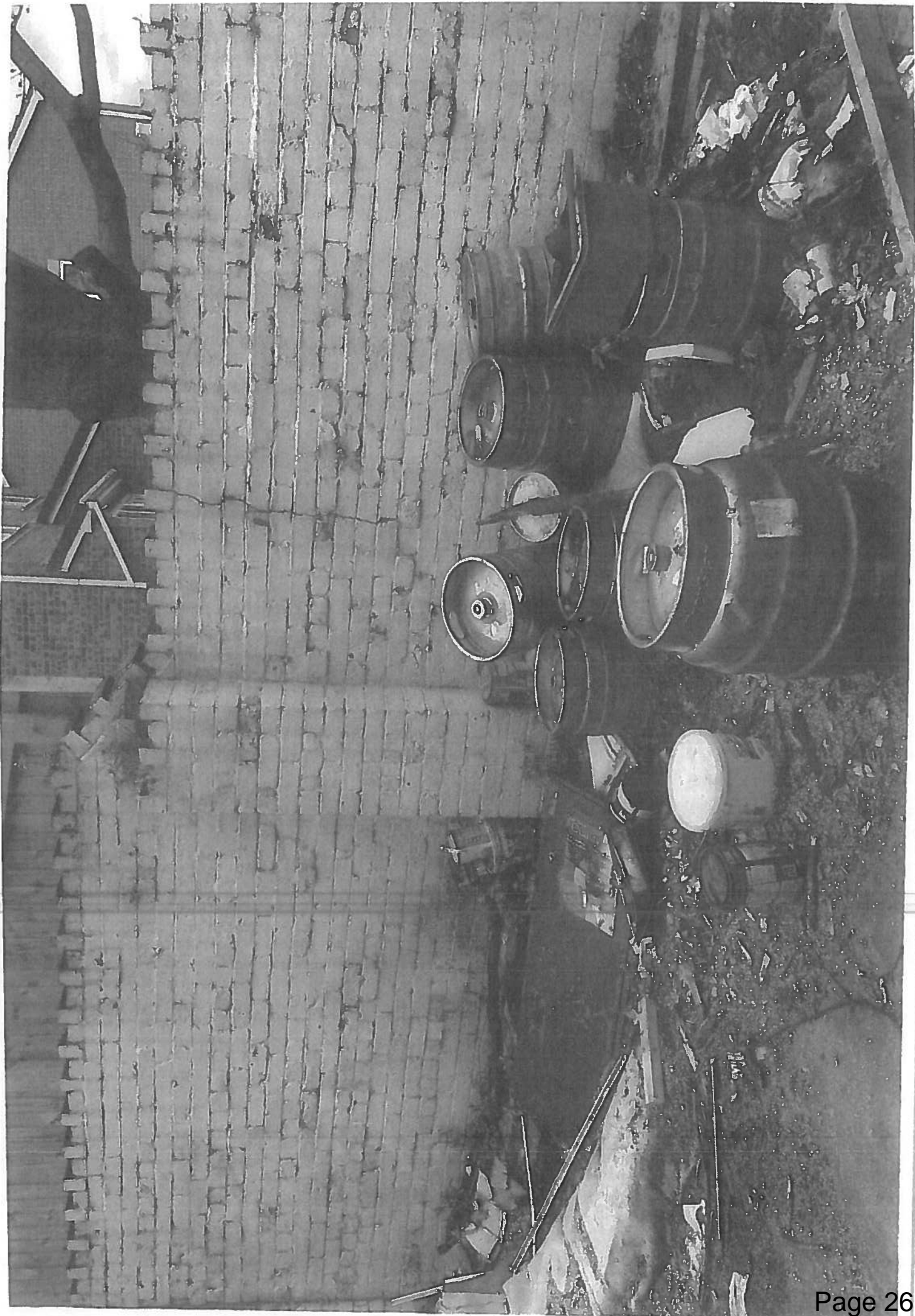












Appendix B

PREMISES LICENCE

Licensing Act 2003

PR(A)1139**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

The Cotton Mill
The Cotton Mill, 446 Wakefield Road, Chickenley, Dewsbury, WF12 8PX,

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Live Music
 Late Night Refreshment
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Friday	10:00 - 01:00 The Following Morning
Non Standard Timings	-
New Year's Eve	10:00 - 02:00 The Following Morning
Other	10:00 - 02:00 The Following Morning
Saturday	10:00 - 02:00 The Following Morning
Sunday to Thursday	10:00 - 23:30
Christmas Eve	10:00 - 01:00 The Following Morning

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday Sundays and Mondays. In the event of the transmission of any recognised international football or rugby match which falls outside the current hours to permit the premises to supply alcohol, commencing one hour before and finishing one hour after the match

Live Music

Day(s)	From - To
Monday to Sunday	08:00 - 22:30

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER

Clifton Properties (Yorkshire) Ltd
59 Commercial Street Batley West Yorkshire WF17 5EP
Email address [REDACTED]

Email address [REDACTED]

Mobile Number

Mobile Number

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

West Yorkshire HD16LG

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS****ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE Alcohol shall not be sold or supplied except during permitted hours as shown on the licence. General: none 1. The Designated Premise Supervisor will join the local 'PubWatch' scheme. 2. Where appropriate the Designated Premise Supervisor to refuse admission/service to persons who are drunk or disorderly. 3. Staff to receive training on drugs awareness. 4. Taxis will be ordered by members of staff for any customer, who will be informed when taxi has arrived, staff will also instruct those firms for vehicles drivers' not to sound car horns. 5. The external smoking area will be monitored at all times. 6. Children only permitted on premises when accompanied by an adult and must vacate premises by 21.30 hours. 7. Proof of age checks will be carried out at the premises. Environmental Health:none 8. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the premise. To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point. Informative Note: Licensees are advised to carry out a simple sound check outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise. In case of dispute, the applicant can verify inaudibility by demonstrating u61623? Lsub Aeq, 1 minnosupersub (EN) should not exceed LA90 (WEN) u61623? Lsub 10 nosupersub (5 min) (EN) should not exceed L 90 (WEN) in any 1/3 octave band from 40Hz to 160Hz. (EN = Entertainment Noise Level - WEN = Representative background noise level without the entertainment noise, both measured inside the noise-sensitive premises.) 9. Any noise that arises from regulated entertainment shall be monitored at least once an hour by the licensee, or their representatives. This monitoring shall take place at positions (accessible by the public) adjacent to noise sensitive properties in the vicinity of the licensed premises. If noise is audible at these monitoring positions action shall be taken by the licensee or their representative shall take action to reduce the level of noise. A written log of this monitoring shall be kept and will include; the date, time and place of the monitoring, the person carrying out the monitoring, a description of any noise and a description of remedial action taken. This log shall be readily available to the Responsible Authority. 10. No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure. 11. Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (e.g. beer gardens) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff shall be trained in ensuring the quiet dispersal of patrons. 12. The disposal of waste bottles, glass and other materials into external receptacles shall not take place between 22:00 and 08:00 hours and any such waste receptacle shall not be removed from the premises between those hours.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

Date Granted:

Date Commences/Varied:

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1139**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES**The Cotton Mill****The Cotton Mill, 446 Wakefield Road, Chickenley, Dewsbury, WF12 8PX,****LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol
 Live Music
 Late Night Refreshment
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Friday	10:00 - 01:00 The Following Morning
Non Standard Timings	-
New Year's Eve	10:00 - 02:00 The Following Morning
Other	10:00 - 02:00 The Following Morning
Saturday	10:00 - 02:00 The Following Morning
Sunday to Thursday	10:00 - 23:30
Christmas Eve	10:00 - 01:00 The Following Morning

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday Sundays and Mondays. In the event of the transmission of any recognised international football or rugby match which falls outside the current hours to permit the premises to supply alcohol, commencing one hour before and finishing one hour after the match

Live Music

Day(s)	From - To
Monday to Sunday	08:00 - 22:30

Late Night Refreshment

Day(s) **From - To**
 Friday 23:00 - 01:00 The Following Morning

Non Standard Timings -

New Year's Eve 23:00 - 02:00 The Following Morning

Other 23:00 - 02:00 The Following Morning

Saturday 23:00 - 02:00 The Following Morning

Sunday to Thursday 23:00 - 23:30

Christmas Eve 23:00 - 01:00 The Following Morning

Recorded Music

Day(s) **From - To**
 Friday and Saturday 08:00 - 00:30 The Following Morning

Monday to Thursday 08:00 - 22:30

Non Standard Timings -

New Year's Eve 08:00 - 02:00 The Following Morning

Other 08:00 - 02:00 The Following Morning

Sunday 11:30 - 23:30

Christmas Eve 08:00 - 01:00 The Following Morning

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Friday	10:00	02:00
Non-Standard Timings		
New Years Eve	10:00	03:00
Other	10:00	03:00
Saturday	10:00	03:00
Sunday to Thursday	10:00	00:30
Christmas Eve	10:00	02:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale and supply of Alcohol is not authorised by this Licence

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Clifton Properties (Yorkshire) Ltd 59 Commercial Street Batley West Yorkshire WF17 5EP,...
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted:

Date Commences/Varied:



Head of Public Protection Service

Appendix C

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix D



The cotton mill (the spinners arms)

Objections.

2015 this trouble goes back to.

This latest nuisance started trouble in dec 2018. Owners let any rent it then put their name on license.

- Drug dealing every Saturday and Sunday [REDACTED]
[REDACTED] In car park started Dec 4 2018. Till march 2019

1. Fighting in the road. 24 feb 2019
2. Making noise till 31 feb 2019 4am The cotton mill Chickenley (spinners arms) fighting in st again. someone hit someone with a weapon a snooker ball in sock looked like. dealing drugs again aswell. Pub turned lights off said [REDACTED]
[REDACTED] what happened Feb 2019 or thereabouts
3. ~~This tenant had a chainsaw and each weekend would start~~ petrol chainsaw early Saturday morning till Sunday. Complained to owner who wasn't interested.
4. [REDACTED] were attacked by two individuals in the street. Told pub owner who just laughed
5. Drug and anti-social or criminal behaviour is a matter for the Police. You are welcome to report to the local Authority also if this is linked to the licensed premise, However, the first point of

reporting should be the Police, who have the necessary powers and resources to deal with this type of criminal activity.

6. Damaging passing cars. With bottles purchased in spinners arms.
7. Attacking neighbours. On heath road feb 2019 a man was attack by drinkers [REDACTED] said police were called
8. When u contact owners who let the pub these [REDACTED] [REDACTED] nothing gets done.

I phoned the police atleast twenty times

9. Smashing of windows..of pub virtually all the windows were smashed and boarded up for 6 months in 2018 really looks bad having a drug den [REDACTED] street.

Name of meeting: Licensing Panel

Date: Wednesday 5th June 2019, at 9.30am, Old Court Room, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Lina Mini Market, 86 Bradford Road, Huddersfield

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	CLlr Naheed Mather

Electoral wards affected: Greenhead

Ward councillors consulted: Cllr Carole Pattison
 Cllr Mohan Sokhal
 Cllr Sheikh Ullah

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 10th April 2019 the Licensing department received an application for the grant of a premises licence for Lina Mini Market, 86 Bradford Road, Huddersfield. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activity applied for by the applicant is the supply of alcohol OFF the premises. The times applied for are Monday to Sunday, 00.00 – 24.00 hrs (24 hours license).

2.1.3 Nine representations have been received relating to this application, which is supported by a petition. All nine representations consider that the following licensing objectives would not be achieved, should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder
- Public Safety

A copy of these representations may be seen at **Appendices B, C and D**.

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an

application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix E**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

3.5 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. West Yorkshire Police and Environmental Health being the responsible authorities have made representations to the application. Copies of the representations can be seen at **Appendix D**.

5 Next steps and timelines

5.1 When determining the application Members, having had regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

5.2 Findings on any issues of fact should be on the balance of probability.

5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.

5.4 The decision should be based on the individual merits of the application.

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Mrs R Javaid -Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70545
Email: rox.javaid@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence

9.2 Appendix B – Petition

9.3 Appendix C - Representation Ward Councillors and Members of the Public

9.4 Appendix D – Representation from Responsible Authorities

9.5 Appendix E – Relevant Sections of Secretary of State Guidance – Section 182 of the Licensing Act

10

11 Strategic Director responsible

Karl Battersby – Strategic Director, Economy and Infrastructure

Tel: 01484 221000

Email: karl.battersby@kirklees.gov.uk

Application for a premises licence to be granted under the Licensing Act 2003
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we

[REDACTED]

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
86 BRADFORD ROAD	
(LINA MINI SUPERMARKET)	
Post town	HUDDERSFIELD
Postcode	HD1 6JE
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4,800

Part 2 - Applicant details

~~Please state whether you are applying for a premises licence as~~ **Please tick as appropriate**

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes
Nationality				
Current residential address if different from premises address				
Post town	HUDDERSFIELD		Postcode	
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
10	05	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

AGROG~~E~~RY/SHOP - LAID OUT LIKE
 A MINI SUPER MARKET
 OFF LICENCE 24 HOURS INCLUDE
 CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	00:00	23:59 24:00			
Tue	00:00	23:59 24:00			
Wed	00:00	23:59 24:00			
Thur	00:00	23:59 24:00			
Fri	00:00	23:59 24:00			
Sat	00:00	23:59 24:00			
Sun	00:00	23:59 24:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	HD 1 [REDACTED]
Personal licence number (if known)	AWAITING LICENCE
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00.00	23.59 24.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	00.00	23.59 24.00	
Wed	00.00	23.59 24.00	
Thur	00.00	23.59 24.00	
Fri	00.00	23.59 24.00	
Sat	00.00	23.59 24.00	
Sun	00.00	23.59 24.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

NO selling of alcohol to underage people
NO drunk and disorderly behaviour on the premises.

NO violent and anti-social behaviour

b) The prevention of crime and disorder

CCTV to be installed
opening hours notice displayed outside
~~ind~~ Indicating license hours
Not selling alcohol to drunk customers

c) Public safety


Underage ID checks
The premises will be maintained in good order to promote public safety.

d) The prevention of public nuisance

Deliveries will be carried out to minimise noise and nuisance.

e) The protection of children from harm

Challenge 25" sign displayed
Nothing beyond existing Health and Safety requirements.

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	10/04/2019
Capacity	APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:
<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

APPENDIX B

We object the licensing application for 24 hour licence for 86 Bradford Road, Huddersfield, HD1 6JE on the grounds that it may cause nuisance, disturbance and parking issues within the locality as that particular junction is a busy junction.

We as follows object for this strongly and would be grateful if you could please revoke the 24 hours license application.

Yours sincerely,

	Name	Address	Telephone	Signature
1		██████████ WILLOW LANE EAT		
2		██████████ WILLOW LANE		
3		██████████ SCALES		
4		██████████ SCALES		
5		██████████ WILLOW LANE		
6		██████████ Hawthorn		
7		██████████ MOUNT TERRACE		
8		HILL HOUSE		
9		HILL HOUSE HP		
10		██████████		
11		██████████		
12		██████████ Street		
13		██████████		
14		██████████ BRADFORD ROAD		
15		██████████ VICTORIA AVE		
16		██████████ BRADFORD ROAD		
17		██████████ Bolton		
18		COOPER DINOVA		
		SPINULYFIELD		

We object the licensing application for 24 hour licence for 86 Bradford Road, Huddersfield, HD1 6JE on the grounds that it may cause nuisance, disturbance and parking issues within the locality as that particular junction is a busy junction.

We as follows object for this strongly and would be grateful if you could please revoke the 24 hours license application.

Yours sincerely,

	Name	Address	Telephone	Signature
1.		Bradford Rd		
2.		HD1		
3.		Millhouse HD1		
4.		Bradford Rd HD1		
5.		WILLOW 109E HD1		
6.		BRADFORD RD		
7.		Bradford RD		
8.		BRADFORD ROAD		
9.		Bradford Rd		
10.		Bradford Rd		
11.		Hire		
12.		WILLOW		
13.		WILLOW		
14.		Millhouse		
15.		Bradford		
16.		White Stone ^{LD1}		
17.		Chaka Street		
18.		Wood Bine Rd		

Rox Javid

From: Cllr Sheikh Ullah
Sent: 18 April 2019 18:57
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

Thank you for notifying us of this application. I would like to object to this the reason for my decision are

- Situated in a part of the ward that has existing Anti-social behaviour, drug and alcohol misuse issues, adding to potentially further crime and disorder
- Allowing another 24HR license will increase and add further intensification to the area and possible public nuisance
- There are other licenced establishments within close proximity.

Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards

Cllr Sheikh Ullah
Greenhead Ward Councillor

If you are contacting me as a local constituent, please be aware that I may need to share your personal information when contacting council officers or other agencies relevant to your query.

For more information on how I use personal data for my constituency casework, please read my Privacy Notice at: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>.

Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

Please note that this e mail is only for the designated recipient and all or any part of it is not to be sent to any 3rd party without my consent.

(Kirklees Council is not responsible for content on third party websites)

From: Rox Javaid [REDACTED]
Sent: 18 April 2019 16:29

Subject: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Good afternoon Councillors

I have received an application for grant of a premises licence for the above premises copy attached.

The applicant [REDACTED] has applied for a 24 hour licence to sell alcohol off the premises.

The objection period for this application will up on the 8th May 2019.

Kind Regards

Rox Javaid

[REDACTED]

Rox Javaid

From: Cllr Carole Pattison
Sent: 18 April 2019 20:52
To: Rox Javaid; Cllr Mohan Sokhal; Cllr Sheikh Ullah
Subject: Re: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

I agree. I object for the same reasons.

Get [Outlook for Android](#)

From: Cllr Sheikh Ullah
Sent: Thursday, April 18, 2019 6:57:27 PM
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

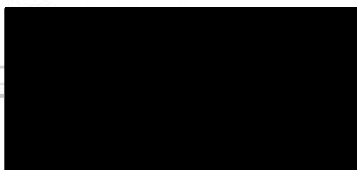
Thank you for notifying us of this application. I would like to object to this the reason for my decision are

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Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards



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Rox Javaid

From: Cllr Mohan Sokhal
Sent: 22 April 2019 14:42
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Hi Rox
I agreed with my Ward Colleagues and object this application on same reasons

Thanks
mohan

From: Cllr Sheikh Ullah
Sent: 18 April 2019 18:57
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

Thank you for notifying us of this application. I would like to object to this the reason for my decision are

- Situated in a part of the ward that has existing Anti-social behaviour, drug and alcohol misuse issues, adding to potentially further crime and disorder
- Allowing another 24HR license will increase and add further intensification to the area and possible public nuisance
- There are other licenced establishments within close proximity.

Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards

Cllr Sheikh Ullah
Greenhead Ward Councillor

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Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

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Rox Javid

From: Licensing
Sent: 23 April 2019 09:28
To: Rox Javid
Subject: FW: 86 Bradford Road Huddersfield HD1 6JE

Hi Rox.

I believe this is for you

Many Thanks
Natasha

From: [REDACTED]
Sent: 22 April 2019 17:28
To: Licensing <Licensing@kirklees.gov.uk>
Subject: 86 Bradford Road Huddersfield HD1 6JE

Dear Sirs

I would like to object to this shop having a 24 hours alcohol licence as it would cause parking on a busy main junction also, there would be more people hanging around the locality and as you know this would not benefit the locals as we already have one.

Kind regards

[REDACTED]

Address: [REDACTED] Bradford Road, Fartown Huddersfield HD1 [REDACTED]

Rox Javid

From: Licensing
Sent: 23 April 2019 09:29
To: Rox Javid
Subject: FW: strongly opposing licence for a 24 hour shop selling Alcohol

Hi Rox I believe this is for you
Many Thanks
Natasha

From: [REDACTED]
Sent: 22 April 2019 23:25
To: Licensing <Licensing@kirklees.gov.uk>
Subject: strongly opposing licence for a 24 hour shop selling Alcohol

86 Bradford road Huddersfield

To whom it may concern

I am writing to strongly oppose the above license for premises selling alcohol or turning the premises into a shop 24 hrs.

I am sure your all aware of the ongoing issues we are encountering due to the shop [REDACTED] which is open 24 hours selling alcohol.

The increase in crime, anti social behavior, huge drug problems increase in street workers at night, youth congregating and high levels of noise.

We as a residents have had enough of the all this and now we are up against yet again more issues, I live at [REDACTED] when we bought the house back in the [REDACTED]s this was a pleasant area to live in quiet no issues. Since the shop [REDACTED] it has been a constant encounter of concerns I have highlighted above. The police and local councilor's are aware of the ongoing issues and have dealt with serious incidents at times daily.

[REDACTED] needs constant [REDACTED] support and [REDACTED] support [REDACTED] as [REDACTED] is unable to assess risk regardless of the [REDACTED] noise and anxiety is a trigger. My [REDACTED] therefore the last thing we need on our door step is more disturbance. We have had enough with issues [REDACTED] the road. The level of noise and anti social behavior would cause a huge impact on [REDACTED] health and well being and living next door would be anyone's nightmare.

Further there is no parking round the front or rear which would mean cars could possibly [REDACTED] [REDACTED] only last week I had to [REDACTED] I would highly appreciate it if you could take note of my concerns and not take this matter lightly. Would you like to live with the issues above especially if you had [REDACTED] being affected by the noise and incidents that it impacts on their health further. The landlord of the premises rents the other rooms out and at times we have had to deal with the level of noise. If the property is a HMO then surely there must a license in place and regulated by the council. Lastly how many shops do we need in this area we have [REDACTED] there is [REDACTED] stores [REDACTED] the [REDACTED] shops [REDACTED] and then [REDACTED] the retail park. Please could you not approve the license and take the issues into account seriously . could you pls respond to my email once a decision has been reached.

Thank you

Mark Scaramuzza

From:
Sent:
To:
Subject:

①

[REDACTED]
29 April 2019 20:25
Licensing
Re: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Hi,

I would also like to object to this for the reason stated below also because the council tax paying people do not require this in the area. It will not serve the community in any shape or form please can you take this matter as serious and i would like a reply from you as well please to acknowledge you have read the email. thank you.

regards [REDACTED]

From: [REDACTED]
Sent: 27 April 2019 12:52
To: licensing@kirklees.gov.uk
Subject: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

②

Hi,

I would like to Object to this application .

I am a resident of the area there are so many existing Anti-social behavior, drug and alcohol misuse issues and i believe that opening a 24 hour off licence store would only add to these issues.



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Mark Scaramuzza

From: Woodhead, Richard [REDACTED]
Sent: 15 April 2019 09:01
To: Mark Scaramuzza; Licensing
Cc: Russell Williams; Mark Chapman; Jagger, Kathryn; Flexney, Joanne; Kitchen, James
Subject: RE: Premise license grant [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

Good morning All,
West Yorkshire police are formerly objecting to this application for 86 Bradford Road.
The applicant is requesting 24 hour opening and we feel that such a grant will impact on the following licensing objectives.

- 1) Crime and disorder. This area of Bradford road is subject to an increased level of crime and anti-social behaviour. West Yorkshire police currently have problem solving strategy specifically for this area of Huddersfield . A 24 hour off licence can only increase crime and disorder in the area.
- 2) Public Nuisance – local residents will suffer with customers coming and going at all hours, and the sale of alcohol at such late hours will impact on residents standard of life due to noise. The Asda on Bradford road has 24 hours, but it is separated from local housing, and employs a security team.
- 3) Public Safety, shop staff are members of the public, and have a far greater chance of becoming a victim of crime when working anti-social hours. Other 24 hour shop employees have been victims of armed robberies, hammer attacks, theft, hate crime and more.

Because this application impacts on 3 of the 4 licensing objectives, we cannot support such an application.

R.Woodhead.

From: Mark Scaramuzza [mailto:[REDACTED]]
Sent: 12 April 2019 11:37

[REDACTED]

Good Morning

I have attached a premises license application for Lina Mini Supermarket.

Yours sincerely

Mark Scaramuzza
Business Support Officer
Kirklees Council
Licensing
Flint Street
Fartown
Huddersfield
HD1 6LG

Rox Javid

From: Mark Chapman
Sent: 15 May 2019 15:27
To: Rox Javid
Subject: FW: Premises licence 27/7 Application in respect of 86 Bradford Road, Huddersfield, HD1 6JE, R443281, 10.04.2018

Rox,

Further to the email below in respect of Premises licence 27/7 Application in respect of 86 Bradford Road, Huddersfield, HD1 6JE, your response below references the applicants home address of [REDACTED] as the premises address which is incorrect and should have been 86 Bradford Road, HD1 6JE.

Yours sincerely

Mark Chapman
Environmental Health Officer
Pollution & Noise Control
Kirklees Council

01484 221000

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From: Mark Chapman
Sent: 16 April 2019 18:16
To: Woodhead, Richard [REDACTED]

Subject: Premises licence 27/7 Application in respect of [REDACTED] Bradford Road, Huddersfield, [REDACTED]

Dear Colleagues,

Premises licence 27/7 Application in respect of [REDACTED] Bradford Road, Huddersfield, [REDACTED]

I would like to object to above application on the grounds of the prevention of public nuisance. The proposed premises are in a area that is mixed residential and retail. The noise from vehicle with amplified music stopping outside the premises, taxis' stopping, people leaving the vehicles, holding raise conversations with the occupants of the vehicles and pedestrians alike, the congregation of people outside the premises whilst using the proposed business, and just socializing outside the premises, is likely to have a detrimental impact on the residents in the vicinity of [REDACTED] in that the noise will affect the use and enjoyment of the average person's home, including the disturbance and prevention of sleep.

In addition, this anti-social behaviour could creating harassment, alarm and distress for local residents.

I recommend that the application to operate 24 hours, 7 days a week is refused.

Yours sincerely

Mark Chapman
Environmental Health Officer

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts-(see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include: • Providing information on the premises of local taxi companies who can provide safe transportation home; and • Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live-music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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Name of meeting: Licensing Panel

Date: Wednesday 5th June 2019 , at 10.30am – Old Court House,
 Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application for the Grant of a Premises
 Licence: Golcar United Community Playing Fields, Longfield
 Avenue, Golcar HD7 4AZ.

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Naheed Mather

Electoral wards affected: Golcar

Ward councillors consulted: Cllr Christine Iredale
 Cllr Andrew Marchington
 Cllr Richard Murgatroyd

Public or private: Public

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

- 2.1.1 On 9th April 2019 the Licensing department received an application for the grant of a premises licence for Golcar United Community Playing Fields, Longfield Avenue, Golcar, Huddersfield HD7 4AZ. The applicant is an unincorporated association, which is a registered charity number 1179760. A trustee is the point of contact for the association. A copy of this application may be seen at **Appendix A**.
- 2.1.2 The licensable activity applied for is for the sale of alcohol between 19:00hrs and 23:00hrs on Tuesdays and Thursdays, between 12:00hrs and 20:00hrs on Saturdays and between 12:00hrs and 16:00hrs on Sundays.
- 2.1.3 One representations have been received relating to this application. This representation considers that the following licensing objectives would not be achieved, should this licence be granted:
- Prevention of Public Nuisance
 - Prevention of Crime and Disorder

A copy of this representation may be seen at **Appendix B**.

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an

application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance
4. Protection of children from harm

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that persons holding licences under the Licensing Act 2003 are in a position to uphold the 4 licensing objectives. Taking appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003 will prevent harm to residents

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, classed as 'Responsible Authorities' under the Licensing Act 2003, these include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe-Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, have to have regard to this objective.

3.5 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant

or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

5 Next steps and timelines

5.1 When determining the application Members, having had regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

5.2 Findings on any issues of fact should be on the balance of probability.

5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.

5.4 The decision should be based on the individual merits of the application.

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Andrew Prescott, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70546
Email: Andrew.Prescott@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence from Golcar United Community Playing Fields.

9.2 Appendix B – Representation from member of the public

10 Strategic Director responsible

Karl Battersby
Strategic Director - Economy and Infrastructure
karl.battersby@kirklees.gov.uk
01484 221 000

Appendix A

10/16/19
R037398
CITD
09 APR 2019
£100.00

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We GOLAR UNITED COMMUNITY PLAYING FIELDS
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>Lonsdale Avenue Recreational Ground</u> <u>Lonsdale Avenue</u> <u>GOLAR</u> <u>Wharfedale</u> <u>ORDNANCE SURVEY Reference : SE 10 16 SW</u>			
Post town	<u>Wharfedale</u>	Postcode	<u>HD7 4AZ</u>

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	<u>£ N/A - None</u>

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	GOLFERS CLUBED COMMUNITY PLAYING AREA	
Address	C/O [REDACTED]	
Registered number (where applicable)	CHARITY NUMBER: [REDACTED]	
Description of applicant (for example, partnership, company, unincorporated association etc.)	UNINCORPORATED ASSOCIATION.	

Telephone number (if any)	[REDACTED]
E-mail address (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

ORDNANCE SURVEY Reference : SE 1016SW
THE PREMISES CONSIST OF A CUBHOUSE
SITUATED IN OPEN LAND WITH ADJACENT
STAND SUITABLE FOR 50 STUDENT PEOPLE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Note. @.

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	Outdoors
Mon			<input type="checkbox"/>	<input type="checkbox"/>
Tue	1900	2300	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wed				
Thur	1900	2300		
Fri				
Sat	1200	2000		
Sun	1200	1600		

Please give further details here (please read guidance note 4)

State any seasonal variations for performing plays (please read guidance note 5)

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)

Reconstructed work throughout the summer invariable times Sundays during the day till sun 1700 hrs - no more than 3/4 durations.

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)	
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed					State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur						
Fri					Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Wed				
Thur				
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

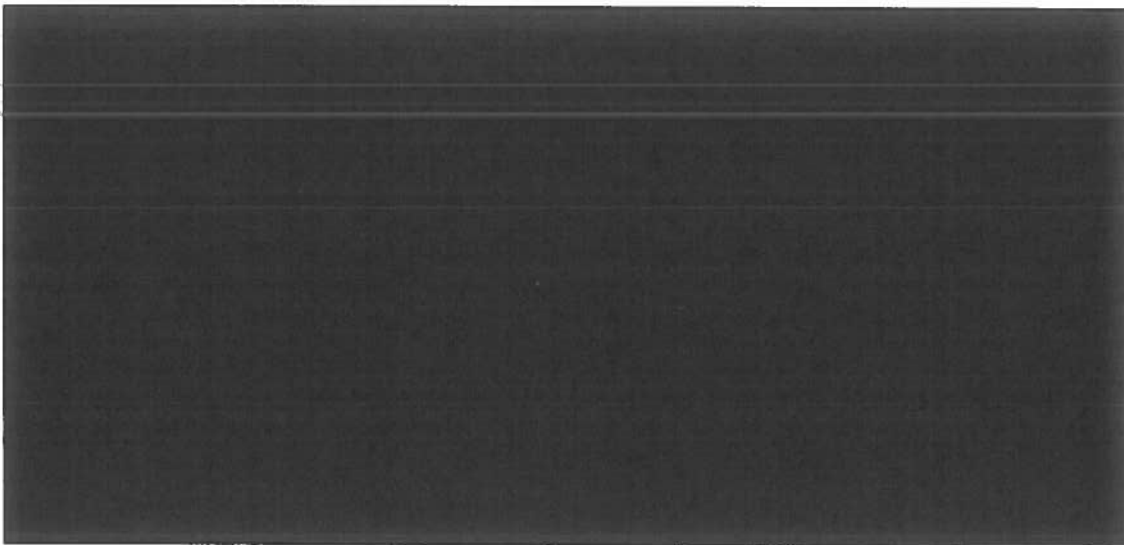
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Mon				
Tue	1900	2300		
Wed				
Thur	1900	2300		
Fri				
Sat	1200	2000		
Sun	1200	1600		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
			<i>Recreation Community events throughout the summer months being Sunday drinks the day till sat 1200 to 10pm.</i> <i>- no more than 3/4 occasions.</i>	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	19.00	23.00	
Wed			
Thur	12.00	23.00	
Fri			
Sat	12.00	20.00	
Sun	12.00	16.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises are located in a 'cave'
Secure and safe location (kennel premises)
where entry is by tunnel.

b) The prevention of crime and disorder

Will have security presence at
all times during licensing hours.

c) Public safety

Will comply with all health
and safety legislation

d) The prevention of public nuisance

The license will be restricted to
limited opening times as listed.

e) The protection of children from harm

Children will be escorted by
qualified adults as recognised
guardians of children groups for
recreation purposes.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
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	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	9/4/19
Capacity	Trustee of Goum Catted Community Playing Fields

Trustee

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence with this application (please read guidance note 14)	
Goum Catted Community Playing Fields	
[REDACTED]	
Post town	Huddersfield
Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
[REDACTED]	

Personal-Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:
<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

Licensing Department, Flint Street Depot, Flint Street, Huddersfield HD1 6LG

Appendix B

I wish to object to the above based on the reasons below.

The prevention of crime and disorder.

- If a license was permitted then I believe this would lead to possible crime and disorder within the surrounding areas either by people who have consumed alcohol or others intent on breaking into the premises to steal said alcohol. The area surrounding Golcar United is occupied by a large proportion of elderly people who if they wanted to live on top of licensed premises would have rented or purchased a property near to a licensed establishment.

The prevention of public nuisance.

- There are anti social problems such as swearing, littering and people urinating against trees and fences etc when their are games on. If the club are granted an alcohol license then I believe this will increase this type of anti social behaviour. I understand a license has already been agreed for floodlights to be installed which would indicate evening matches. How would it be for an elderly resident in this area [REDACTED] [REDACTED] to listen to people effing and jeffing in the evening whilst trying to rest because the players and or supporters have consumed alcohol?

Please consider the above.

Appendix C

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also

consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;*
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- it is known that unaccompanied children have been allowed access;*
- there is a known association with drug taking or dealing; or*
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises*

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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