

# Public Document Pack



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

**Julie Muscroft**

The Democracy Service

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High Street

Huddersfield

HD1 2TG

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Tuesday 29 October 2019

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Meeting Room 1 - Town Hall, Huddersfield** at **10.30 am** on **Wednesday 6 November 2019**.

A car will depart the Town Hall, Huddersfield to undertake a site visit at 9:30am. The meeting to consider the applications will commence at 10:30am.

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 Christine Iredale

Councillor Mohan Sokhal

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Site Visit - Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR**

To undertake a site visit to the above premises at 9:30am

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**2: Interests**

1 - 2

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.

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**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.

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**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.

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**5: Public Question Time**

The Committee will hear any questions from the general public.

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**6: Licensing Act 2003 – Application for the Grant of a Premises Licence: Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR** 3 - 64

To consider the application at 10.30am

**Contact:** Mike Skelton Licensing Officer, Tel: 01484 221000

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**7: Application for Review Hearing under S51 Licensing Act 2003: JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, HD5 9XF** 65 - 94

To consider the application at 11.15am

Contact: Jordan Barrett, Licensing Officer, Tel: 01484 221000

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**8: Application for Review Hearing under S51 Licensing Act 2003: Dixy Chicken, 19 Cross Church Street, Huddersfield HD1 2PY** 95 - 126

To consider the application at 11.45am

Contact: Beth Jennings, Licensing Officer, Tel: 01484 221000

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<b>KIRKLEES COUNCIL</b>				
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>				
<b>DECLARATION OF INTERESTS</b>				
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 6<sup>th</sup> November 2019, at 10.30am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

**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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	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 <a href="#">portfolio</a>	Cllr Rob Walker

**Electoral wards affected:** Mirfield

**Ward councillors consulted:** Cllr Martyn Bolt  
 Cllr Vivien Lees-Hamilton  
 Cllr Kath Taylor

**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 30<sup>th</sup> August 2019 the Licensing department received an application for the grant of a premises licence for Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR. The application was made on behalf of the company itself. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows; Live Music 7 days a week from 12:00hrs to 23:00hrs, Recorded Music, 7 days a week from 12:00hrs to 23:00hrs and the supply of alcohol for consumption on the premises, 7 days a week from 11:00hrs to 23:00hrs

2.1.3 In total, 11 representations have been received relating to this application from members of the public. The representations consider that the following licensing objectives would not be achieved should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Public Safety

A copy of these representations may be seen at **Appendix B**

The licensing service has also received 10 pieces of correspondence from other members of the public in support of this application. These can be viewed at **Appendix C**

2.1.4 The Council's Environment Health team in their capacity as a responsible authority, have also requested some conditions be applied to the licence should it be granted. These can be viewed at **Appendix 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
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 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. 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**

Mike Skelton, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 70540  
Email: mike.skelton@kirklees.gov.uk

## **9 Background Papers and History of Decisions**

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

9.2 Appendix B – Representations from the public

9.3 Appendix C – Correspondence in support of the application from the public

9.4 Appendix D – Conditions requested by Environmental Health

9.5 Appendix E – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## **10 Strategic Director responsible**

Karl Battersby – Strategic Director, Economy and Infrastructure

Tel: 01484 221000

Email: [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

# Appendix A



**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 CUPUSHI

(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			
54 CALDER ROAD LOWER HOPTON			
Post town	MIRFIELD	Postcode	WF14 8NR

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	<del>small business rate relief</del> <b>2700</b>

**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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality BRITISH</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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)	
<b>Surname</b>			<b>First names</b>		
Date of birth I am 18 years old or over				<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
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	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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.

<b>Name</b> [REDACTED]
<b>Address</b> 54 CALDER ROAD LOWER HOPTON MIRFIELD WF14 8NR
<b>Registered number (where applicable)</b> 11404390
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> COMPANY

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<del>01</del>	<del>10</del>	<del>2019</del>
28	09	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)

The premise has a coffee shop on the ground floor with a maximum of 20 seats, attached to the clothes side of the business. The premise has a functional room downstairs which again can host between 15-20 seats.

We do have a well-equipped kitchen and customers toilets downstairs.

The building is located on Calder Road, just outside of Mirfield town centre.

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**

<b>Play</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)	
Wed				
Thur			<b>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</b> (please read guidance note 6)	
Fri				
Sat				
Sun				

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><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></b> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	12:00	23:00			
Tue	12:00	23:00			
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed	12:00	23:00			
Thur	12:00	23:00			
			<b><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></b> (please read guidance note 6)		
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	<b><u>Please give further details here</u></b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	12:00	23:00			
Fri	12:00	23:00	<b><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></b> (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	23:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**H**

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> <u>– please tick</u> (please read guidance note 8)	On the premises	yes <input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

**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):**

<b>Name</b>	
<b>Date of birth</b> ██████████	
<b>Address</b> ██████████	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> KMCPL4446	
<b>Issuing licensing authority (if known)</b> KIRKLEES COUNCIL	

**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).**

Planning to do a wine night, probably on Fridays. Between 17:00 till 21:00/22:00  
**Gin night event on one Saturday.**

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	7:00	23:00	<p><b><u>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</u></b> (please read guidance note 6)</p>
Tue	7:00	23:00	
Wed	7:00	23:00	
Thur	7:00	23:00	
Fri	7:00	23:00	
Sat	9:30	23:00	
Sun	10:00	23:00	



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)**

Nothing beyond existing health and safety/fire safety etc requirements.

**b) The prevention of crime and disorder**

CCTV will be installed at the premises.  
Intruder alarm will be installed at the premises.

**c) Public safety**

Fire Exit

**d) The prevention of public nuisance**

Signs on Exit

Sign will be erected at the entrance + exit asking customers to leave the premises quietly.

**e) The protection of children from harm**

All children on the premises beyond 19:00 must be accompanied by an adult

Challenge 25 policy will be in place at the premises.

**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.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [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).</li><li>• 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</li></ul>
--------------------	---

	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	29/08/2019
Capacity	Owner

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)			

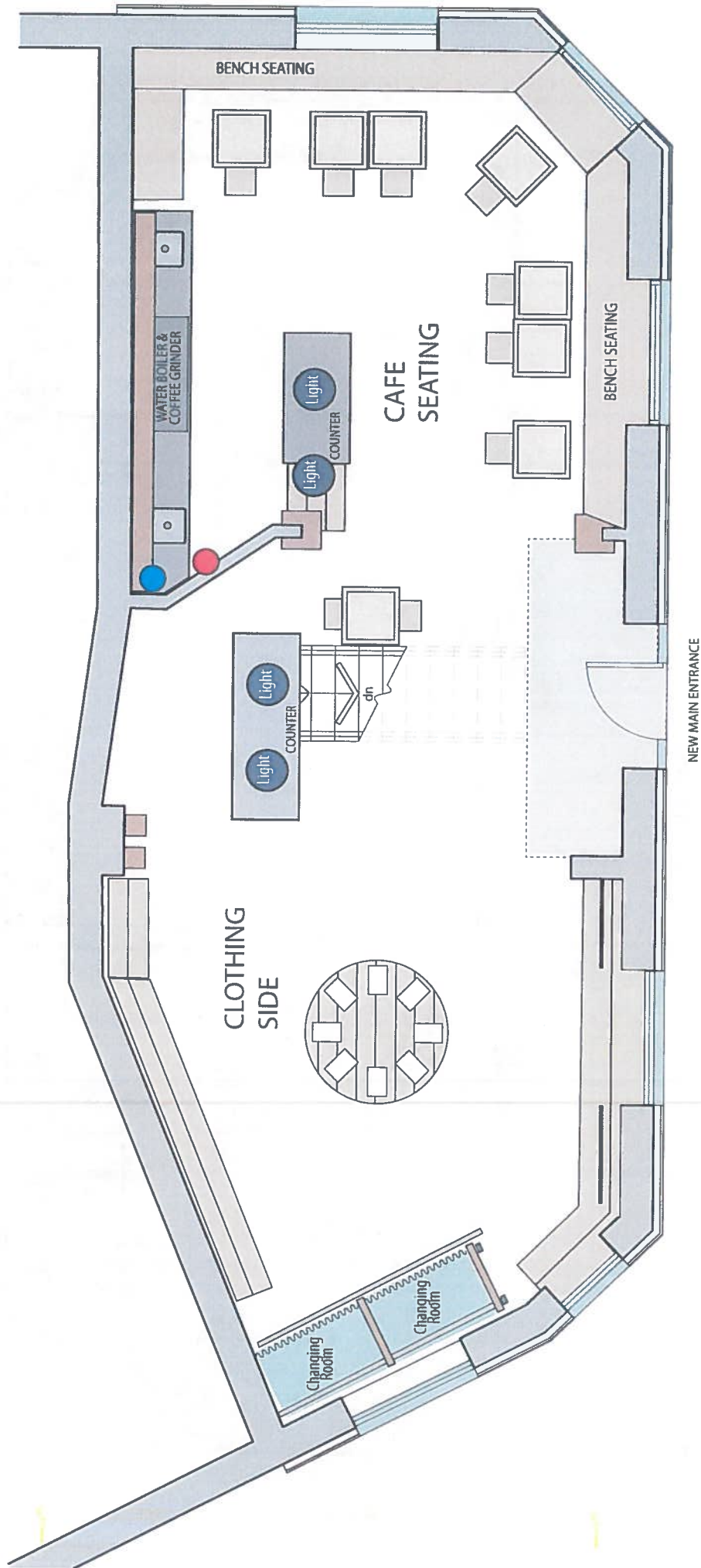
**Personal Data**

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>

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

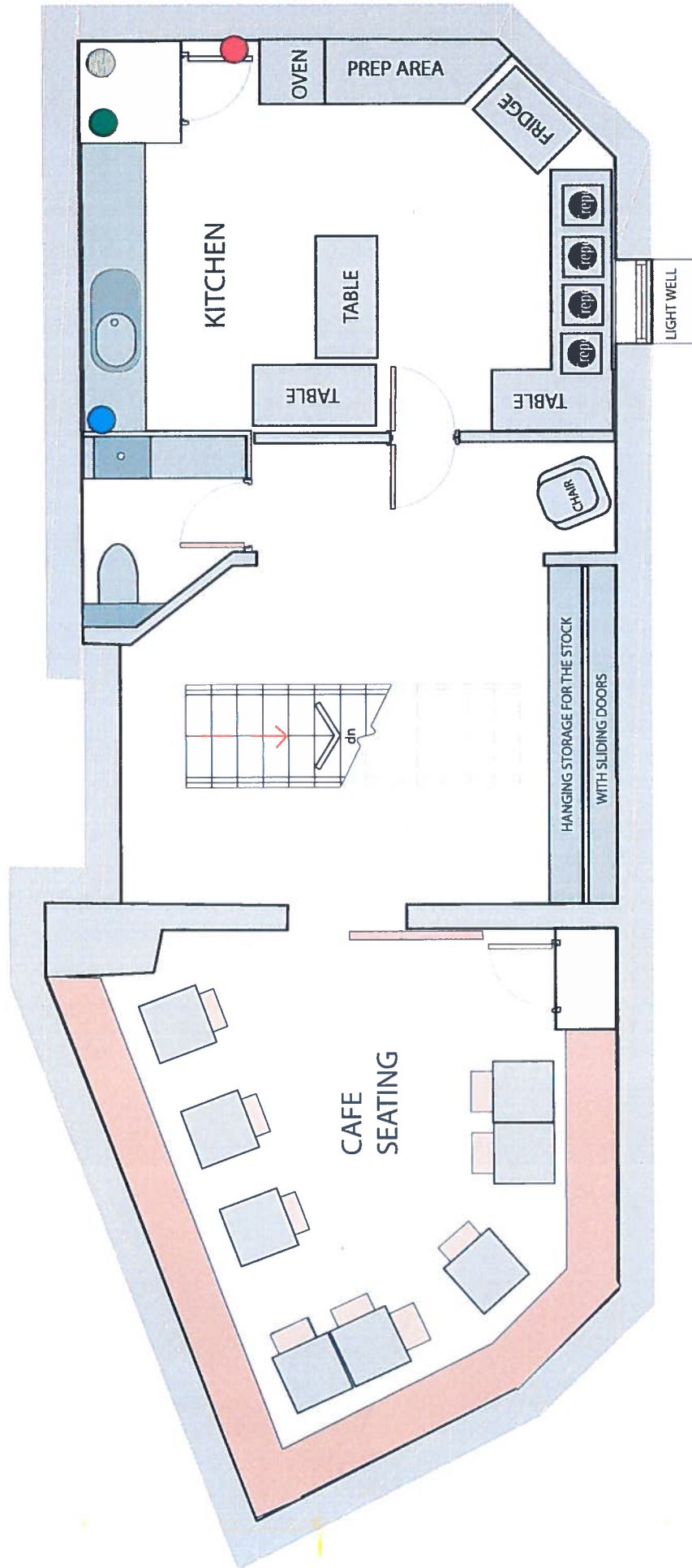
CUPUSHI  
GROUND FLOOR PLAN  
SCALE: 1-5

- Fire Extinguisher
- Fire Blanket
- First Aid



CUPUSHI  
BASEMENT FLOOR PLAN  
SCALE: 1-5

- Fire Extinguisher
- Fire Blanket
- First Aid



# Appendix B

## Licensing

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**From:** [REDACTED]  
**Sent:** 16 September 2019 08:16  
**To:** Licensing  
**Subject:** Licensing Request Cupushi

Dear Sir/Madam

I am writing in response to the request for licensing for the premises

Cupushi  
54 Calder Road, Lower Hopton  
Mirfield  
WF14 8NR

I am a resident on Calder Road and I would like to inform you of my strong opposition to this request of the above business for licensing to sell alcohol.

This business has already been the target of 3 attacks of vandalism and robbery recently.

This coffee/clothing shop is also in the middle of a residential street and has homes to the side and above it, I believe it would encourage anti-social behaviour, drunkenness and noise for residents living in the vicinity should a license to sell alcohol be granted.

Already there are issues with parking near to and on side streets next to this business and I think allowing licensing and drinking at the premises would increase this.

I don't feel the business is taking into account the impact of all of the above for residents and families living close to the shop.

I would like to thank you for taking this into consideration when assessing this business for and alcohol licence.

Kind regards

[REDACTED]

16 SEP 2019

**From:** [REDACTED]  
**Sent:** 07 September 2019 22:01  
**To:** Licensing  
**Subject:** Objection to licensing application at 54 Calder Road, Lower Hopton, Mirfield

09 SEP 2019

Dear Sir or Madam

I write regarding the alcohol and music licence application for 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.

[REDACTED], [REDACTED]  
[REDACTED]  
[REDACTED] which is requesting an alcohol and music licence 7 days a week 12 hours a day.

The property and heavily populated residential location is completely unsuitable for the type of licence being applied for given:

- The property would essentially be a lively bar 7 days a week 12 hours a day, in a heavily populated residential area. This would inevitably result in an unacceptable level of noise for adjacent residents, alongside intoxicated customers and taxis dropping off and collecting, during and following those periods. There are already multiple local complaints around the Artisan bar in Mirfield associated with high levels of noise and anti social behaviour, in an area that is no where near as heavily [REDACTED].
- The addition of a live and recorded music licence [REDACTED] 7 days a week and up until 23:00 each evening is wholly inappropriate. [REDACTED] proposition and impact on [REDACTED].
- There is no suitable parking area for a busy bar/business, the side streets of Calder Road and Marshall Street are already very busy with residents cars, they are narrow and the main Calder Road road is also heavy with traffic. Customers of the current cafe business already regular park their vehicles in dangerous locations and across the driveways of local residents. The result of a licence being granted will be a significant increase in vehicles parking along the front of our property and around the area, which will restrict visibility and introduce dangerous conditions for drivers and pedestrians, in what is an area containing a significant population of young children and elderly people.
- There is no suitable refuse facilities, a bar/cafe will need multiple industrial bins, and the owner has already requested that they locate their industrial waste bin for their current cafe business, on the driveway of our property due to this. The addition of longer opening, brings more general and recyclable waste, which necessitates the need for suitable waste arrangements including collection, bins stored in an appropriate location away from residential property, which this property does not have. This also has the potential to cause a health hazard to local residents, including vermin.



- The current clothes shop/cafe has been broken into twice as a cafe/clothes shop, and this has left [REDACTED] at the prospect of the business growing and more cash being held on those premises, introducing a significantly increased risk of criminal behaviour in the area.
- [REDACTED] as a result of this application being granted, manifested in the points I have made above.

Yours faithfully

[REDACTED]

**Mark Scaramuzza**

---

**From:** [REDACTED]  
**Sent:** 09 September 2019 09:26  
**To:** Licensing 09 SEP 2019  
**Subject:** Objection to licensing application at 54 Calder Road, Lower Hopton, Mirfield

Dear Sir or Madam

I write regarding the alcohol and music licence application for 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.

[REDACTED]  
[REDACTED]  
[REDACTED] which is requesting an alcohol and music licence 7 days a week 12 hours a day.

The property and heavily populated residential location is completely unsuitable for the type of licence being applied for given:

- The property would essentially be a lively bar 7 days a week 12 hours a day, in a heavily populated residential area. This would inevitably result in an unacceptable level of noise for adjacent residents, alongside intoxicated customers and taxis dropping off and collecting, during and following those periods. There are already multiple local complaints around the Artisan bar in Mirfield associated with high levels of noise and anti social behaviour, in an area that is no where near as heavily [REDACTED]
- The addition of a live and recorded music licence [REDACTED] 7 days a week and up until 23:00 each evening is wholly inappropriate. [REDACTED] proposition and impact on [REDACTED].
- There is no suitable parking area for a busy bar/business, the side streets of Calder Road and Marshall Street are already very busy with residents cars, they are narrow and the main Calder Road road is also heavy with traffic. Customers of the current cafe business already regular park their vehicles in dangerous locations and across the driveways of local residents. The result of a licence being granted will be a significant increase in vehicles parking along the front of our property and around the area, which will restrict visibility and introduce dangerous conditions for drivers and pedestrians, in what is an area containing a significant population of young children and elderly people.
- There is no suitable refuse facilities, a bar/cafe will need multiple industrial bins, and the owner has already requested that they locate their industrial waste bin for their current cafe business, on the driveway of our property due to this. The addition of longer opening, brings more general and recyclable waste, which necessitates the need for suitable waste arrangements including collection, bins stored in an appropriate location away from residential property, which this property does not have. This also has the potential to cause a health hazard to local residents, including vermin.
- The current clothes shop/cafe has been broken into twice as a cafe/clothes shop, and this has left [REDACTED]

[REDACTED] at the prospect of the business growing and more cash being held on those premises, introducing a significantly increased risk of criminal behaviour in the area.

- [REDACTED]  
[REDACTED] as a result of this application being granted, manifested in the points I have made above.

Yours faithfully

[REDACTED]

**From:** [REDACTED]  
**Sent:** 09 September 2019 00:11  
**To:** Licensing  
**Subject:** Objection to Licence/Certificate applied for by CUPUSHI - 54 Calder Road, Lower Hopton, Mirfield WF14 8NR

09 SEP 2019

Dear Sir/Madam,

I write with reference to the alcohol and music licence application made by the above applicant.

I own the residential property at [REDACTED] and have lived at the property for over [REDACTED]. I wish to strongly express my objection to the granting of the licence being applied for by CUPUSHI for a variety of reasons;

**The location of the premises and the purpose for which the licence is sought:**

- [REDACTED] it would be an intolerable nuisance to have a lively bar opening for 12 hours a day for 7 days (Monday to Sunday) between the hours of 11am to 11pm.
- [REDACTED] it is inevitable the noise that will be generated by activities within the premises will [REDACTED]
- The use of the said premises originated as a clothing store but then became a cafe. The current noise emanating from the premises has meant [REDACTED] "clanging and banging" from activities therein.
- The said premises has been subject of vandalism and more recently a couple of break ins which has resulted in fear and anxiety not only by [REDACTED] road from me and other adjacent residents. On each and other occasions, we have experienced the piercing sound of the burglar alarm going off in the early hours of the morning (at 2am and 3am) thus disrupting our sleep. We have been left feeling fearful and anxious which is unacceptable.
- The further noise and footfall that will be generated if CUPUSHI were to be granted a licence would be totally inappropriate for a quiet residential area.
- The value of my property should I decide to sell or rent it out would be significantly devalued. The properties in the area will also be equally affected due to the proximity. We have previously enjoyed a surge in demand from those wanting to live in the area due to the proximity to local amenities, transportation and the local school.
- There are vulnerable residents living in very close proximity to CUPUSHI
- There has been no consultation as far as I am aware with the residents within the vicinity of the said premises.

**Parking:**

- There is no suitable provision for parking for visitors to the premises on Calder Road, Marshall Street or Waste Lane for anyone visiting the premises which will compound to what the residents of the area are already experiencing from the shops operating on Calder Road (Cafe Shop, Barbers and Beauty Salon).

**Refuse facilities:**

- There is currently no suitable refuse facility that would adequately cater for the waste that would be generated by a busy bar/cafe on Calder Road. I am also aware that the owners of CUPUSHI are currently [REDACTED]
- There is no provision for the general and recyclable waste that would be generated following the granting of a bar licence not to mention the potential health hazards from broken bottles and vermin that will be experienced by young children that walk past the premises to go to the local school (Monday to Friday) and when they play out at weekends.

Taking all the above into consideration, I would urge the Council to please seriously consider the prevention of further crime and disorder, a public nuisance, the protection of children from harm and the potential for unsociable behaviour within a close knit residential community.

Yours faithfully,

[REDACTED]

PN 00099

**Tracy Bell**

---

**From:** [REDACTED]  
**Sent:** 12 September 2019 11:06  
**To:** Licensing  
**Subject:** Objection | Licensing

12 SEP 2019

Hi there,

I'd like to object against the application of the license for alcohol and music at Cupushi (Ushwear Clothing) 54 Calder Road, Lower Hopton, WF14 8NR. I've lived in Lower Hopton for over 25 years and live just off [REDACTED]. Initially the premises was used as clothes shop (work shop), there were issues with parking of the shop van causing a obstruction to residents trying to get out of the bottom of Marshall Street & Waste Lane. Over the last 6 months, its main focus is now a coffee shop. Since then, the parking has got 'kamikaze', parking on pavements, outside peoples houses and at times its impossible to get out of Waste Lane & Marshall Street safely.

My other issues are the residents who live above the coffee shop and back to back with it, they are all families with young children. They want the sale of alcohol 11am to 11pm at night Monday to Sunday, Live & recorded music, 12 Noon until 11pm Monday to Sunday. This will cause spill over of smokers on to the pavements outside, directly underneath sleeping families, alcohol also brings the 'loudness' out of people too and not to mention noise from music.

There is also the issue of crime, theres been multiple break-ins and vandalism to the premises, and also the placement of tables and chairs outside on the pavement, which already narrow.

Please confirm you have received my concerns which are also shared by mainy 'local' residents who live in the area. I support local business as its good for the community but this is something I will not support and many other locals don't either.

Yours faithfully

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** 05 September 2019 19:40  
**To:** Licensing  
**Subject:** Objection to license for alcohol and music at Cupushi, 54 Calder Road, Lower Hopton WF14 8NR

Hi,

I live at number [REDACTED] in Lower Hopton and I would like to object to a license being granted for alcohol and live music at Cupushi.

This is a highly residential area and I have owned my property since 2000.

Since the opening of this clothes shop, which then changed to another café, we have seen an increase in crime and vandalism to the area. Whilst this may not be the owners fault, it has certainly added to increasing crime rates in our neighbourhood.

There is far more noise than ever before even without music, events and alcohol being consumed and many parking issues with the venue. Quite often patrons of the café park their cars causing a blind spot in and out of the end of Marshall street which has caused many near miss accidents recently.

The staff often stand on the street smoking and chatting and this is likely to increase with events and alcohol consumption and doesn't look great for the many children who walk past and live in the area as this would also increase with the change in use of the building.

The establishment has already been targeted several times for burglary's and vandalism and I fear that this will only increase further with the introduction of events, music and alcohol. I do not want to hear loud music all day and night everyday or a steam of people entering and leaving the venue or standing outside drinking and smoking as there is no outdoor area attached to this venue. I bought my home in Lower Hopton as it was quiet and peaceful and I want it to stay that way.

I have no objection to it being a clothes shop but I don't think there was even any need to make it into a coffee shop as there was already one a few doors down.

Please consider these points as I feel that the venue is unsuitable for this type of business.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

**Mark Scaramuzza**

---

**From:** [REDACTED]  
**Sent:** 04 September 2019 12:49  
**To:** Licensing  
**Subject:** Ushi wear shop mirfield lower hopton

04 SEP 2019

Hi im emailing about the new license for alcohol and live music at the ushi wear premises i live [REDACTED] [REDACTED] and the traffic is already ridiculous parking outside my house plus sometimes on the pavements i have to park my car up the road because i cant get in front of my own house and now they are wanting a license for alcohol we already have enough rowdy people coming from the flower pot on a weekend walking past i dont want it on my street lower hopton is a quiet area with elderly people and familys we dont want it think its totally inconsiderate of them to be honest and i know its not there fault with the break ins but all that is frightening for both me and my children to know that people in masks are robbing the place every other month this license can not go ahead please take into consideration familys and young babies live round here .keep the bars and alcohol in the town centre with the rest not quiet areas like lower hopton with houses literally above it and over the road  
Thankyou  
Kind regards  
[REDACTED]



**Mark Scaramuzza**

---

**From:** [REDACTED]  
**Sent:** 04 September 2019 13:01  
**To:** Licensing

04 SEP 2019

Dear Sir/Madam

I am writing to you about the proposed licence at Cupushi, 54 Calder Road, Lowerhopton, Mirfield as of which I would like to object to the proposed licence.

I am a local resident living at [REDACTED] Lower Hopton, Mirfield [REDACTED]. This area of Mirfield is full of families due to the very local Hopton primary school, it isn't an appropriate place for that kind of licence. It would cause a lot of disruption to local residents with noise nuisance and also parking (there is none).

Cupushi backs on to 2 houses, one of which is home to a large family including 4 children with their bedrooms being right above Cupushi itself. Cupushi has been broken in to twice this year which has already effected the said family living above it.

Kind regards  
[REDACTED]

**Mark Scaramuzza**

---

**From:** [REDACTED]  
**Sent:** 04 September 2019 12:26  
**To:** Licensing  
**Subject:** Planning application ushi wear Calder road

04 SEP 2019

I would like to contest the planning application for ushiwear/cupushue Calder road lower hopton alcohol, extended hours & live music.

[REDACTED]  
[REDACTED]  
[REDACTED], I also worry about the detrimental impact this will have on my children's education as the noise pollution will keep them awake impacting on daily life. Also the noise from anti social behaviour that comes with these type of premises is a severe worry of line is such a family orientated community. [REDACTED] ushi wear has had two recent break in so I am constantly worried about my house being broken into aswell. I have numerous cards park on the curb [REDACTED]

Many thanks

Get [Outlook for iOS](#)

**Mark Scaramuzza**

---

**From:** [REDACTED]  
**Sent:** 04 September 2019 16:34  
**To:** Licensing  
**Subject:** Objection to a planning application CUPUSHI - 54 Calder Road, Lower Hopton , WF14 8NR

I wish to lodge an objection to the planning application for the above (CUPUSHI - 54 Calder Road, Lower Hopton , WF14 8NR).

The request for selling alcohol and live/pre-recorded music till 11pm Mon – Sun is totally unsuitable for this highly residential are.

As a local resident this will cause a lot of nuisance, not only for parking, loud music to 11pm will cause significant issues for people and more so young children asleep.

Anti-Social and drunken behaviour I feel also is not the place on Calder Road.

I wish my objection be lodged in the strongest possible way.

Local resident

[REDACTED]

04 SEP 2019

04 SEP 2019

# may I please have a confirmation this has been lodged.

**From:** [REDACTED]  
**Sent:** 04 September 2019 13:19  
**To:** Licensing <[Licensing@kirklees.gov.uk](mailto:Licensing@kirklees.gov.uk)>  
**Subject:** Objection to Application for Licensed Premises Certificate

Dear Sirs

Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

I live locally to the above premises and would like to lodge my objection to the possible granting of a licensed premises certificate.

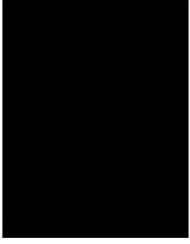
This is a totally unsuitable site for an alcohol license. It is surrounded by residential property full of families, children and older people. There are houses in close proximity to the premises, both at the sides of the property and directly above it. The residents right to peaceful enjoyment of their home will be severely affected by the noise that licensed premises inevitably attract and also noise travelling from the proposed live music.

There is also the issue of the rather kamikazi parking that Ushwear/Cupushi seems to attract on Calder Road, Waste Lane and Marshall Street. In particular, the bottom of Waste Lane has already become a hazard for pedestrians trying to cross the road. It is already a busy corner and the delivery vans would exacerbate the existing difficulties. The premises are on a direct walking route to the local primary school and licensed premises would present an additional problem for young children making their way to and from school.

I notice that the pavement outside the shop has already been annexed for tables and chairs, making an already narrow pavement much narrower. I don't want to have to squeeze past the inevitable smokers standing outside the only entrance to the premises. There would also be an inevitable lessening of air quality in the area and the surrounding houses would be subject to smoke and noise pollution as well as unwanted smells from a new licensed premises.

I understand that licensed premises and housing co-exist all over, but this is a proposal for the introduction of a completely new premise, where one has never existed before. It will change the area totally and make life unpleasant for local residents. It may also attract unwanted attention to the area, as Ushwear/Cupushi has been broken into twice in the last few weeks. Those of us who live locally are concerned by this.

I hope that my concerns will be taken into account when this application is considered.



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# Appendix C

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 14:46  
**To:** Mike Skelton  
**Subject:** Cupshi / coffee shop

Dear Mike

With regards to the recent application for an alcohol license for the premises on Calder Road, Mirfield, Cupshi I would like to endorse their application.

They are a local family who have been working hard over many years to grow their business and to remain in Mirfield. They also work hard to employ local people and have carried on regardless of a few mindless acts of vandalism.

This I feel is the next progression for Cupushi to enable their coffee shop users the option of a glass of wine with their lunch, or for any functions they may have. This would only enhance the excellent service they already offer in the community.

I do live local to the shop and I am hopeful that their application is approved.

Please feel free to contact me if need be.

Regards



## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 11:41  
**To:** Mike Skelton  
**Subject:** Cupushi

Hi Mike,

Just wanted to drop a line to say I think it'd be fantastic if Cupushi (lower hopton) were granted an alcohol license. They already provide great food during the daytime and it'd be brilliant to be able to enjoy a cold beer with a bagel!

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]



## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 11:53  
**To:** Mike Skelton  
**Subject:** Regarding alcohol licence for cupusi

I'd like to be all for the licence to be for cupusi in lower hopton as I think it will be a brilliant idea to have this located in lower hopton

Sent from Samsung Mobile on O2

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 12:30  
**To:** Mike Skelton  
**Subject:** Ushwear/Cupushi License

Good afternoon,

I'm writing on behalf of the application for an alcohol license at Ushwear/Cupushi in Lower Hopton, Mirfield. These are both great businesses we have in Hopton and I truly believe the application will only enhance the area and provide an even greater atmosphere than what has already been achieved by the owners.

This will be a great addition to an already exceptional place.

Thanks,

[REDACTED]

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 14:29  
**To:** Mike Skelton  
**Subject:** Fwd: Ushi

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 25 September 2019 at 14:24:51 BST  
**To:** [mike.skelton@kirkless.gov.uk](mailto:mike.skelton@kirkless.gov.uk)  
**Subject:** Ushi

Dear Mr Skelton

With reference to the above obtaining a liquor licence, I have absolutely no objection whatsoever.

I have lived in Mirfield for most of my life and I see it growing from strength to strength, Calder Rd has developed so much in recent years it's become its own little village with local people investing in, and making it a real place to visit rather than drive past.

Ushi is a wonderful place where I meet friends regularly, the food is fantastic and locally sourced darkwood coffee is world class. The investment from [REDACTED] is recognised greatly, which explains the clientele and loyalty to their brand.

I honestly believe a licence would benefit them, there's nothing nicer than the odd glass of wine at lunchtime with a lovely meal; this is not a 'pub culture' establishment, but just a lovely place for lunch or tea.

I do hope you will consider their application for how it is intended.

Yours faithfully

[REDACTED]  
Sent from my iPhone

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 15:25  
**To:** Mike Skelton  
**Subject:** Licensing Application, Calder Road, Mirfield

**Importance:** High

Dear Mike,

LICENSING APPLICATION, CALDER ROAD, MIRFIELD

We are Mirfield residents and regular customers of Ushiwear / Cupushi at Calder Road, Lower Hopton. We write to wholeheartedly support the application for an alcohol license on the above premises.

We have been customers of the applicant for approximately 7 or 8 years since my daughter first saw one of her favourite pop stars wearing an Ushiwear t-shirt on TV. Over this time, we have experienced the highs and lows of the journey they have been on to get to where they are now. They are running a very successful clothing brand and coffee shop business inside a beautifully crafted shop which has been subject to significant emotional and financial investment over the last 3 to 4 years. They have continued to invest in our home town of Mirfield despite all the bureaucratic challenges they have encountered along the way. Having known the applicants for a long time, they often feel that they are punished for doing the right thing by seeking all the relevant statutory consents; yet they continue to put their heart and soul into this business. And you can tell.

Ushiwear has completely revitalised the street-scene on Calder Road and has created a vibrant place to shop and eat. Without their investment, the building could easily be just another run down neglected eyesore that is being experienced on our high streets up and down the country.

I appreciate that the licensing application has been controversial for nearby residents who are concerned about noise, anti-social behaviour and highways: the latter being predominantly a planning issue, not licensing. The premises have planning and building regulations consent so planning issues were dealt with at that time.

As long time customers, we write to reinforce that the business model of Ushiwear / Cupushi is not to become a pub, or regular drinking establishment; the demographic of their target customer base is not those who would cause disruption, noise and anti-social behaviour. I understand that the license application is purely for occasional events that may be invite only up to say 8pm ish in the evening where we might be treated to a glass of wine, bottle of beer and some nibbles during a new clothing line product launch etc.

Having the ability to be invited to evening events with drinks will mean that more money can be spent in the local economy and the business continues to go from strength to strength. Calder Road will therefore remain vibrant and alive. We therefore trust that we have managed to convince you that the obvious economic benefits of granting the license far outweigh the possibility of any harm being caused – which we honestly believe will be extremely rare and negligible.

We trust you agree, support and grant the license.

Many thanks

[REDACTED]

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 15:38  
**To:** Mike Skelton  
**Subject:** Application for Alcohol Licence - Ushiwear/Cupushi Coffee Shop

Dear Mr Skelton,

I support the application for an alcohol licence at Ushiwear/Cupushi Coffee Shop on Calder Road, Mirfield.

I am a local resident, actively support local businesses and I am starting up a small business. Ushiwear/Cupushi have already created a super local community hub for socialising and networking for local businesses.

My take on the ethos of Ushiwear/Cupushi is to not only source products and services locally, but to also bring local people together to socialise and support one-another. With an addition of an alcohol licence, further socialising, networking opportunities and special events will be made available in a ideal setting.

Yours sincerely,

[REDACTED]

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 17:29  
**To:** Mike Skelton  
**Subject:** USHI - Alcohol license

Good afternoon,

I am emailing in relation to Ushi and obtaining an alcohol license.

I am in favour as mirfield is now the new place for having great bars, I actually live in wrenthorpe and previously lived in mirfield but have only just started visiting mirfield more regularly to meet up with friends at the new bars rather than going into Leeds, also Ushi's coffee shop is amazing and would be great to also have a bar in hopton for the locals who do not fancy a working mens club.

Kind regards,

[REDACTED]

**Mike Skelton**

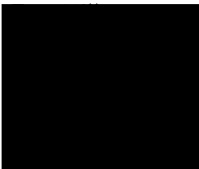
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**Subject:** FW: Alcohol licence at coffee shop at ushi wear Mirfield

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 26 September 2019 14:47  
**To:** Mike Skelton <Mike.Skelton@kirklees.gov.uk>  
**Subject:** Re: Alcohol licence at coffee shop at ushi wear Mirfield

I send this email in support of the alcohol licence for the coffee shop at ushi wear. I understand there have been objections for this.  
In my opinion I think it is a great idea. It's a lovely little coffee shop and think it would be great to have the odd glass of wine with my lunch when I visit. I understand this is one of the reasons for the licence. I cannot understand why anyone would object. It's not a very large place so it's hardly going to attract large crowds of people drinking excess alcohol. There is the Flowerpot pub only on the road and The volunteer Arms used to be next but one and these were public houses. This is just a very small coffee shop asking for a licence. I cannot see why there would be any objections so please take my email as An agreement from me the licence should be granted.  
Thank you



Sent from my iPhone

## Mike Skelton

---

**From:** [REDACTED]  
**Sent:** 25 September 2019 20:59  
**To:** Mike Skelton  
**Subject:** Cupushi alcohol licence

Dear Mr Skelton,

I feel compelled to comment on, and support the application for an alcohol licence by Cupushi for various reasons:

- this company has improved the visual aspect of Calder road and has enhanced the footfall for other local businesses
- the application is purely for individual functions on an adhoc basis which will have no detrimental effect on the local area
- the licence will not involve late nights and associated antisocial behaviour
- the customers who use cupushi and presumably who would support these individual events are the customers that we should be encouraging to support local businesses in Mirfield

Yours sincerely,

[REDACTED]

Sent from my iPhone

Sent from my iPhone



# Appendix D

**Licensing Act 2003  
Response to Licensing Service  
From Environmental Services**

<b>Reference:</b>	WK/201918418
<b>Premises:</b>	Cupushi, Former, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

<b>Licensable Activity (place X in relevant box)</b>			
Sale by retail of Alcohol	<b>x</b>	Provision of regulated entertainment	<b>x</b>
Provision of entertainment facilities (music, dancing, etc)	<b>x</b>	Provision of late night refreshment	

<b>OBSERVATIONS</b>			
<b>Public Safety</b>		No observations to send standard letter	
<b>Date:</b>	13 September 2019	<b>Officer/Ext:</b>	Kim Walker 01484 221000
<b>Prevention of Public Nuisance</b>		<p>I have reviewed the information submitted by the applicant and have concerns regards the proximity of residential properties(both attached and unattached) in the area being affected by public nuisance both from the regulated entertainment and also from patrons coming and going from the premises at the times requested by the applicant. Therefore the following conditions are requested to prevent public nuisance at noise sensitive properties near to Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR. These conditions are proportionate and reasonable due to the proximity of the noise sensitive properties coupled with the hours requested for regulated entertainment</p> <p>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 Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.</p> <p>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</p>	

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

- zero increase in the LAeq, 1 min (music playing) over the background LA90 (music off) and
- zero increase in the L10, T VS L90, T exceedence in each 1/3 octave band between 40Hz and 160Hz.

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.

All external doors and windows to the room/s where regulated entertainment is provided shall remain closed (other than for normal access and egress) during the course of the entertainment.

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

Any noise that arises from regulated entertainment shall be monitored at least once an hour between 18:00 and 23:00 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.

<b>Date:</b>	16 September 2019	<b>Officer/Ext:</b>	Kevin Ellam 01484 221000
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# Appendix E

**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 Act<sup>1</sup>, 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.



**Name of meeting:** Licensing Panel

**Date:** Wednesday 6<sup>th</sup> November 2019, at 11.15am – Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** Application for Review Hearing under S51 Licensing Act 2003: JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, HD5 9XF

**Purpose of report:** To determine the application

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Russell Williams – Group Leader Licensing</b> (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Rob Walker</b>

**Electoral wards affected:** Dalton

**Ward councillors consulted:** Not Applicable

**Public or private:** Public

**GDPR Implications:** GDPR has been considered and appropriate sections of the report have been amended.

## 1 Summary

- 1.1 On 11<sup>th</sup> September 2019, West Yorkshire Police made an application for the review of the premises licence at JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, under Section 51 of the Licensing Act 2003. The applicant believes that the licensing objectives of the prevention of crime and disorder, the protection of children from harm 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

### 2.1 Background

- 2.1.1 JC's Convenience Store is a licensed premises selling groceries, cigarettes and tobacco products and alcohol.
- 2.1.2 The store was visited on a joint partnership operation on 7<sup>th</sup> September 2019. Four packs of different branded tobacco products were open on the counter with a number of cigarettes missing from each packet.
- 2.1.3 The owners vehicle was parked outside the store which was found to contain a substantial amount of none duty paid tobacco products.
- 2.1.4 The owner admitted paying staff in cash to avoid tax and national insurance.
- 2.1.5 The total amount of cigarettes seized were 489 packs of 20 cigarettes, and 15 packs of hand rolling tobacco, with an approximate value of £5640.
- 2.1.6 Licensing conditions were breached as the CCTV system was not fit for purpose at the time of the visit.
- 2.1.7 There were several other issues in relation to the premises, the premises licence was not displayed, a leather diary showed items were being taken by a named person on credit terms and paid for at a later date and the name Rothmans appeared which is not a UK recognised brand of cigarettes.
- 2.1.8 A large number of clear self-seal bags of numerous sizes were displayed behind the counter. It is not illegal to sell or be in possession of these types of bag. –The self-seal bags were found alongside Cannabis grinders and hemp flavoured - cigarette papers brand rizla which were also on sale.
- 2.1.9 Full details of the review application, including the information received from Trading Standards can be found at **Appendix A**.
- 2.1.10 The current premises licence was first issued on 29 September 2018, under premises licence number PR(A)1690; a copy of the premises licence is attached 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 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**

Not applicable

## **8 Contact officer**

Jordan Barrett, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 71665  
Email: [Jordan.barrett@kirklees.gov.uk](mailto:Jordan.barrett@kirklees.gov.uk)

## **9 Background Papers and History of Decisions**

9.1 Appendix A – Review Application from West Yorkshire Police

9.2 Appendix B – Copy of Premises Licence PR(A)1690

9.3 Appendix C – Relevant sections of Secretary of State Guidance

## **10 Strategic Director responsible**

Karl Battersby – Strategic Director Economy and Infrastructure  
Tel: 01484 221000  
Email: [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)



**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 K.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:

J.C.'s Store, 607 Wakefield Road, Waterloo.

Town/City: Huddersfield

Postcode: HD5 9XF

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

[REDACTED]

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

[REDACTED]

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

- 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
- A responsible authority (please complete C below)
- A member of the club to which this application relates (please complete A below)

**A – Details of individual applicant**

Mr

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

**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**

Other title, e.g. P.C  
Surname: Jagger Forename(s): Kathryn  
Address: West Yorkshire Police Licensing, Flint Steet  
Town/City: Huddersfield Postcode: HD1 6LG  
Daytime contact telephone number: [REDACTED]  
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 shop has been found with a large number of none duty paid tobacco products both inside the shop, as well as being stored in the vehicle of the owner that was parked up at the store. The owner also admits paying staff in cash to avoid tax and national insurance. There was evidence that cigarettes are being sold individually, known as singles. Licensing conditions were breached as the cctv system was not fit for purpose at the time of the visit. The total amount of cigarettes seized were 489 packs of 20, and 15 packs of hand rolling tobacco, with an approximate value of £5640.

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

A joint partnership operation was put in place on 7<sup>th</sup> September 2019 The partners involved were West Yorkshire police, Trading Standards, and the local authority, where a number of shops were visited to ensure they were trading within the scope of the premises licence.

A visit was carried out to J.C's store at Waterloo, Huddersfield where the illegal tobacco products were found to be in the shop.

Four packs of different branded tobacco products were open on the counter, with a number of cigarettes missing from each packet. This leads both WYP and trading standards to believe the illegal sale of single cigarettes were being made to the public. On the whole, the general market who buy single cigarettes are persons under the age of 18 who cannot afford to buy a full packet of cigarettes, even if they are illegal ones being sold at £4.00 per 20. (Exhibit JC1 STATEMENT)

The owners car was parked up outside where a substantial amount of none duty paid tobacco products were further found. (Exhibit JC1 STATEMENT)

This has impacted on both the crime and disorder objective, as well as public safety.

As well as the illegal products being found, there was a serious breach of the licence conditions as the CCTV was not working, the owner could not operate the system, and cameras were defective. The shop has a very robust licence condition attached to the licence covering the use of CCTV, which was volunteered by the applicant at the time the licence was applied for. This impacts on the public safety objective.

Because of the serious nature of the offence, and the amount involved, the owner was asked in for a formal police interview where he admitted the offence. ( Exhibit JC 2 Officer interview statement)

During the same interview, ██████████ stated all his employees are paid cash in hand, thus avoiding tax and national insurance. This again impacts on the crime and disorder objective, as well as fraudulently denying the government of tax revenue. In the long term this will also impact on his employees due to their national insurance contributions going towards their own state pension. (Exhibit JC2 Interview statement)

This shop has been trading under 12 months, during this time it has been proven that the owner ██████████ who is also the premises licence holder and DPS has disregard for employment law, licensing law and is avoiding tax.

He has disregard for public safety, and the crime and disorder licensing objectives.

Therefore we ask the panel to seriously consider the revocation of this premises licence.



**RESTRICTED**

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

[Empty box for representations]

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: 11/09/19  
Capacity: Police Constable

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.

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

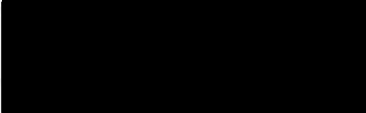
**Statement of:** Babul Hussain

**Age of witness:** (if over 18 enter 'over 18') Over 18




**Occupation:** Regulatory Compliance Officer

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 26/09/19


**Signature:**  .....

I am a Regulatory Compliance Officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, Consumer Rights Act 2015, the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015.

On Saturday 7<sup>th</sup> September 2019 I was in uniform when I attended at JC's, , WAKEFIELD ROAD, HUDDERSFIELD,  to conduct an inspection visit along with colleagues from West Yorkshire Police. Working at the store, behind the counter, was  who was served with a Notice of Powers and Rights form and the Consumer Rights Act 2015 - Entry Notice.

I spoke with  confirmed he understood English and owned the business and then explained the reason for our attendance.

**NOTE:** If statements are typed double spacing should be used.  
One side only of this paper should be used.

**(Signed)** 

**Dated:** 26/9/19 Page 1 of 3

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

Illegal tobacco was found behind the counter and in a vehicle belonging to Mr [REDACTED] outside. The business also did not display an A3 tobacco notice stating "It is illegal to sell tobacco products to anyone under the age of 18" in violation of the Children and Young Persons (Protection from Tobacco) Act 1991.

Total amount recovered was 489 x 20 packets of Cigarettes and 15 x 50g pouches of Hand Rolling Tobacco. I visually examined some of the brands of cigarettes. These tobacco products were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015, and some were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. I suspect some of the products are also counterfeit in violation of The Trade Marks Act 1994.

I explained to [REDACTED] why the products were illegal and that they would all be seized. I advised [REDACTED] that he will be considered for prosecution and he must cease his illegal trading.

A Record of Property Seized was completed for the recovered items, a copy of which was left with [REDACTED] in the store.

[REDACTED] offered no mitigation for the illegal trade that was taking place except that other shops in the area were also selling illegal tobacco.

**NOTE:** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) [REDACTED]

Dated 26/9/19 Page 2 of 3

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

The statutory health warnings which are absent on these tobacco products include "Smoking Kills" and "Smoking seriously harms you and others around you". These warnings were implemented in an effort to enhance the public's knowledge about the dangers and risks of using such tobacco products.

The supply of cheap and illicit tobacco significantly undermines the government's policy of using tax to maintain the high price of tobacco and help reduce smoking.

Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer.

The Premises Licence holder, who is also the business owner, has been notified of the seizure and offered no explanation as to the illegal trade that is taking place. By selling Counterfeit and smuggled tobacco products he has shown a blatant disregard for the law and West Yorkshire trading Standards, as a Responsible Authority, considers the matters outlined above to be extremely serious. As smuggled tobacco has been purchased from and found on this premise, it therefore recommends a full revocation of the premises licence.

**NOTE:** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) 

Dated.....26/9/19..... Page 3 of 3



**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, Rule 27.2)

NICHE Ref. No:

URN:

**Statement of:** PC 58 STEVE NICHOLLS

Date of birth: Over 18

Occupation: POLICE OFFICER

This statement (consisting of: 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: STEVEN NICHOLLS

Date: 10/09/2019

Time and date statement taken: 14.19 10/09/2019

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am a Police Officer employed by West Yorkshire Police and currently stationed at HUDDERSFIELD Police station.

I am tasked daily to work in uniform as the Police Town centre ward manager with responsibility for PROBLEM SOLVING, PARTNERSHIP working and REPEAT CALLS FOR SERVICE.

I have over the last 2 year period organised, planned and executed specific targeted operation against retail premises that are involved in the sales of illicit and non-duty paid goods and in other associated criminality.

These operations are run under the Kirklees division operational name of THISTLEMERE.

On Saturday 7th September 2019 a planned operation was run under OPERATION THISTLEMERE 5 with assistance from West Yorkshire joint services (TRADING STANDARDS).

I was the Operation planner for THISTLEMERE 5 and identified the target premise through intelligence and from TEST purchase results that had been conducted prior to the Operation.

One premise highlighted was a small retail outlet called JCs convenience store located at Wakefield road. Huddersfield.

This is a licenced premise that has a premise licence ( ) granted by Kirklees council.

On arrival at approximately 10.50HRS the premise was open for business and the sole person behind the counter was conducting sales of cigarettes to a number of customers who were present prior to our arrival. It was noted that on our arrival that the cigarette gantry located behind the counter was fully open exposing the contents to any person in or looking in from outside. This could be both adults and young persons. It appeared that the open gantry was a regular practice and in the time we were waiting for the customers to leave there was no attempt to close the roller shutter.

Leaving the gantry open is in breach of the Tobacco regulations Act as the only time the gantry should be briefly opened is to conduct a sale, restocking or for inspection by Police Officers or other authorised Officers.

Once the customers departed Officers from Trading standards introduced themselves to the salesperson and informed him of their powers to attend and that they would be conducting checks under their powers. He was also informed that West Yorkshire Police would be assisting and WYP would be conducting checks under S179 of the licencing Act to check on licencing activities.

The salesperson then identified himself as

Signature: STEVEN NICHOLLS

Signature witnessed by:

NICHE Ref. No:	██████████	URN:	
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Continuation Statement of STEVE NICHOLLS

And that he was the business owner, premise licence holder and designated premise supervisor. He confirmed his home address as ██████████

It was confirmed that there was no other person present at the store and that he was in charge.

The premise is a very small single storey detached premise with glass frontage and a single entrance doorway.

The counter was located across the back of the sales area.

The premise was clean and bright in appearance and was extensively stocked with goods displayed on display shelving. There was also large amounts of stock that was stacked on the floor in the middle of the sales area restricting movement.

Extensive amounts of alcohol was on sale and was clearly price marked.

The tobacco gantry was large in size and located directly behind the sales counter. As described earlier it was fully open but did have a roller type door that was retracted at the top allowing it to closed when not conducting sales. The gantry had a large range of duty paid compliant tobacco products within that were priced accordingly.

Upon attending at the rear of the counter I could immediately see a number of items that raised suspicions surrounding illicit products and the sales of single cigarettes to customers.

Immediately under the sales counter I could see **4 OPENED** packets of cigarettes that would have initially contained 20 cigarettes but all had some missing. These packets were of different brands.

I am aware that the sales of cigarettes must be in packets of 20, and anything less are forbidden by law and would be in breach of the TOBACCO ACT.

I can only presume that these opened packets were for conducting sales of SINGLE cigarettes and that this is illegal. This may be to young persons who are the general purchaser of singles due to the cheap cost that is within a young person's budget.

I could also see sleeves of 200 cigarettes located both under the shop counter and to the rear of the counter on shelving under the cigarette gantry. These were of a design and appearance that made me believe they were not UK compliant and were either non duty paid goods or illicit counterfeit goods.

I brought these to the attention of the TRADING STANDARDS Officers present to seize, record and retain as evidence. They will produce a separate statement indicating number of items seized and the approximate street values.

During the search of the premise it was highlighted by ██████████ that he had a car parked immediately outside the shop and that it was a ██████████ bearing registration Mark. ██████████

██████████ was in possession of the car keys and handed these over to TRADING STANDARDS Officers and police to search for any other goods or evidence in relation to illicit goods.

On searching the vehicle and within the boot area it was discovered that the area normally used for securing a spare wheel had been used for storing a large amount of illicit tobacco goods.

These items were seized and totalled 489 PACKETS containing 20 cigarettes each totalling 9870sticks of cigarettes.

There was also 15 packets of hand tolling tobacco (HRT).

Subsequent enquiries with trading standards Officer Paul KEAR a regulatory compliance Officer states a street value **IF GENUINE** and using an average RRP would be a total value of **£5,641.53**.

If all these items were illicit using an average street price the total value would be £2632.50

.....

Signature: STEVEN NICHOLLS

Signature Witnessed by:

NICHE Ref. No:	██████████	URN:	
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Continuation Statement of STEVE NICHOLLS

I believed I had sufficient evidence to record a number of criminal evidences in relation to the supply of tobacco goods that breached numerous laws and Acts and that the use of the vehicle was involved in facilitating the crime. After liaising with the duty Inspector, Inspector RABY he authorised the seizing and recovery of the ██████████ as USED IN CRIME.

The recovery operator was requested and arrived a short time later. The vehicle was recovered to UNIT ONE RECOVERY.

It was noted after speaking to ████████ that there was no working fire extinguisher within the building and there was no first aid provision to be used on staff or customers if required.

There was CCTV visible within the premise and a CCTV monitor was located within the sales area showing both internal and external areas.

I was informed by ████████ that he could operate it and produce copies of footage if required.

The premise licence was NOT on display as required but upon request was found within paperwork located under the counter area.

Whilst searching behind the counter I located a leather look bound diary that had numerous daily entries that had been handwritten. The content appeared to show that items were being taken by named person on credit terms and paid for at a later date. To do this legally you would need to be a licenced credit supplier.

On requesting an initial account on some of the entries ████████ confirmed that he did sell packets of 20 cigarettes for £4 per packet and that these were not UK duty paid goods.

One entry clearly showed 3 x ROTHMANS for £12.

ROTHMANS are not a UK recognised brand.

It was also found that there was a large number of electrical chargers / cables that did not display the required CE regulatory marking and therefore non-compliant. These were seized by TRADING standards. It was also noted that there was 2 display boxes containing perfume products on top of the cigarette gantry and these were displayed for sale. On examination they appeared fake and breaching trade mark entitlement. These were also seized by trading standards.

It was noted that this premise sells small clear self-seal bags of numerous sizes and these were stocked in large amounts on shelving directly behind the counter. Although not illegal to sell or be in possession of they only have one general use and that is for the supply of drugs.

I am not suggesting that ████████ is involved in drug supply but being involved in and promoting their sales does not protect young people from harm which is one of the licencing objectives under the licencing Act.

This also applies to the sales of cannabis grinders and hemp flavoured rizzlas papers which again were on sale.

██████ was informed prior to my departure that the full facts of today's visit would be transmitted to Kirklees licencing team for consideration of a premise review. He was also informed that I would be inviting him in to the police station to allow a voluntary attendance interview in relation to numerous offences conducted whilst selling illicit counterfeit tobacco products.

██████ was fully compliant, polite and understood what was being said in English.

Signature: STEVEN NICHOLLS

Signature Witnessed by:



**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
<b>Statement of:</b>	PC 58 Steve Nicholls		
Date of birth:	Over 18	Occupation:	Police Officer
This statement (consisting of: 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:	<input type="text"/>	Date:	11/09/19
Time and date statement taken: 11/09/19			

Check box if witness evidence is visually recorded  (supply witness details on rear)

I can now confirm that I have interviewed  with regards to the offences surrounding the sales of illicit tobacco products on Saturday 7<sup>th</sup> September 2019.

He admitted that he does sell illicit tobacco products to others on a regular basis and that they are repeat customers, he keeps the money received from these sales separate from his till sales for his other stock.

He claims he purchases from a male called  on a regular basis and provided some basic description and details of this male.

He understands fully about UK legal tobacco products and the difference between them and illicit products and fully accepts that he is in charge of a licence premise and that sales of illicit goods cannot happen.

He confirmed he employs  who work in his shop when he is not there. They are paid cash in hand and are not currently shown designated anywhere or have insurance, National Insurance contributions, tax or pension scheme.

With regards to the premise alcohol licence he has breached his conditions due to the fact that during interview  stated that the CCTV at his premises is currently not working correctly and that he cannot access it because he has lost password. He indicated that some of his cameras have been damaged.

On his alcohol licence it states the below:

1) CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside and rear areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to

Signature: PC Steve Nicholls

Signature witnessed by:

NICHE Ref. No:	██████████	URN:		
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Continuation Statement of PC 58 Steve Nicholls

produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.

The Management will monitor the exterior of the premises using CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises."

Signature: PC Steve Nicholls

Signature Witnessed by:

**PREMISES LICENCE**

Licensing Act 2003

**PR(A)1690****THIS LICENCE IS ISSUED BY**

LICENSING  
 Flint Street Depot  
 Flint Street  
 Fartown  
 Huddersfield  
 HD1 6LG

Tel: 01484 456868  
 Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

**POSTAL ADDRESS OF PREMISES****JCS**

Jcs Convenience Store

Wakefield Road

Waterloo

Huddersfield

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES****Sale of Alcohol****Day(s)**

Monday to Sunday

**From - To**

07:00 - 23:59

**THE OPENING HOURS OF THE PREMISES****DAY(S)**

Monday to Sunday

**FROM**

07:00

**TO**

23:59

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

Alcohol is supplied for consumption off the Premises

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

[Redacted Name]  
 [Redacted Address]  
 [Redacted Telephone Number] [Redacted Email]

Mobile Number [REDACTED]

Mobile Number [REDACTED]

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

[REDACTED]

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

[REDACTED]  
[REDACTED]

**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:

[REDACTED]

**ANNEXES****ANNEX 1 – MANDATORY CONDITIONS**

## ANNEX 1 - MANDATORY CONDITIONS

## Alcohol:

1. No supply of alcohol may be made under this licence:

- a. At a time when there is no designated premises supervisor in respect of the premises licence, or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

### General

1) CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside and rear areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.

The Management will monitor the exterior of the premises using CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises."

2) LED security lighting shall also be fitted to the rear of the premises covering the parking areas, and shall be maintained so as to provide lighting during the hours of darkness."

3) Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local businesses & residents and to leave the premises and the area quickly and quietly.

4) Movements of bins outside of the premises will be kept to a minimum after 23:00hrs.

5) Challenge 25 policy will be adopted.

6) Refusals log book will be kept on the premises at all times.


## **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: 29 September 2018**

**Date Commences/Varied: 29 September 2018**

A handwritten signature in black ink, appearing to read "J. Blawie". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.

Head of Public Protection Service

# PREMISES LICENCE SUMMARY

Licensing Act 2003

# PR(A)1690

## THIS LICENCE IS ISSUED BY



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG

Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

## POSTAL ADDRESS OF PREMISES

**JCS**  
Jcs Convenience Store  
Wakefield Road  
Waterloo  
Huddersfield

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**Sale of Alcohol**

Day(s)	From - To
Monday to Sunday	07:00 - 23:59

## THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	07:00	23:59

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

Alcohol is supplied for consumption off the Premises

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

[Redacted Name and Address]



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: 29 September 2018**

**Date Commences/Varied: 29 September 2018**



Head of Public Protection Service

**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 Act<sup>1</sup>, 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.

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**Name of meeting:** Licensing Panel

**Date:** Wednesday 6<sup>th</sup> November 2019, at 11:45am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** Application for Review Hearing under S51 Licensing Act 2003: Dixy Chicken, 19 Cross Church Street, Huddersfield HD1 2PY

**Purpose of report:** To determine the application

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Russell Williams – Group Leader Licensing</b> (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Rob Walker</b>

**Electoral wards affected:** Newsome

**Ward councillors consulted:** Not Applicable

**Public or private:** Public

**GDPR Implications:** GDPR has been considered and appropriate sections of the report have been amended.

## 1 Summary

- 1.1 This review application was initially presented the Licensing Panel on 15<sup>th</sup> October 2019. The decision was made to adjourn the matter to this hearing, pending a witness statement from someone present at the time of the visit to the premises. Statements from a Trading Standards Officer and a Licensing Officer can be found at **Appendix B** and **Appendix C**.
- 1.2 On 20 August 2019, West Yorkshire Police made an application for the review of the premises licence at Dixy Chicken, 19 Cross Church Street, Huddersfield, HD1 2PY under Section 51 of the Licensing Act 2003. The applicant believes that the licensing objective of the prevention of crime and disorder is not being achieved at the premises.
- 1.3 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

### 2.1 Background

- 2.1.1 Dixy Chicken at 19 Cross Church Street, Huddersfield was visited during a joint partnership operation on Thursday 7<sup>th</sup> August 2019.
- 2.1.2 West Yorkshire Police, UK Border Agency and the local authority visited a number of shops in the course of this operation to ensure they were trading within the scope of their premise licence and that no illegal persons were employed in the premises.
- 2.1.3 One individual was found to be employed at Dixy Chicken who had an expired student visa and who's right to remain in the UK had also expired.
- 2.1.4 Full details of the review application can be found at **Appendix A**.
- 2.1.5 A statement from the Trading Standards Officer present on the night of the multi-agency visit is appended to this report at **Appendix B**.
- 2.1.6 A statement from the Licensing Officer present on the night of the multi-agency visit is appended to this report at **Appendix C**.
- 2.1.7 The current premises licence was first issued on 21 November 2005, under premises licence number PR(N)0110; a copy of the premises licence is attached at **Appendix 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*
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, 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 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 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**

Members of the Panel are requested to determine the application

## **7 Cabinet portfolio holder's recommendations**

Not applicable

## **8 Contact officer**

Beth Jennings, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 71609  
Email: [beth.jennings@kirklees.gov.uk](mailto:beth.jennings@kirklees.gov.uk)

## **9 Background Papers and History of Decisions**

- 9.1 Appendix A – Review Application from West Yorkshire Police
- 9.2 Appendix B – Trading Standards Officer’s statement
- 9.3 Appendix C – Licensing Officer’s statement
- 9.4 Appendix D – Copy of Premises Licence PR(A)0110
- 9.5 Appendix E – Relevant sections of Secretary of State Guidance

## **10 Strategic Director responsible**

Karl Battersby – Strategic Director Economy and Infrastructure  
Tel: 01484 221000  
Email: [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)



**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) **Richard Woodhead**

- **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:

Dixy Chicken, 19 Cross church Street, Huddersfield.

Town/City: **Huddersfield**

Postcode: **HD1 2PY**

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

Number of premises licence or club premises certificate (if known): **PRN 0110**

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

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**

Mr

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

**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**

Other title, e.g. R Mr

Surname:

Woodhead

Forename(s):

Richard

Address:

West Yorkshire Police Licensing, Flint Steet

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 owner of the shop has being found employing an illegal worker who has not got the right to employment in the UK.

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

A joint partnership operation was put in place on Thur. 7<sup>th</sup> Aug 2019. The partners involved were West Yorkshire police, U.K. Border agency, and the local authority, where a number of shops were visited to ensure they were trading within the scope of the premises licence. The checks were also to ensure no illegal persons were employed in licensed premises.

When the Dixie chicken restaurant was visited, one [REDACTED] was found to be an illegal employee. [REDACTED] On further checks with immigration service it became apparent [REDACTED] student visa had expired, as well as [REDACTED] right to remain the U.K. had expired and was arrested and held at Leeds.

[REDACTED] is now liable for deportation from the U.K.

The upstairs storage area had also been converted to living accommodation, which according to the visiting officers was a fire risk to anyone living above the shop. Checks were carried out with the local authority and no one had the right to live above the shop.

#### Home office statements to employing illegal workers

Illegal working often results in abusive and exploitative behaviour, tax evasion, undercutting legitimate business and adverse impacts on the employment of lawful workers. Home Office immigration enforcement officers frequently identify illegal migrants in premises involved in the sale of alcohol and late night refreshment. Government intervention is required to amend the licensing legislation to ensure illegal migrants cannot obtain alcohol and late night refreshment.

The Home office have an easy to use web page where employers can check their employee's employment status on line, so there is no excuse for employing illegal persons.

Just to clarify; from an illegal working perspective even an employee was not receiving some sort of remuneration (whether that is monetary i.e wages or payment in kind ie board and lodging/food etc.) the fact that he is performing work that would otherwise be done by a salaried employee means the business is liable for a Civil Penalty for employing an illegal worker.

West Yorkshire police feel that this restaurant is impacting on UK immigration law as illegal member of staff were found to be working.

The Home office states that there is no excuse for employing illegal persons, and in all cases linked to licence premises revocation should be seriously considered. Therefore West Yorkshire police request the panel consider revocation as the best method of getting the message across that such actions will not be tolerated in Kirklees.

**RESTRICTED**

Have you made an application for review relating to this premises before? **NO**

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

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

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: .....

Capacity: 20<sup>th</sup> Aug 19 - 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:

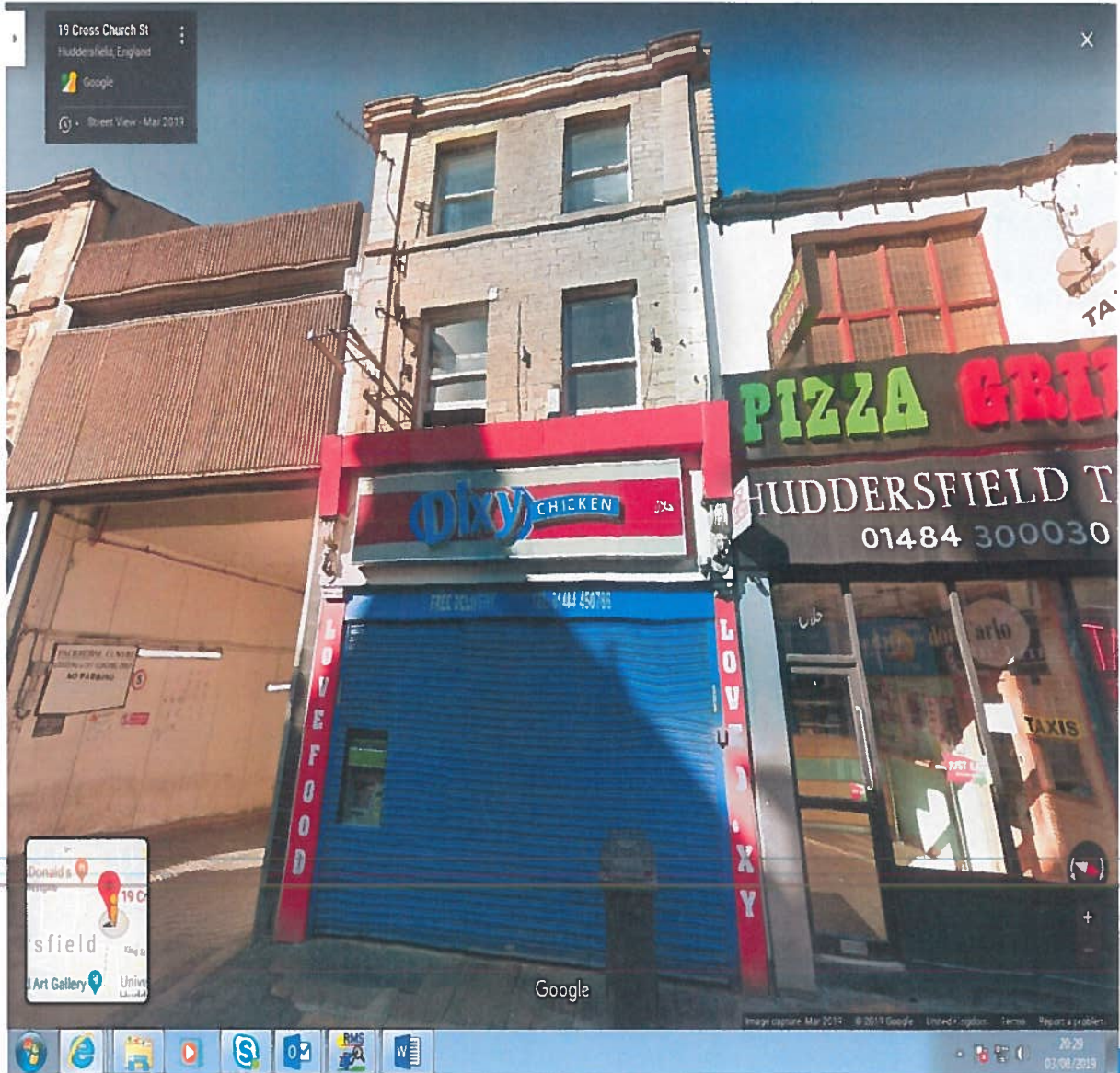
Telephone number (if any):

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



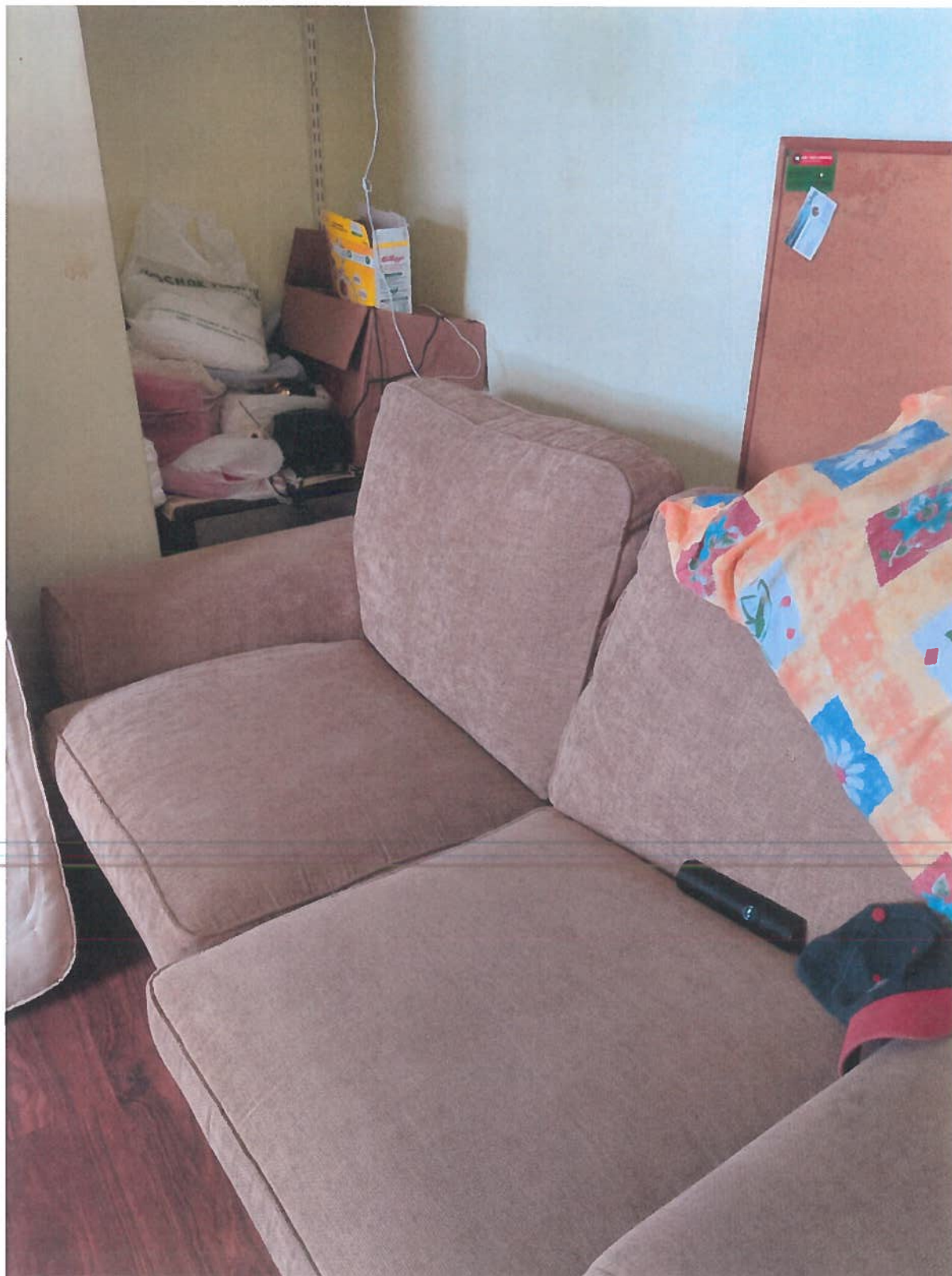
# PREMISE TWO

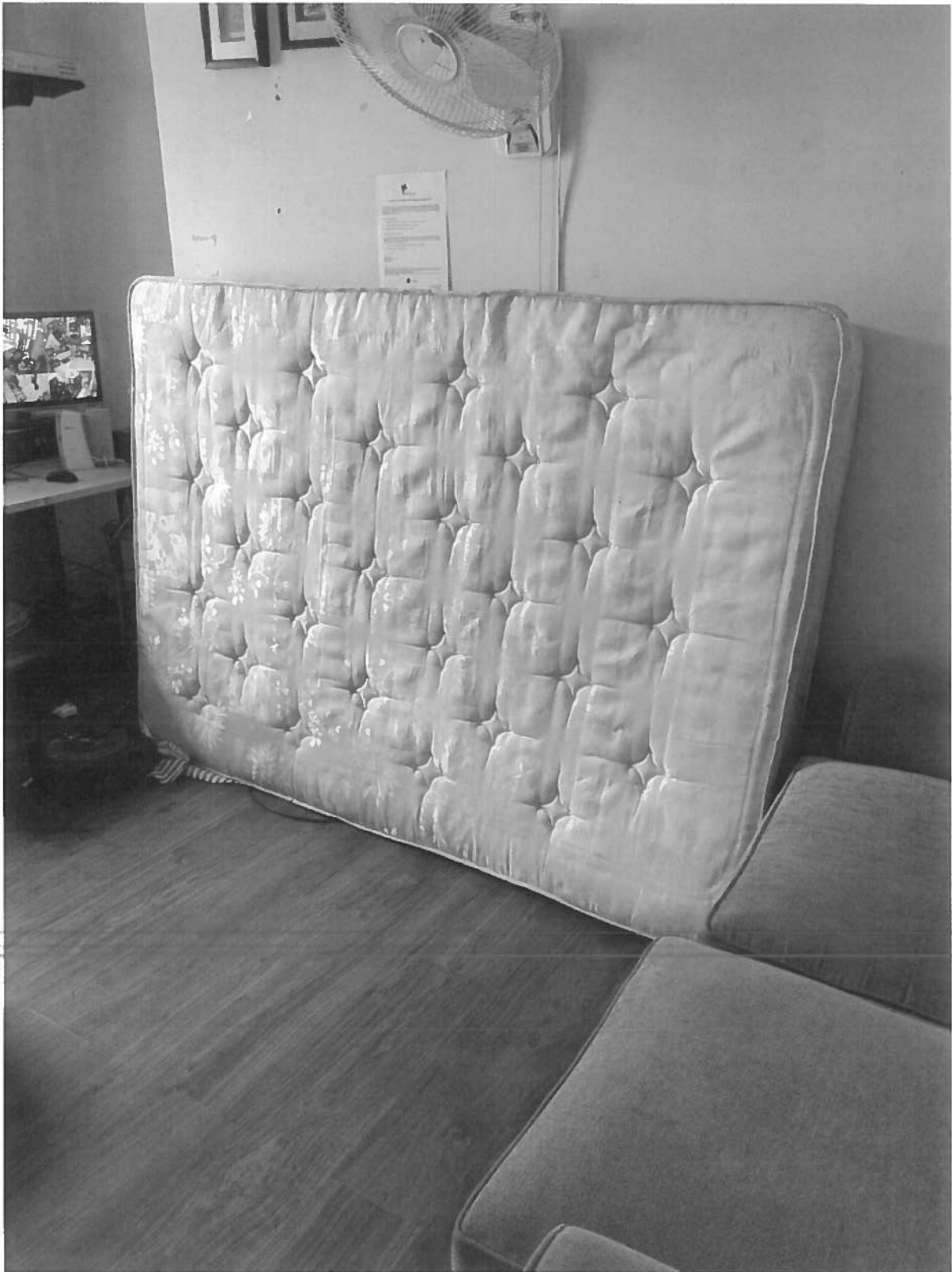
## 19 CROSS CHURCH STREET





19 CROSS CHURCH STREET HUDDERSFIELD (DIXIE CHICKEN)





### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: LINDSEY COOPER

Age if under 18: (if over 18 insert 'over 18')

Occupation: IMMIGRATION OFFICER

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

Signature: [REDACTED] Date: 21<sup>ST</sup> October 2019

I am the above named. I am employed by the United Kingdom Immigration Service as an Arrest Trained Immigration Officer. Part of my duties include interviewing persons in order to establish facts regarding their Immigration status, identity and also further establish facts regarding allegations of illegal working.

On 07/08/2019 I was on duty with officers from SHEFFIELD ICE TEAM, WEST YORKSHIRE ICE TEAM AND POLICE OFFICERS at DIXIE CHICKEN, 19 CROSS CHURCH STREET, HUDDERSFIELD HD1 2PY.

I entered the premises at 1135HRS accompanying OFFICER IN CHARGE (OIC) CRAIG SHIPMAN and proceeded upstairs. I do not recall the layout of the first floor and cannot recall whether it was apparent that it was being used as a living area.

A few moments after entry I was asked to proceed downstairs and speak to a male who I now know to be [REDACTED].

I was informed he had been apprehended by police officers after attempting to flee the kitchen area. They had then handcuffed him. I cannot recall whether he was wearing a uniform.

Checks with Home Office records showed that [REDACTED] was an overstayer and unlawfully present in the UK.

I proceeded to speak to [REDACTED] in English:

How long have you been working here?

5 – 6 weeks

What is your job role?

Make food and serve on counter

What days/ hours do you work?

Depends. Sometimes 2 sometimes 3 days

Do you work the same hours and days every week?

They call me in when they need me

Who gave you this job?

The guy outside – [REDACTED] I think

Who tells you what hours/ days to work?

[REDACTED] or his [REDACTED]

Who tells you what duties to do each day?

I know these things

How are you paid – money/ accommodation/ food?

A bit of everything. No accommodation

How much money are you paid?

Depends. £120 over three days. Minimum wage

Who pays you?

[REDACTED]

Do you pay income tax or national insurance?

No. That's the problem, the Home Office have kept my passport. I wasn't allowed to work.

Who else works here?

Don't know. [REDACTED] but I don't know who else.

What docs did you provided to prove you could work?

I had a letter from court. He asked me for something, but I was waiting for something from a solicitor.


What is your current address?

[REDACTED].

I concluded the illegal working entry and clarified that [REDACTED] understood why he was being arrested.

I escorted him from the premises and took him to Normanton custody area.



Signature:  ..... Signature witnessed by: .....

**Witness contact details**

Name of witness: Home address: Postcode:

Home telephone No: Work telephone No:

Mobile: E-mail address:

Preferred means of contact (*specify details*):

Best time to contact (*specify details*):

Gender: Date and place of birth:

Former name: Ethnicity Code (16 + 1):

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes  No
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes  No  N/A

I would like CPS to apply for reporting restrictions on my behalf. Yes  No  N/A   
*'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.*

Signature of witness: ..... PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Office / station: Time and place statement taken:





**This tear off section to be completed and handed to the witness**

**The Home Office (Immigration Enforcement) – Contact Details**

The officer dealing with your case/taking this statement is:

Officer: ..... Rank & Number: .....

Office: .....

Telephone: .....

Contact E-Mail: .....

Reference No: .....

The officer dealing with your case can help but may not always be available.

**Giving a witness statement to the Home Office– what happens next?**

**Thank you for coming forward. We value your help and we will do everything we can to help you.**

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

### Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

### Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

### What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

### Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

### What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

### Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

### Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

### What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

### Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

### Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

## Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline  
0845 30 30 900

## The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

### Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

### Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court , or held in custody until the first court appearance
- what relevant bail conditions apply.

**Further information** about being a witness can be downloaded from the Crown Prosecution Service website at [www.cps.gov.uk/victims\\_witnesses](http://www.cps.gov.uk/victims_witnesses)

# STATEMENT OF WITNESS

(Criminal Procedure Rules r.27.1(1); Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980 s.5B)

STATEMENT OF: Mike Skelton

Age of witness: Over 18  
(if over 18, enter 'over 18')

Occupation of witness: Licensing Enforcement Officer  
(please print your address on the reverse side of this form)

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the .....24th..... day of .....October..... 2019.....

Signed ..... Signature Witnessed by .....

I am the above named person and I am employed by Kirklees Council as a Licensing and Enforcement Officer. My duties include the licensing and enforcement of all licences relating to Licensing act 2003, Gambling Act 2005 and Taxi Licensing. Records of all these licences are maintained at the Council's Licensing Office. I am authorised by the Council as a Licensing and Enforcement Officer throughout the controlled district of Kirklees.

During the day of 7<sup>th</sup> August 2019, my colleague, MM and I were working on a pre-planned operation with included colleagues from West Yorkshire Police and UK immigration service. The operation was to visit three takeaways in Huddersfield town centre as the Police had received intelligence that there may be illegal workers working in them. Once such premises that we visited was called Dixy Chicken who are based at 19 Cross Church Street, Huddersfield, HD1 2PY.

When I attended the property, the Police and Immigration had already gained entry. I walked to the rear of the property and noticed at the bottom of a staircase a male sat down in hand cuffs with a Police officer standing by him. I believe as the Police entered the premises, the male tried to escape out of a rear door. There was a suggestion that this male was an illegal worker.

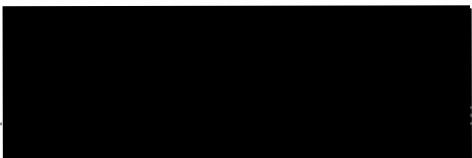
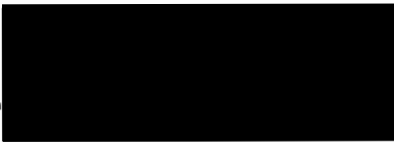
I went upstairs at the property to the third floor I believe. In the room I entered, I noticed a mattress that had been stuffed into a cupboard. The cupboard door was half open so the

Signed..... Signature Witnessed by.....

**STATEMENT OF WITNESS**

STATEMENT OF: Mike Skelton

Mattress could be easily visible. There were also washing facilities in the room, which comprised of a toilet and a small shower. In the shower cubicle, I noticed some toiletries, but I cannot remember what they were. I got the impression that someone could have been living there.



Signed ... Signature Witnessed by.....



Mobile Number 0 [REDACTED]

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

[REDACTED]

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

**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**

1. The premise uses CCTV systems both within and outside the premises, installed and operated under West Yorkshire Police Guidelines.
2. The premises benefit from being protected by a burglar alarm and shutters.
2. Management to report/liaise with West Yorkshire Police any relevant crime and disorder or any anti-social behaviour at the premises. Management to ensure any incident that occur at the premises to be recorded in the incident register.
3. Management to ensure there are first aid trained staff with suitable equipment to provide first aid on the premises.
4. The Management uses a nominated taxi company/s to collect customers from the premises with instructions to vehicle drivers not to sound horns.
5. Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff be trained in ensuring the quiet dispersal of patrons.
6. All odours and fumes produced from the cooking of foodstuffs shall be extracted from the premises via an air extraction system. This system shall be insured to the satisfaction of the Responsible Authority for Public Nuisance.  
  
The extraction system shall be maintained and cleansed to ensure to its effective operation. No alterations shall be made to the extract system without the approval of the Responsible Authority.
7. The external refuse and waste bottle receptacles and surrounding storage areas shall be inspected daily, cleansed where necessary and cleansed on at least a weekly basis.
8. To prevent disturbance Management will only allow paying customers to wait whilst hot food is being prepared thus discouraging persons congregating or queuing outside the premises.
9. All litter emanating from the business to be cleared away from areas surrounding the premises on a daily basis
10. Where appropriate Management to refuse admission to persons who are drunk and/or disorderly.
11. Background music to be played at a level which does not cause disturbance to neighbouring residents.
12. Management to put in place measures to discourage the handling and distribution of stolen, counterfeit or other illegal goods.

**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:** 21 November 2005

**Date Commences/Varied:** 24 November 2005

A handwritten signature in black ink, appearing to read "J. Blakely". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Head of Public Protection Service

# PREMISES LICENCE SUMMARY

Licensing Act 2003

## PR(N)0110

### THIS LICENCE IS ISSUED BY



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG

Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

### POSTAL ADDRESS OF PREMISES

**Dixy Chicken**  
Dixy Chicken  
19 Cross Church Street  
Huddersfield  
HD1 2PY

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**Late Night Refreshment** (Indoors)

Day(s)	From - To
Monday to Sunday	23:00 - 05:00 The Following Morning

### THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	11:00	05:15

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

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

[REDACTED]  
[REDACTED]

### 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**

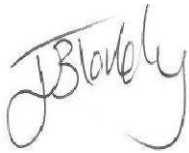
**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

**Date Granted: 21 November 2005**

**Date Commences/Varied: 24 November 2005**



Head of Public Protection Service

## **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.*

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