

Public Document Pack



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

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Please ask for: Jenny Bryce-Chan

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Tuesday 10 May 2022

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 18 May 2022**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Licensing Panel members are:-

Member

Councillor Amanda Pinnock (Chair)

Councillor James Homewood

Councillor Adam Gregg

Agenda

Reports or Explanatory Notes Attached

Pages

1: Minutes of Previous Meeting

1 - 6

To approve the minutes of the meeting of the Panel held on the 9th March 2022.

2: Interests

7 - 8

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

3: Admission of the Public

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

4: Deputations/Petitions

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

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

5: Public Question Time

The Committee will hear any questions from the general public.

**6: Application for the Grant of a Premises Licence:
European Mini Market 59 Blacker Road, Birkby,
Huddersfield, HD1 5HU**

9 - 32

To determine the application at 10:00am.

Contact: Anwar Butt, Licensing Officer, Tel: 01484 221000

7: Exclusion of the Public

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

8: Review of Personal Licence

33 - 46

This report is recommended for consideration in private because the information contained in it is exempt information within Paragraph 1 of part 1 to schedule 12A of the Local Government Act 1972 as amended by the Local Government (access to Information) variation order 2006. It is considered the report contains information relating to any individual. The public interest in maintaining the exemption outweighs the public interest in disclosure of the information in terms of accountability, transparency and openness in council decision making.

To determine the application at 11:00am

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

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 9th March 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor Paola Antonia Davies
Councillor Adam Gregg

In attendance: Tahir Hanif, Legal Advisor to the Panel
Jordan Barrett, Licensing Officer
Rox Javaid, Licensing Officer
Fiona Goldsmith, Public Protection Group Leader
Mark Chapman, Environmental Health Officer
Chris Morse, Environmental Health Officer

- 1 **Site Visit - Gordon & Franks, 331 Wakefield Road, Denby Dale, Huddersfield**
Site visit undertaken.
- 2 **Minutes of Previous Meeting**
Minutes of the meeting held on 22nd December 2021 were agreed as a correct record.
- 3 **Interests**
No interests were declared.
- 4 **Admission of the Public**
All agenda items were considered in public session.
- 5 **Deputations/Petitions**
No deputations or petitions were received.
- 6 **Public Question Time**
No public questions were asked.
- 7 **Licensing Act 2003 - Application for Full Variation of a Premises Licence: Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB**
The Panel considered a report, which outlined an application for a full variation of a premises licence for Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB.

Licensing Panel - 9 March 2022

The Panel was advised that on the 17th January 2022, the Licensing Department received an application for a full variation of a premises licence for Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB.

The licensing activities applied for were as follows:

Sale of Alcohol (off the premises)	Monday - Sunday	24-hour
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The Panel was informed that in response to the application, three representations were received. One from Kirklees Environmental Health Service and two from Dalton ward councillors. The representations considered that the licensing objectives in respect of public nuisance and public safety would not be achieved should the licence be granted. The Panel was further informed that West Yorkshire Police had agreed with the applicant that two additional conditions be added:

- 1) that the CCTV system be upgraded to home office specifications, with 28 days recording and sixteen operational cameras that covered both inside and outside the shop.
- 2) that no customers be allowed in the shop after midnight and up to 5am, and that all sales in that time were to be carried out through a hatch, opening onto the street.

The applicant's representative addressed the Panel and informed them that:

- A full variation for 24-hour trading was submitted in January 2022, and that the existing licensing was until 23:00, with the current opening hours being 08:00 to 22:00.
- Due to Covid19 there had been many restrictions placed on businesses over the last two years and the local community had requested late hours to be able to purchase convenience goods.
- The extended hours would benefit the business as well as the local community, and the premises had been refurbished to make it more appealing and would create approximately two to three jobs for the local community.

The Panel highlighted concerns raised by the Ward Councillors relating to the potential for alcohol related anti-social behaviour and alluded to information supplied by the Ward Councillor on 'Dalton ward alcohol health impact data'.

The Panel also raised questions regarding the proximity of the licensed premises to residential properties, highlighting that the premises adjoined residential houses on both sides and the business trading 24-hours each day, seven days a week could have a potentially disruptive impact on residents living next to premises. Of particular concern was the serving hatch opening on to the street, and the potential noise nuisance this would cause to the people living in the adjoining properties.

Licensing Panel - 9 March 2022

In response, to the concerns raised by the Panel the applicant's representative explained that the premises had been trading for approximately 25 to 30 years and had been serving alcohol during that time as an off-licence, and since the applicant had taken over the establishment, there had been no incidents of anti-social behaviour, crime, social gathering, or alcohol related issues recorded within the last six months, which had been confirmed by West Yorkshire Police. In addition, there was a strict policy in place to guard against serving alcohol or tobacco related products to underaged customers.

Mark Chapman, Environmental Health Officer made representations and advised the Panel that the objections raised by Environmental Health were in relation to the prevention of public nuisance objective. He explained that whilst according to statistics there had been no crime recorded in the past six-months, he suggested that from experience, if the premises was to open with an extended license serving alcohol from 22:00 to 08:00, there would be anti-social behaviour issues associated with alcohol.

Referring to an image on Google Street Maps, the Panel was shown the proximity of Bargain Local to residential properties.

The applicant's representative responded to the concerns raised by Environmental Health by informing the Panel that there were only a few properties within close proximity, and that the majority of other buildings were businesses. He highlighted that there was noise from traffic 24 hours a day and that the applicant had a good relationship with residents and the reason for the application was to support the local community.

Following careful consideration of all the representations both verbally and in writing, the Panel determined that granting the full variation of the premises licence would not be consistent with the licensing objective relating to the prevention of public nuisance.

RESOLVED:

The application for Full Variation of a Premises Licence: Bargain Local, 333 - 335 Leeds Road, Huddersfield, HD2 1YB be refused.

8 Licensing Act 2003 - Application for the Grant of a premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT

The Panel considered a report, which outlined an Application for the Grant of a premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT.

The Panel was advised that on the 25th January 2022, the Licensing Department received an application for the grant of a premises licence for the premises at 331 Wakefield Road, Denby Dale. The application was made by the company DD8 Hospitality Ltd.

Licensing Panel - 9 March 2022

The licensable activities applied for were as follows:

Recorded Music (indoors)	
Monday – Wednesday	08:00 – 16:00
Thursday – Friday	08:00 – 19:00
Saturday – Sunday	09:00 – 19:00

Recorded Music (indoors)	
Thursday, Friday or Saturday	09:00 – 22:00
Up to 2 occasions per month for prebooked event nights as background music only	

Sale of Alcohol (on sales only)	
Monday – Wednesday	12:00 – 16:00
Thursday – Sunday	12:00 – 19:00

Sale of Alcohol (on sales only)	
Thursday, Friday or Saturday	12:00 – 22:00
Up to 2 occasions per month for prebooked event nights, served with a table meal	

The Panel was informed that in response to the application, two representations were received from local residents. The representations considered that the licensing objectives in respect of Public Safety, Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm would not be achieved should the licence be granted.

The applicant, advised the Panel that:

- The initial application was to allow alcohol to be served to a table with a plated meal up to 10:00pm Thursday to Sunday, and that the intention was not to open regularly to that time but to create one-off evening events for example a tapas menu with paired wines
- By requesting Thursday to Sunday, it would avoid the need to submit regular Temporary Event Notices, enable flexibility and keep options open
- Once the application was submitted there were some objections, and following conversations with the Licensing Department, amendments were made to the application, in that the licence would cover until 7:00pm Thursday to Sunday and not 10:00pm
- Serving alcohol with a plated meal would help achieve some of the licensing objectives
- He had asked to extend the hours to 10:00pm up to two occasions per month for event nights and limit it to those two occasions
- Himself and the objectors had young families, and there was no desire to greatly deviate from the current general operating hours
- The premises could only seat 24 guest inside and that the majority of the eight tables were for two guests, therefore gatherings would only ever be intimate

Licensing Panel - 9 March 2022

- Any guests leaving the premise either at the end of an event, at the end of the day or to smoke, would be asked to do so quietly and respectfully and there would be appropriate signage in place
- There were already blinds on the ground floor, which would be removed to block any line of sight and frosting had been installed across a large section of the downstairs windows facing the property across the road and on the upstairs window also
- it was not the intention to create another pub or wine bar in the village
- a letter was sent out asking residents if they wanted to visit the property however no-one took up the invitation.

In response to questions from the Panel, the applicant explained that the coffee shop opened on the 15th November 2021 and had become a vibrant hub in the village. The stipulation was that alcohol would always be served with food.

The Panel then invited the objector to make representations, in summary, he informed the Panel that the only concern that had not been fully addressed was with regard to the frosting on the windows. He explained that the frosting on the window did not appear to be a condition of the licence which suggested it could be removed at any point, and that the line of sight could become an issue once again. In addition, the frosting installed at present did not fully cover the windows, the windows were directly across from his property and there were concerns regarding privacy and safety.

Questions were also raised about the suitability of the kitchen facilities at the premises, however the Licensing Officer advised that the kitchen facilities were not relevant to the licence application. Mark Chapman, Environmental Health Officer, advised that the premises would have been inspected by a food hygiene inspector and given a score rating, and therefore would have been deemed adequate for the current activity.

Mr Chapman explained that the concerns with regard to the kitchen facilities and privacy issues could have been objected to at the planning stage when the change of use from retail to café application was submitted. The applicant clarified that a change of use planning application was not required.

Mr Chapman informed the Panel that he had visited the premises from a public nuisance perspective in that alcohol was being served to assess the impact on the local community and immediate neighbours. He explained that there had been some mitigation to address the concerns raised by local residents and following his visit noted that frosting had been installed and there was no invasion of privacy on any of the dwellings in the vicinity. He advised that adding a condition to the licence with regard to frosting would alleviate resident's concerns.

The Panel also noted an email in support of the application which was read by the chair.

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

Licensing Panel - 9 March 2022

RESOLVED:

That the application for the Grant of a Premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT be granted with the condition that frosting is placed on all front and side facing windows.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Licensing Panel

Date: Wednesday 18th May 2022

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: European Mini Market, 59 Blacker Road, Birkby, Huddersfield, HD1 5HU

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 Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change)
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 portfolio	Cllr Will Simpson

Electoral wards affected: Greenhead Ward

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

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 license, 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 24.03.2022 the Licensing department received an application for the New Grant of a premises licence for European Mini Market, 59 Blacker Road, Birkby, Huddersfield, HD1 5HU. A copy of this application and a location plan may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows.

Sale of Alcohol (off the premises)
Monday - Sunday – 06:00 hrs – 22:00 hrs

2.1.3 I have received a representation from one of the Councillors for the Greenhead Ward expressing concerns around the potential for crime and disorder and public nuisance. Further to this the other two ward Members have agreed with these concerns and are of the view that there are existing problems in the area, and the above licensing objectives will not be achieved.

2.1.4 The representations that were received consider that the following licensing objectives would not be met should this licence be granted:

- Prevention of crime and disorder.
- Prevention of public nuisance.

A copy of the representations may be seen at **Appendix B**.

2.2 Licensing Policy

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

1.0 – Executive Summary

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

2.0 – Purpose and Scope of the Licensing Policy

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

Licensing Objectives.

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

2.3 Secretary of State Guidance

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

3 Implications for the Council

3.1 Working with People

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

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safeguarding 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.
West Yorkshire Police are satisfied there are no reported issues related to Alcohol In the vicinity.

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

Anwar Butt, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70525
Email: anwar.butt@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application & Plan for the Grant of a Premise Licence for European Mini Market

9.2 Appendix B – Objections from local ward councillors.

9.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

Tel: 01484 221000

Email: katherine.armitage@kirklees.gov.uk

Kirklees District Council

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



(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			
European Mini Market, 59 Blacker Road, Birkby,			
Post town	Huddersfield	Postcode	HD1 5HU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 9,900

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

E-mail address (optional)	
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(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	M	YYY
2	1	0
4	2	0
2	2	2

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

DD	M	YYYY

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

A small community based Mini Market and grocery store, with an off licence situated in a small parade of shops in a mixed commercial residential area on the fringes of the 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.

--

A

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

C

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

E

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

G

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

I

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

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	06.00		<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> (please read guidance note 6)
		22.00	
Tue	06.00		
		22.00	
Wed	06.00		
		22.00	
Thur	06.00		
		22.00	
Fri	06.00		
		22.00	
Sat	06.00		
		22.00	
Sun	06.00		
		22.00	

c) Public safety

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance

6. Prominent, clear and legible signage will be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

e) The protection of children from harm

7. A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records will be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

8. All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records will be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

9. Proxy signs will be on display warning adults about the law surrounding buying alcohol for children

10. Challenge 25

10.1 The premises will operate a Challenge 25 policy. Such policy will be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council.

10.2 Prominent, clear and legible Challenge 25 signage will also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. (to be paid online) X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. *Electronic application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

[REDACTED]

Post town

[REDACTED]

Postcode

[REDACTED]

Telephone number (if any)

[REDACTED]

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

APPENDIX A (Plan)

Site Plan

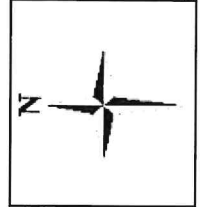


Kompass
Kirklees Mapping Service

Scale = 1:914,760

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Ordnance Survey
100019241

maps@kirklees.gov.uk



- Annotations**
- Residential Area
 - LineString2
 - Residential Area
 - LineString1
 - European Mini Market
 - Rectangle1



APPENDIX B

Anwar Butt

From: Cllr Sheikh Ullah
Sent: 31 March 2022 15:06
To:
Subject: RE: New Licence application

Dear Anwar,

I would like to object against this application, my reasons are:

-Situated in a part of the ward that has existing Anti-social behaviour, drug, and alcohol misuse issues, adding to potentially further crime and disorder -Allowing another license premises will increase and add further intensification to the area and add possible public nuisance -There are other licenced establishments within proximity. (St Johns Rd) -Situated on a busy road with limited parking with Highways Safety issues, increased traffic, and footfall during peak times.

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

As ward councillors no one knows the patch better than us, this will now only intensify the area potentially contributing to further ASB, Drug and Alcohol misuse issues. Do partnering services have the capacity to deal with any additional overflow.

The area is already intensified, and further premises will exacerbate the ongoing issues even more.

Best wishes
Cllr Sheikh Ullah
Greenhead Ward Councillor
Kirklees Council

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

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

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

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

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

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

From: Anwar Butt
Sent: 31 March 2022 09:55
To: Cllr Sheikh Ullah
Subject: New Licence application

Anwar Butt

From: Cllr Carole Pattison
Sent: 01 April 2022 10:42
To: Anwar Butt; Cllr Sheikh Ullah; Cllr Mohan Sokhal
Subject: RE: New Licence application

I agree with Sheikh's comments.

Kind Regards,

Cllr Carole Pattison
Cabinet Member for Learning, Aspiration and Communities Civic Centre 3, High Street, Huddersfield HD1 2RG

carole.pattison@kirklees.gov.uk
www.kirklees.gov.uk

Please see the Councillor Privacy Notice which explains how I process personal information in responding to constituents requests and their privacy rights.

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

From: Anwar Butt <anwar.butt@kirklees.gov.uk>
Sent: 01 April 2022 10:33
To: Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>
Subject: RE: New Licence application

Thank you for your observations Cllr.

I will be in contact in due course. Can I ask if you will be attending the licensing hearing to put your concerns to the chair when this application is due for consideration.

Regards,

Anwar Butt | Licensing Officer | Licensing & Enforcement Service | Kirklees Council | Flint Street, Fartown, Huddersfield | [01484 70525](tel:01484 70525) | anwar.butt@kirklees.gov.uk
www.kirklees.gov.uk/licensing

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

From: Cllr Sheikh Ullah <Sheikh.Ullah@kirklees.gov.uk>
Sent: 31 March 2022 15:06
To: Anwar Butt <Anwar.Butt@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

Dear Anwar,

I would like to object against this application, my reasons are:

Anwar Butt | Licensing Officer | Licensing | Environment Service | Kirklees Council | Flint Street, Fartown,
Huddersfield | www.kirklees.gov.uk/licensing

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Anwar Butt

From: Cllr Mohan Sokhal
Sent: 01 April 2022 11:08
To: Anwar Butt; Cllr Sheikh Ullah; Cllr Carole Pattison
Subject: RE: New Licence application

Agree with Carole and Sheikh.

With regards
Mohan
Labour Group Business Manager
Cllr Mohan Sokhal MBE JP
Labour Councillor Greenhead Ward

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

From: Anwar Butt <Anwar.Butt@kirklees.gov.uk>
Sent: 01 April 2022 10:33
To: Cllr Sheikh Ullah <Sheikh.Ullah@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

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I will be in contact in due course. Can I ask if you will be attending the licensing hearing to put your concerns to the chair when this application is due for consideration.

Regards,

Anwar Butt | Licensing Officer | Licensing | Environment Service | Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG | www.kirklees.gov.uk/licensing

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

From: Anwar Butt <Anwar.Butt@kirklees.gov.uk>
Sent: 31 March 2022 15:06
To: Anwar Butt <Anwar.Butt@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

Dear Anwar,

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Anwar Butt | Licensing Officer | Licensing | Environment
Huddersfield, HD1 6LG | 01484 221000
www.kirklees.gov.uk/licensing

Fartown,

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APPENDIX C

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

Crime and disorder

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

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

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

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

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

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

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

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

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

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