

# Public Document Pack



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

**Julie Muscroft**

Governance and Commissioning

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Tuesday 17 October 2023

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **10:45 am** on **Wednesday 25 October 2023**.

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", on a light-colored background.

**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 Carole Pattison

Councillor Zarina Amin

# Agenda

## Reports or Explanatory Notes Attached

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### Pages

**1: Site Visit**

Site Visit in respect of Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN to be undertaken – Application has been withdrawn.

Site Visit in respect of Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB to be undertaken.

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**2: Minutes of Previous Meeting**

1 - 4

To approve the Minutes of the meeting of the Panel held on the 11<sup>th</sup> October 2023.

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**3: Declaration of Interests**

5 - 6

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

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**4: Admission of the Public**

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Panel.

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**5: Deputations/Petitions**

The Panel will receive any petitions and/or 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 submit a petition

at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

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## **6: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **7: Licensing Act 2003 - Application for the Grant of a New Premises License: Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN - Application Withdrawn** 7 - 48

To consider the application at 9:30am – This application has been withdrawn.

Contact: Steve Mycroft, Licensing Officer, Tel 01484 221000

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## **8: Licensing Act 2003 - Application for the Grant of a New Premises License: Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB** 49 - 92

To consider the application at 10:45am.

Contact: Steve Mycroft, Licensing Officer, Tel 01484 221000

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Contact Officer: Nicola Sylvester

## KIRKLEES COUNCIL

### LICENSING PANEL

**Wednesday 11th October 2023**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Jo Lawson  
Councillor Zarina Amin

In attendance: Tahir Hanif, Senior Legal Officer  
Mike Skelton, Senior Licensing Officer  
Lee Rushworth, Licensing Officer  
Rox Javaid, Licensing Officer  
Kevin Ellam, Senior Technical Officer  
Alex Garry, Senior Environmental Health Officer  
Richard Woodhead, West Yorkshire Police

Observers: Chinedu Chukwu, Business Support Officer,  
Environmental Strategy & Climate Change

- 1 Site Visit**  
The site visit was undertaken by Councillors A Pinnock, J Lawson and Z Amin.
- 2 Minutes of Previous Meeting**  
**RESOLVED:** That the minutes of the meeting held on 23<sup>rd</sup> August 2023 be approved as a correct record.
- 3 Declaration of Interests**  
No interests were declared.
- 4 Admission of the Public**  
All agenda items were considered in public.
- 5 Deputations/Petitions**  
No deputations or petitions were received.
- 6 Public Question Time**  
No public questions were asked.

## Licensing Panel - 11 October 2023

### 7 Licensing Act 2003 - Application for the Grant of a Premises License: Le Sorelle, 5 Pickford Street, Milnsbridge, Huddersfield, HD3 4LH

The Panel considered a report which outlined an application for the Grant of a Premises Licence: Le Sorelle, 5 Pickford Street, Milnsbridge, HD3 4LH.

The Licensing Officer informed the Panel that on 23<sup>rd</sup> August 2023, the Licensing Department received an application for the grant of a premises licence. The licensable activities applied for were as follows:

Sale of Alcohol (on the premises)  
Monday – Sunday 09:00 – 22:30

Performance of Live Music (Indoors)  
Friday – Sunday 09:00 – 22:30

The timings above were slightly different to what was stated in the application form as during the consultation period the applicant revised the timings which was reflected in public advertisements.

The Licensing Officer advised the Panel that the responsible authorities had been consulted to which one representation had been received from Environmental Health. The representation expressed their concern in relation to noise, public nuisance and anti-social behaviour and suggested a closing time of 18:00 hrs.

In response to this application, a total of 21 representations from members of the public had been received which expressed concerns in relation to noise, public nuisance, anti-social behaviour, and that if the license be granted, the licensing objectives in respect of public nuisance, prevention of crime and disorder, public safety and protection of children from harm would not be achieved.

The applicant informed the Panel that her intention was to run a coffee shop during the day that offered alcohol with afternoon tea, and a themed night once a month until 22:30 hours, which would include a pop-up kitchen and an acoustic guitarist. The themed nights would be via ticket only and the numbers would be monitored. The applicant advised the panel that she wanted to work with the community to create a successful business.

Responding to concerns raised by the objectors, the applicant informed the Panel that she intended on adding four tables with chairs outside the front of the property during the day, which would be removed indoors on an evening, and that she expected people to walk or travel via public transport to the café and evening events, therefore would not create parking issues.

**RESOLVED:** That the application for the Grant of a Premises License, Le Sorelle, 5 Pickford Street, Milnsbridge, HD3 4LH be approved with additional conditions as follows:

1. The sale of alcohol hours, Monday – Sunday 10:00hrs – 18:00hrs indoors only,
2. There was a restriction on the licensing activity inside the premises only,
3. No alcohol to be taken outside of the premises or consumed outside the premises.

**8 Licensing Act 2003 - Application for the Transfer of a Premises Licence, Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, WF13 3HL**

The Panel considered a report which outlined an application for the transfer of a premises licence, Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, WF13 3HL.

The Licensing Officer informed the Panel that on 8<sup>th</sup> September 2023, the Licensing Department received an application for the transfer of a premises licence. The premises licence for Ravensthorpe Off Licence was cancelled/surrendered on 4<sup>th</sup> September 2023 by the licence holder, following the premises failing a test purchase which was carried out by the police and resulted in the sale of alcohol to a person under the age of 18.

The Licensing Officer explained that Section 50 of the Licensing Act stated that where a premises licence lapsed due to the licence being surrendered, a person may apply for the transfer of the licence provided it was made no later than 28 days after the day the licence lapsed. Where an application was made, the premises licence was reinstated from the time the application was received by the licensing authority until either:-

- a) The applicant was notified of the rejection of the application or
- b) The application was withdrawn.

In response to this application, an objection was received from West Yorkshire Police within the 14-day consultation, which considered that if the licence be granted, the licensing objective in respect of prevention of crime and disorder would not be met.

A representative acting on behalf of the applicant advised the Panel that, the applicant had applied for the transfer of licence on 8<sup>th</sup> September 2023 and was not the licence holder when the test purchase took place on 30<sup>th</sup> August 2023. The representative explained that all staff had now undergone training in relation to the sale of alcohol.

In response to concerns by the objector, the representative was not able to confirm the date the applicant had taken over the business, and that the sale of alcohol to a person under the age of 18 took place whilst the applicant was out of the country.

**RESOLVED:** That the application for the Transfer of a Premises License, Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, WF13 3HL be refused.

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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 25<sup>th</sup> October 2023 at 9.30am

**Title of report:** Licensing Act 2003 – Application for the Grant of a New Premises Licence: Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN

**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 <u>Council's Forward Plan (key decisions and private reports?)</u></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>Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director (Environment and Climate Change)</b>
<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 <u>portfolio</u></b>	<b>Cllr Mussarat Pervaiz</b>

**Electoral wards affected:** Mirfield Ward

**Ward councillors consulted:** Cllr Itrat Ali  
 Cllr Martyn Bolt  
 Cllr Vivien Lees-Hamilton

**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 new premises license, which because 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 5<sup>th</sup> September 2023, the Licensing Department received an application for the grant of a new premises licence for Mirfield Market, 156 Wakefield Road, Mirfield, WF14 8AN. A copy of this application, plan and a location map can be seen at **Appendix A**.

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

#### Sale of Alcohol (Off Premises)

Sunday to Thursday – 08:00hrs to Midnight

Friday - Saturday 08:00hrs to 02:00hrs  
the following day

2.1.3 A total of six (6) representations have been received from members of public and one (1) from a responsible authority. The below licensing objectives are believed to have not been met.

- Public Safety
- Prevention of crime & disorder
- Prevention of public nuisance
- Protection of children from harm

**A copy of the representations made by the public can 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 four 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 Climate Change and Air Quality**

There are no climate change or air quality implications contained in this report.

### **3.5 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.

### **3.6 Financial Implications for the people living or working in Kirklees Council**

The decision members make may have financial implications for the applicant/existing licence holder.

### **3.7 Other (e.g. Integrated Impact Assessment (IIA)/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.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

## **4 Consultees and their opinions**

Consultation has taken place in accordance with the Act. There has been one (1) representation from the responsible authorities. West Yorkshire Police have made representations due to several failed test purchases at the premises whilst operating under Temporary Event Notices.

**This representation can be seen at Appendix D.**



## **5 Next steps and timelines**

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

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

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

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

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

## **6 Officer recommendations and reasons**

6.1 Members of the Panel are requested to determine the application.

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

Not applicable

## **8 Contact officer**

Steve Mycroft, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 74196  
Email: [steve.mycroft@kirklees.gov.uk](mailto:steve.mycroft@kirklees.gov.uk)

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

9.1 Appendix A – Application, Plan and Location Map for the Grant of a Premises Licence for Mirfield Market.

9.2 Appendix B – Representations made by members of the public.

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

9.4 Appendix D – Representation made by West Yorkshire Police.

**10 Service Director responsible**

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

Tel: 01484 221000

Email: [katherine.armitage@kirklees.gov.uk](mailto:katherine.armitage@kirklees.gov.uk)

# Appendix A



## New Premises Licence

### Premises Details

Premises Address \*

156 HUDDERSFIELD ROAD MIRFIELD KIRKLEES WF14  
8AN

Telephone number at premises (if any)

Non-domestic value of premises. \*

£ 6800

### Applicant Details

I/We 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.

Please state whether you are applying for a premises licence as:

an individual or individuals

### Applicant Details

If you are applying as a person described in one of the above please confirm: \*

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

### Individual Applicant

Title \*

Mr

First name \*

Mohammed Azad

Surname \*

Ahmadi

Street address \*

### Individual Applicant

Town/City \*

County

Postcode \*

Date of Birth \*

I am 18 years old or over

Nationality \*

Daytime Contact Telephone Number \*

Email \*

### Operating Schedule

When do you want the premises licence to start? \*

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

Please give a general description of the premises. \*

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

### Operating Schedule

What licensable activities do you intend to carry on from the premises? \* (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) \*

Plays

Films

### Operating Schedule

- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day *	Monday
	08:00
	00:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day *	Tuesday
	08:00



### Supply of Alcohol Standard Times

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*



### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*



### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*



### Supply of Alcohol Standard Times

## Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Saturday

08:00

02:00

## Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Sunday

08:00

00:00

## Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) \*

Off the premises

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? \*

No

State any seasonal variations for the supply of alcohol. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed? (please read guidance note 6)

## Designated Premises Supervisor

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)

Title \*

Mr

First name \*

Muhamad Nwree



### Designated Premises Supervisor

Surname *	Abas
Street address *	
Town/City *	
County	
Postcode *	
Personal Licence Number (if known)	
Issuing Licensing Authority (if known)	

### Adult Entertainment

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).	N/A
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### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day *	Monday
	08:00
	00:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

### Opening Hours Standard Times

Day \*

Tuesday

08:00

00:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Wednesday

08:00

00:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Thursday

08:00

00:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Friday

08:00

02:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day *	Saturday
	08:00
	02:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day *	Sunday
	08:00
	00:00

### Licensing Objectives

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) *	Please see attachment ( 500 CHARACTERS MAXIMUM USING THIS FORM)
b) The prevention of crime and disorder *	Please see attachment ( 500 CHARACTERS MAXIMUM USING THIS FORM)
c) Public safety *	Please see attachment ( 500 CHARACTERS MAXIMUM USING THIS FORM)
d) The prevention of public nuisance *	Please see attachment ( 500 CHARACTERS MAXIMUM USING THIS FORM)
e) The protection of children from harm *	Please see attachment ( 500 CHARACTERS MAXIMUM USING THIS FORM)

### Declarations

Declaration Type *	Sole Applicant - Individual or Other
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## Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand 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 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 (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.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name \*

Tony Clarke, Agent for the applicant

Date \*

04/09/2023

Capacity \*

Authorised Agent

Declaration made

Do you wish to provide alternative correspondence details? \*

Yes

## Alternative Correspondence

Please provide Contact Name and postal address for correspondence associated with this application.

Title

Mr

First name

Tony

## Alternative Correspondence

Surname

Clarke

Street address \*

Town/City \*

County

Postcode \*

Telephone Number

Email \*

## Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Tony

Surname /Company Name

Clarke

Email \*

Telephone



## Mirfield Market, Proposed Conditions of the Premises Licence

**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)**

**CCTV**

1.1 The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business.

1.2 The recording medium (e.g. disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request.

1.3 The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one other member of staff (or other person(s)) who is trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

1.4 The premises licence holder / Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours.

1.5 In the case of a breakdown or malfunction the premises licence holder / designated premises supervisor shall make sure that the CCTV is in working order as soon as practicable

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

**As above plus**

2. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
3. Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.



4. The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
5. An incident book/register shall be maintained to record:
  - i.All incidents of crime and disorder occurring at the premises.
  - ii.Details of occasions when the police are called to the premises.
6. This book/register shall be made available for inspection by a police officer or other authorised officer on request.

**c) Public safety**

No risk has been assessed

**d) The prevention of public nuisance**

7. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
8. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

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

9. The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
10. The premises is to maintain a refusals to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

# LEGEND

Smoke Detector



Fire Bell



Fire Exit



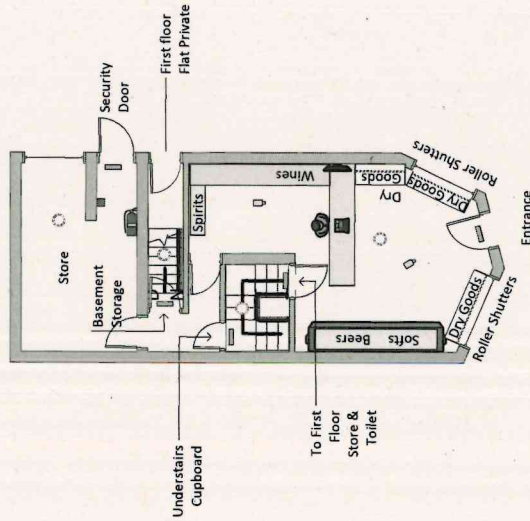
Camera



Fire Ext. Water



Monitor



**Drawing Purpose**

**Premises Licence**

The purpose of this drawing is for the submission of a change of use consent.  
All Measurements have been drawn in millimeters.  
This drawing is not to be used for the intention of any building, shop fitting or construction purposes.

**Drawing Details**

**Name of Premises**

**Mirfield Market**

**Premises Address**  
156 Huddersfield Road,  
Mirfield,  
WF14 8AN

**SCALE**

1:200

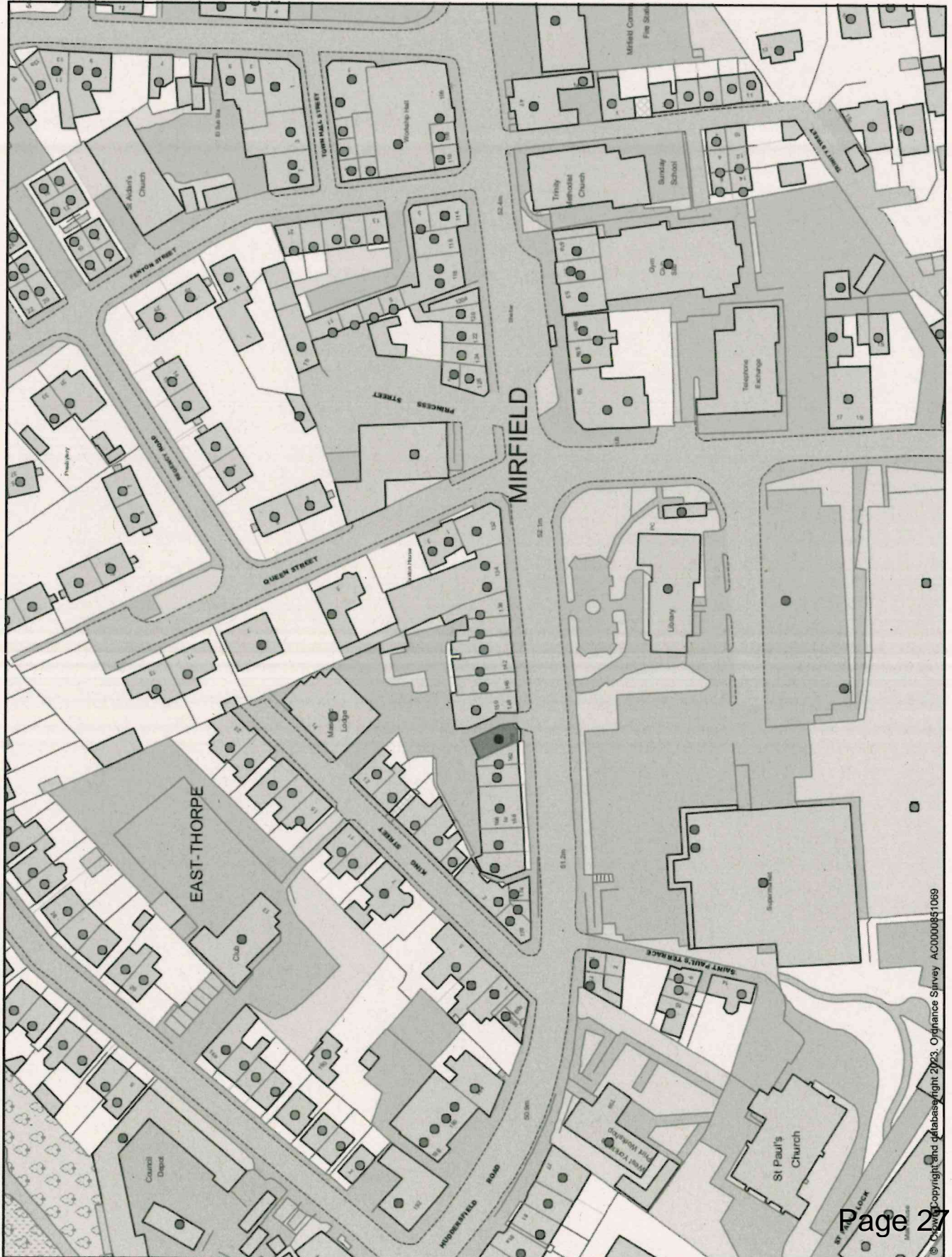


Location Map of Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN



Scale = 1:952,580  
© Crown Copyright and  
database right 2020.  
Ordnance Survey  
AC0000851069

maps@kirklees.gov.uk



# Appendix B

**Objection 1**

**Mirfield Market**

I object to this application and feel it will become a public nuisance and in particular the request to open until 2 am as nearby there are residential properties.



Objection 2

Dear Sir or Madam

I would like to register my objection to application number PR00395 from Mirfield Market.

I believe if approved, opening so late would be a public nuisance generally and in particular to the residents who live just a few metres from the establishment.

Yours Sincerely

### Objection 3

Hi team

I have seen that the new "shop" mirfield market has applied for a licence to be able sell until 2am... as a local resident I find it disturbing that this has even been considered. This shop is already creating issues in our town with gangs of youths gathering and purchasing e cigarettes and leaving them disposed of in the road.. the shop frontage also brings the area down its repulsive! The town used to be nice but with a few shops like this it's really brought the town down ... we have had restaurants and bars refused licences that would of made a town a nicer place but this monstrosity is being considered.. very disappointed that its even a consideration! I whole heartedly oppose this application!  
Regards

#### Objection 4

Dear Sirs

I wish to raise an objection to the granting of a licence to serve Alcohol by Mr Mohammed Azad Ahmadi for the following reasons.

1. These premises are not within the keeping of the area and are a blight on the Town of Mirfield. The exterior of the shop looks like it has been attacked by fly posters which I thought was illegal. Surely they should be asked to remove them.
2. Mirfield already has an overabundance of establishments selling alcohol on an off-licence basis. This surely adds to the difficult trading conditions already being experienced by correctly licenced public houses who are barely surviving as it is.
3. A premises such as this certainly attracts gangs of youths as been witnessed by anyone who dares venture into Mirfield of an evening. I have deep concerns for the safety of the public in Mirfield. We can no longer rely on the support of West Yorkshire police to police the town at any time of the day let alone into the early hours.
4. What consideration is being taken for the rest of the business's in Mirfield who will suffer this blight on a daily basis. There are many business that have spent a fortune trying to improve the look of their premises and now as we approach the winter months will be forced to close early to consider their own safety and that of their staff members. You can be sure that the opticians, hairdressers, florists, greeting card shops, solicitors, cafe owners are all going to be deeply impacted by the loss of footfall which in turn could force the closure of these business's. What should be considered is the perilous state of the finances of Klrklees Council. Are the interests of one new business to over ride the interests of all the other established business's, many who are likely to move out of Mirfield adding to lost revenue for the council. There are wider issues here to be considered which affects not only Mirfield, but the wider area too.
5. It is not that many years ago that an extended liquor licence was refused by Pax Burgers which forced the owner to pull out and take his business to another town. Mirfield is crying out for quality establishments, selling food etc where people can relax and have an enjoyable meal, yet Pax Burgers was refused a licence. Consistency surely must prevail, if it was deemed inappropriate then, it certainly is now

Regards



## Objection 5

### Email 1

Thankyou for speaking with me a few days ago regarding the shop at 156 Huddersfield Road, Mirfield.

When I originally spoke with yourself There had been no planning signs up or anything to let people know, or on the Shop itself with regard to what it was going to be selling.

In 2008, I opened et cetera. I then moved in to the , in 2013. I am in my 70s and I enjoy it in the flat because it's fairly quiet and in the evening, apart from passing traffic , there isn't very much in the way of problems. One of my occasional problems is the alleyway between 156 is sometimes used as a urinal by males on the way home from one of the numerous pubs in Mirfield, as there are no public toilets

ranging in age from very young to very elderly, And a lot of people have been asking what was going to be selling -as most of Mirfield now has very few small retail premises. We have a butcher, a homeware products, a gift shop, a florist shop, a hardware shop, and most of the other small shops are either connected to the beauty, trade, e.g. hairdressers and cosmetic services, Cafes, and pubs or offices. We have had Bargain Booze (off-licence) for a number of years now and have never been any problems that I'm aware of.

But when some ugly lighted Perspex signs went up on the shop next door a week or two ago saying "Off Licence, vapes, tobacco, beers wines and spirits" and are on the front of the shop and the side into the alleyway and gaudy perspex panels with large Pictures of alcohol bottles and confectionery, I suddenly had saying " What on earth is going on , there are enough places in Mirfield selling alcohol and Vapes and those signs put up look like a Blackpool promenade frontage – they are disgusting and ugly.

Other people have also said Mirfield is starting to look like a seaside place with the gaudy signs. I've also had quite a few people expressing rather stronger language, generally, I have been asked to start a petition , as quite a lot of elderly and do not have the Internet, and then would you believe it after I said to one of the people working in there yesterday you're meant to have a sign on the door , And lo and behold this morning when I went round onto the road to walk my dog there affixed to the shutter with a nail was a piece of paper regarding planning application. The people were in the shop last night filling the shelves with alcohol and other stock and they've already put an ugly steel door in the alleyway and bars on the windows, which I can understand if they are selling alcohol– But that was done two or three weeks ago! And they hadn't even applied for planning, then apparently, As the sign only went up late last evening.

The biggest problem we now have (after chatting to some locals) are the licensing hours that they are applying for every day of the week until midnight and Friday and Saturday until 2 o'clock in the morning!!!

I personally find this quite frightening as I live on my own and I already am quite often having to clear litter - cans and bottles et cetera and now it really worries



me as I believe there will also be quite an increase in noise -and there is no parking at the front as it's double yellow lines, a dropped pavement( And a bus stop )– but primarily the fact that we already have a lot of bars for the size of the town.

Another shop has opened up across the road towards the traffic lights further on Huddersfield Road and that is I believe a convenience store selling Vapes et cetera but people are also commenting to me about the horrendous Perspex signage outside that one..I have taken a quick snap( which isn't very good as it's busy during the day,)but hopefully you'll see that it's not very nice at all and I've had so many people asking me to set up petitions. I hope you will not allow this planning. We found it very strange that they were in the shop Last night filling all the shelves with the alcohol et cetera and the fact they put a steel security door on. I think it was about three or four weeks ago which is very ugly but then again it's not on the front of the street but they were doing all this before, I believe, that they had even even applied for planning.

I've just been along the street and spoken quite a few people of varying ages who have said please do a petition because it's absolutely disgusting and it's also starting to look like Ravensthorpe – those are other peoples words, not mine -Mirfield used to be quite a lovely town. Sadly it's sinking into a place that folks do not like.

#### Email 2

With reference to our phone call a few moments ago, I would just like to confirm what I was actually reporting to you at the time – the premises at 156 Huddersfield Road Mirfield as previously discussed, obviously they seem to not care about any laws – by Friday evening, there was no longer a blue application for licensing attached to the shop anywhere, and I have taken the video movie of the whole surrounding area to prove this, and lo and behold, the shop opened on Saturday morning all day, and yesterday, and they are open today.They were open well into the evening Each day.

I have taken photographs at various times during the weekend and this morning to prove that they were open – and I did also mention to one of the men standing outside this morning that they are not meant to put their shop sign on the curb as we are meant to keep our signs between our shop and the cut line on the pavement that goes along the High Street, but he's just moved it even closer to the kerb !!!

As I also told you in our conversation this morning – on Saturday evening I Was just taking my dog for a walk when a car pulled in behind the shops, and I said it's actually a private carpark, the driver and his companions said “we're only nipping into the shop To get some drinks, we won't be very long” I then asked them “are you going to buy some alcohol? and they responded that they were – – – so I rather cheekily asked them would you be willing to get a receipt for me and I did explain to them that the shop didn't actually have a license for alcohol which they thought was bad, but they agreed to do it as I said I wanted some proof to hand in to licensing.(The people have kindly give me names and phone numbers in order to back up what I am telling you. They are worried though that they may be involved which they don't really want to be in case there is any trouble from the shop.).

First of all one of them went in to the shop with her card to pay, but then came running out asking if anybody had any cash, as the shop was not willing to take Cards for payment!!! She



then went back in and a few minutes later, came back out with a carrier bag. Full of what I believe, was beer and lager – she did show me what was in there to prove that it was alcohol. She willingly gave me the receipt, which I now have in my possession – – – but when I looked at it later, that evening, I realised that it was printed with the address of the other shop across the road next door to the old post office, and not the premises, next door!!! Also, there was no record of any VAT number or what they had actually bought, so that confirms my suspicions, and I think that the two shops are belonging to the same owner.

I wish somebody would make a plainclothes unannounced visit and buy some alcohol and try and pay with card as well, because they're obviously trying to cover their tracks by using the other shops' details.

I was also told by the \_\_\_\_\_ – (Also believes That the frontage is horrendous and ugly) they have previously been applications to planning for some frontage that was actually refused by planning – so I just pray to God that this time it will be refused, and also the shop across the road that now it would seem is Being run by the same people.

I'm sorry if I have repeated myself following on from my original email to yourself, but so many people in Mirfield are really angry. How the look of the town is being ruined, and that the current people running the shop obviously don't give a damn about the law or else they would wait until they have the necessary permissions. If they are currently going to disregard the law, they do not deserve any permissions - frontage or alcohol.

Both shops look absolutely terrible, and again, I say I feel so sorry for the volunteers working so hard with Mirfield in bloom every year for this to happen to the town now – the general consensus seems to be that it's disgusting, but that they will get away with it and get all the permissions. It's a pity the obvious lawbreakers have a chance to carry on in Mirfield trading. I dread to think what the future holds, and as I said in my earlier email, as I am now in my 70s, and I live \_\_\_\_\_, and \_\_\_\_\_, I am seriously thinking about my future here because lawbreakers are lawbreakers. And what else will they sink to?

Kind regards,

## Objection 6

Good afternoon, I am writing to make representations regarding the above licensing application.

As a side note, I spoke to a colleague, (I hope I heard the name correctly earlier) and explained the blue notice was only up outside of the shop for a day, stuck over a nail, before it was removed / blew away, so there is no public notice displayed and hasn't been since last week.

My concerns regarding the licence request for the sale of alcohol are as follows;

1 – Shop opening hours are proposed to be until midnight Sunday to Thursday and until 02:00 Friday and Saturday nights. I am concerned both of these are far too late for what is, certainly through the week, a quiet town centre after 8pm (I know this as I live in the town centre) so there is no requirement for another shop to be open so late as there is already Tesco express approximately 150 yards down the road, open until 10pm, selling cigarette and alcohol and Bargain Booze the same distance the other way open until 9pm. Tesco did open until 11pm initially but I am told altered its time to 10pm as there was no call for such late opening. Furthermore, to request opening hours until 02:00 Friday and Saturday goes way beyond any need of anyone at that time and I would be concerned it would encourage people to make unnecessary late night trips out potentially when they are over the alcohol limit in a car to buy more alcohol. None of the bars locally are open until then so there is absolutely no need. Even if they were, the potential for anti-social behaviour/ risk to those working in the shop at that time would be high. Even the only late closing local takeaway on the same road closes at 1am.

2- I am concerned the position of the shop is on double yellow lines on a busy road but patrons will still park causing a dangerous obstruction, especially later in the evening when people can tend to think 'it doesn't matter'.

3 – I am concerned that this (and a further seemingly twin market virtually opposite) are opening offering sale of alcohol when a relatively short road already has a late night Tesco Express, a Bargain Booze, a Co-op, Lidl and (soon to be) Aldi, all of which sell alcohol until 10pm in the evening. Why are a further -2 shops in the half mile space needed?

Thank you for taking the time in considering these representations.  
Kind regards.



# Appendix C

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

**Crime and disorder**

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

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

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

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

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



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

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

### **Public safety**

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

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

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

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



## **Public nuisance**

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

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

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

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

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

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and



disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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

### **Protection of children from harm**

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

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

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

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 | 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take



*appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.*

*2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.*

*2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include: • restrictions on the hours when children may be present; • restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; • restrictions on the parts of the premises to which children may have access; • age restrictions (below 18); • restrictions or exclusions when certain activities are taking place; • requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and • full exclusion of people under 18 from the premises when any licensable activities are taking place.*

*2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.*

*2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.*

*2.30 The 2003 Act provides that, where a premises licence or club premises certificate 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.*

*2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children*

*in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.*



# Appendix D

156 Huddersfield Road Mirfield.

On the 5<sup>th</sup> of September, a new application was submitted to the licensing department, for the grant of a new licence.

As well as the application 3 temporary event notices were also submitted allowing alcohol sales to take place while the licensing application period of 28 days took place.

The dates the tens covered were:

Tuesday 12<sup>th</sup> September to Sunday 17<sup>th</sup> September.

No ten notice for Mon 18<sup>th</sup> Sept.

Tuesday 19<sup>th</sup> September to Sunday 24<sup>th</sup> September

No ten notice for Monday 25<sup>th</sup> September

Tuesday 26<sup>th</sup> to Monday 1<sup>st</sup> Oct Ten in place.

On Thursday 14<sup>th</sup> September, a test purchase was put in place to see if the shop was selling illegal tobacco products during the application process.

I went into the shop at approximately 11.30 am, and selected a bottle of Estrella Beer and went to the counter to pay. I asked the gentleman behind the counter if he had any cheap cigarettes. He said I could have 20 Marlboro Lights for £6.00. The cigarettes appear to be for the Polish market, and are none duty paid to the UK Government.



On Monday the 18<sup>th</sup> September a further two test purchases were carried out, one in the morning where four cans of Stella Artois were sold.

This is an unlicensed sale as no temporary event notice was in place.



A further test purchase was carried out in the afternoon, where a bottle of Estell was sold, along with 20 non-duty paid L and M cigarettes were also purchase.



It was also noted that illegal vapes were on display, with over 3500 puffs available, the UK specification is 600 max.



On Monday 25<sup>th</sup> September a fourth test purchase was carried out. There was no temporary event notice in place, alcohol should not be sold.

A test purchase was carried out at approximately 12.30 hours, where a bottle of Estrella beer was sold, along with 20 non-duty paid Marlboro cigarettes.



This applicant has no respect to English law, he retails alcohol illegally, as well as selling non-duty paid tobacco products, he breaches the crime and disorder licensing objective, before a licence has been even granted. The public safety objective is also impacted upon, by selling illegal tobacco products.

Therefore West Yorkshire Police object to the grant of this licence.

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**Name of meeting:** Licensing Panel

**Date:** Wednesday 25<sup>th</sup> October 2023 at 10.45am

**Title of report:** Licensing Act 2003 – Application for the Grant of a New Premises Licence: Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB

**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 <u>Council's Forward Plan (key decisions and private reports?)</u></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>Is it also signed off by the Service Director (Finance)?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director (Environment and Climate Change)</b>  <b>Not applicable</b>  <b>Not applicable</b>
<b>Cabinet member <u>portfolio</u></b>	<b>Cllr Mussarat Pervaiz</b>

**Electoral wards affected:** Dalton Ward

**Ward councillors consulted:** Cllr Mussarat Khan  
Cllr Naheed Mather  
Cllr Tyler Hawkins

**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 new premises license, which because 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 2023, the Licensing Department received an application for the grant of a new premises licence for Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB. A copy of this application, plan and a location map can be seen at **Appendix A**.

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

Sale of Alcohol (Off Premises) Everyday -	15:00hrs to 05:00hrs the following day
--	---

Late Night Refreshment Everyday -	23:00hrs to 05:00hrs the following day
--------------------------------------	---

The premises has previously held a licence when it was a Public House called the Somerset Arms, this licence was surrendered on 25<sup>th</sup> February 2013.

There is an off licence / News agents located next door to the premises at 51 Wakefield Road. The Off licence for that store **PR(A)1415** is.

Everyday -	07:00hrs to 23:00hrs
------------	----------------------

There is a food outlet KFC at 47 – 49 Wakefield Road. The late-night refreshment licence for that store **PR(N)0171** is.

Sunday to Thursday	23:00hrs to 23:30hrs
--------------------	----------------------

Friday to Saturday	23:00hrs to Midnight
--------------------	----------------------

**Copies of both licences can be seen at Appendix B.**

2.1.3 During the consultation period a representation from two of the Councillors for the Dalton Ward has been submitted, this includes information of health, crime, and social deprivation concerns in the local area. **This can be seen at Appendix C.**

2.1.4 The representation that was received considers that the following licensing objectives would not be met should this licence be granted.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

## 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 four of the licensing objectives, Member's attention is drawn to Section 2 of this Guidance. **The relevant sections of the guidance can be seen at Appendix D.**



### **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 Climate Change and Air Quality**

There are no climate change or air quality implications contained in this report.

#### **3.5 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.

#### **3.6 Financial Implications for the people living or working in Kirklees Council**

The decision members make may have financial implications for the applicant/existing licence holder.

#### **3.7 Other (e.g. Integrated Impact Assessment (IIA)/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.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005



- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

#### **4 Consultees and their opinions**

Consultation has taken place in accordance with the Act. There have been no representations from the responsible authorities. However, planning has advised that there are planning restrictions in place with regards to what time a premises can operate at that location. **This can be seen at Appendix E.**

#### **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**

Steve Mycroft, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 74196  
Email: [steve.mycroft@kirklees.gov.uk](mailto:steve.mycroft@kirklees.gov.uk)

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

- 9.1 Appendix A – Application, Plan and Location Map for the Grant of a Premises Licence for Gourmet Hub.
- 9.2 Appendix B – Copy of Premises Licence for Newsagent & KFC PR(A)1415 & PR(N)0171
- 9.3 Appendix C – Representations from Local Ward Councillors.
- 9.4 Appendix D - Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003
- 9.5 Appendix E – Planning restrictions on premises

## **10 Service Director responsible**

Katherine Armitage  
Service Director – Climate Change and Environmental Strategy  
Tel: 01484 221000  
Email: [katherine.armitage@kirklees.gov.uk](mailto:katherine.armitage@kirklees.gov.uk)

# Appendix A



## New Premises Licence

### Premises Details

Premises Address \*

GOURMET HUB, SHOP 1 53 WAKEFIELD ROAD  
MOLDGREEN HUDDERSFIELD KIRKLEES HD5 9AB

Telephone number at premises (if any)

Non-domestic value of premises. \*

£ 10000

### Applicant Details

I/We 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.

Please state whether you are applying for a premises licence as:

an individual or individuals

### Applicant Details

If you are applying as a person described in one of the above please confirm: \*

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

### Individual Applicant

Title \*

Mrs

First name \*

HUMA

Surname \*

MIRZA

Street address \*

shop 1, 53 Wakefield Rd

Moldgreen

### Individual Applicant

Town/City \*

County

Postcode \*

Date of Birth \*

I am 18 years old or over

Nationality \*

Daytime Contact Telephone Number \*

Email \*

### Operating Schedule

When do you want the premises licence to start? \*

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

Please give a general description of the premises. \*

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

### Operating Schedule

What licensable activities do you intend to carry on from the premises? \* (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) \*

Plays

Films



### Operating Schedule

- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

### Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) \*  
Please enter times in 24hr format (HH:MM)

Day *	Every Day
	23:00
	05:00

### Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 3) *	Both
Please provide further details.(please read guidance note 4)	Indoors: Sale of late night refreshments and collections of late night refreshments. Outdoor = Home deliveries of late night refreshments



### Late Night Refreshment

State any seasonal variations for the provision of late night refreshment.(please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for late night refreshment at different times from the Standard days and times listed?(please read guidance note 6)

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*




### Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) \*

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? \*

State any seasonal variations for the supply of alcohol. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed?(please read guidance note 6)

### Designated Premises Supervisor

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)

Title \*

First name \*

Surname \*

Street address \*



### Designated Premises Supervisor

	United Kingdom
Town/City *	
County	
Postcode *	
Personal Licence Number (if known)	
Issuing Licensing Authority (if known)	

### Adult Entertainment

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).

N/A
-----

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day *	Every Day
	15:00
	05:00

### Licensing Objectives

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) \*

I have set standards related to all aspects of operating the business, from the deliveries of stock right through to the manner of sales to the customers. I am mindful of my obligation to my staff, our customers, local residents and visitors who may be affected by my business. I have
--



## Licensing Objectives

b) The prevention of crime and disorder \*

employed adequate staff to allow proper management and supervision of those who visit us.

I will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our business. I will not countenance the use or supply of illegal drugs/products and my staff will inform the police immediately of any suspected activity on or in the vicinity of the premises. Our employment policy is designed to ensure that only professional and reputable staff are employed.

c) Public safety \*

The premises comply with all requisite health and safety legislation. I will carry out regular health and safety risk assessments and am required to do so under the terms of the lease. In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the shop and return at a quieter time.

d) The prevention of public nuisance \*

Our door will be kept closed at all times except customers/staff/delivery drivers etc entering and exiting the premises. I intend to display a notice to our customers to leave the premises quietly and with due consideration for our neighbours. Delivery drivers will be instructed to enter and leave their vehicles quietly, not leave the engines running and to part considerately. I would not hesitate in banning people who visit the premises and regularly leave in a noisy fashion.

e) The protection of children from harm \*

To comply with this legislation, I will operate a CHALLENGE 25 policy as a minimum whereby any person not looking the age of 25 must prove that they are in fact over the age of 18 for the purpose of sale of alcohol. Acceptable proof of ID will be passport or photo card driving license. Operate a refusals book, CCTV, Legal age signage and regular refreshers training of staff for sale of alcohol.

## Declarations

Declaration Type \*

Sole Applicant - Individual or Other

## Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand 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 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 (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



## Declarations

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.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name \*

Date \*

Capacity \*

Declaration made

Do you wish to provide alternative correspondence details? \*

## Email confirmation

On submission an email confirmation will be sent using the details below

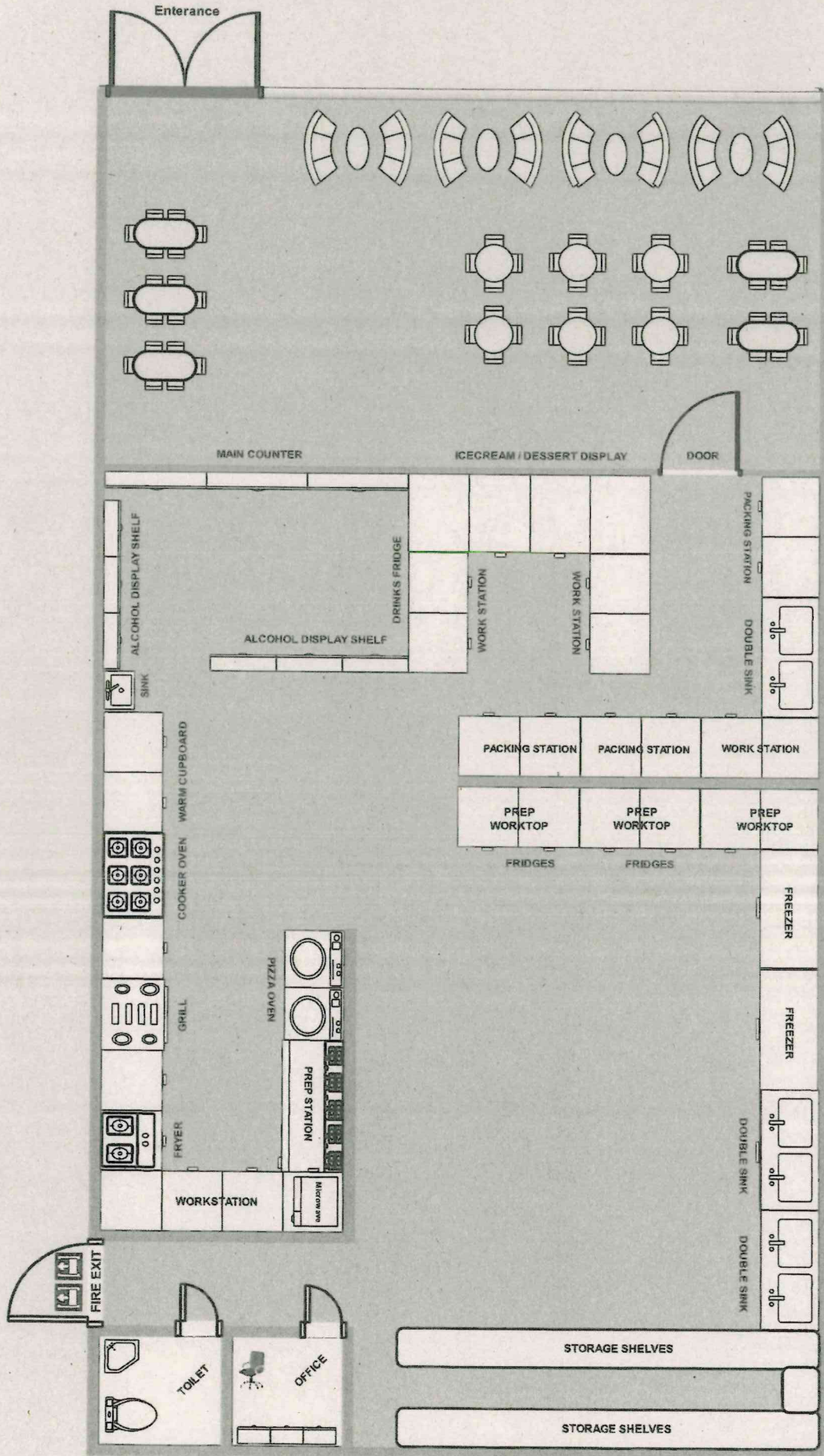
Forename

Surname /Company Name

Email \*

Telephone







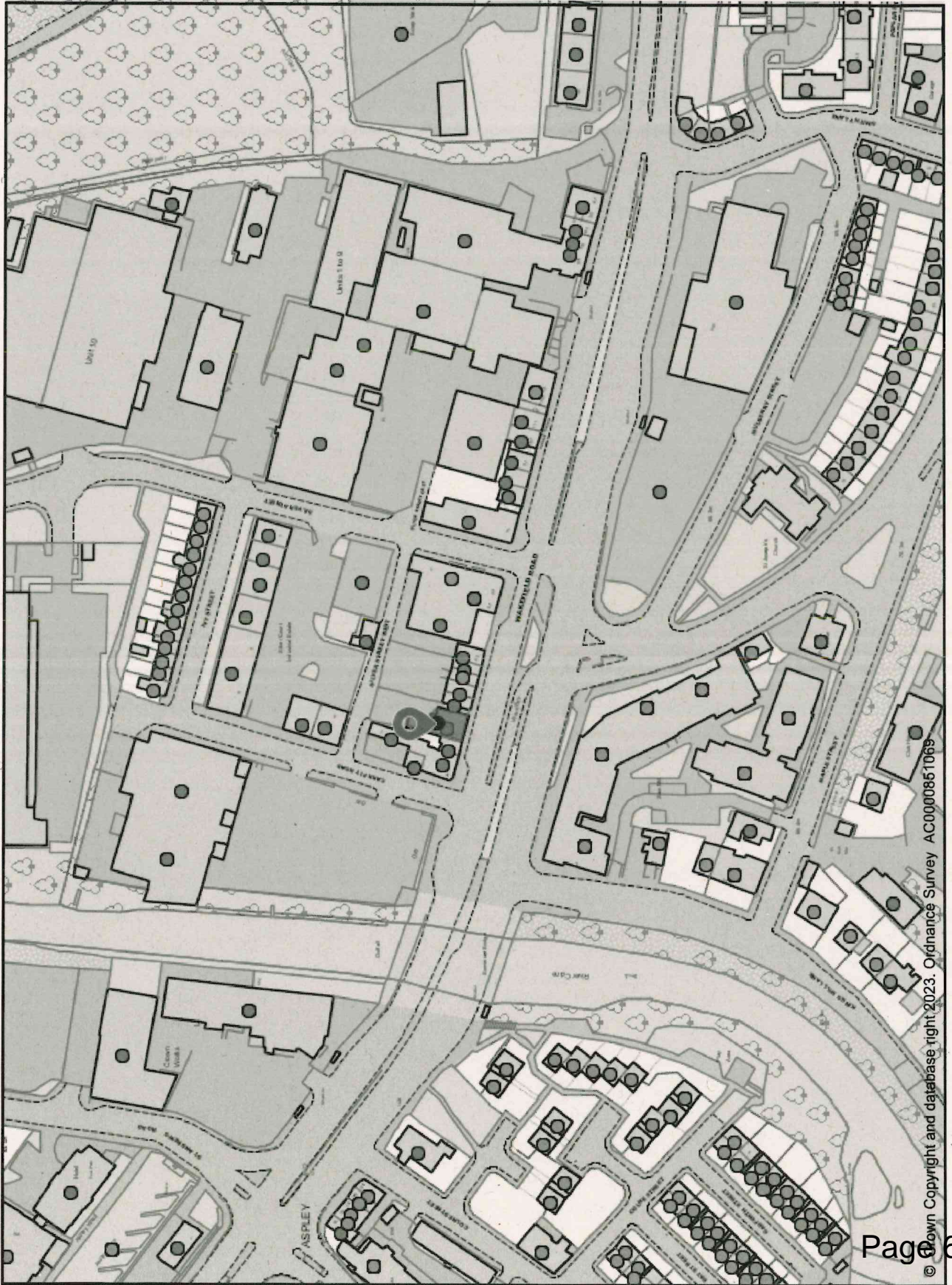
Gourmet Hub, Shop1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB



Scale = 1:1906,120

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database right 2020.  
Ordnance Survey  
AC0000851069


maps@kirklees.gov.uk





# Appendix B

<b>PREMISES LICENCE</b> Licensing Act 2003	Licence number:	Online Reference number:
	<b>PR(N)0171</b>	<b>LAMVAR/14756/22</b>

THIS LICENCE IS ISSUED BY	
	<p>Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL</p> <p>Tel: 01484 456868 Email: <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a></p>

POSTAL ADDRESS OF PREMISES
<p><b>KFC</b> 47 - 49 Wakefield Road Moldgreen Huddersfield HD5 9AB</p>

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
Late Night Refreshment (Indoors)	
<b>Day(s)</b>	<b>From - To</b>
Friday to Saturday	23:00 - 00:00
Sunday to Thursday	23:00 - 23:30

THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Friday and Saturday	11:00	00:00
Sunday to Thursday	11:00	23:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)
N/A



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

N/A

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

Email address

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

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

**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:



**PREMISES LICENCE**

Licensing Act 2003

**PR(N)0171****ANNEXES****ANNEX 1 – MANDATORY CONDITIONS****ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE****ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. 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.

2. All waste-water from food preparation areas shall discharge into the sewerage system via a suitable grease interceptor. The interceptor shall be maintained and cleansed to ensure to its effective operation.

3. 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.

**4. General**

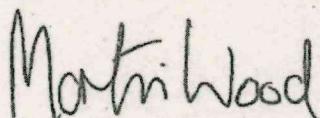
Those specified within the application.

**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: 28 September 2022**

**Date Commences/Varied: 28 September 2022**



Head of Public Protection Service





**PREMISES LICENCE SUMMARY**

Licensing Act 2003

**PR(N)0171****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**

**KFC**  
 47 - 49 Wakefield Road  
 Moldgreen  
 Huddersfield  
 HD5 9AB

**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
Friday to Saturday	23:00 - 00:00
Sunday to Thursday	23:00 - 23:30

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO
Friday and Saturday	11:00	00:00
Sunday to Thursday	11:00	23:30

**NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)**

N/A

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

N/A

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

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

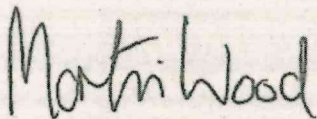
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

**Date Granted: 28 September 2022**


**Date Commences/Varied: 28 September 2022**



Head of Public Protection Service



<b>PREMISES LICENCE</b> Licensing Act 2003	Licence number:	Online Reference number:
	<b>PR(A)1415</b>	<b>PR(A)1415</b>

THIS LICENCE IS ISSUED BY	
	<p>Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL</p> <p>Tel: 01484 456868 Email: <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a></p>

**POSTAL ADDRESS OF PREMISES**

**Williamson's Newsagents**  
51 Wakefield Road  
Moldgreen  
Huddersfield  
HD5 9AB

**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
Everyday	07:00 - 23:00

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO
Everyday	06:00	23:00

**NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)**

N/A

**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**

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

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

**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 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**

The premises licence holder will ensure that a fully functional CCTV system is in operation at all times when the premises are open to the public.

The system should cover all licensable areas and the entrance/exit to the premises.

Staff should be trained in the use of the system, and images recorded should be made immediately available on the request of a police constable or authorised officer of the Council.

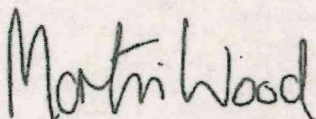
#### **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

#### **ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

**Date Granted: 8 January 2013**

**Date Commences/Varied: 29 December 2012**



Head of Public Protection Service



**PREMISES LICENCE SUMMARY**

Licensing Act 2003

**PR(A)1415****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**

**Williamson's Newsagents**  
 51 Wakefield Road  
 Moldgreen  
 Huddersfield  
 HD5 9AB

**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
Everyday	07:00 - 23:00

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO
Everyday	06:00	23:00

**NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)**

N/A

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

Alcohol is supplied for consumption off the Premises

<b>NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE</b>
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>
<b>NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL</b>
<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>

Any conditions applicable to these premises are attached to the licence.

**Date Granted:** 8 January 2013

**Date Commences/Varied:** 29 December 2012

*Martin Wood*

Head of Public Protection Service



# Appendix C

Dear Steve,

I am submitting the below evidence taken from public health data to submit my objection to an alcohol license exceeding beyond 11 pm at 53 WAKEFIELD ROAD, MOLDGREEN, HUDDERSFIELD, HD5 9AB. The below public health data shows a significant higher than average rate of hospital alcohol attributable conditions for this area, higher than the kirklees average for living environment deprivation, higher than average figures in voluntarily excluded from the labour market, and the worst 3 deciles for health and crime figures.

The following data provides evidence to Licensing Committee to review and consider when making their decision about this application proposal.

This document refers to the data for the Dalton ward and LOSA area relating to the postcode of the proposed application.

E02002299 is the MSOA which covers the address of the application. E02002299 is part of the Dalton Ward. Some data below is presented at MSOA level and some at ward level.

#### LOCAL HEALTH: REPORT PART 2 - HOSPITAL ADMISSIONS - HARM AND INJURY

##### Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021

Indicators	Kirklees 029 (msoa 2011)	Kirklees (LTLA 2021)	Kirklees (UTLA 2021)	Kirklees 029 (msoa 2011)
<u>Emergency hospital admissions for intentional self harm (SAR)</u>	127.9	86.4	86.4	127.9
<u>Emergency hospital admissions for hip fractures, persons aged 65 years and over (SAR)</u>	91.9	90.3	90.3	91.9
<u>Hospital admissions for alcohol attributable conditions (Broad definition) (SAR)</u>	147.5	93.1	93.1	147.5
<u>Hospital admissions for alcohol attributable conditions, (Narrow definition) (SAR)</u>	158.0	97.7	97.7	158.0

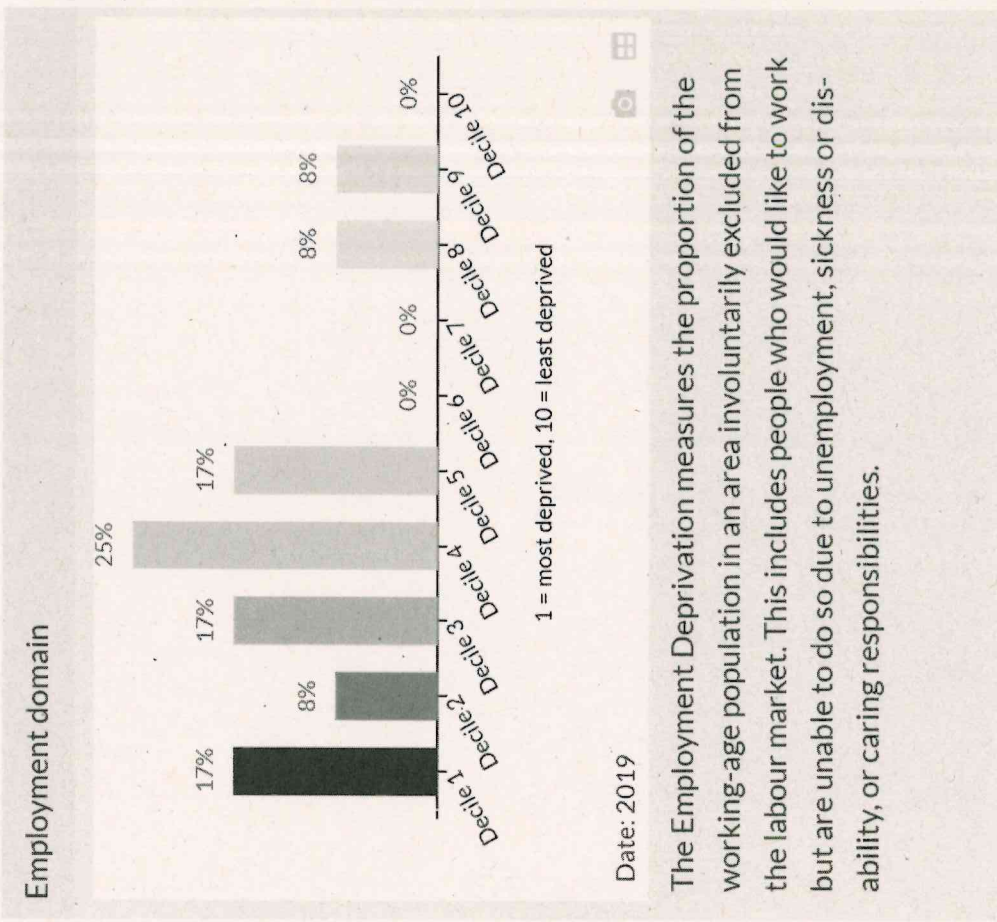
Source: *Hospital Episode Statistics (HES) NHS Digital*

##### Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021

Kirklees 029 (msoa 2011)  
Emergency hospital admissions for intentional self harm  
Emergency hospital admissions for alcohol attributable conditions (Broad definition)  
Hospital admissions for alcohol





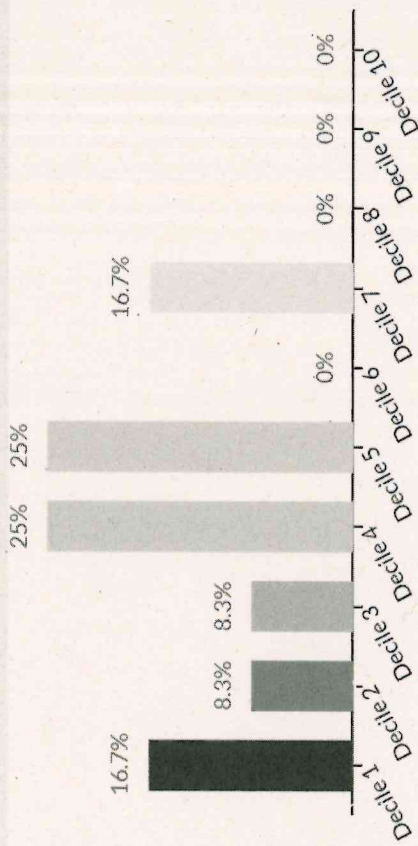


The Employment Deprivation measures the proportion of the working-age population in an area involuntarily excluded from the labour market. This includes people who would like to work but are unable to do so due to unemployment, sickness or disability, or caring responsibilities.

Figure 4 shows that a third of Dalton Ward residents are in the worst 3 deciles for health. Figure 4 shows that over half of Dalton Ward residents are in the worst 3 deciles for crime.



### Health domain

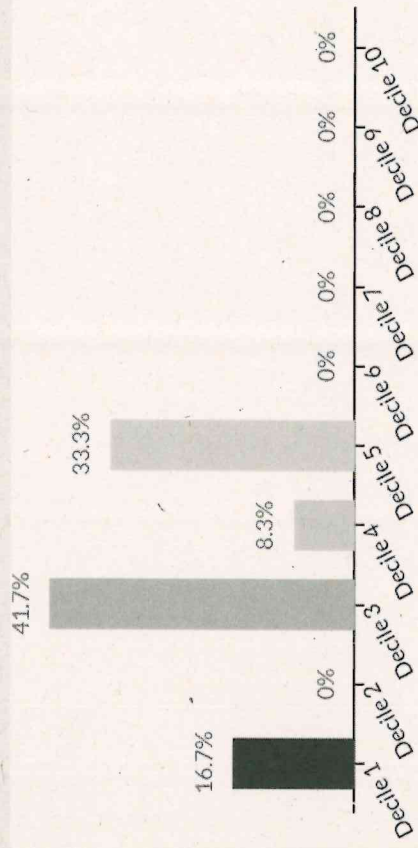


1 = most deprived, 10 = least deprived

Date: 2019

The Health Deprivation and Disability Domain measures the risk of premature death and the impairment of quality of life through poor physical and mental health. The domain measures morbidity, disability and premature mortality but not aspects of behaviour or environment that may be predictive of future health deprivation.

### Crime domain



1 = most deprived, 10 = least deprived

Date: 2019

Crime is an important feature of deprivation that has major effects on individuals and communities. The Crime Domain measures the risk of personal and material victimisation at local level.

# Appendix D



**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.



## **Public nuisance**

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

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

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

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

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

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and



disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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

### **Protection of children from harm**

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

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

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

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 | 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take



*appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.*

*2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.*

*2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include: • restrictions on the hours when children may be present; • restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; • restrictions on the parts of the premises to which children may have access; • age restrictions (below 18); • restrictions or exclusions when certain activities are taking place; • requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and • full exclusion of people under 18 from the premises when any licensable activities are taking place.*

*2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.*

*2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.*

*2.30 The 2003 Act provides that, where a premises licence or club premises certificate 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.*

*2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children*

*in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.*



# Appendix E

## Planning information

The site appears to operate as per the following planning permission:

2012/70/93811 VARIATION OF CONDITION 2 ON PREVIOUS PERMISSION 2012/90723 FOR CHANGE OF USE OF GROUND FLOOR FROM CLASS A4 (PUBLIC HOUSE) TO CLASS A5 (HOT FOOD TAKE-AWAYS) AND INSTALLATION OF REPLACEMENT SHOP FRONT. ERECTION OF TWO STOREY EXTENSION AND ALTERATIONS TO FORM 2 FOUR BEDROOM HOUSES OF MULTIPLE OCCUPATION AND ALTERATIONS TO FORM 2 STUDIO FLATS

Condition 8 of the permission restrict the hours of operation, details as follows:

8. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 08.00 and 23.00 Monday to Sunday. Reason: In the interest of residential amenity and to accord with policy EP4 of the Kirklees Unitary Development Plan and Part 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework.

It appears the hours of use would be exceeded (as per the details of the license application). If the intention is for later hours than those permitted by application 2012/93811 an application for variation of condition of the planning permission would need to be submitted.



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