

Public Document Pack



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

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Monday 9 September 2024

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **9.30 am** on **Tuesday 17 September 2024**.

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 "S Lawton".

Samantha Lawton

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 Zarina Amin

Councillor Jane Rylah

Councillor Paola Antonia Davies

Agenda

Reports or Explanatory Notes Attached

Pages

1: Appointment of Chair

The Panel will appoint a Chair for the meeting.

2: Membership of the Panel

To receive apologies for absence from those Members who are unable to attend the meeting.

3: Minutes of Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Panel held on the 22nd August 2024.

4: 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.

5: 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.

6: 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.

7: 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.

8: Licensing Act 2003, section 51 - Review of premises licence for PR00340 Markwan Mini Market, Trading as - Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH

7 - 50

To consider the application at 9:30am

Contact: Steve Mycroft Licencing Officer. Tel 01484 221000

Contact Officer: Nicola Sylvester

KIRKLEES COUNCIL

LICENSING PANEL

Thursday 22nd August 2024

Present: Councillor Zarina Amin
Councillor Donna Bellamy
Councillor Alex Vickers

In attendance: Anwar Butt, Licensing Officer
Fiona Goldsmith, Public Protection Group Leader
Tahir Hanif, Legal Advisor to the Panel

1 Appointment of Chair

RESOLVED:

That Councillor Zarina Amin be appointed Chair for the meeting.

2 Site Visit

Site visit undertaken.

3 Membership of the Panel

No apologies were received.

4 Minutes of Previous Meeting

That the minutes of the meeting held on 30th January 2024, 3rd July 2024 and 15th July 2024 be approved as a correct record.

5 Declaration of Interests

No interests were declared.

6 Admission of the Public

All agenda items were considered in public.

7 Deputations/Petitions

No deputations or petitions were received.

8 Public Question Time

No public questions were asked.

9 Licensing Act 2003 - Application for the Grant of a New Premises Licence: Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield HD7 5AU

The Panel considered a report which outlined an application for the grant of a premises licence, Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield, HD7 5AU. The Licensing Officer advised the Panel that on 27th June 2024, the Licensing Department received an application for the grant of a new premises licence for the

Licensing Panel - 22 August 2024

Silent Woman. In response to the application, 14 representations were received, one from the local Ward Councillors and the remaining from local residents.

The submitted representations indicated that the licensing objectives in respect of the prevention of crime and disorder, public safety, protection of children from harm and the prevention of public nuisance would not be achieved if the licence was granted.

The licensable activities applied for were as follows:

Retail Sale of Alcohol (on/off premises – not stated)

Sunday – Thursday: 11:00 – 23:00

Friday – Saturday: 11:00 – 00:00

Live Music (Indoors)

Every day: 12:00 - 23:00

Recorded Music (Indoors)

Every day: 09:00 - 00:00

Late Night Refreshments (Indoors)

Every day: 09:00 – 23:00

The Licensing Officer advised the Panel that prior to this application, the Silent Woman had previously been licenced. Following a history of noise complaint and management issues, on 11th October 2023, West Yorkshire Police applied under Sec 51 of the licensing Act for a Review of the premises license PR(A) 1062.

Since the review papers were served, the premises licence had been surrendered by the previous licence holder.

The Panel invited the applicant to outline the application. The Panel was informed that the applicant currently managed a bar in York which had previously been very problematic. The applicant worked on a zero-drug tolerance, had installed CCTV, adopted a challenge 25 policy, and implemented a rogue's gallery.

The Panel was advised that the applicant was originally from Slaithwaite and understood the previous issues with the premises. In agreeing that the premises could not open as it had done previously, the applicant advised the panel that she would be happy to put in place CCTV, training for staff relating to challenge 25, no alcohol to be taken offsite and the beer garden to be closed. The applicant proposed for a singular bench to be at the front of the premises with a smoking bin, contained to a certain area with minors to leave the premises at an agreed time prior to 21:00. The applicant had also accepted Environmental Health's conditions proposed. The Panel noted that future plans for the premises were to have a food offering to attract walkers and local people, with music being restricted to duos or single artists on a Friday and Saturday evening, along with background music for events.

The Panel invited representations from those who had objected to the application. A video was played which showed a disturbance and abusive language when the

Licensing Panel - 22 August 2024

premises was previously licensed. Local residents stated that they felt the hardened drinkers would return once the premises reopened, with one couple being forced out of their home due to homophobic abuse. Concerns were raised regarding the potential noise nuisance that would emanate from the premises particularly from the rear outdoor space, which backs on to some of the neighbour's private gardens. Concerns were also raised with regard to alcohol related crime and disorder and abusive language.

The Panel were advised that the applicant had demonstrated a professional approach to undertaking due diligence in understanding previous issues prior to submitting the application and had engaged well with responsible authorities.

RESOLVED:

That the application for the Grant of a new premises licence: Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield, HD7 5AU be granted with conditions as follows:

- No alcohol to be consumed outside of the premises
- The beer garden not to be opened
- A clearly marked smoking area to be at the front of the building
- CCTV to be in place internally and externally
- No minors to be on the premises after 20:00hrs daily.

The reasons for the Panel's decision are that granting the licence with conditions would not be inconsistent with the following Licensing Objectives:

- The Prevention of Public Nuisance
- Public Safety
- The Prevention of Crime and Disorder
- The protection of children from harm

The panel have taken into consideration the representations and how the applicant seeks to address them with regards to:

- The quality and location of the CCTV, immediate access to the police will address the concerns regarding the hardened drinkers,
- Challenge 25 Policy,
- Previous experience of running a licensing premises, confirmation from York Licensing manager,
- Observations received from Kirklees Licensing Officer in terms of engagement and queries regarding the history of the pub and issues/concerns, with a willingness to address them,
- A willingness to work with the police, neighbours and local authority,
- No alcohol outside the premises will seek to address previous issues in the beer garden,
- Acceptance of the Environmental Health conditions.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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



REPORT TITLE: Licensing Act 2003 section 51 – Review of a premises licence for PR00340 Markwan Mini Market, Trading as – Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH

Meeting:	Licensing Panel
Date:	17 th September 2024
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report To determine the application	
<p>Recommendations</p> <ul style="list-style-type: none"> Members of the panel are requested to determine the application for the review of the premises licence. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> In accordance with the requirements as set out in the Licensing Act 2003, where an application for the review of an existing premises licence is received, the matter is referred to the panel for a decision. 	
Resource Implications:	
There are no resource implications	
Date signed off by <u>Executive Director</u> & name	Fiona Goldsmith – on behalf of David Shepherd Executive Director (Place Directorate)
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	Not applicable

Electoral wards affected: Newsome

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered?

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

1. Executive Summary

1.1 The purpose of this report is to inform Members of an application for the review of a premises licence, which has been referred to this panel for determination.

2. Information required to take a decision

2.1 Application

2.1.1 On 31st July 2024 West Yorkshire Police made an application for the review of the premises licence PR00340 Makwan Mini Market, trading as Hudds Wines, under Section 51 of the Licensing Act 2003.

The applicant believes that the following Licensing Objectives are not being met.

- Prevention of Crime and Disorder
- Public Safety

2.1.2 On 10th June 2024 West Yorkshire Police attended Hudds Wines after intelligence had been received that this premises was selling illegal cigarettes and tobacco. Under section 179 of the Licensing Act 2003, a search was carried out behind the serving counter, where a large quantity of illegal cigarettes and tobacco were found.

2.1.3 On 11th July 2024 a test purchase was carried out by Trading Standards where further illegal cigarettes were purchased.

2.1.4 On 18th July 2024 Trading Standards assisted West Yorkshire Police conducted a further search of the premises and found more illegal cigarette and tobacco products along with alleged stolen bottles of alcohol and illegal vapes. Drug paraphernalia were also found for sale.

2.1.5 A copy of the review application can be seen at **Appendix A**.

2.2.6 A copy of the Premises Licence 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(s):

3.0– Executive Summary

3.1 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statement and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their own 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.

4.0 – Purpose and Scope of the Licensing Policy

4.1 The Licensing Authority recognises the importance of its ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licence represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance, and the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives and responsible authorities are encouraged to give licensees early warning of any concerns identified at a premise.

4.2 For cases which are being considered as a result of a review or potential enforcement action, the Council will take into account all relevant circumstances, but will view the following matters particularly seriously:

- Failure to promptly respond to a warning properly given by a responsible authority.
- Failure to engage with the responsible authorities in an effective manner.
- Previous convictions for licensing offences.
- Previous failure to comply with licence conditions.

Licensing Objectives

1. Public Safety
2. Prevention of Crime and Disorder
3. Prevention of Public Nuisance
4. Protection of Children from Harm

2.3 Secretary of State Guidance

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

3. Implications for the Council

3.1 Council Plan

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.

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.

3.2 Financial Implications

There are no financial implications relating to this report.

3.3 Legal Implications

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

3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

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. Consultation

4.1 Consultation has taken place in accordance with the requirements of the Licensing Act 2003. Other than the premises licence review application submitted by West Yorkshire Police, no other representations have been received.

5. Engagement

5.1 Engagement is not a requirement as set out in the Licensing Act 2003

6. Options

6.1 Options considered

Members of the panel are requested to determine the application.

6.2 Reasons for recommended option

In accordance with the requirements as set out in the Licensing Act 2003, where an application for the review of an existing premises licence is received, the matter is referred to the panel for a decision.

7. Next steps and timelines

7.1 When determining the application for the review of a premises licence Members, having regard to any representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. These steps are: -

- a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three-months;
- e) Revoke the licence.

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

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

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

8. Contact officer

Steve Mycroft – Licensing Officer
Tel: 01484 221000 (ext. 74196)
Email: steve.mycroft@kirklees.gov.uk

9. Background Papers and History of Decisions

N/A

10. Appendices

Appendix A – Review Application by West Yorkshire Police

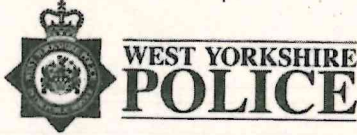
Appendix B – Copy of Premises Licence PR00340 Makwan Mini Markey Trading as Hudds Wines.

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

11. Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environmental Strategy
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

Appendix A



RESTRICTED

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

Please read the following instructions first

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

I, (insert name of applicant) PC 4346 Katie Swift

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

Part 1 – Premises or Club Premises details

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

Hudds Wines
8 Kirkgate

(The licence is in the name of Makwan Mini Market)

Town/City: Huddersfield

Postcode: HD1 1QH

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

Number of premises licence or club premises certificate (if known): PR00340

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

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

A – Details of individual applicant

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Hudds Wines is a small Off Licence situated in Huddersfield Town Centre. It sells alcohol, vapes, soft drinks and snacks. Its alcohol licence was granted on the 29th March 2023.

Illegal cigarettes have been found hidden inside the shop.

The shop has failed a test purchase for illegal cigarettes.

227 Illegal vapes were found to be on sale in this shop.

Stolen items were found in the storeroom and there are reasonable grounds to believe these have been offered for sale.

The storeroom of the shop is untidy and unclean. Rat droppings were found on the floor. Snacks and drinks which are due to go on sale in the shop are stored in this room causing concerns for public safety due to the health implications.

Single sale cans of 6.5% beer, lagers and cider were found on sale in the shop. Annex 2 of their alcohol licence says 'Single cans of beer, lagers and cider with an ABV of 6.5% or above will not be stored or sold from behind the counter.

3 packets of open cigarettes were found under the counter of the shop, these were three different brands. It is believed that these were being sold as separate cigarettes to customers.

Drug paraphernalia and room odorises are clearly on sale in the shop.

The below licensing objectives have been impacted upon:

Prevention of crime and disorder.

Public safety

The Premises Licence was granted 29th March 2023 the name of the shop at that time was Makwan Mini Market. _____ is the Premises Licence Holder, _____ is the Designated Premises Supervisor.

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

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On Monday 10th June 2024 PC 4346 Swift and PC 1458 Attiwell attended at Hudds Wines, 8 Kirkgate, Huddersfield. Intelligence had been received that this premises was selling illegal cigarettes and tobacco. Under Section 179 of the Licensing Act a search was carried out behind the serving counter. Found in a black dustbin was 1,700 illegal cigarettes and 5 pouches of illegal tobacco. These were seized and passed to Trading Standards.

The premises licence holder, _____ was working in the shop that day and he denied any knowledge of these items. He first stated he was storing them for a friend and then went onto say that he did not know that they were illegal. The items were seized and _____ was issued with a warning letter. The warning letter was hand delivered to the shop and posted to _____ home address on the 26th June 2024.

In the letter it clearly states: **The premises MUST NOT store illegal cigarettes/tobacco or sell it.**

On 11th July 2024 Noreen Akhtar, a Regulatory Compliance Officer employed by West Yorkshire Trading Standards carried out a test purchase at Hudds Wines. Her statement is attached to this file. She was able to purchase a packet of 20 Platinum Severn cigarettes for £5. These were nonduty paid cigarettes with no health warnings on the packaging these cigarettes are illegal.

On 18th July 2024 Trading Standards, assisted by Kirklees Police Officers carried out a further search of the shop.

Trading Standards seized 227 illegal vapes which were on sale in the shop. This is detailed in the statement of Illicit Tobacco Officer for West Yorkshire Trading Standards Jason Bethell. Found in storeroom of the shop were numerous empty packaging sleeves from nonduty cigarettes.

Under the counter, just below the till were three open packets of different branded cigarettes. It is believed these were being sold as separate cigarettes to customers which is illegal.

On this date during the search I seized from the storeroom:

5 x 1litre bottle of Smirnoff Vodka

1 x 70cl AU Blue Raspberry Vodka

2 x 70cl bottle of Dean Man's Finger Rum

All the above bottles had shop security tags around their necks, I had reasonable grounds to believe that they had been stolen. _____ could not account as to why these bottles were found on the premises. On one of the Smirnoff Vodka bottles the security tag had burn marks as though it had been set on fire to try to remove it.

On the shelves for sale in the shop were 4 bottles of spirits which had damage marks around their neck. This damage was conducive to security tags having been removed.

4 bottles of Abrachan Scotch Whisky were for sale on the shelves. This is a product made for and sold by Lidl supermarket. _____ was asked where he purchased them from and he replied, "the cash and carry in Halifax". This product will not be sold from a cash and carry so there are reasonable grounds to suspect these spirits are also stolen.

The storeroom to the rear of the shop was very untidy and dirty, rat dropping were found on the floor.

RESTRICTED

Rubbish was stacked in front of the fire exit to the height of the door handle, this door has a sign saying Fire Exit on it.

The drinks and snacks were stored in there prior to be putting on display in the shop.

For sale in the shop were cannabis grinders, glass pipes. When asked what the glass pipes were used for [redacted] replied "smoking drugs". Small containers of 'room odouriser' were also for sale on the counter these are commonly known as 'poppers'.

In summary the Premises Licence Holder for Hudds Wines [redacted] has no regard for the the law or the safety of his customers. Illegal cigarettes, vapes and and single cigarettes are being sold from his shop.

The shop is not clean and there are evidence of rats gaining access to the store room.

Stolen items were found as were extra strength single cans of cider, lager and beer which attract the town centre drinkers.

Can the panel please consider revocation of the alcohol licence as the actions of the Premises Licence Holder and the staff are greatly impacting upon two of the licensing objectives.

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

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

RESTRICTED

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

[Empty box for representations]

Please 'check' appropriate box(es)

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

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

Part 3 – Signatures (please read Guidance note 3)

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

Signature:..... Date: 31/7/2024

Capacity:..... Licensing Police Officer - Kirklees

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

Surname:

Forename(s):

Address:

Town/City:

Postcode:

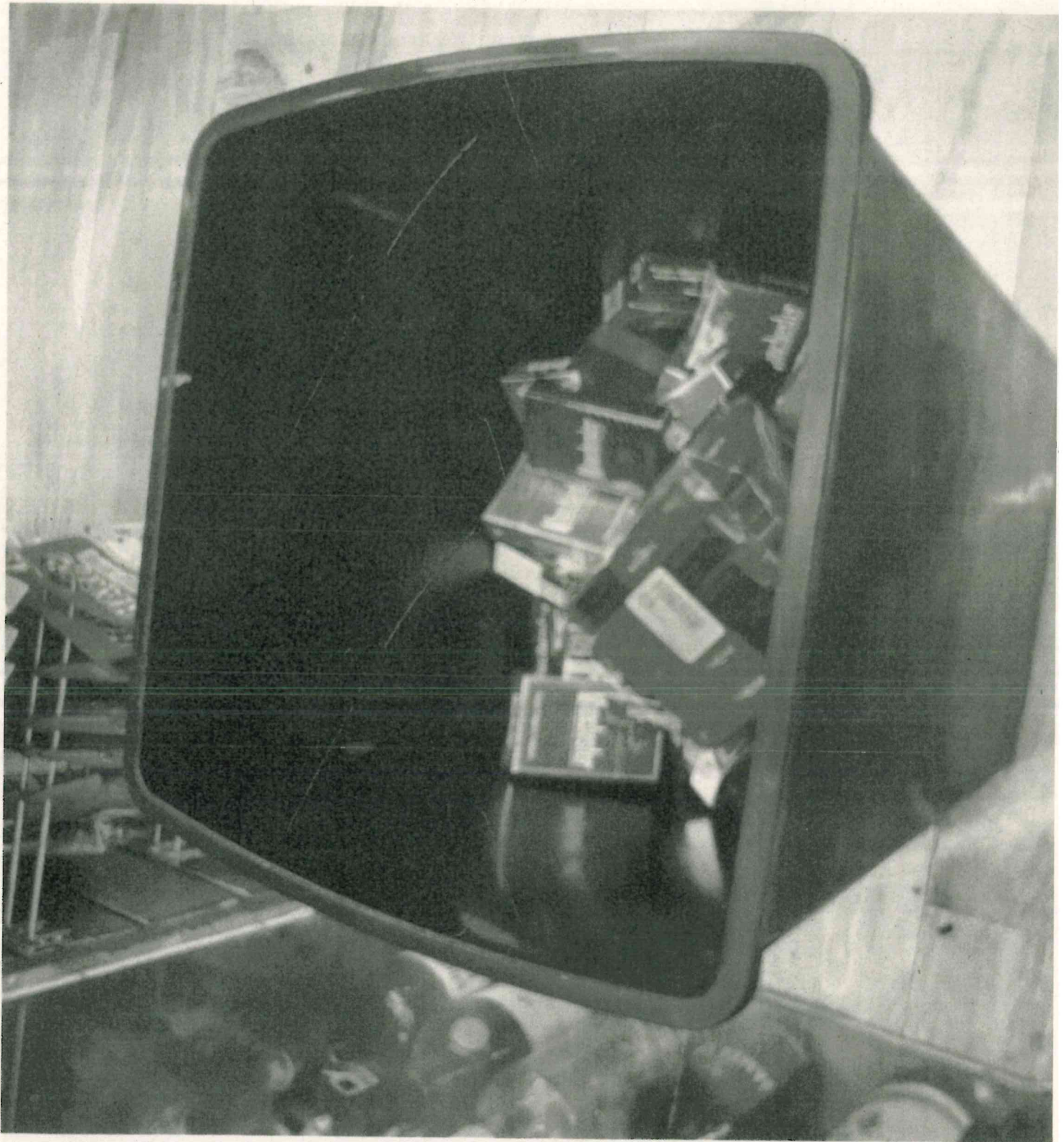
Telephone number (if any):

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

Notes for Guidance

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







WEST YORKSHIRE POLICE

Licensing Dept
Flint Street Depot
Flint Street
Huddersfield

Tel: 01484 221000
Email: Licensing@kirklees.gov.uk

FAO: [REDACTED]

26th June 2024

Dear [REDACTED]

ALCOHOL LICENCE PR00340 ILLEGAL TOBACCO

On Monday 10th June 2024 PC 4346 Swift and PC 1458 Attiwell attended at Hudds Wines, 8 Kirkgate, Huddersfield. We carried out a licensing visit. You were working in the shop serving behind the counter. No other persons were present in the shop.

You are the registered Premises Licence Holder for the sale of alcohol.

Under 179 of the Licensing Act a search was carried out behind the serving counter. Found in a black bin were 1,700 illegal cigarettes and 5 pouches of tobacco.

These cigarettes were illegal as they did not have the correct health warnings and they were nonduty paid.

You stated that you were storing these cigarettes and tobacco for a friend, and that you did not know they were illegal. You also denied selling them.

Intelligence has been received Hudds Wines is selling cigarettes for £4 a packet.

The premises **MUST NOT** store illegal cigarettes/tobacco or sell it.

The alcohol licence will be reviewed if further illegal cigarettes/tobacco are found in this shop or it is found selling this produce.

Yours sincerely,

[REDACTED]
PC 4346 Katie Swift
Kirklees Licensing Officer - West Yorkshire Police
Mb [REDACTED]

WITNESS STATEMENT

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

Statement of:

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

Occupation:

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

Dated: **Signature:**

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

On 11th July 2024 I was in plain clothes when I attended at Hudds Wines, 8 Kirkgate, Huddersfield, HD1 1QH to conduct a test purchase for illegal tobacco. I entered the store, approached the sales counter and asked for a packet of Richmond. The male working behind the counter said he didn't have Richmond but he did have either Manchester or Platinum Seven, both at £5.00 a packet. I selected Platinum Seven and the male walked to the rear of the store and through the door into the rear store room. He returned a short time later with the cigarettes which he passed to me. I paid the £5.00 due and left the store.

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

Dated: 27th July 2024 Page: 1 of 2

To be completed if applicable:being unable to read the above statement I,of:..... read it to him/her before he/she signed it. **Signed** **Dated**.....



WITNESS STATEMENT

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

Continuation Statement of: Noreen AKHTAR

I visually examined the cigarettes purchased and I could see they were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. The minimum excise duty payable on the cigarettes is around £8.00 per packet which has clearly not being paid on the cigarettes being sold at Hudds Wines.

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

Dated: 27th July 2024

Page: 2 of 2

To be completed if applicable:being unable to read the
above statement I,of.....
read it to him/her before he/she signed it. **Signed** **Dated**.....

WITNESS STATEMENT

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

Statement of: Jason BETHELL

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

Occupation: Illicit Tobacco Officer

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

Dated: 22/07/2024 **Signature:**

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

On 18th July 2024 I was in company with Police and Licensing officers when I attended at Hudds Wines, 8 Kirkgate, Huddersfield, HD1 1QH to carry out an inspection visit. Working at the store was [redacted] who identified himself as the business owner and alcohol premises licence holder. I explained to [redacted] the reason for our visit and served him with a Notice of Powers and Rights. I then made a thorough inspection of the store. Recovered from behind the counter

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

(Signed) [redacted]

Dated: 22nd July 2024 Page: 1 of 2

To be completed if applicable:being unable to read the above statement I,of....., read it to him/her before he/she signed it. Signed Dated.....

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

Continuation Statement of: Jason Bethell

was 227 disposable electronic cigarettes with a tank capacity greater than the maximum permitted of 2ml, making them illegal. Also behind the counter was 3 open packets of illegal imported cigarettes, different brands, which led me to suspect the store is selling single cigarettes. In the store room was some bottles of spirits which still had the security tag on the top, placed there by supermarkets to prevent them from being stolen. The store room itself had stock stacked on the floor along with piles of rubbish and discarded food and was now clearly inhabited by rodents.

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

(Signed) [REDACTED]

Dated: 22nd July 2024

Page: 2 of 2

To be completed if applicable:being unable to read the
above statement I,of.....
read it to him/her before he/she signed it. Signed Dated.....

















ABRACHAN
BLENDED MALT SCOTCH WHISKY

ABRACHAN
BLENDED MALT SCOTCH WHISKY

FOR THE PERFECT SPECIFIC AND HIGHLAND MALTS WITH
LEGACY AND MARITIME NOTES INTERWoven WITH HEAVY
PEATED COFFEE AND CHOCOLATE CHARACTERS
41% VOL | PEATED & SMOKY | 70cl e

ABRACHAN
BLENDED MALT SCOTCH WHISKY

ABRACHAN
BLENDED MALT SCOTCH WHISKY

FOR THE PERFECT SPECIFIC AND HIGHLAND MALTS WITH
LEGACY AND MARITIME NOTES INTERWoven WITH HEAVY
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PEATED COFFEE AND CHOCOLATE CHARACTERS
41% VOL | PEATED & SMOKY | 70cl e

CLIPPER

CLIPPER

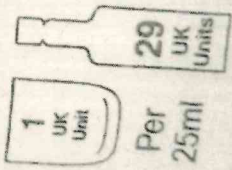
SMINT
96 MINTS

BLENDED MALT SCOTCH WHISKY

PEATED & SMOKY

LEGEND HAS IT...IT ALL STARTED WITH THE ABRACHAN
A MYTHICAL BEAST WHO ROAMED THE HIGHLANDS AND
STALKED THE LOWLANDS, BURNING THE SCOTTISH BOG
LAND WITH ITS FEROCIOUS FIERY BREATH.
THE SMOLDERING AFTERMATH LEFT THE VILLAGERS
WANTING THE ABRACHAN'S HEAD, UNTIL THEY REALISED
THE BEAST HAD TRANSFORMED THE LOCAL WHISKY WITH
A FLAVOUR SO RICH AND SMOKY, IT CHANGED THE WAY
WHISKY WAS MADE AND DRUNK FOREVER.

Lidl Great Britain Ltd,
Lidl House, 14 Kingston Road,
Surbiton, KT5 9NU.
Lidl Ireland GmbH, Main Road,
Tallaght, Dublin 24.



For further health
information visit
drinkaware.co.uk



18+











THE ORIGINAL SHARK TEETH GRINDER
MAGNETIC NO.1
AMSTERDAM








Appendix B

PREMISES LICENCE Licensing Act 2003	Licence number:	Online Reference number:
	PR00340	PR00446

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: licensing@kirklees.gov.uk</p>

POSTAL ADDRESS OF PREMISES
<p>Makwan Mini Market 8 Kirkgate Huddersfield HD1 1QH</p>

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
Sale of Alcohol	
Day(s)	From - To
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	08:00 - 23:00

THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00

Saturday	08:00	23:00
Sunday	08:00	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

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:	
--	--

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

1. CCTV

1.1 The premises will install and maintain a digital CCTV system

1.2 The CCTV system will have sufficient hard drive storage capacity to store a minimum of 31 days.

1.3 The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.

1.4. A CCTV log will be completed on a weekly basis to record all elements of the CCTV System. The system will be maintained in good working order and show the recordings and the correct date and time stamped.

1.5. Only nominated staff will be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

1.6. CCTV will be continually recording during licensable hours

1.7. In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

1.8. 2 external cameras will be fitted to the front of the premises

2. Single cans of beer, lagers and cider with an ABV of 6.5% or above will not be stored or sold from behind the counter. Signage notifying customers of this will be displayed at the entrance to the premises and at the point of sale.

3. The premises will not store or sell any psychoactive substances known as 'legal highs', store or sell fireworks and knives of any size or description.

b) The prevention of crime and disorder

4. Incident / Refusals Register

4.1 An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

(a) All crimes reported to the premises (where relevant to the licensing objectives)

(b) Any incidents of disorder relating to customers

17

5.2. The Premises licence Holder will ensure that all staff receive training in recognising signs of drunkenness, refusing sales when required by law and compliance

6. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

7. All spirits will be stored and sold behind the counter

8. Roller shutters have been installed at the front of the premises

9. Alcohol refusals policies will be displayed at the entrance of the premises, the point of display and the point of sale

10. When the DPS is not on duty a contact number will be available at all times.

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

10.1. Deliveries to the premises will be conducted in a time and manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address

11. A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records will be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of

the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

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

13. Proxy signs will be on display at all points where alcohol is displayed and at the POS warning adults about the law for buying alcohol for children

14. Staff will monitor the outside area via the CCTV system to identify any potential proxy purchasing concerns.

15. Challenge 25

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

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

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

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted:

Date Commences/Varied:

Martin Wood

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR00340**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

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

POSTAL ADDRESS OF PREMISES

Makwan Mini Market
 8 Kirkgate
 Huddersfield
 HD1 1QH

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	08:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00

Sunday	08:00	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 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:

Date Commences/Varied:

Martin Wood

Head of Public Protection Service

Appendix C

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

Crime and disorder

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

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

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

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

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

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

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

Public safety

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

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

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

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