Public Document Pack

Service Director – Legal, Governance and Commissioning
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Monday 3 March 2025

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 11 March 2025.**

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.

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 Eric Firth (Chair)
Councillor Jane Rylah
Councillor Donna Bellamy

Agenda
Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

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

2: Declaration of Interests

1 - 2

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.

3: 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.

4: 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.

5: 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.

6: Licensing Act 2003 – Application for the review of a premises licence for Dubai Stores, 1 -3 Willow Lane, Huddersfield, HD1 6EB

3 - 36

To consider the Licensing Review at 10:00am.

Contact: Craig Heywood, Licensing Officer. Tel: 01484 221000

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.

Kirklees COUNCIL

REPORT TITLE:

Licensing Act 2003 – Application for the review of a premises licence for Dubai Stores, 1 -3 Willow Lane, Huddersfield, HD1 6EB.

Meeting:	Licensing Panel
Date:	11th March 2025
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision **Eligible for Call In**	No
Purpose of Report To determine the application	
Recommendations • Members of the panel are requested to determine the application **Reasons for Recommendations** In accordance with the requirements as set out in the Licensing Act 2003, where an application for the review of a premises license is received by either a responsible authority or any other person, the matter is referred to the panel for a decision.	
Resource Implications: There are no resource implications.	
Date signed off by Executive Director & name	**Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration**
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Not applicable

Electoral wards affected: Greenhead

Ward councilor's consulted: Cllr Carole Pattison Cllr Mohan Sokhal and Cllr Sheikh Ullah

Public or private: Report to be heard in Public

Has GDPR been considered? GDPR has been considered and appropriate sections of the report and supporting documents have been amended.

1. Executive Summary

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

2. Information required to take a decision

2.1 Application

2.1.1 On 30th January 2025, West Yorkshire Police applied for the review of the premises license Dubai Stores 1-3 Willow Lane, Huddersfield HD1 6EB, under Section 51 of the Licensing Act 2003.

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

A copy of the Premises Licence can be seen at **Appendix B**

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

- Prevention of Crime and Disorder
- Public Safety
- Protection of children from harm

2.1.2 On 13th February 2024, a test purchase operation was carried out at Dubai Stores. The test purchase was arranged by West Yorkshire Police using police cadets, who are aged 16-17 years old, the cadets were instructed to attend Dubai Stores and try buy some alcohol. The cadets visited the store and purchased alcohol without being challenged about their age. Following this the DPS was notified of the test purchase failure and a warning letter was issued.

2.1.3 On 13th November 2024, a second test purchase was carried out by West Yorkshire Police. This was done to ascertain as to whether the store was selling Illegal and or non-duty paid tobacco products. The officer from West Yorkshire Police purchased a packet of non-duty paid cigarettes.

2.1.4 On 15th January 2025, A final visit was carried out at Dubai Stores by West Yorkshire Police and Trading standards. On this occasion further illicit cigarettes and tobacco were found as well as illegal vapes.

2.2 Licensing Policy

Members considering the application must 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).

Executive Summary

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.

Purpose

The Licensing Authority recognizes the importance of its ability to review premises licenses. The proceedings set out in the 203 Act for reviewing premises license 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.

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 license conditions

In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, such as the supply of drugs and money laundering, it is expected that revocation of the license, even in the first instance, will be seriously considered.

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 the statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations related to 3 of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix C**

3. Implications for the Council

3.1 Council Plan

The Licensing Service and its Statement of Licensing Policy balance the objective of improving the local economy, improving health and wellbeing and tackling health inequalities and cultural development against noise, nuisance, safeguarding and crime and disorder.

3.2 **Financial Implications**

There are no financial implications in relation 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 State Guidance. The applicant or any other person who made relevant representations in relation to the application have the right of appeal to the Magistrates Court.

3.4 **Climate Change and Air Quality**

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

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

Under the provisions of the Licensing Act 2003 there is no requirement for an Integrated Impact Assessment, while license 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 Neighborhoods 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 set out in the Licensing Act 2003, I can confirm that no other representations been received during the 28-day consultation period.

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 a premises license is received by either a responsible authority or any other person, the matter is referred to the panel for a decision.

7. Next steps and timelines

7.1 When determining the application 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 license (which includes adding new conditions or any alteration or omission of an existing condition);

b) Exclude a licensable activity from the scope of the license;

c) Remove the designated premises supervisor;

d) Suspend the license for a period not exceeding three months;

e) Revoke the license.

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 provide reasons for their decision.

7.4 Members may decide that no steps are required as there is no negative impact on the promotion of the licensing objective and therefore no alteration to the existing license is needed.

8. Contact officer

Craig Heywood - Licensing
Kirklees Council
Flint Street
Huddersfield
HD1 6LG
Tel: 01484 221000 EXT.74067
Email: Licensing@kirklees.gov.uk

9. Background Papers and History of Decisions

Licensing Act 2003 Statement of Licensing Policy - Licensing Policy

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)

Cumulative Impact Assessment 2025 Cumulative Impact Assessment 2025-2028

10. Appendices –

Appendix A – Review application
Appendix B – Premises Licence
Appendix C – Section 182 guidance

11. Service Director responsible

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

Appendix A

WEST YORKSHIRE POLICE

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

Please read the following instructions first

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

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

I, (insert name of applicant) RICHARD WOODHEAD

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

Part 1 – Premises or Club Premises details	
Postal address of premises or, if none, Ordnance Survey map reference or description:	
Dubai Stores, 1-3 Willow Lane, Fartown,	
Town/City: Huddersfield	Postcode: HD1 6EB.

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

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

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

A – Details of individual applicant

Surname:

I am 18 years old or over: ☐

Current postal address if different from premises address: Town/City: Postcode:

Daytime contact telephone number:

E-mail address (optional):

Number of premises licence or club premises certificate (if known):	PR 00142

B – Details of other applicant

Surname: Forename(s):

Address:

Town/City: Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R v Mr

Surname: WOODHEAD Forename(s): RICHARD

Address: West Yorkshire Police Licensing, Flint Steet

[redacted]

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

(a) The prevention of crime and disorder ☒

(b) Public Safety ☐

(c) The prevention of public nuisance ☒

(d) The protection of children from harm

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

This shop and the staff have demonstrated they have no regard to current licensing objectives. In February 2024 they sold alcohol to Under 18's. A warning letter concerning the failed test purchase was issued.

In November 2024 I carried out a test purchase for illegal tobacco. I managed to purchase illegal, none-duty paid cigarettes. This test purchase was on behalf of trading standards to gain intelligence on illegal activities in licensed premises linked to none duty paid tobacco products being sold.

In January 2025, trading standards visited the shop when none duty paid tobacco products were in the licensed area, and were seized by officers.

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

Dubai Stores on Willow Lane, Fartown has had three serious breaches of the licensing objectives within the last twelve months.

On the 13th February 2024 a test purchase operation was set up by West Yorkshire police using under age Police cadets with an age range of 16 to 17. They were instructed that if challenged on their age they had to be truthful.

They were instructed that if they were asked for I.D. they would say “no we don’t have any”.

Two cadets entered the shop and purchased a 250 ml Malibu and coke premixed in a can, 5% abv. as well as a 568ml dark fruit cider, with an abv of 4%. The cadets left the store, and P.C. Katie Swift and I entered the shop and told the lady behind the counter that she had failed an age-related test purchase. We informed her that the premises licence holder would be informed, along with the D.P.S.

P.C. Swift informed the DPS, by telephone what had happened and a warning

A warning letter was issued, dated 22nd Feb 2024. We also left age verification posters, challenge 25 etc.

[redacted], she stated she had worked there for four months.

On 13th November 2024 test purchase operations were carried out on behalf of West Yorkshire Trading Standards to gatherer intelligence on shops retailing illegal tobacco products across the Fartown and Bradley area of Huddersfield.

I went into Dubia stores, and asked if they had any cheap cigarettes, and was sold 20 Marlboro Gold for £7.00, the current retail price for these cigarettes is around £14.00. The cigarettes in question were none duty paid, and were in a black plastic bag that was behind the counter. The person who sold me the cigarettes was , I recognised her from my previous visit.

It had been decided that no warning letter or further action would take place as this could jeopardise the planned trading standards visit in January 2025.

Cigarettes purchased by R.Woodhead 13th Nov.

On 15th January 2025 Trading Standards and West Yorkshire Police attended at Dubai Stores. They carried out a search of the premises they found - 12 x 20 packets of Cigarettes, 2 x 50g pouches of Hand Rolling Tobacco, 21 Vapes & 147 pouches Shisha Tobacco. All were in the licensed area. The cigarettes were stored in a black plastic bag behind the counter. All the products were seized by trading standards.

Illegal Cigarettes seized Jan 2025.

[redacted] was again behind the counter. She stated she was being paid £55.00 a day cash in hand for an 8 hour shift, which equates to £6.87 an hour. The current hourly minimum wage is £12.21 for a person over 21. The employers are currently breaking employment law.

I have attached the statement letter supplied by Mr Jason Bethell, who is the trading standards officer who seized the tobacco products. Reference is made by Mr Bethell to out of date food products on display including out of date baby milk products which should have be used by 13th March 2024.

West Yorkshire Police request the panel seriously consider revocation of the licence. There have been three serious breeches of the licensing objectives, there is no staff training in place, illegal tobacco is being sold to the general public, with no UK health warnings on the packaging, (see above pictures). Employment law is being disregarded, and underage persons have been able to purchase alcohol.

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

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

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

Part 3- Signatures

Signed R.Woodhead P.A.L.O.

Date 30/01/2025

Capacitiy Police Licensing Officer

Please 'check' appropriate box(es) ☒

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

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

Part 3 – Signatures (please read Guidance note 3)

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

Signature: Date:

Capacity:

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

Surname: Forename(s):

Address:

Town/City: Postcode:

Telephone number (if any):

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

Notes for Guidance

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

West Yorkshire Trading Standards

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 4 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: 22/01/2025 **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 15th January 2025 I was in company with Police and Licensing officers when I attended at Dubai Stores, 1-3 Willow Lane, Huddersfield, HD16EB, to carry out an inspection visit. I entered the store and identified myself to the female working there, who stated the business owner was . A search of the store was conducted and a small plastic bag was found hung at the back of the counter which contained 12 x 20 packets of illegal cigarettes and 2 x 50g pouches of hand rolling tobacco. denied any knowledge of the

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

(Signed)

Dated: 22/01/2025 **Page: 1 of 4**

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** .....

bags even though she had worked at the store for coming up 2 years and it was hung right infront of her. There was also 21 disposable electronic cigarettes (Vapes) on display for sale behind the sales counter which had a tank capacity larger than the maximum permitted of 2ml nicotine containing liquid, making them illegal. A common tactic for illicit trading business's is to keep a minimum amount of illicit goods in the store and regularly top this amount up from a vehicle or another address outside the store as sales require. I suspect this tactic is being used by this business. I looked round the rest of the store and saw there was a large quantity of shisha tobacco which I suspect to be non duty paid. Also a large quantity of food items on display for sale which were well past their use by date. An example of this was tubs of toddler milk formula with an expiry date of 13/03/2024. Regular management of stock within the store was clearly not taking place. All

the illegal items were recovered and was asked to remove the out of date food from sale.

The packaging of the cigarettes recovered from Dubai Stores is not the correct colour as required by The Standardised Packaging of Tobacco Products Regulations 2015 and the prescribed health warnings are not present in English as required by the Tobacco and Related Products Regulations 2016. From discrepancies in the packaging of some of the cigarettes and the foreign excise stamps present on others, I believe them to be a mix of counterfeit and smuggled items.

The sale of Counterfeit/Illicit Tobacco products is not a minor breach of Trading Regulations but is in fact Serious Organised Criminality. These items which cannot be legally sold in the UK are smuggled into the country on a vast scale. The Profits of this illegal trade going to criminals while the treasury is deprived of the Tax/Excise. The current yearly loss in revenue is in excess of £2.5 billion which in turn deprives public services of funding.

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

The supply of illegal tobacco not only causes harm to people but also causes genuine businesses to lose income and potentially close. This damages local communities with reduced employment and the loss of essential services.

The regulation restricting the tank capacity of electronic cigarettes to 2ml was implemented to ensure they are used responsibly and that consumers are protected from excessive nicotine

intake. By selling these illegal products sourced from an illegitimate supplier this business owner is causing a risk to public safety.

Appendix B

PREMISES LICENCE Licensing Act 2003	Licence number: **PR00142**	Online Reference number: **PR00142**

THIS LICENCE IS ISSUED BY	
	Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL Tel: 01484 456868 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

Dubai Store
1 - 3 Willow Lane
Fartown
Huddersfield
HD1 6EB

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol (Indoors)

Day(s)	From - To
Mon – Sun	08:00 – 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	08:00	23:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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 or 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×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. The premises shall install and maintain a digital CCTV system.

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

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.

4. A CCTV log book will be completed on a weekly basis. This is to ensure that the system is maintained and in good working order and the recordings date and time stamped.

5. Nominated staff will be trained in the operation of the CCTV system to ensure rapid data retreival and downloads of footage can be provided to the Police and Local Authority Officers upon request.

6. CCTV shall be continually recording during licensable hours.

7. In the event of failure of the CCTV system, for any reason, a record of the failure will be recorded in the premises incident book and immediate steps willl be taken to rectify the problem.

8. An incident log must be kept at the preimses. Incident log records will be retained for a period of 12 months from the date of occurence. It will be 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.

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

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

11. Prominent, clear and legible signage shall be displayed at the exits to the premises reqesting the public respect the needs of local residents and to leave the premises and area quickly and quietly.

12. A written register of refusals will be kept including a description of the people who have been unable to provide the required identification to prove their age. Such records shall 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 identified by section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer or the local authority/council on demand.

13. All staff engaged in the sale of alcohol will be trained in Challenge 25. Training records shall 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 or the local authority/council.

14. The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer or the local authority/council.

15. Prominent, clear and legible Challenge 25 signage shall be displayed at the entrances to the premises as well as at least one location behind the counter advertising the scheme operated.

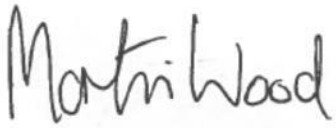
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 7 July 2020

Date Commences/Varied: 7 July 2020



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR00142

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

Dubai Store
1 - 3 Willow Lane
Fartown
Huddersfield
HD1 6EB

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol (Indoors)

Day(s)	From - To
Mon - Sun	08:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	08:00	23:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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

Alcohol is supplied for consumption off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
[redacted]
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
[redacted]
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
[redacted]
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICHED OR PROHIBITED
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 7 July 2020

Date Commences/Varied: 7 July 2020

Head of Public Protection Service

Appendix C

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

Crime and disorder

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

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

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

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

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

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

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

Public safety

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

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

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

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

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

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

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 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);*
- *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 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.

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

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