

Public Document Pack



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

Samantha Lawton

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 221000

Please ask for: Jenny Bryce-Chan

Email: jenny.bryce-chan@kirklees.gov.uk

Tuesday 1 July 2025

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **2.00 pm** on **Wednesday 9 July 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.

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 Eric Firth (Chair)

Councillor Ali Arshad

Councillor Mohan Sokhal

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 Grant of a Premises Licence - 37 Westgate, Huddersfield, HD1 1PB

3 - 34

To consider the Licensing Application at 2:00pm.

Contact Jordan Barrett, 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.



REPORT TITLE:

Licensing Act 2003 – Application for the Grant of a Premises Licence
37 Westgate, Huddersfield, HD1 1PB

Meeting:	Licensing Panel
Date:	Wednesday 9 th July
Cabinet Member (if applicable)	Cllr Amanda Pinnock
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 <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 relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision. 	
<p>Resource Implications: There are no resource implications.</p>	
<p>Date signed off by <u>Executive Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?</p>	<p>Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration</p> <p>Not applicable</p> <p>Not applicable</p>

Electoral wards affected: Newsome

Ward councillors consulted: Cllr Karen Allison
Cllr Andrew Cooper
Cllr Susan Lee-Richards

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 grant of a premises licence. One representation has been received and is therefore referred to this panel for determination.

2. Information required to take a decision

2.1 Application

On 9th May 2025 the Licensing department received an application for the grant of a premises licence for 37 Westgate, Huddersfield, HD1 1PB. A copy of this application and plan is shown at **Appendix A**.

The licensable activity applied for is as follows: -

Sale of Alcohol (off the premises) Monday – Sunday 08:00 - 23:00

The premises was previously licenced; the licence holder cancelled / surrendered the licence on 26th February 2025.

The previous licence was for the sale of alcohol off the premises between 06:00 to 23:00 Monday to Sunday. A copy of the licence may be seen at **Appendix B**.

The location of the premises is situated within the Huddersfield Town Centre Cumulative Impact Area. The cumulative impact area came into effect on 15th January 2025 and is in place to address alcohol-related crime and disorder that happens in the Town Centre.

A representation has been received by the Licensing Authority as a responsible authority, relating to 3 of the licensing objectives. A copy of the representation may be seen at **Appendix C**.

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 will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.

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

The Policy has four main purposes:

- To provide the basis for elected Members to make decisions on applications.
- To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
- To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
- To inform the Courts how decisions have been made and to support those decisions.

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

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 D**.

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 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

Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003, one representation has been received as detailed above.

5. Engagement

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 relevant representations are 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 the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. These steps are:

- Grant the Premises Licence application
- Grant the Premises Licence application with appropriate conditions
- Exclude from the scope of the licence any of the licensable activities which relate to this application, or
- Reject the Premises Licence application

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

Jordan Barrett – Licensing Officer
 01484 221000 extension number 71665
 Jordan.barrett@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 – Premises Licence Application

Appendix B – Copy of Previous Premises Licence

Appendix C – Representations

Appendix D – Secretary of State Guidance

11. Service Director responsible

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

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New Premises Licence

Premises Details

Premises Address *

37 westgate Huddersfield HD1 1PB

Telephone number at premises (if any)

Non-domestic value of premises. *

Applicant Details

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

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

a person other than an individual -as a limited company/
limited liability partnership

Applicant Details

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

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

Other Applicant (Non Individual)

Name *

Sarah Landers

Registered Address *

37 west gate

Town/City *

Huddersfield

County

Other Applicant (Non Individual)

Postcode *

HD1 1PB

Registered Number (where applicable)

Description of applicant (for example partnership, company, unincorporated association, etc) *

Associate

Telephone Number

Email *

Operating Schedule

When do you want the premises licence to start? *

11/05/2025

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

Please give a general description of the premises. *

Its a convenient store

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

Operating Schedule

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

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

Plays

Films

Indoor Sporting Events

Boxing or Wrestling

Live Music

Operating Schedule

Recorded Music

Performances of Dance

Anything of a similar description falling under Music or Dance

Provision of late night refreshment

Supply of Alcohol

Supply of Alcohol Standard Times

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

Day *

Every Day

08:00

23:00

Supply of Alcohol Standard Times

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

Day *

Every Day

08:00

23:00

Supply of Alcohol

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

Off the premises

Supply of Alcohol

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

No

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

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

Standard times

Designated Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form)

Title *

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Personal Licence Number (if known)

Issuing Licensing Authority (if known)

Adult Entertainment

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

None

Opening Hours Standard Times

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

Day *

Every Day

08:00

23:00

Opening Hours

State any seasonal variations. (please read guidance note 5)

All season

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 6)

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10) *

I will comply with the terms and conditions set out

b) The prevention of crime and disorder *

Do not sell to people under the influence of alcohol. Not sell to minors

c) Public safety *

Only sell during the day and not selling to people who are young. Call the police if anything is unsafe

d) The prevention of public nuisance *

Only selling during the hours provided. Talking to customers who are getting loud

e) The protection of children from harm *

Not selling any thing they shouldn't have

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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

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

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

Full Name *

Sarah Landers

Date *

09/05/2025

Capacity *

Applicant

Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

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

Forename

Surname /Company Name

Email confirmation

Email *

Telephone

A large black rectangular redaction box covers the contact information for both the email and telephone fields.

Appendix A

Preventing Crime and Disorder:

- I will ensure staff limit alcohol sales and ensure customers leave the premises.
- CCTV will be on at all times and recordings will be made.
- All customers will be informed that causing trouble will result in a ban and reporting to local authorities.

Public Safety:

- All staff will be trained and up-to-date with public safety knowledge.
- Alcohol will not be sold to intoxicated individuals.
- Visible signs and cameras will be displayed to inform customers of their safety.
- Obstructions will be removed to prevent accidents.

Preventing Public Nuisance:

- Customers will be encouraged to dispose of rubbish in the bins outside the shop.
- Drinking or opening drinks inside or outside the premises will be discouraged, as it is not permitted in the town.
- The premises will be cleaned regularly to maintain a clean and safe environment.
- Loud music and aggressive behaviour will be avoided.

Preventing Children from Harm:

- A member of staff will be trained in safeguarding children.
- They will know how to respond if they believe a child is being abused and where to report it.
- All concerns will be recorded.
- Staff will be informed that they can contact the police or children's services if needed.

PREMISES LICENCE

Licensing Act 2003

Licence number:
PR(A)0083

Online Reference number:
LATRAN/21253/24

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

Koshan Convenience Store
37 Westgate
Huddersfield
HD1 1PB

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
Every Day	06:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	06:00	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



[REDACTED]

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

[REDACTED]

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

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

[REDACTED]

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

ANNEX 1 - MANDATORY CONDITIONS

Alcohol:

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

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

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

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

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

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

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

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

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

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -

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

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

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

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

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

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

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

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

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

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

Alcohol shall not be sold or supplied except during permitted hours as shown on the licence.

The stated hours for the sale of alcohol do not prohibit:

- (a) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (b) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (c) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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: 3 September 2005

Date Commences/Varied: 7 May 2024



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0083

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

Koshan Convenience Store
37 Westgate
Huddersfield
HD1 1PB

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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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]

[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 RESTRICTED OR PROHIBITED
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 3 September 2005

Date Commences/Varied: 7 May 2024

Martin Wood

Head of Public Protection Service

Ref: DSFX1746787859446

Jordan Barrett
Licensing
Kirklees Council
PO BOX 1720
Huddersfield
HD1 9EL

Dear Mr Barrett

Licensing Act 2003
Representation to the application for a new Premises Licence - DSFX1746787859446
37 Westgate, Huddersfield, HD1 1PB

I write to make a representation on behalf of Kirklees Council in its capacity as a Licensing Authority which is deemed a Responsible Authority under the Licensing Act 2003.

This representation is made as the licensing authority have concerns the application could have a negative impact on the following licensing objectives –

- the prevention of crime and disorder,
- public nuisance, and
- protection of children from harm.

The premises to which this application relates falls directly within the Huddersfield Town Centre Cumulative Impact Area ('CIA'). As such, this representation also refers to the Council's Cumulative Impact Assessment Policy which forms part of the Council's Statement of Licensing Policy ('SoLP').

1. The Council's CIA policy was adopted to give the licensing authority greater power to control the number of premises within the town centre licensed for sales of alcohol off the premises. The CIA policy was introduced because the licensing authority determined that the concentration of 'off licensed' premises was having a detrimental effect on the promotion of the licensing objectives.
2. The effect of the CIA policy is that for applications for new premises licences, within the cumulative impact area, it would be inconsistent with the licensing authority's duty to

promote the licensing objectives to grant that new licence. Effectively introducing a presumption that the application will be refused unless the applicant can rebut this presumption by demonstrating, through their operating schedule, that their application will have no negative cumulative impact on the licensing objectives, including prevention of crime and disorder, public nuisance and protection of children from harm.

3. Paragraph 5.5 of the Council's Statement of Licensing Policy reminds applicants that responsible authorities, or other people may make representations if they feel the applicants' proposals do not adequately promote the licensing objectives.
4. Paragraph 5.6 of the Councils statement of licensing policy goes on to recommend early consultation with responsible authorities.

The purpose of this is to promote early engagement with responsible authorities and for responsible authorities to outline any concerns or risk they may have and afford an applicant the opportunity to address those concerns and risks in their operating schedule.

5. As already stated, the application relates to a premises that falls directly within the Huddersfield Town Centre Cumulative Impact Area, and the application is seeking authorisation to sell alcohol off the premises which is a licensing activity covered by the CIA policy. The Council's CIA policy states –

This cumulative impact assessment has been carried out in accordance with Section 5A of the Licensing Act 2003. This cumulative impact assessment is published because it considers that the number of premises with off-sales only within Huddersfield and Town Centre and Dewsbury Town Centre are impacting on the promotion of the licensing objectives.

This assessment is formed due to analysis of the crime statistics provided by West Yorkshire Police between the period 2018 to 2023. In addition, following consideration of the comments received following the requisite statutory consultation that has been carried out, which by large support the decision for the introduction of the assessment. It confirms that it would be inconsistent with the Council's duty to promote the licensing objectives to grant new and variation applications for premises licences with off-sales in both Huddersfield and Dewsbury Town Centres.

6. The Licensing Act 2003 ('the 2003 Act') is accompanied by Statutory Guidance issued under Section 182 of the 2003 Act. This guidance is published to assist both licensing authorities and applicants in understanding their responsibilities under the Licensing Act 2003.
7. Paragraphs 8.41 to 8.49 sets out the expectations on applicants when considering what steps they should take to promote the licensing objectives, in particular paragraphs 8.41 and 8.42 provide -

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries

about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8. Paragraphs 8.43 of the guidance deals specifically with the expectations on applicants where a specific policy applies in the area, for example an area subject to a CIA policy

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

9. Paragraph 8.47 goes on to say –

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

10. Paragraphs 14.20 to 14.48 of the statutory guidance provides information relating to cumulative impact and the CIA policies themselves. In particular paragraph 14.40 provides –

14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant

representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

11. Regarding the licensing authority's representations. This application for a premises licence seeks to authorise the retail sale of alcohol off the premises seven days a week between the hours of 08:00 and 23:00 and it is described as a convenience store.

As part of the application the applicant has put forward the following steps, they will take to promote the licensing objectives –

a) General

'I will comply with the terms and conditions set out'

b) Prevention of crime and disorder

'Do not sell to people under the influence of alcohol. Not sell to minors'

c) Public safety

'Only sell during the day and not selling to people who are young. Call the police if anything is unsafe'

d) Prevention of public nuisance

'Only selling during the hours provided. Talking to customers who are getting loud'

e) Protection of children from harm

'Not selling anything they shouldn't have'

12. I understand the applicant was advised the premises falls within the Council cumulative impact area, and yet at the time of making this representation the applicant has offered no additional information as to what steps they will take to address the concerns and risks identified in the Council's CIA policy

13. Equally the application does not provide any evidence to demonstrate that it will not add to cumulative impact and therefore does not meet the requirements of the Council's CIA policy; and it is the view of the Licensing Authority, in its capacity as responsible authority, this does not therefore justify the granting of the licence.

14. In addition, this representation is made on the basis that the application will also have an adverse effect on the following licensing objectives

Prevention of Crime and Disorder

The applicant has stated the steps they will take to promote this objective will be to not sell to those under the influence of alcohol and to not sell to minors. While this should be commended, those two steps are offences under the Licensing Act 2003 and therefore should not be translated into conditions on the licence; and while it shows the applicant appears to understand their responsibility to not sell to minors or those under the influence of alcohol, the applicant has not offered any further steps as to how they intend to operate their business in a way that would prevent it adding to the crime and disorder

identified in the cumulative impact area. This is of concern to the licensing authority as it shows a lack of understanding of how Kirklees CIA policy might impact upon the application.

Public Nuisance

Street drinking remains a concern for the local community in Huddersfield and this is demonstrated in the recent consultation on the review of the Council's Public Space Protection Orders ('PSPO'), during which a range of issues were raised by the public including that street drinking and incidents of street drinkers urinating and defecating in the street had gotten worse.

Given this application relates to retail sales of alcohol off the premises, and is in the area covered by the PSPO, the applicant has not offered any further steps as to how they intend to operate their business in a way that would prevent public nuisance in particular street drinking.

Protection of Children from Harm

Paragraphs 2.28 to 2.38 of the Statutory Guidance provides guidance on protecting children from harm. Paragraph 2.29 provides –

2.29 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. [...]

In addition to the statutory guidance the Councils statement of Licensing Policy at 6.27 provides the following –

6.27 The licensing authority expects licensees to put in place clear measures to prevent consumption of alcohol by children, including:

- *Challenge 25, or a similar age-checking scheme, supported by clear signage, till prompts where appropriate and refusal logs.*
- *Use of independent age verification checks.*
- *Risk assessment of proxy purchasing and mitigation measures to prevent it.*
- *Employment of personal licensees where appropriate.*
- *Appropriate staff training and refresher training.*

In making their application the applicant has stated under the protecting children from harm objective, what they will not do - 'they will not sell anything to children they should not have'. At a minimum the licensing authority would expect applicants to have considered the points outlined in 6.27 of the Council's statement of licensing policy (above).

However, the applicant has not stated what measures they will put in place to achieve this legal requirement. It is the view of the licensing authority this absence of measures shows a lack of understanding of the responsibilities placed on licence holders to protect children from harm, and therefore places children at risk.

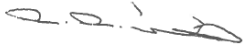
15. In conclusion, the Licensing Authority does not support this application as the applicant has failed to demonstrate –

- An understanding of how the Council's CIA policy impacts their application
- The reasons as to why the application might be considered an exception to the Council's CIA policy.

- An understanding of their responsibilities relating to public nuisance and put in place measures to meet those responsibilities; and in the absence of any measures fails in their responsibility to promote the public nuisance objective,
- An understanding of their responsibilities relating to protecting children from harm and put in place measures to meet those responsibilities; and in the absence of any measures will fail to protect children from harm.

16. The Licensing Authority make this representation to uphold its Statement of Licensing Policy. As previously stated, applications for retail sales of alcohol off the premises within the CIA will be refused unless the applicant can demonstrate reasons as to why it should be granted. The onus is on the applicant to demonstrate this, and licensing authority invites the applicant to explain the reasons it should be granted to the Panel, so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIA and / or other licensing objectives.

Yours sincerely



Russell Williams
Public Protection Operational Manager

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 nuisance

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

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

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

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the

approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

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

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

Protection of children from harm

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

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

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

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an

exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

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

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

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

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

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

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

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