

Name of meeting: Licensing Panel

Date: Monday 3rd July 2017 at 15:30hrs, Huddersfield Town Hall, meeting room 3

Title of report: Application for the GRANT of a Premises Licence at 28 Lidget Street, Lindley, Huddersfield, HD3 3JP

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	Not Applicable
The Decision - Is it eligible for "call in" by Scrutiny?	Not Applicable
Date signed off by Director & name	
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: Lindley

Ward councillors consulted: Cllr Cahal Burke
 Cllr Richard Eastwood
 Cllr Gemma Wilson

Public or private: Public

1. Summary

On 8th May 2017 the Licensing Department received an application for the grant of a premises licence at 28 Lidget Street, Lindley. The application was made by Eric Paxman. The application form can be viewed at **APPENDIX 1**. Currently this premise is a bridal wear shop.

2. Information required to take a decision

In his application for a premises licence at 28 Lidget Street, Mr Paxman has applied for the following licensable activities and hours:

The retail sale of alcohol for consumption on the premises only, 7 days a week from 10:00am until 01:00am the following morning.

On 18th May 2017, representation was made on behalf of a local resident sighting that if this application were to be granted as applied for then one of the Licensing Objectives would not be met. The Licensing objective being: The prevention of public nuisance. The representation can be viewed at **APPENDIX 2.**

The council's Environmental Health team in their capacity as a responsible authority, have suggested that a noise report be carried out on the premise with noise management controls and measures put in place following this to address any potential noise issues. They have also requested an amendment to the hours to be in line with the current planning permission. These comments were received on 16th May 2017 and can be viewed at **APPENDIX 3.**

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

4. Consultees and their opinions

West Yorkshire Police – No Comments

West Yorkshire Fire and Rescue Authority – No Comments

Kirklees Primary Care Trust – No Response

Environmental Health Service – Objection – Appendix 3

Planning Authority – No response

Kirklees Safeguarding Children Board – No Response

Weights and Measures – No Response

Home Office (Immigration) – No Response

5. Next steps

Following the decision of the panel the application will be either: granted, refused or granted with conditions applied.

6. Officer recommendations and reasons

N/A

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Mike Skelton – Licensing Officer

9. Background Papers and History of Decisions

Appendix 1 – Application Form

Appendix 2 – Representation from a local resident

Appendix 3 – Representation from Environmental Health

10. Assistant Director responsible

Joanne Bartholomew

Appendix 1

7190.00 CASH
 2008413
 8/5/2017

**Application for a premises licence to be granted
 under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

BUILDING CONTROL
 LICENSING SERVICE
 RECEIVED
 08 MAY 2017
 Attached To _____
 Action By _____
 Copies To _____
 Copies Made _____

I Eric Paxman
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 28 Lidget Street Lindley			
Post town	Huddersfield	Postcode	HD3 3JP
Telephone number at premises (if any)		N/A	
Non-domestic rateable value of premises		£ 6100 Band B	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | X | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Paxman			First names Eric		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality - British					
Current residential address if different from premises address		6 Forrest Avenue Marsh			
Post town	Huddersfield			Postcode	HD1 4PH
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

01	08	2017
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

- 2 storey building that was previously a shop, planning application ongoing for change of use

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

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

A

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

Provision of late night refreshment (if ticking yes, fill in box I)

X

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	01:00	Christmas Eve and New Year's Eve until 02:00		
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Christmas Eve and New Year's Eve until 02:00		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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):

Name Eric Paxman	
Date of birth	
Address 6 Forrest Avenue Marsh Huddersfield	
Postcode	HD1 4PH
Personal licence number (if known) KMCPL 3000	
Issuing licensing authority (if known) Kirklees	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	As per sale of alcohol for Xmas Eve and New Year's Eve
Mon	10:00	01:00	
Tue	10:00	01:00	
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	01:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

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

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

b) The prevention of crime and disorder

- CCTV will be installed in accordance with West Yorkshire Police guidelines and Home Office standards with regard to image quality and retention of data.

c) Public safety

- All exits will be kept clear at all times
- Anyone attempting to buy alcohol who appears to be intoxicated will be refused and the details recorded and kept in a refusal register on the premises

d) The prevention of public nuisance

- Glass bins will not be emptied between the hours of 19:00 and 08:00
- Prominent signage will be displayed requesting customers to leave the premises in a quiet and orderly manner having due regard to the neighbouring premises and the local vicinity
- Outside of the amendments to the Licensing Act made by the Live Music Act the only recorded music played will be background music
- An ashtray will be placed to the right of the building encouraging smokers to congregate in the furthest place from residential properties
- Drinks will not be allowed outside, encouraging people who wish to smoke to return inside so as not to cause nuisance to the surrounding area

e) The protection of children from harm

- People under the age of 18 will not be allowed on the premises
- A challenge 25 policy will be in place on the premises
- A refusal register will be kept and maintained on the premises

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
-

[Applicable to all individual applicants, including those in a 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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] 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)
Signature	
Date	7/4/17.
Capacity	OWNER.

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Appendix 2

BUILDING CONTROL
& LICENSING SERVICE
RECEIVED
18 MAY 2017
Allocated To
Action By
Copies To
Copies Made

828 New Hey Road
Outlane
Huddersfield
HD3 3YW

The Licensing Office
Flint Street,
Fartown,
Huddersfield
HD1 6LG

12/5/2017

Dear Sir/ Madam

I would like to make an objection on behalf of my Grandchildren who live at 30 Lidget Street which happens to be the attached property of 28 Lidget Street, whose tenant has applied for it to become a champagne bar. An application for supplying alcohol Monday to Sunday 10am to 1am as been requested this would be extremely damaging to my Grandchildren's health. My Grandson has just started preschool, my Granddaughter is five months old they both require a peace full environment. By allowing the premises to have an alcohol license it will cause extreme distress to them.

Surely Lindley has enough drinking establishments without adding another one you see people being sick outside Bar One nearly every weekend. They already suffer from noise from across the road at Eric's and have asked several times for him to turn the music down which he has ignored due to having a late license. Recently they were woken up by some drunk knocking on their door in the middle of the night.

My son has lived there for fifteen years and the premises next door has always been a retail shop which closed every day at 5pm so didn't interfere with his life. I would ask you to please consider their lives if this application are granted. The sad fact is that when people go out for a drink nine times out of ten they end up drunk and don't give a thought to the noise or the environment.

This area is a small courtyard and there will be no way of getting away from the noise and the alcohol and I really do not want my young Grandchildren to have to run the gauntlet day in and day out as they go to and from their home. It has always been a residential area and should stay this way.

I live opposite a public house so I know exactly what it's like to live near alcohol and trust me it isn't pleasant. But I choose to live here knowing that a public house was across the road my son on the other hand thought he had chosen a quiet village.

Yours sincerely

Sue Turner

Appendix 3

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Health**

Reference:	WK/201709791
Premises:	28 Lidget Street, Lindley, Huddersfield, HD3 3JP

Licensable Activity (place X in relevant box)			
Sale by retail of Alcohol		Provision of regulated entertainment	
Provision of entertainment facilities (music, dancing, etc)		Provision of late night refreshment	

OBSERVATIONS			
Public Safety			
Date:		Officer/Ext:	
Prevention of Public Nuisance		<p>The hours of 23:00 to 01:00 in this licence application conflict with the hours Monday to Friday 18:00 to 23:00, Saturdays 16:00 to 23:00, and Sundays and Bank Holidays 12:00 to 16:00 specified in the planning application.</p> <p>We have concerns for the potential for noise impacting on adjoining and adjacent residential and commercial premises, so we have request hat before planning permission is granted and before development commences that a noise report is undertaken to establish if the premises are suitable for such use, and if not what improvements will be made to the premises and controls of management will be employed to manage noise. We have request that the hours in the application, Monday to Friday 18:00 to 23:00, Saturdays 16:00 to 23:00, and Sundays and Bank Holidays 12:00 to 16:00 are conditioned if planning permission is granted. We have request details for the control of odours.</p> <p>I would like the licence to reflect the hours in the planning</p>	

		application. So how do we address this conflict of hours in this case?	
Date:	16th May 2017	Officer/Ext:	Mark Chapman 01484 221000 x70876