

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

LICENSING PANEL

Thursday 12th October 2017

Present: Councillor Carole Pattison (Chair)
Councillor Amanda Pinnock
Councillor Michael Watson

1 Minutes of Previous Meeting

The minutes of the meetings held on 29 August, 6 September and 12 September 2017 were approved as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

The Panel considered admission of the public and determined that in accordance with the Licensing Act 2003 (Hearing) Regulations 2005 Regulation 14 the hearing should be heard in public as this was in the public interest.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were asked.

6 Application for Review Hearing Under S51 Licensing Act 2003 - Wisla Store, 31-33 John William Street, Huddersfield, HD1 1BL

The Panel considered an application made by West Yorkshire Police for the review of the premises licence for Wisla Store, under Section 51(1) of the Licensing Act 2003. The applicant believed that the following licensing objectives were not being met at the premises:-

- The prevention of crime and disorder
- Public safety

The Panel was advised that the application made by West Yorkshire Police followed a joint operation with Trading Standards on 22nd July 2017 where large amounts of non-duty paid tobacco products were discovered. The tobacco products were incorrectly marked and were not compliant with the Tobacco and Related Product Regulations 2016. The Panel was advised that a sniffer dog was used to help identify areas within the shop where tobacco was stored. The dog located a number of hidden compartments in the rear kitchenette area, as well as in the cellar area. The Panel was informed that a large quantity of cash was found in a safe in the building, which had subsequently been confiscated by the police under the Proceeds of Crime Act 2002.

A condition of the stores licence was that they must be a member of the Huddersfield Retail Radio Scheme, and that staff must have access at all times licensable activities are taking place to a retail radio. The Panel was advised that at the time of the hearing, the store had not become a member of the scheme.

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The Panel heard representation against the review application and was advised that an employee of the store had admitted that he was responsible for obtaining the non-duty paid cigarettes and for secreting them at the premises. This employee had subsequently been dismissed. The Panel also heard that the £12,000 cash that was found at the premises had been generated in the proper course of business, and that the sum seized was due to be used to pay for rent, wages, suppliers and business rates.

The Panel having carefully considered all the representations made both verbally and in writing; and the options available to it decided that the licence be revoked.

In arriving at its decision, the Panel considered the written representations made by the objectors, the evidence presented at the hearing, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

RESOLVED -

The Panel determined that the licence should be revoked.

7 Application for Review Hearing Under S51 Licensing Act 2003 - Kingsgate News, 14 Cross Church Street, Huddersfield. HD1 2PT

The Panel considered an application made by West Yorkshire Police for the review of the premises licence for Kingsgate News, under Section 51(1) of the Licensing Act 2003. The applicant believed that the following licensing objectives were not being met at the premises:-

- The prevention of crime and disorder
- Public safety

The Panel was advised that the application made by West Yorkshire Police followed a joint operation with Trading Standards on 22nd July 2017 where large amounts of non-duty paid tobacco products were discovered. The tobacco products were incorrectly marked and were not compliant with the tobacco and related product regulations 2016. The Panel was advised that a sniffer dog was used to help identify areas within the shop where tobacco was stored. The dog indicated that a secret room was behind wooden panelling on the first floor of the shop. To gain entry to the room a compact disc had to be entered into a slot that tripped a micro switch which then released the magnetic door locks.

That Panel heard that despite a condition on the licence which stated that footage from the CCTV should be made available on request to a police constable or a representative of a responsible authority no-one at the premises at the time of the operation was able to operate the CCTV.

The Panel heard no representation against the review application by West Yorkshire Police.

The Panel having carefully considered all the representations made both verbally and in writing; and the options available to it decided that the licence be revoked.

In arriving at its decision, the Panel considered the written representations made by the objectors, the evidence presented at the hearing, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

RESOLVED -

The Panel determined that the licence should be revoked.