

Contact Officer: Yolande Myers

## KIRKLEES COUNCIL

### LICENSING PANEL

**Thursday 25th January 2018**

Present: Councillor Carole Pattison (Chair)  
Councillor Jim Dodds  
Councillor Michael Watson

**1 Membership of the Committee**

Councillor Jim Dodds replaced Councillor Karen Allison as a panel member.

**2 Minutes of Previous Meeting**

That the minutes of the meeting of the Panel held on 12 October 2017 be approved as a correct record.

**3 Interests**

No Interests were declared.

**4 Admission of the Public**

All items on the agenda be considered in public session.

**5 Deputations/Petitions**

No deputations/petitions received.

**6 Public Question Time**

No questions were asked.

**7 Member Question Time**

No questions were asked.

**8 Objection to transfer premises licence to be granted AND to vary a premises to specify an individual as designated premises supervisor under Section 37 of the Licensing Act 2003 at International Express, 27 John William Street, Huddersfield, HD1 1BL**

The Panel considered 2 objections made by West Yorkshire Police to the application to transfer a premises licence and to vary a premises to specify and individual as Designated Premises Supervisor in respect of International Express under the Licensing Act 2003.

The Members of the Licensing Panel which considered the Applications were Councillor Carole Pattison (Chair) and Councillors Dodds and Watson.

Mr Woodhead, West Yorkshire Police, explained that the police had received intelligence that International Express was involved in selling non-duty paid tobacco products. On the 19<sup>th</sup> and 20<sup>th</sup> December 2017 joint operations between West Yorkshire Police and Trading Standards were made at which a large amount of non-

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duty paid tobacco was found hidden in a closed compartment, opened by a trip switch and a further amount was found secreted behind a mirror.

Although Mr Zada told the police that he had only bought the shop four days before the joint operation, Mr Woodhead submitted that he was complicit in the sales of non-duty paid products, as he had worked in the shop for a number of months before the joint operation. Mr Woodhead informed the Panel that Mr Zada had been arrested on four occasions at the premises between 28<sup>th</sup> April 2017 and December 2017. He also explained that there had been a total of six assaults and three public order offences within the premises since 13<sup>th</sup> April 2017.

The Panel was informed by Mr Woodhead that West Yorkshire Police also objected to the second application for the transfer of the Designated Premises Supervisor for the premises to Mr Karimi.

Mr Woodhead explained to the Panel that Mr Karimi was a Kirklees personal licence holder and was a full time employee of Wisla Store in 2014. On the 30<sup>th</sup> October 2014, a multi-agency visit was carried out to the Wisla Store where non-duty paid tobacco was found at the premises.

Mr Zada informed the Panel that since 27<sup>th</sup> April he had been in partnership at International Express with the previous owner. Mr Zada explained that he officially took over the premises on 15<sup>th</sup> February 2017 and bought the shop, sold as seen without doing an inventory. Mr Zada informed the Panel that he was unaware of the non-duty paid tobacco, and that he suspected that his former business partner had called the police to inform them of the products. Mr Zada explained that the assaults that he had been arrested for involved his former business partner as he had disagreements with him when at the premises.

Mr Zada also informed the Panel that it was no longer his intention to transfer the DPS to Mr Karimi.

**RESOLVED** – That the application to transfer a premises licence and the application to vary a premises to specify an individual as Designated premises Supervisor under Section 37 of the Licencing Act be refused.

The Panel decided that granting the application to transfer the premises licence would be contrary to the Licensing Objective of the prevention of crime and disorder. The Panel was concerned about the amount of time that Mr Zada had worked at International Express, but claimed to be unaware of the non-duty paid tobacco. The Panel found that the non-duty tobacco had been traded at the store whilst Mr Zada was a partner there.

The Panel also decided that the application to vary premises to specify an individual as Designated Premises Supervisor to Mr Karimi would also be contrary to the Licensing Objectives of the prevention of crime and disorder. The Panel felt that Mr Karimi was not a fit and proper person to hold the DPS at International Express, given that he was a supervisor at Wisla store when non-duty tobacco was found on the premises. The Panel found that either Mr Karimi was aware of the hidden tobacco or he had not properly supervised the store to allow the non-duty paid tobacco to be sold.

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### 9 **Objection to vary a premises to specify an individual as designated premises supervisor under Section 37 of the Licensing Act 2003 at Ryan's Newsagents, 13 Kirkgate, Huddersfield, HD1 1QS**

The Panel then considered an objection made by West Yorkshire Police to vary a premises to specify and individual as Designated Premises Supervisor in respect of Ryan's Newsagents under the Licensing Act 2003.

Mr Woodhead informed the Panel that Mr Zadeh had become the DPS of International Express on the 28<sup>th</sup> December 2016 and was in day to day control of the building and the business.

On the 22<sup>nd</sup> July 2017 Trading Standards carried out a test purchase at International Express where non-duty tobacco was found.

On the 29<sup>th</sup> November and 7<sup>th</sup> December 2017 PC Nichols of West Yorkshire Police witnessed sales of non-duty paid tobacco from the shop.

Mr Woodhead explained that Mr Zadeh was the DPS at International Express up until 18<sup>th</sup> December 2017. International Express was then the target of a joint operation with Trading Standards on the 19<sup>th</sup> December 2017, the day after Mr Zadeh resigned. A large amount of counterfeit and non-duty paid tobacco products were discovered in various hidden locations within the shop.

**RESOLVED** – That the application to vary a premises to specify an individual as Designated Premises Supervisor under Section 37 of the Licencing Act be refused. The Panel was concerned about the non-duty paid tobacco that was found when Mr Zadeh was the DPS at International Express and concluded that he was not a fit a proper person to be DPS at Ryan's Newsagents.

### 10 **Application for the GRANT of a premises licence on behalf of The Manor House, 1 Lidget Street Lindley, Huddersfield, HD3 3JB**

The Chair invited Mr Anwar Butt, Licensing Officer to outline the application. In summary, the Panel was informed that on the 28 November 2017, the Licensing Department received an application for the grant of a premises licence for The Manor House Lindley. The site had undergone extensive redevelopment and would operate as a bespoke luxury hotel with dining and function facilities.

**The following hours and licensable activities were applied for:-**

<b>Activity</b>	<b>Day(s)</b>	<b>Time(s)</b>
<b>The supply of Alcohol</b>	Mon-Thurs	07:00-00:00
	Fri – Sun	07:00-02:00
<b>Live &amp; Recorded Music</b>	Mon-Thurs	07:00-00:00
	Fri – Sun	07:00-02:00
<b>Performance of Dance</b>	Mon-Thurs	07:00-00:00
	Fri – Sun	07:00-02:00

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<b>Films</b>	Mon-Thurs	07:00-00:00
	Fri – Sun	07:00-02:00
<b>Late Night Refreshments</b>	Mon-Thurs	07:00-00:00
	Fri – Sun	07:00-02:00
<b>Hours of Opening</b>	Mon – Sun	00:00 – 24:00 (24 hours seven days per week)

The Panel was informed that in response to the application, two local residents had submitted representations objecting on the grounds that the prevention of public nuisance licensing objective will not be achieved.

No representations were received from any of the Responsible Authorities.

Environmental Health Service had made some suggestions which were agreed by the applicant.

The Chair then invited John Gaunt, John Gaunt & Partners to present the case in support of the application. In summary, referring to a document that had been submitted prior to the meeting, the Panel was advised that the building was previously owned by the Council. It had since been purchased and the redevelopment of the site would see premises of the highest quality with an investment inward of £4.5million. The premises would offer, hotel, dining and function facilities. The front part of the building would open in March and the rear of the premises in April. The Panel was advised that it is important for the function facilities that the terminal hour of operation be 02:00.

Mr Gaunt further informed the Panel that the building would have sophisticated double glazing to minimise noise emanating from the premises. The screen of trees would minimise any nuisance to residents from headlights, there would be no passing trade after midnight and the courtyard was in a completely enclosed area.

Following questions, the Panel was advised that the premises would employ thirty people with the aim to double this to sixty with at least five apprentices.

Mrs Moran and Councillor Cahal Burke were invited to put forward their representations. Mrs Moran expressed concern about the adverse effect this venue would have on the neighbourhood, given its proximity to residential properties. This was particularly in relation to the roof terrace which was approximately 120 metres from her bedroom and the entrance being approximately 25 metres from her home. She explained to the Panel the potential disturbance this would cause and that the hours requested for the roof terrace appeared to differ with the hours stipulated by planning.

Cllr Burke made representation on behalf of residents who were unable to attend the meeting. He stated that while he welcomed the development of this site as it had previously been a site for anti-social behaviour, vandalism and had become an eyesore, residents were concerned about the venue operating until 02:00.

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The Panel sought clarification from the Licensing Officer on the operating times of other licensed premises in the area. The Panel was advised that the Lindley Tap Bar and Grill opens until 02:00 on Fri – Sat 02:00; and The Old Wire Works Sat until 2.00am. Both these premises were in the vicinity of the Manor House.

**RESOLVED** – That the application for the GRANT of a Premises Licence of behalf of The Manor house be granted as requested, with no additional conditions applied. The Panel was satisfied that granting the licence as requested by the applicant would not be inconsistent with the licensing objectives.