

Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING PANEL

Tuesday 16th April 2019

Present: Councillor Carole Pattison (Chair)
Councillor Karen Allison
Councillor Kath Taylor

In attendance: Russell Williams, Group Leader Licensing Public Protection
Rox Javaid, Licensing Officer
Richard Woodhead, West Yorkshire Police, Licensing Officer PC
Katie Jagger, West Yorkshire Police Licensing Officer,
Tahir Hanif, Senior Legal Officer
Carol Tague, Principal Governance and Democratic Engagement Officer

1 Minutes of Previous Meeting

RESOLVED - That the minutes of the meeting held on the 19 March 2019 be approved as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

That all agenda items be considered in public session.

4 Deputations/Petitions

No deputations or petitions were received.

5 Licensing Act 2003 - Application for the Grant of a Premises Licence - MRH Midway, 237 Bradford Road, Batley, WF17 6LG

The Panel considered an application for the grant of a premises licence on behalf of MRH Midway, 237 Bradford Road, Batley, WF17 6LG.

The Group Leader Licensing Public Protection, outlined the application, advising the Panel that on 19 February 2019, the Licensing department received an application for the grant of a premises licence for MRH Midway, 237 Bradford Road, Batley WF17 6JQ. The application was made by Malthurst Retail Limited.

The licensable activity applied for by the applicant was for the supply of alcohol for consumption OFF the premises and late night refreshment as follows:-

- Supply of alcohol: Monday to Sunday, 00:00 – 24:00.

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- Late night refreshment: Monday to Sunday, 23:00 – 05:00

The Panel were informed that one representation had been received objecting to the application, supported by a petition signed by in excess of 750 individuals.

The applicant's solicitor made representation to the Panel in support of the application and it was noted that MRH Midway had traded as a 24 operation for 10 years and whilst it was acknowledged that alcohol had not been previously sold, there had been no complaints from residents. It was further highlighted that there had been no representations from the responsible authorities such as West Yorkshire Police.

The objector and lead petitioner present at the hearing, put forward representations on the grounds that should the licence be granted, the Licensing Objectives of Public Nuisance, Prevention of Crime and Disorder and Public Safety would not be achieved. Issues raised included the statistical links with alcohol and crime and disorder, exacerbation of public nuisance as youths currently congregated on the forecourt of the premises and concerns as to protecting children from harm, given that the site was 150 yards from a local infant school and close to the largest mosque in the area.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED - The application for the Grant of a Premises Licence on behalf of MRH Midway be granted as stipulated in the application.

The Panel were satisfied that agreeing the application in accordance with the hours stipulated by planning would not be inconsistent with the licensing objectives.

6 Application for Review Hearing under Section 51 Licensing Act 2003 - Beechley Filling Station, Flush Garage, Wakefield Road, Liversedge, WF15 6AU

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Beechley Filling Station, Flush Garage, Wakefield Road, Liversedge, WF15 6AU.

Further to a late submission of evidence and request to defer, the Panel agreed that given the confidential nature of the evidence received, to move into private session and the public be excluded to allow for consideration of the evidence. Further to consideration of the evidence presented, the Panel determined not to defer the hearing and continue in public session.

The Licensing Officer outlined the application, advising that on 26 February 2019, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives of the prevention of crime and disorder, the protection of children from harm and public safety were not being achieved at the premises.

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West Yorkshire Police Licensing Officer, advised the Panel that on 19 February 2019, 3 plain clothed police cadets, aged 13, 14 and 15, had been served alcohol whilst on police test purchase operations and illegal tobacco products had been on sale on the premises only 7 days after this alcohol purchase took place.

As well as failing the test purchases, the Panel were informed that in the three months preceding the review application, the filling station had been linked to seven instances of crimes or assaults. Concerns as to employment practices at the premises were also raised.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED – The premises licence in respect of Beechley Filling Station, Flush Garage, be revoked.

The Panel was sufficiently persuaded that revocation of the licence was a necessary and proportionate step.

7 **Application for Review Hearing under Section 51 Licensing Act 2003 - Empire Restaurant, 163 Wakefield Road, Huddersfield**

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Empire Restaurant, 163 Wakefield Road, Huddersfield.

The Licensing Officer outlined the application, advising that on 18 February 2019, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives of prevention of crime and disorder and public safety were not being achieved at the premises.

West Yorkshire Police Licensing Officer, advised the Panel that on 24 January 2019, a person connected to the premises was convicted of sexual offences at Leeds Crown Court. Concerns were expressed that an agent might be appointed on their behalf to sell the property as a licensed premises, or appoint a designated premises supervisor to manage the restaurant while the sentence was being served. The Panel were informed that the licence could remain in place indefinitely or it could be transferred unless revoked.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED – The premises licence in respect of Empire Restaurant be revoked.

The Panel was sufficiently persuaded that revocation of the licence was a necessary and proportionate step.