

Contact Officer: Carol Tague

## **KIRKLEES COUNCIL**

### **LICENSING PANEL**

**Friday 10th May 2019**

Present: Councillor Carole Pattison (Chair)  
Councillor Karen Allison  
Councillor Christine Iredale

In attendance: Richard Woodhead, West Yorkshire Police, Licensing Officer  
PC Katie Jagger, West Yorkshire Police Licensing  
Stephanie Mashiter, Senior Licensing Officer  
Mike Skelton, Licensing Officer  
Philip Asquith, Assistant Licensing Officer  
David Stickley, Senior Legal Officer  
Carol Tague, Principal Governance and Democratic Engagement Officer

**1 Minutes of Previous Meeting**

That the minutes of the meeting held on the 16 April 2019 be approved as a correct record.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

That agenda items 1 to 7 be considered in public session.

That the public be excluded from the meeting in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100 (A)(4) of the Local Government Act 1972 the public during consideration of agenda item 8.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Application for Review Hearing under Section 51 Licensing Act 2003 - Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB**

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB.

The Senior Licensing Officer outlined the application, advising the Panel that on 27 March 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 and public safety were not being achieved at the premises.

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West Yorkshire Police Licensing Officer, outlined the reasons for requesting a review hearing. The Panel were advised that the licence for the premises had been granted on 12 February 2019, less than 60 days before the review request. Following a series of complaints and intelligence received that the premises were selling non-duty paid alcohol and tobacco, a joint operation was put in place between Trading Standards and West Yorkshire Police on 19 March 2019. Non-duty paid products, including cigarettes and alcohol, were found in the premises along with an illegal worker who was the only person in the shop at the time of the visit. The Panel were also informed that breaches in the licensing conditions were evident and the Senior Licensing Officer provided further information as to this.

The Premises Licence Holder put forward representations informing the Panel that the individual behind the till was only there for one hour and was not working and that invoices were now available for the goods seized. The Premises Licence Holder added that they had run a shop for 3 years, had good staff and a good reputation and there had been no issues with selling illegal products or illegal staff.

In response to questions as to the validity of the invoices presented, the Premises Licence Holder stated that when the alcohol in question was delivered, the company advised that invoices would be sent at a later date and they could not be backdated. The Premises Licence Holder added that this was a known company and details could be checked directly with them. The Premises Licence Holder did not answer a question from the Panel in relation to Challenge 25.

In their final submission, the West Yorkshire Police Licensing Officer concluded that it had been demonstrated that the Premises Licence Holder did not have an understanding of Challenge 25, licensing law or the conditions of their license. The Panel were advised that even if duty had been paid on the alcohol seized, there were still illegal cigarettes on the premises at the time of the visit.

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

**RESOLVED** - That the premises licence in respect of Lano Mini Market, 75a Swan Lane, Lockwood, Huddersfield, HD1 3UB be revoked.

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

### **6 Application for Review Hearing under Section 51 Licensing Act 2003 - Westgate News, 24 Westgate, Huddersfield HD1 1NU**

The Panel considered an application for a review hearing under S51 of the Licensing Act 2003, in respect of Westgate News, 24 Westgate, Huddersfield HD1 1NU.

The Senior Licensing Officer outlined the application, advising the Panel that on 28 March 2019, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives of prevention of

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crime and disorder, the protection of children from harm and public safety were not being achieved at the premises.

West Yorkshire Police Licensing Officer, outlined the reasons for requesting a review hearing. The Panel were informed of a number of incidents involving illegal sales and noted that prior to the search warrant being executed on 26 March 2019, a steady stream of youths were observed entering the shop, one of which left the shop with a lit cigarette in their mouth. Single cigarettes were on sale illegally and the packaging indicated that they were non-duty paid cigarettes. Further packets of cigarettes, which appeared to be non-duty paid, were also discovered and seized.

West Yorkshire Police had called for the review as the premises licence holder appeared to have a blatant disregard for the law. Illegal cigarettes were sold on separate occasions to children and staff appeared to have no knowledge of laws governing age restricted products.

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

**RESOLVED** - That the premises licence in respect of Westgate News, 24 Westgate, Huddersfield HD1 1NU be revoked.

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

**7 Exclusion of the Public**  
Determined

**8 Application to Review Personal Licence**  
The Panel considered a review of a Personal Licence under the provisions of the Licensing Act 2003.

**RESOLVED** - That no action be taken in relation to the Personal Licence.