

Name of meeting: Licensing Panel

Date: Wednesday 5th June 2019, at 9.30am, Old Court Room, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Lina Mini Market, 86 Bradford Road, Huddersfield

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 <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	ClIr Naheed Mather

Electoral wards affected: Greenhead

Ward councillors consulted: ClIr Carole Pattison
 ClIr Mohan Sokhal
 ClIr Sheikh Ullah

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 10th April 2019 the Licensing department received an application for the grant of a premises licence for Lina Mini Market, 86 Bradford Road, Huddersfield. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activity applied for by the applicant is the supply of alcohol OFF the premises. The times applied for are Monday to Sunday, 00.00 – 24.00 hrs (24 hours license).

2.1.3 Nine representations have been received relating to this application, which is supported by a petition. All nine representations consider that the following licensing objectives would not be achieved, should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder
- Public Safety

A copy of these representations may be seen at **Appendices B, C and D**.

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an

application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix E**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

3.5 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. West Yorkshire Police and Environmental Health being the responsible authorities have made representations to the application. Copies of the representations can be seen at **Appendix D**.

5 Next steps and timelines

5.1 When determining the application Members, having had regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

5.2 Findings on any issues of fact should be on the balance of probability.

5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.

5.4 The decision should be based on the individual merits of the application.

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Mrs R Javaid -Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70545
Email: rox.javaid@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence

9.2 Appendix B – Petition

9.3 Appendix C - Representation Ward Councillors and Members of the Public

9.4 Appendix D – Representation from Responsible Authorities

9.5 Appendix E – Relevant Sections of Secretary of State Guidance – Section 182 of the Licensing Act

10

11 Strategic Director responsible

Karl Battersby – Strategic Director, Economy and Infrastructure

Tel: 01484 221000

Email: karl.battersby@kirklees.gov.uk

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.

I/we

[REDACTED]

(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	
86 BRADFORD ROAD	
(LINA MINI SUPERMARKET)	
Post town	HUDDERSFIELD
Postcode	HD1 6JE
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4,800

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | 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) |

15 APR 2019

- 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		First names		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes
Nationality				
Current residential address if different from premises address				
Post town	HUDDERSFIELD		Postcode	
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

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					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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?

DD	MM	YYYY
10	05	2019

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)

AGROG~~E~~RY/SHOP - LAID OUT LIKE
 A MINI SUPER MARKET
 OFF LICENCE 24 HOURS INCLUDE
 CONVENIENCE STORE

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

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)

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

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

In all cases complete boxes K, L and M

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			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

B

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Wed						
Thur			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 (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
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					
Fri			<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)		
Sat					
Sun					
			<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)		

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	<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 provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

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 type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	00:00	23:59 24:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	00:00	23:59 24:00			
Wed	00:00	23:59 24:00			
Thur	00:00	23:59 24:00	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)		
Fri	00:00	23:59 24:00			
Sat	00:00	23:59 24:00			
Sun	00:00	23:59 24:00			

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	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	HD 1 [REDACTED]
Personal licence number (if known)	AWAITING LICENCE
Issuing licensing authority (if known)	

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).

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	
Mon	00.00	23.59 24.00	<p>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 (please read guidance note 6)</p>
Tue	00.00	23.59 24.00	
Wed	00.00	23.59 24.00	
Thur	00.00	23.59 24.00	
Fri	00.00	23.59 24.00	
Sat	00.00	23.59 24.00	
Sun	00.00	23.59 24.00	

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)

NO seeking of alcohol to underage people
NO drunk and disorderly behaviour on the premises.

NO violent and anti-social behaviour

b) The prevention of crime and disorder

CCTV to be installed
opening hours notice displayed outside
~~ind~~ Indicating license hours
Not selling alcohol to drunk customers

c) Public safety


Underage ID checks
The premises will be maintained in good order to promote public safety.

d) The prevention of public nuisance

Deliveries will be carried out to minimise noise and nuisance.

e) The protection of children from harm

Challenge 25" sign displayed
Nothing beyond existing Health and Safety requirements.

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	10/04/2019
Capacity	APPLICANT

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)			

Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:
<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

APPENDIX B

We object the licensing application for 24 hour licence for 86 Bradford Road, Huddersfield, HD1 6JE on the grounds that it may cause nuisance, disturbance and parking issues within the locality as that particular junction is a busy junction.

We as follows object for this strongly and would be grateful if you could please revoke the 24 hours license application.

Yours sincerely,

	Name	Address	Telephone	Signature
1		██████ WILLOW LANE EAT		
2		██████ WILLOW LANE		
3		██████ SCALES		
4		██████ SCALES		
5		██████ WILLOW LANE		
6		██████ Hawthorne		
7		██████ MOUNT TERRACE		
8		HILL HOUSE		
9		HILL HOUSE HP		
10		██████		
11		██████		
12		██████ Street		
13		██████		
14		██████ BRADFORD ROAD		
15		██████ VICTORIA AVE		
16		██████ BRADFORD ROAD		
17		██████ Bolton		
18		COOPER DINOV		
		SPINULYFIELD		

We object the licensing application for 24 hour licence for 86 Bradford Road, Huddersfield, HD1 6JE on the grounds that it may cause nuisance, disturbance and parking issues within the locality as that particular junction is a busy junction.

We as follows object for this strongly and would be grateful if you could please revoke the 24 hours license application.

Yours sincerely,

	Name	Address	Telephone	Signature
1.		Bradford Rd		
2.		HD1		
3.		Millhouse HD1		
4.		Bradford Rd HD1		
5.		WILLOW 1000 HD1		
6.		BRADFORD RD		
7.		Bradford RD		
8.		BRADFORD ROAD		
9.		Bradford Rd		
10.		Bradford Rd		
11.		Hire		
12.		WILLOW		
13.		WILLOW		
14.		Millhouse		
15.		Bradford		
16.		White Stone ^{LD1}		
17.		Chaka Street		
18.		Wood Bine Rd		

Rox Javid

From: Cllr Sheikh Ullah
Sent: 18 April 2019 18:57
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

Thank you for notifying us of this application. I would like to object to this the reason for my decision are

- Situated in a part of the ward that has existing Anti-social behaviour, drug and alcohol misuse issues, adding to potentially further crime and disorder
- Allowing another 24HR license will increase and add further intensification to the area and possible public nuisance
- There are other licenced establishments within close proximity.

Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards

Cllr Sheikh Ullah
Greenhead Ward Councillor

If you are contacting me as a local constituent, please be aware that I may need to share your personal information when contacting council officers or other agencies relevant to your query.

For more information on how I use personal data for my constituency casework, please read my Privacy Notice at: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>.

Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

Please note that this e mail is only for the designated recipient and all or any part of it is not to be sent to any 3rd party without my consent.

(Kirklees Council is not responsible for content on third party websites)

From: Rox Javaid
Sent: 18 April 2019 16:29

Subject: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Good afternoon Councillors

I have received an application for grant of a premises licence for the above premises copy attached.

The applicant [REDACTED] has applied for a 24 hour licence to sell alcohol off the premises.

The objection period for this application will up on the 8th May 2019.

Kind Regards

Rox Javaid

Rox Javaid

From: Cllr Carole Pattison
Sent: 18 April 2019 20:52
To: Rox Javaid; Cllr Mohan Sokhal; Cllr Sheikh Ullah
Subject: Re: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

I agree. I object for the same reasons.

Get [Outlook for Android](#)

From: Cllr Sheikh Ullah
Sent: Thursday, April 18, 2019 6:57:27 PM
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

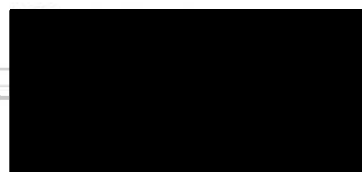
Thank you for notifying us of this application. I would like to object to this the reason for my decision are

- **Situated in a part of the ward that has existing Anti-social behaviour, drug and alcohol misuse issues, adding to potentially further crime and disorder**
- **Allowing another 24HR license will increase and add further intensification to the area and possible public nuisance**
- **There are other licenced establishments within close proximity.**

Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards



*If you are contacting me as a local constituent, please be aware that I may need to share your personal information when contacting council officers or other agencies relevant to your query.
For more information on how I use personal data for my constituency casework, please read my Privacy Notice at: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>.*

Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

Please note that this e mail is only for the designated recipient and all or any part of it is not to be sent to any 3rd party without my consent.

(Kirklees Council is not responsible for content on third party websites)

Rox Javaid

From: Cllr Mohan Sokhal
Sent: 22 April 2019 14:42
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Hi Rox
I agreed with my Ward Colleagues and object this application on same reasons

Thanks
mohan

From: Cllr Sheikh Ullah
Sent: 18 April 2019 18:57
To: [REDACTED]
Subject: RE: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Dear Rox,

Thank you for notifying us of this application. I would like to object to this the reason for my decision are

- Situated in a part of the ward that has existing Anti-social behaviour, drug and alcohol misuse issues, adding to potentially further crime and disorder
- Allowing another 24HR license will increase and add further intensification to the area and possible public nuisance
- There are other licenced establishments within close proximity.

Many residents over the past few years have made many complaints to me around the late night activities on Bradford Road, particularly congregating outside other licensed premises. The police are aware of the current situation. I feel that this will not enhance but cause harm to the area.

Thank you.

Kind Regards

Cllr Sheikh Ullah
Greenhead Ward Councillor

If you are contacting me as a local constituent, please be aware that I may need to share your personal information when contacting council officers or other agencies relevant to your query.

For more information on how I use personal data for my constituency casework, please read my Privacy Notice at: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>.

Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

Please note that this e mail is only for the designated recipient and all or any part of it is not to be sent to any 3rd party without my consent.

Rox Javid

From: Licensing
Sent: 23 April 2019 09:28
To: Rox Javid
Subject: FW: 86 Bradford Road Huddersfield HD1 6JE

Hi Rox.

I believe this is for you

Many Thanks
Natasha

From: [REDACTED]
Sent: 22 April 2019 17:28
To: Licensing <Licensing@kirklees.gov.uk>
Subject: 86 Bradford Road Huddersfield HD1 6JE

Dear Sirs

I would like to object to this shop having a 24 hours alcohol licence as it would cause parking on a busy main junction also, there would be more people hanging around the locality and as you know this would not benefit the locals as we already have one.

Kind regards

[REDACTED]

Address: [REDACTED] Bradford Road, Fartown Huddersfield HD1 [REDACTED]

Rox Javid

From: Licensing
Sent: 23 April 2019 09:29
To: Rox Javid
Subject: FW: strongly opposing licence for a 24 hour shop selling Alcohol

Hi Rox I believe this is for you
Many Thanks
Natasha

From: [REDACTED]
Sent: 22 April 2019 23:25
To: Licensing <Licensing@kirklees.gov.uk>
Subject: strongly opposing licence for a 24 hour shop selling Alcohol

86 Bradford road Huddersfield

To whom it may concern

I am writing to strongly oppose the above license for premises selling alcohol or turning the premises into a shop 24 hrs.

I am sure your all aware of the ongoing issues we are encountering due to the shop [REDACTED] which is open 24 hours selling alcohol.

The increase in crime, anti social behavior, huge drug problems increase in street workers at night, youth congregating and high levels of noise.

We as a residents have had enough of the all this and now we are up against yet again more issues, I live at [REDACTED] when we bought the house back in the [REDACTED]s this was a pleasant area to live in quiet no issues. Since the shop [REDACTED] it has been a constant encounter of concerns I have highlighted above. The police and local councilor's are aware of the ongoing issues and have dealt with serious incidents at times daily.

[REDACTED] needs constant [REDACTED] support and [REDACTED] support [REDACTED] as [REDACTED] is unable to assess risk regardless of the [REDACTED] noise and anxiety is a trigger. My [REDACTED] therefore the last thing we need on our door step is more disturbance. We have had enough with issues [REDACTED] the road. The level of noise and anti social behavior would cause a huge impact on [REDACTED] health and well being and living next door would be anyone's nightmare.

Further there is no parking round the front or rear which would mean cars could possibly [REDACTED] [REDACTED] only last week I had to [REDACTED] I would highly appreciate it if you could take note of my concerns and not take this matter lightly. Would you like to live with the issues above especially if you had [REDACTED] being affected by the noise and incidents that it impacts on their health further. The landlord of the premises rents the other rooms out and at times we have had to deal with the level of noise. If the property is a HMO then surely there must a license in place and regulated by the council. Lastly how many shops do we need in this area we have [REDACTED] there is [REDACTED] stores [REDACTED] the [REDACTED] shops [REDACTED] and then [REDACTED] the retail park. Please could you not approve the license and take the issues into account seriously . could you pls respond to my email once a decision has been reached.

Thank you

Mark Scaramuzza

From:
Sent:
To:
Subject:

①

[REDACTED]
29 April 2019 20:25
Licensing
Re: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

Hi,

I would also like to object to this for the reason stated below also because the council tax paying people do not require this in the area. It will not serve the community in any shape or form please can you take this matter as serious and i would like a reply from you as well please to acknowledge you have read the email. thank you.

regards [REDACTED]

From: [REDACTED]
Sent: 27 April 2019 12:52
To: licensing@kirklees.gov.uk
Subject: Lina Mini Supermarket, 86 Bradford Road, Huddersfield

②

Hi,

I would like to Object to this application .

I am a resident of the area there are so many existing Anti-social behavior, drug and alcohol misuse issues and i believe that opening a 24 hour off licence store would only add to these issues.



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Mark Scaramuzza

From: Woodhead, Richard [REDACTED]
Sent: 15 April 2019 09:01
To: Mark Scaramuzza; Licensing
Cc: Russell Williams; Mark Chapman; Jagger, Kathryn; Flexney, Joanne; Kitchen, James
Subject: RE: Premise license grant [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

Good morning All,
West Yorkshire police are formerly objecting to this application for 86 Bradford Road.
The applicant is requesting 24 hour opening and we feel that such a grant will impact on the following licensing objectives.

- 1) Crime and disorder. This area of Bradford road is subject to an increased level of crime and anti-social behaviour. West Yorkshire police currently have problem solving strategy specifically for this area of Huddersfield . A 24 hour off licence can only increase crime and disorder in the area.
- 2) Public Nuisance – local residents will suffer with customers coming and going at all hours, and the sale of alcohol at such late hours will impact on residents standard of life due to noise. The Asda on Bradford road has 24 hours, but it is separated from local housing, and employs a security team.
- 3) Public Safety, shop staff are members of the public, and have a far greater chance of becoming a victim of crime when working anti-social hours. Other 24 hour shop employees have been victims of armed robberies, hammer attacks, theft, hate crime and more.

Because this application impacts on 3 of the 4 licensing objectives, we cannot support such an application.

R.Woodhead.

From: Mark Scaramuzza [mailto:[REDACTED]]
Sent: 12 April 2019 11:37

[REDACTED]

Good Morning

I have attached a premises license application for Lina Mini Supermarket.

Yours sincerely

Mark Scaramuzza
Business Support Officer
Kirklees Council
Licensing
Flint Street
Fartown
Huddersfield
HD1 6LG

Rox Javid

From: Mark Chapman
Sent: 15 May 2019 15:27
To: Rox Javid
Subject: FW: Premises licence 27/7 Application in respect of 86 Bradford Road, Huddersfield, HD1 6JE, R443281, 10.04.2018

Rox,

Further to the email below in respect of Premises licence 27/7 Application in respect of 86 Bradford Road, Huddersfield, HD1 6JE, your response below references the applicants home address of [REDACTED] as the premises address which is incorrect and should have been 86 Bradford Road, HD1 6JE.

Yours sincerely

Mark Chapman
Environmental Health Officer
Pollution & Noise Control
Kirklees Council

01484 221000

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From: Mark Chapman
Sent: 16 April 2019 18:16
To: Woodhead, Richard [REDACTED]

Subject: Premises licence 27/7 Application in respect of [REDACTED] Bradford Road, Huddersfield, [REDACTED]

Dear Colleagues,

Premises licence 27/7 Application in respect of [REDACTED] Bradford Road, Huddersfield, [REDACTED]

I would like to object to above application on the grounds of the prevention of public nuisance. The proposed premises are in a area that is mixed residential and retail. The noise from vehicle with amplified music stopping outside the premises, taxis' stopping, people leaving the vehicles, holding raise conversations with the occupants of the vehicles and pedestrians alike, the congregation of people outside the premises whilst using the proposed business, and just socializing outside the premises, is likely to have a detrimental impact on the residents in the vicinity of [REDACTED] in that the noise will affect the use and enjoyment of the average person's home, including the disturbance and prevention of sleep.

In addition, this anti-social behaviour could creating harassment, alarm and distress for local residents.

I recommend that the application to operate 24 hours, 7 days a week is refused.

Yours sincerely

Mark Chapman
Environmental Health Officer

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts-(see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include: • Providing information on the premises of local taxi companies who can provide safe transportation home; and • Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live-music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.