

Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 5th June 2019

Present: Councillor Amanda Pinnock (Chair)
Councillor James Homewood
Councillor Paola Antonia Davies

1 Minutes of Previous Meeting

That the minutes of the meeting held on the 10 May 2019 be noted.

2 Interests

No interests were declared.

3 Admission of the Public

That agenda items 1 to 9 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 Public Question Time

No questions were asked.

6 Application for Review Hearing under Section 51 Licensing Act 2003 - The Cotton Mill, 446 Wakefield Road, Lockwood, Chickenley, Dewsbury, WF12 8PX

The Panel considered an application for a Review Hearing under Section 51 Licensing Act 2003, in respect of The Cotton Mill, 446 Wakefield Road, Chickenley, Dewsbury, WF12 8PX

The 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 public nuisance, crime and disorder and public safety were not being achieved at the premises.

The Panel were advised that during the time that the premises had benefitted from a premises licence, there had been a history of complaints from residents on the basis of noise and anti-social behaviour dating back as far as 2014. The frequency of which had compounded over time and this had led to the West Yorkshire Police making an application for review.

West Yorkshire Police Licensing outlined the reasons for requesting a review hearing. In summary, the Panel were informed:-

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- that the premises were currently without a tenant and were closed for business
- of details of complaints and incidents recorded by West Yorkshire Police and Environmental Health since 2016
- the building was not kept in a good state of repair.

The Panel were informed that the premises licence holder had met with the Police on two occasions and that they had expressed a wish to run the premises as a restaurant, with amended licensing conditions, rather than as a public house.

During representations to the Panel, the premises licence holder reiterated that they wished to retain a license to sell alcohol, but modified in line with restaurant conditions.

RESOLVED – The Review Hearing be adjourned to allow discussions between the License holder and the relevant authorities concerning proposed amendments to the current premises licence to take place and the matter to come back to a future meeting of the Licensing Panel for consideration.

7 **Licensing Act 2003 - Application for the Grant of a Premises Licence: Lina Mini Market, 86 Bradford Road, Huddersfield**

The Panel considered an application for the Grant of a Premises Licence: Lina Mini Market, 86 Bradford Road, Huddersfield.

The Licensing Officer outlined the application, advising the Panel that on 10 April 2019, the Licensing Department received an application for the grant of a premises licence for the aforementioned premises. The licensable activity applied for by the applicant was for the supply of alcohol for consumption OFF the premises as follows:-

Monday to Sunday – 0700 to 2400 (24 hours license)

The Panel were informed that 9 representations had been received objecting to the application, which were supported by a petition. All nine representations considered that should the licence be granted, the Licensing Objectives of Public Nuisance, Prevention of Crime and disorder and Public Safety would not be achieved.

The Chair invited the persons making relevant representations against the licence to outline their reasons.

The West Yorkshire Police Licensing Officer advised the Panel that, in their opinion, businesses operating with a 24 hour licence had struggled with crime and disorder in the early hours. Incidents included hate crimes, armed robberies and public nuisance. It was noted that 24 hour supermarkets were more likely to have the resources required to implement security measures and ensure staff safety.

The Panel were advised that the location had seen an increase in crime and disorder and the police were working with an existing 24 hour licence premises holder in the area to minimise incidents.

Environmental Health's objections were on the grounds of the prevention of public nuisance. The officer present stated that the premises were in a mixed retail and

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residential area and the noise from vehicles with amplified music stopping outside the premises, in conjunction with the congregation of people in the area, would have a detrimental effect on residents and that such noise would affect the use and enjoyment of the person's home, including the prevention of sleep.

The Chair invited the applicant to present the case in support of the application. The key points of which are summarised below:-

- The applicant wished to work with the police and the community to improve the area.
- The premises did not sell only alcohol, it sold medication and other items which people needed 24 hours a day.
- It was hoped to employ up to 3 people within the community.
- The application was for a 24 hour licence as there was a demand and need within the area.
- There was parking for 4-5 cars behind the premises, but it was likely that most customers would visit on foot.
- Deliveries would not be made during the evening in order to minimise noise.

In their final submission, the West Yorkshire Police Licensing Officer responded that the police had no objection to the business being open on a 24 basis, but could not support the 24 hour sale of alcohol.

RESOLVED - That the application for the Grant of a Premises Licence on behalf of Lina Mini Market, 86 Bradford Road, Huddersfield, be granted for the supply of alcohol for consumption OFF the premises as follows:-

Monday to Sunday – 0800 am to 2330 pm

And subject to the following condition regarding CCTV:

Subject to the installation of CCTV equipment in line with the specification requirements of West Yorkshire Police.

CCTV to be installed covering all licensable activity areas. The CCTV system be installed and operated in accordance with West Yorkshire Police guidelines. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available for immediate download upon request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.

8 Licensing Act 2003 - Application for the Grant of a Premises Licence: Golcar United Community Playing Fields, Longfield Avenue, Golcar, HD7 4AZ

The Panel considered an application for the Grant of a Premises Licence: Golcar United Community Playing Fields, Longfield Avenue, Golcar, HD7 4AZ

The Licensing Officer outlined the application advising that on 9 April 2019, the Licensing Department received an application for the grant of a premises licence at Golcar United Community Playing Fields. The applicant was an unincorporated association, which was a registered charity and a trustee was the point of contact for the association.

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The licensable activity applied for was for the sale of alcohol:-

Between 1900 hours and 2300 hours on Tuesdays and Thursdays

Between 1200 hours and 2000 hours on Saturdays

Between 1200 hours and 1600 hours on Sundays

One representation had been received relation to the application which considered that the licensing objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder would not be achieved should the licence be granted.

The objector present at the hearing was invited to put forward representations which included:-

- The bedrooms of nearby properties backed onto the ground. People living in the area, who included elderly and infirm residents, were entitled to peace and quiet.
- When training finished at 2300, people did not leave the area immediately and there was noise from car doors slamming.
- Attendees arrived in cars and parked inconsiderately leaving residents blocked on their drive.
- Children currently climbed on the club roof and the risk of break-in would be exacerbated if it was known that there alcohol was on the premises.

The objector stated that there had been 2 lots of applications and that neighbours had written to the old address and not received a reply. It was also asserted that the notices had not been placed in appropriate locations.

The Licensing Officers present advised that there had been an issue when the notice had been put up and fresh notices had been posted in line with requirements. It was further noted that a licensing officer would have observed the notices and advised if they were not in a suitable location.

The Chair invited the applicant to present the case in support of the application. Key points included:-

- The charity group had been established to develop amenities for recreational use within urban green space. The user group extended beyond the football club and included schools based groups and learning trusts.
- In relation to crime and disorder, the premises were secure and the hospitality area situated a field away from residents' properties was an ex-mobile bank, which had thick steel walls and bolted entry points. CCTV was also in place around this area.
- Advice had been received from Neighbourhood Watch and a resident trustee acted as a security officer.
- With regards to public nuisance concerns, a grant had been received to refurbish the hospitality room, which included toilet facilities.
- An acceptable behaviour policy was in place and appropriate signage as to regard for neighbours in evidence.
- A letter of support had been received from the MP for Colne Valley.
- The application was for limited opening hours with no dancing or music.

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RESOLVED - That the application for the Grant of a Premises Licence on behalf of Golcar United Community Playing Fields, be granted as stipulated in the application.

9 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

10 Application to Review Personal Licence

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