

**Name of meeting:** Licensing Panel

**Date:** Wednesday 18th September 2019, at 9.30am – Meeting Room 2, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: Westbourne News, 81 Westbourne Road, Marsh, Huddersfield, HD1 4LG

**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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <a href="#">Strategic Director</a> & 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 <a href="#">portfolio</a>	Cllr Rob Walker

**Electoral wards affected:** Greenhead

**Ward councillors consulted:** Cllr Sheikh Ullah  
 Cllr Carole Pattison  
 Cllr Mohan Sokhal

**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 24<sup>th</sup> July 2019 the Licensing department received an application for the grant of a premises licence for Westbourne News, 81 Westbourne Road, Marsh, Huddersfield HD1 4LG. The application was made by [REDACTED]. 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 – 00:00.

2.1.3 Two representations from Ward Councillors have been received relating to this application. Both representations consider that the following licensing objective would not be achieved, should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder

A copy of these representations may be seen at **Appendices B**.

### 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
4. Protection of children from harm

### **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 D**.

## **3 Implications for the Council**

### **3.1 Working with People**

Residents of Kirklees need to be confident that persons holding licences under the Licensing Act 2003 are in a position to uphold the 4 licensing objectives. Taking appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003 will prevent harm to residents

### **3.2 Working with Partners**

The Council's licensing team work closely with partnering agencies, classed as 'Responsible Authorities' under the Licensing Act 2003, these 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, 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. There have been no matters arising from responsible authorities.

#### **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**

Michelle McCluskey, Assistant Licensing Officer, Licensing Service  
Tel: 01484 221000  
Email: michelle.mccluskey@kirklees.gov.uk

#### **9 Background Papers and History of Decisions**

9.1 Appendix A – Application for the Grant of a Premise Licence from [REDACTED]

9.2 Appendix B – Representation from Ward Councillors

9.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## 10 Service Director responsible

Karl Battersby, Strategic Director – Economy and Infrastructure

Tel: 01484 221000

Email: [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

---

---

# Appendix A

---

---

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 [REDACTED] WESTBOURNE NEWS (HUDDERSFIELD) LTD.  
*(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 WESTBOURNE NEWS. 81 WESTBOURNE ROAD, MARSH			
Post town	HUDDERSFIELD	Postcode	HD1 4LG
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£11,000		

Part 2 - Applicant details

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ~~ii as a partnership (other than limited liability)~~  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- 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)
- g) 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname		First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality				
Current residential address if different from premises address				
Post town		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 WESTBOURNE NEWS (HUDDERSFIELD) LTD
Address 81 WESTBOURNE ROAD, MARSH HUDDERSFIELD, WEST YORKSHIRE HD1 4LG
Registered number (where applicable) 06524236
Description of applicant (for example, partnership, company, unincorporated association etc ) COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
 01 08 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)

The property is an end terrace property in Westbourne road. Westbourne road runs through Marsh, which is a very busy village supporting both Commercial and residential properties on both sides of the road. Tesco express, Co-op, Hadfield Bakers, Marsh Post office, Mount taxi office and Shell Filling station being some of the main businesses in close proximity to the property. The property is spread over two floors, basement and ground. The ground floor is currently being used as a Newsagent which has been trading in the property for approximately 12 years, and the basement is used for storage. The trading hours are 4am – 9pm. The front windows and door have roller shutters. There is CCTV cameras inside and outside the premises. The premises have REDCARE alarm service with panic button.

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**

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

**B**

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

**D**

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

**E**

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

**F**

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



**G**

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

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	00:00	00:00			
Tue	00:00	00:00			
Wed	00:00	00:00			
Thur	00:00	00:00			
Fri	00:00	00:00			
Sat	00:00	00:00			
Sun	00:00	00:00			
			<b>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</b> (please read guidance note 6)		

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	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

**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).

NO ADULT ENTERTAINMENT OR ANY OTHER ACTIVITIES THAT SHOULD RAISE ANY CONCERN IN RESPECT OF CHILDREN

**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	00:00	<p><b>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</b> (please read guidance note 6)</p>
Tue	00:00	00:00	
Wed	00:00	00:00	
Thurs	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

## 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)

It is essential all staff members are trained effectively to meet the requirements of the four licensing objectives. Paying particular attention to the following

1. Prevent the sale of alcohol to underage customers
2. Prevent the sale of alcohol to persons who are already overly inebriated
3. Prevent any harm to children
4. Prevent the sale and usage of illegal drugs on the premises

The day to day running and control of the business should be done by the DPS, to make or authorise each alcohol sale. Provide training for staff on the licencing act and keep training records

### b) The prevention of crime and disorder

1. CCTV system with recording facility to be installed according to police guide lines to monitor all entrances, exits and outside boundaries of the premises.
2. Staff to be well trained in preventing the drinking of alcohol on the premises. Customers will be requested not to drink on the premises and to use the premises in a respectable manner.
3. Alcohol not to be sold to customers who are already too inebriated
4. Prevent the usage and sale of illegal drugs in and directly outside the premises

### c) Public safety

1. Premises should have sufficient internal and external lighting for public safety
2. All electrical apparatus, shelving and all fittings to be maintained at all times to prevent injury to public
3. Staff to be well trained with implementation of underage ID checks
4. Records of all checks and refusals to be registered in a log book and be readily available for inspection when requested by persons authorised by the Licencing Act 2003

### d) The prevention of public nuisance

1. To reduce noise signs will be clearly displayed for customers to respect the needs of residents living nearby
2. Early morning staff arriving and leaving will conduct themselves in a responsible manner, not to disturb and cause disturbance to nearby residents.
3. ~~Delivery drivers with early deliveries will be requested not to cause a disturbance and to respect nearby residents.~~
4. Adequate number of rubbish bins will be provided and tied down at night to minimise movement and noise reduction.
5. All lighting internally and externally will be positioned in a way which will not cause a problem to drivers and nearby residents
6. Customers will not be allowed time to congregate in numbers outside the premises at any time to reduce noise and public nuisance

### e) The protection of children from harm

1. Challenge 25 signs to be displayed in view of customers to encourage anyone over 18 and looks under 25 to carry acceptable ID. (Passport, Photographic driving licence)
2. Log book to be kept on the premises with all identification checks, refusals and incidents to be logged
3. Well trained staff to refuse and report potential customers to authorities who try to buy alcohol for underage drinkers

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise mv application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her 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)</li></ul>
--------------------	--

Signature	
Date	22/07/2019
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)			



# Appendix B

---

---

## **Michelle McCluskey**

---

**Subject:** FW: Westbourne News

**From:** Cllr Sheikh Ullah  
**Sent:** 19 August 2019 13:39  
**To:** Michelle McCluskey  
**Cc:** Cllr Carole Pattison  
**Subject:** RE: Westbourne News

Hi Michelle,

Not really my main concern is intensification and adding to further alcoholic establishment's especially went bargain booze & Tesco are both yards away are open until 12am not including Popkidz, Playworld and the Croppers Arms . KFC and shell petrol station added to the other takeaways will make this busier. There are houses close by and we need to consider impact on neighbours and properties.

In terms of wellbeing I have counted 5/6 licensed premises along Westbourne Rd. We have the same issue at St Johns Rd and Bradford Rd. They are over represented within the ward and I feel that for details highlighted previously this application does not warrant a licence.

Time limits are usually extended after a probationer period and as mentioned I am of the strong opinion the Marsh has now become unrecognisable because of relaxed licensing permissions.

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 3<sup>rd</sup> party without my consent.**

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

**From:** Michelle McCluskey  
**Sent:** 19 August 2019 13:20  
**To:** Cllr Sheikh Ullah  
**Subject:** RE: Westbourne News

Good Afternoon Councillor,

Thank you for your response and detailed objection.

Would an earlier closing time alleviate some of your concerns for the premises licence or any other suggestions to the conditions of the licence remedy your representation?.

Kind Regards

**Michelle McCluskey** | Assistant Licensing Officer | Licensing | Place – Investment & Regeneration |  
Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG |  
☎ 01484 221000

**From:** Cllr Sheikh Ullah  
**Sent:** 19 August 2019 11:00  
**To:** Michelle McCluskey  
**Subject:** RE: Westbourne News

Dear Michelle,

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 licensed premises will increase and add further intensification to the area and possible public nuisance.**
- **There are other licenced establishments within close proximity. (Tesco & Bargain Booze closing 11/12am)**

Many residents over the past few years have made many complaints to me around the late night activities on Westbourne Rd, 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.

Furthermore with all the added traffic and footfall this particular area of Marsh is beginning to lose its identity. KFC is amongst many businesses that generates a huge amount of traffic, litter and ASB.

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 3<sup>rd</sup> party without my consent.**

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

## Michelle McCluskey

---

**Subject:** FW: Westbourne News

**From:** Cllr Carole Pattison  
**Sent:** 19 August 2019 20:08  
**To:** Michelle McCluskey  
**Subject:** RE: Westbourne News

As per Sheikhs comments

Thank you

Carole

Carole Pattison  
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>."

# Appendix C

---

## **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*

*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.*

---

---