

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 4th September 2019

Present: Councillor Amanda Pinnock (Chair)
Councillor David Hall
Councillor Terry Lyons

In attendance: Russell Williams, Group Leader Licensing Public Protection
Rox Javaid, Licensing Officer
Richard Woodhead, West Yorkshire Police, Licensing Officer PC
Michelle McCluskey, Licensing Officer
PC Steve Nicholls

1 Minutes of Previous Meeting

That the minutes of the meeting held on the 24 July 2019 be approved as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

That all agenda items be considered in public.

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 - Kaay Off Licence, 187 Blackmoorfoot Road, Crosland Moor, Huddersfield

The Panel considered an application for a review hearing under s51 of the Licensing Act 2003, in respect of Kaay Off Licence, 187 Blackmoorfoot Road, Huddersfield. The Licensing Officer outlined the application advising the Panel that on the 17 July 2019, West Yorkshire Police made an application for the review of the Premises licence under s51 (1) of the Licensing Act 2003. The applicant believed that the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm were not being achieved at the premises.

The Panel was informed that a multi-agency visit took place at Kaay's Off Licence on the 11 July 2019, where officers found an artificial wall with a concealed compartment which contained 267 packets of non-duty paid cigarettes and forty five

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pouches of 50g non-duty paid hand rolling tobacco. The approximate retail value of the cigarettes was £2670 of the tobacco pouches, approximately £1080. Upon further inspection, officers also discovered that the electric meter had been bypassed.

West Yorkshire Police, Licensing Officer suggested to the Panel that the abstraction of electricity poses a serious safety risk to staff and customers and is a criminal offence. An extendable baton found in the trading area with no legitimate reason for being there, is an illegal weapon and could serious injury or death. The discovery of non-duty paid tobacco products found concealed behind a false wall, in addition to there being no fire extinguishers on site and no-one being able to work the CCTV system severely undermines the conditions of the license and the licensing objectives.

In reaching its decision, the Panel determined that Premise Licence holder have a duty to ensure that the licensing objectives are being promoted at all times. Abstracting electricity, the wilful concealment of illegal goods and the possession of an illegal weapon, shows a total disregard for the licensing objectives in respect of prevention of crime and disorder, public safety and protection of children from harm.

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

RESOLVED - That the premises licence in respect of Kaay's Off Licence be revoked.

7 Application for Review Hearing under Section 51 Licensing Act 2003 - A & A European Mini Market, 156 Blackmoorfoot Road, Crosland Moor, Huddersfield

The Panel considered an application for a review hearing under s51 of the Licensing Act 2003, in respect of A&A European Mini Market, 156 Blackmoorfoot Road, Huddersfield. The Licensing Officer outlined the application advising the Panel that on the 18 July 2019, West Yorkshire Police made an application for the review of the premises licence. The applicant believed that the licencing objectives of the prevention of crime and disorder and public safety were not being achieved at the premises.

The review was brought following a multi-agency visit at A&A European Mini Market where it was found that a person who did not have the right to employment in the UK, was working at the store. West Yorkshire Police Licensing Officer advised the Panel this was a clear breach of the licence conditions and a disregard for UK law.

Representations were made on behalf of the premises licence holder and the Panel was informed that at the time of the multi-agency visit, the premises licence holder/DPS was on holiday and was unaware that the person he had put in charge had asked another individual to cover the store. A statement was obtained from the individual who stated that he was only asked to cover for one hour and received no payment.

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In reaching its decision, the Panel determined that it is the duty of the Premises Licence Holders to ensure that the licensing objectives are promoted at all times and that the conditions of the licence are adhered to. The Panel felt that in this instance, there had been a breach of the licence condition, a disregard for UK law and a dereliction in promoting the licence objective in respect of the Prevention of Crime and Disorder.

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

RESOLVED -

- (1) The premises licence in respect of A&A Mini Market be suspended for a period of 3 months
- (2) A warning be issued under para 11:17 of the s182 guidance as an important mechanism for ensuring that the licensing objectives are effectively promoted

8 Application for Review Hearing under Section 51 Licensing Act 2003 - Long Lane Convenience Store, 50B Long Lane, Dalton, Huddersfield, HD5 9HL

The Panel considered an application for a review hearing under Section 51 of the Licensing Act 2003, in respect of Long Lane Convenience Store, 50B Long Lane, Dalton, Huddersfield HD5 9HL.

The Licensing Officer presented the application, advising the Panel that, on 24 July 2019, West Yorkshire Police had made an application for the review of the Premises Licence under Section 51 (1) of the Licensing Act 2003. The applicant believed that the licensing objectives of the prevention of crime and disorder and public safety were not being achieved at the premises.

The West Yorkshire Police, Licensing Officer informed the Panel that a multi-agency visit had taken place at Long Lane Convenience Store on 11 July 2019, where non duty paid cigarettes and tobacco with a retail value totalling over £11,000 had been found on the premises. A breach of licensing conditions had also appeared evident as there were no fire extinguishers, there was CCTV on site but no-one could operate the system and there were no first aid facilities for either staff or customers. He considered that the management and day to day running of the shop had had a significant impact on the Licensing Objectives.

Representations were made by the Premises Licence holder who explained that:

- The property had been leased to the owner of the business and he had not been aware that it was necessary to transfer the licence. He had explained about licences to this person.
- He did not run the shop.
- The current owner of the business was willing to take over the licence.
- The CCTV was operational and fire extinguishers were now in place.
- If the licence was revoked the current leaseholder would not be able to run the shop which may mean that they would vacate the property.

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In arriving at the decision, the Panel took into consideration the written representations and the evidence presented at the hearing. The Panel also took into account the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made thereunder, guidance issued by the Secretary of State under Section 182 of the Act and the Licensing Objectives themselves.

The Panel accepted that you had no day to day input to the business but, as the Premises Licence Holder and the Designated Premises Supervisor, you were ultimately responsible for its management and day to day running. Non duty paid tobacco products, with a retail value of circa £11,800, had been found at the premises, there were no fire extinguishers or first aid facilities for staff or customers and no-one was able to operate the CCTV system.

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

RESOLVED - That the Premises Licence for Long Lane Convenience Store be revoked as the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm are not being achieved.

9 **Licensing Act 2003 - Application to vary a Premises Licence to specify an individual as designated premises supervisor under Section 37 of Licensing Act 2003 at Beechley Filling Station, Flush Garage, Wakefield Road, Liversedge, WF15 6AU**

The Panel considered a report to vary a premises licence to specify an individual as designated premises supervisor under Section 37 of Licensing Act 2003 at Beechley Filling Station, Flush Garage, Wakefield Road, Liversedge.

At the start of the hearing the Panel was advised that written representations had been received from the representative of the premises licence holder requesting that the meeting be adjourned to a later date to allow more time to fully prepare the bundle of documents that would be relied upon during the application hearing.

The Panel also heard from West Yorkshire Police Licensing Officer who explained that West Yorkshire Police would formally object to any deferment and asked that the Panel proceed with the hearing.

Following consideration of the representations both verbally and in writing, the Panel decided that the hearing to consider the application to vary the premises licence to specify an individual as Designated Premise Supervisor, in respect of Beechley Filling Station, be adjourned to a later date.

RESOLVED - That the application to vary a premises licence be deferred until the 2 October 2019.