

Name of meeting: Licensing Panel

Date: Wednesday 6th November 2019, at 10.30am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

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 Council's Forward Plan (key decisions and private reports?)	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 portfolio	Cllr Rob Walker

Electoral wards affected: Mirfield

Ward councillors consulted: Cllr Martyn Bolt
 Cllr Vivien Lees-Hamilton
 Cllr Kath Taylor

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 30th August 2019 the Licensing department received an application for the grant of a premises licence for Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR. The application was made on behalf of the company itself. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows; Live Music 7 days a week from 12:00hrs to 23:00hrs, Recorded Music, 7 days a week from 12:00hrs to 23:00hrs and the supply of alcohol for consumption on the premises, 7 days a week from 11:00hrs to 23:00hrs

2.1.3 In total, 11 representations have been received relating to this application from members of the public. The representations consider that the following licensing objectives would not be achieved should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Public Safety

A copy of these representations may be seen at **Appendix B**

The licensing service has also received 10 pieces of correspondence from other members of the public in support of this application. These can be viewed at **Appendix C**

2.1.4 The Council's Environment Health team in their capacity as a responsible authority, have also requested some conditions be applied to the licence should it be granted. These can be viewed at **Appendix 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
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 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. 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

Mike Skelton, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70540
Email: mike.skelton@kirklees.gov.uk

9 Background Papers and History of Decisions

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

9.2 Appendix B – Representations from the public

9.3 Appendix C – Correspondence in support of the application from the public

9.4 Appendix D – Conditions requested by Environmental Health

9.5 Appendix E – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Strategic Director responsible

Karl Battersby – Strategic Director, Economy and Infrastructure

Tel: 01484 221000

Email: 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/We CUPUSHI

(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			
54 CALDER ROAD LOWER HOPTON			
Post town	MIRFIELD	Postcode	WF14 8NR

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	small business rate relief £ 2700

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)
- 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 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 BRITISH					
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 [REDACTED]
Address 54 CALDER ROAD LOWER HOPTON MIRFIELD WF14 8NR
Registered number (where applicable) 11404390
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	10	2019
28	09	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 premise has a coffee shop on the ground floor with a maximum of 20 seats, attached to the clothes side of the business. The premise has a functional room downstairs which again can host between 15-20 seats.

We do have a well-equipped kitchen and customers toilets downstairs.

The building is located on Calder Road, just outside of Mirfield town centre.

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

Play Standard days and timings (please read guidance note 7)			Will the performance of a play 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 performing plays (please read guidance note 5)	
Wed				
Thur			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 (please read guidance note 6)	
Fri				
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	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			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)		
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment 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			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed			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 (please read guidance note 6)		
Thur					
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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12:00	23:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	12:00	23:00			
Wed	12:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	12:00	23:00			
Fri	12:00	23:00	<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)		
Sat	12:00	23:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	12:00	23:00			
Fri	12:00	23:00	<u>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</u> (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	23:00			

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			<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)		
Fri					
Sat			<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)		
Sun					

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 <u>– please tick</u> (please read guidance note 8)	On the premises	yes <input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

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	
Date of birth ██████████	
Address ██████████	
Postcode	██████████
Personal licence number (if known) KMCPL4446	
Issuing licensing authority (if known) KIRKLEES COUNCIL	

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).

Planning to do a wine night, probably on Fridays. Between 17:00 till 21:00/22:00
Gin night event on one Saturday.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	7:00	23:00	<p><u>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</u> (please read guidance note 6)</p>
Tue	7:00	23:00	
Wed	7:00	23:00	
Thur	7:00	23:00	
Fri	7:00	23:00	
Sat	9:30	23:00	
Sun	10:00	23:00	

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)

Nothing beyond existing health and safety/fire safety etc requirements.

b) The prevention of crime and disorder

CCTV will be installed at the premises.
Intruder alarm will be installed at the premises.

c) Public safety

Fire Exit

d) The prevention of public nuisance

Signs on Exit

Sign will be erected at the entrance + exit asking customers to leave the premises quietly.

e) The protection of children from harm

All children on the premises beyond 19:00 must be accompanied by an adult

Challenge 25 policy will be in place at the premises.

Checklist:

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 my 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.**

Declaration	<ul style="list-style-type: none"> • [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). • 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
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	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	29/08/2019
Capacity	Owner

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)			

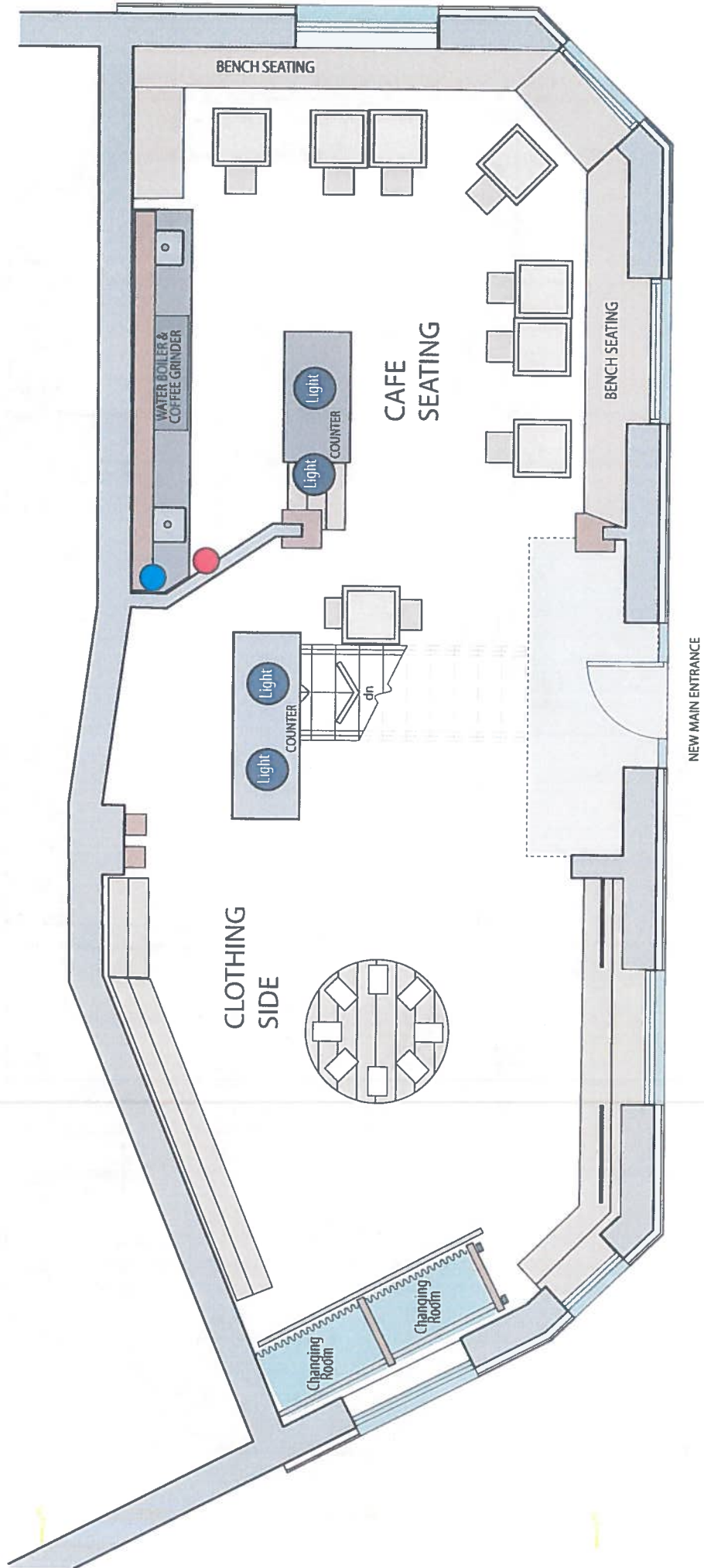
Personal Data

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>

Licensing Department, Flint Street Depot, Flint Street, Huddersfield HD1 6LG

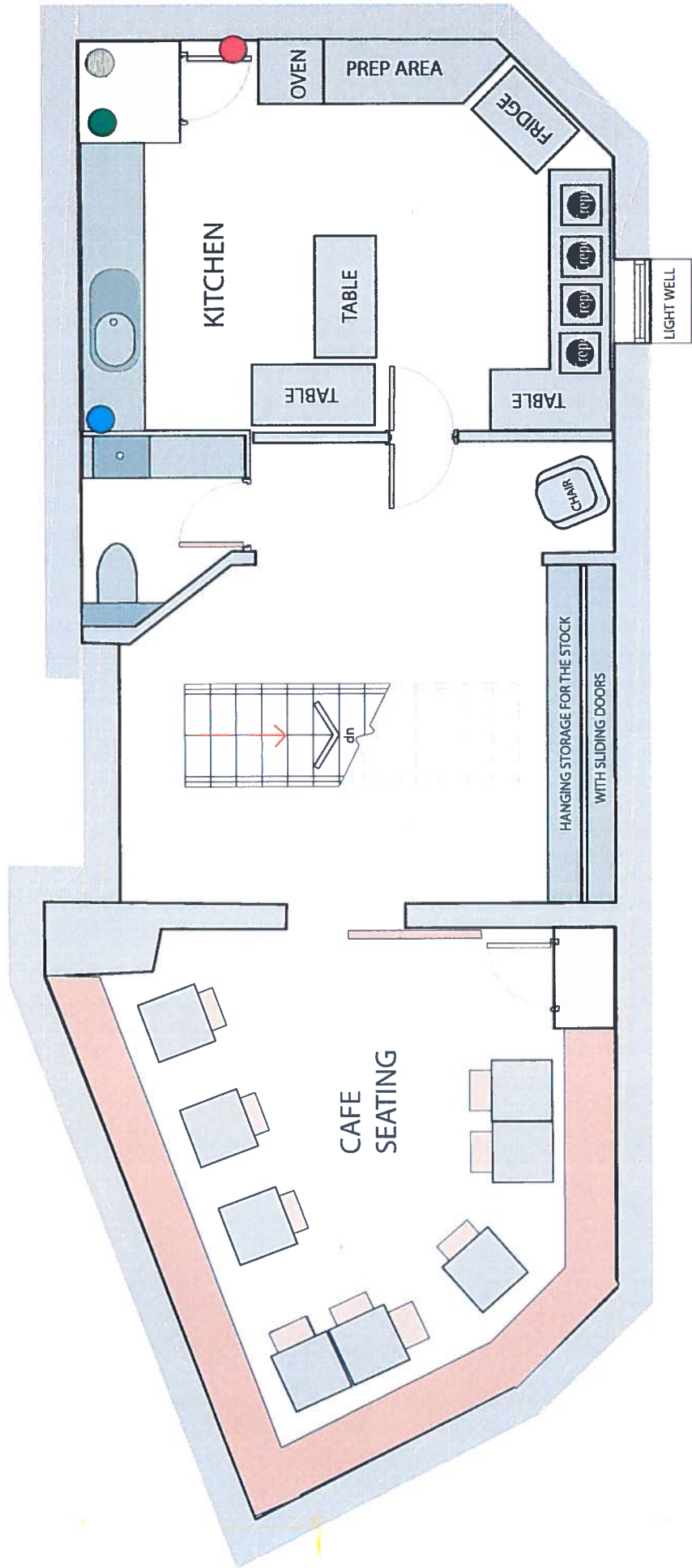
CUPUSHI
GROUND FLOOR PLAN
SCALE: 1-5

- Fire Extinguisher
- Fire Blanket
- First Aid



CUPUSHI
BASEMENT FLOOR PLAN
SCALE: 1-5

- Fire Extinguisher
- Fire Blanket
- First Aid



Appendix B

Licensing

From: [REDACTED]
Sent: 16 September 2019 08:16
To: Licensing
Subject: Licensing Request Cupushi

Dear Sir/Madam

I am writing in response to the request for licensing for the premises

Cupushi
54 Calder Road, Lower Hopton
Mirfield
WF14 8NR

I am a resident on Calder Road and I would like to inform you of my strong opposition to this request of the above business for licensing to sell alcohol.

This business has already been the target of 3 attacks of vandalism and robbery recently.

This coffee/clothing shop is also in the middle of a residential street and has homes to the side and above it, I believe it would encourage anti-social behaviour, drunkenness and noise for residents living in the vicinity should a license to sell alcohol be granted.

Already there are issues with parking near to and on side streets next to this business and I think allowing licensing and drinking at the premises would increase this.

I don't feel the business is taking into account the impact of all of the above for residents and families living close to the shop.

I would like to thank you for taking this into consideration when assessing this business for and alcohol licence.

Kind regards

[REDACTED]

16 SEP 2019

From: [REDACTED]
Sent: 07 September 2019 22:01
To: Licensing
Subject: Objection to licensing application at 54 Calder Road, Lower Hopton, Mirfield

09 SEP 2019

Dear Sir or Madam

I write regarding the alcohol and music licence application for 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.

[REDACTED], [REDACTED]
[REDACTED]
[REDACTED] which is requesting an alcohol and music licence 7 days a week 12 hours a day.

The property and heavily populated residential location is completely unsuitable for the type of licence being applied for given:

- The property would essentially be a lively bar 7 days a week 12 hours a day, in a heavily populated residential area. This would inevitably result in an unacceptable level of noise for adjacent residents, alongside intoxicated customers and taxis dropping off and collecting, during and following those periods. There are already multiple local complaints around the Artisan bar in Mirfield associated with high levels of noise and anti social behaviour, in an area that is no where near as heavily [REDACTED].
- The addition of a live and recorded music licence [REDACTED] 7 days a week and up until 23:00 each evening is wholly inappropriate. [REDACTED] proposition and impact on [REDACTED].
- There is no suitable parking area for a busy bar/business, the side streets of Calder Road and Marshall Street are already very busy with residents cars, they are narrow and the main Calder Road road is also heavy with traffic. Customers of the current cafe business already regular park their vehicles in dangerous locations and across the driveways of local residents. The result of a licence being granted will be a significant increase in vehicles parking along the front of our property and around the area, which will restrict visibility and introduce dangerous conditions for drivers and pedestrians, in what is an area containing a significant population of young children and elderly people.
- There is no suitable refuse facilities, a bar/cafe will need multiple industrial bins, and the owner has already requested that they locate their industrial waste bin for their current cafe business, on the driveway of our property due to this. The addition of longer opening, brings more general and recyclable waste, which necessitates the need for suitable waste arrangements including collection, bins stored in an appropriate location away from residential property, which this property does not have. This also has the potential to cause a health hazard to local residents, including vermin.

- The current clothes shop/cafe has been broken into twice as a cafe/clothes shop, and this has left [REDACTED] [REDACTED] at the prospect of the business growing and more cash being held on those premises, introducing a significantly increased risk of criminal behaviour in the area.
- [REDACTED] [REDACTED] as a result of this application being granted, manifested in the points I have made above.

Yours faithfully

[REDACTED]

Mark Scaramuzza

From: [REDACTED]
Sent: 09 September 2019 09:26
To: Licensing 09 SEP 2019
Subject: Objection to licensing application at 54 Calder Road, Lower Hopton, Mirfield

Dear Sir or Madam

I write regarding the alcohol and music licence application for 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.

[REDACTED]
[REDACTED]
[REDACTED] which is requesting an alcohol and music licence 7 days a week 12 hours a day.

The property and heavily populated residential location is completely unsuitable for the type of licence being applied for given:

- The property would essentially be a lively bar 7 days a week 12 hours a day, in a heavily populated residential area. This would inevitably result in an unacceptable level of noise for adjacent residents, alongside intoxicated customers and taxis dropping off and collecting, during and following those periods. There are already multiple local complaints around the Artisan bar in Mirfield associated with high levels of noise and anti social behaviour, in an area that is no where near as heavily [REDACTED]
- The addition of a live and recorded music licence [REDACTED] 7 days a week and up until 23:00 each evening is wholly inappropriate. [REDACTED] proposition and impact on [REDACTED].
- There is no suitable parking area for a busy bar/business, the side streets of Calder Road and Marshall Street are already very busy with residents cars, they are narrow and the main Calder Road road is also heavy with traffic. Customers of the current cafe business already regular park their vehicles in dangerous locations and across the driveways of local residents. The result of a licence being granted will be a significant increase in vehicles parking along the front of our property and around the area, which will restrict visibility and introduce dangerous conditions for drivers and pedestrians, in what is an area containing a significant population of young children and elderly people.
- There is no suitable refuse facilities, a bar/cafe will need multiple industrial bins, and the owner has already requested that they locate their industrial waste bin for their current cafe business, on the driveway of our property due to this. The addition of longer opening, brings more general and recyclable waste, which necessitates the need for suitable waste arrangements including collection, bins stored in an appropriate location away from residential property, which this property does not have. This also has the potential to cause a health hazard to local residents, including vermin.
- The current clothes shop/cafe has been broken into twice as a cafe/clothes shop, and this has left [REDACTED]

[REDACTED] at the prospect of the business growing and more cash being held on those premises, introducing a significantly increased risk of criminal behaviour in the area.

- [REDACTED]
[REDACTED] as a result of this application being granted, manifested in the points I have made above.

Yours faithfully

[REDACTED]

Mark Scaramuzza

From: [REDACTED]
Sent: 09 September 2019 00:11
To: Licensing
Subject: Objection to Licence/Certificate applied for by CUPUSHI - 54 Calder Road, Lower Hopton, Mirfield WF14 8NR

09 SEP 2019

Dear Sir/Madam,

I write with reference to the alcohol and music licence application made by the above applicant.

I own the residential property at [REDACTED] and have lived at the property for over [REDACTED]. I wish to strongly express my objection to the granting of the licence being applied for by CUPUSHI for a variety of reasons;

The location of the premises and the purpose for which the licence is sought:

- [REDACTED] it would be an intolerable nuisance to have a lively bar opening for 12 hours a day for 7 days (Monday to Sunday) between the hours of 11am to 11pm.
- [REDACTED] it is inevitable the noise that will be generated by activities within the premises will [REDACTED]
- The use of the said premises originated as a clothing store but then became a cafe. The current noise emanating from the premises has meant [REDACTED] "clanging and banging" from activities therein.
- The said premises has been subject of vandalism and more recently a couple of break ins which has resulted in fear and anxiety not only by [REDACTED] road from me and other adjacent residents. On each and other occasions, we have experienced the piercing sound of the burglar alarm going off in the early hours of the morning (at 2am and 3am) thus disrupting our sleep. We have been left feeling fearful and anxious which is unacceptable.
- The further noise and footfall that will be generated if CUPUSHI were to be granted a licence would be totally inappropriate for a quiet residential area.
- The value of my property should I decide to sell or rent it out would be significantly devalued. The properties in the area will also be equally affected due to the proximity. We have previously enjoyed a surge in demand from those wanting to live in the area due to the proximity to local amenities, transportation and the local school.
- There are vulnerable residents living in very close proximity to CUPUSHI
- There has been no consultation as far as I am aware with the residents within the vicinity of the said premises.

Parking:

- There is no suitable provision for parking for visitors to the premises on Calder Road, Marshall Street or Waste Lane for anyone visiting the premises which will compound to what the residents of the area are already experiencing from the shops operating on Calder Road (Cafe Shop, Barbers and Beauty Salon).

Refuse facilities:

- There is currently no suitable refuse facility that would adequately cater for the waste that would be generated by a busy bar/cafe on Calder Road. I am also aware that the owners of CUPUSHI are currently [REDACTED]
- There is no provision for the general and recyclable waste that would be generated following the granting of a bar licence not to mention the potential health hazards from broken bottles and vermin that will be experienced by young children that walk past the premises to go to the local school (Monday to Friday) and when they play out at weekends.

Taking all the above into consideration, I would urge the Council to please seriously consider the prevention of further crime and disorder, a public nuisance, the protection of children from harm and the potential for unsociable behaviour within a close knit residential community.

Yours faithfully,

[REDACTED]

PN 00099

Tracy Bell

From: [REDACTED]
Sent: 12 September 2019 11:06
To: Licensing
Subject: Objection | Licensing

12 SEP 2019

Hi there,

I'd like to object against the application of the license for alcohol and music at Cupushi (Ushwear Clothing) 54 Calder Road, Lower Hopton, WF14 8NR. I've lived in Lower Hopton for over 25 years and live just off [REDACTED]. Initially the premises was used as clothes shop (work shop), there were issues with parking of the shop van causing a obstruction to residents trying to get out of the bottom of Marshall Street & Waste Lane. Over the last 6 months, its main focus is now a coffee shop. Since then, the parking has got 'kamikaze', parking on pavements, outside peoples houses and at times its impossible to get out of Waste Lane & Marshall Street safely.

My other issues are the residents who live above the coffee shop and back to back with it, they are all families with young children. They want the sale of alcohol 11am to 11pm at night Monday to Sunday, Live & recorded music, 12 Noon until 11pm Monday to Sunday. This will cause spill over of smokers on to the pavements outside, directly underneath sleeping families, alcohol also brings the 'loudness' out of people too and not to mention noise from music.

There is also the issue of crime, theres been multiple break-ins and vandalism to the premises, and also the placement of tables and chairs outside on the pavement, which already narrow.

Please confirm you have received my concerns which are also shared by mainy 'local' residents who live in the area. I support local business as its good for the community but this is something I will not support and many other locals don't either.

Yours faithfully

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 September 2019 19:40
To: Licensing
Subject: Objection to license for alcohol and music at Cupushi, 54 Calder Road, Lower Hopton WF14 8NR

Hi,

I live at number [REDACTED] in Lower Hopton and I would like to object to a license being granted for alcohol and live music at Cupushi.

This is a highly residential area and I have owned my property since 2000.

Since the opening of this clothes shop, which then changed to another café, we have seen an increase in crime and vandalism to the area. Whilst this may not be the owners fault, it has certainly added to increasing crime rates in our neighbourhood.

There is far more noise than ever before even without music, events and alcohol being consumed and many parking issues with the venue. Quite often patrons of the café park their cars causing a blind spot in and out of the end of Marshall street which has caused many near miss accidents recently.

The staff often stand on the street smoking and chatting and this is likely to increase with events and alcohol consumption and doesn't look great for the many children who walk past and live in the area as this would also increase with the change in use of the building.

The establishment has already been targeted several times for burglary's and vandalism and I fear that this will only increase further with the introduction of events, music and alcohol. I do not want to hear loud music all day and night everyday or a steam of people entering and leaving the venue or standing outside drinking and smoking as there is no outdoor area attached to this venue. I bought my home in Lower Hopton as it was quiet and peaceful and I want it to stay that way.

I have no objection to it being a clothes shop but I don't think there was even any need to make it into a coffee shop as there was already one a few doors down.

Please consider these points as I feel that the venue is unsuitable for this type of business.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mark Scaramuzza

From: [REDACTED]
Sent: 04 September 2019 12:49
To: Licensing
Subject: Ushi wear shop mirfield lower hopton

04 SEP 2019

Hi im emailing about the new license for alcohol and live music at the ushi wear premises i live [REDACTED] [REDACTED] and the traffic is already ridiculous parking outside my house plus sometimes on the pavements i have to park my car up the road because i cant get in front of my own house and now they are wanting a license for alcohol we already have enough rowdy people coming from the flower pot on a weekend walking past i dont want it on my street lower hopton is a quiet area with elderly people and familys we dont want it think its totally inconsiderate of them to be honest and i know its not there fault with the break ins but all that is frightening for both me and my children to know that people in masks are robbing the place every other month this license can not go ahead please take into consideration familys and young babies live round here .keep the bars and alcohol in the town centre with the rest not quiet areas like lower hopton with houses literally above it and over the road
Thankyou
Kind regards
[REDACTED]

Mark Scaramuzza

From: [REDACTED]
Sent: 04 September 2019 13:01
To: Licensing

04 SEP 2019

Dear Sir/Madam

I am writing to you about the proposed licence at Cupushi, 54 Calder Road, Lowerhopton, Mirfield as of which I would like to object to the proposed licence.

I am a local resident living at [REDACTED] Lower Hopton, Mirfield [REDACTED]. This area of Mirfield is full of families due to the very local Hopton primary school, it isn't an appropriate place for that kind of licence. It would cause a lot of disruption to local residents with noise nuisance and also parking (there is none).

Cupushi backs on to 2 houses, one of which is home to a large family including 4 children with their bedrooms being right above Cupushi itself. Cupushi has been broken in to twice this year which has already effected the said family living above it.

Kind regards

[REDACTED]

Mark Scaramuzza

From: [REDACTED]
Sent: 04 September 2019 12:26
To: Licensing
Subject: Planning application ushi wear Calder road

04 SEP 2019

I would like to contest the planning application for ushiwear/cupushue Calder road lower hopton alcohol, extended hours & live music.

[REDACTED]
[REDACTED]

[REDACTED], I also worry about the detrimental impact this will have on my children's education as the noise pollution will keep them awake impacting on daily life. Also the noise from anti social behaviour that comes with these type of premises is a severe worry of line is such a family orientated community. [REDACTED] ushi wear has had two recent break in so I am constantly worried about my house being broken into aswell. I have numerous cards park on the curb [REDACTED]

[REDACTED]

Many thanks

[REDACTED]

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Mark Scaramuzza

From: [REDACTED]
Sent: 04 September 2019 16:34
To: Licensing
Subject: Objection to a planning application CUPUSHI - 54 Calder Road, Lower Hopton ,
WF14 8NR

I wish to lodge an objection to the planning application for the above (CUPUSHI - 54 Calder Road, Lower Hopton ,
WF14 8NR).

The request for selling alcohol and live/pre-recorded music till 11pm Mon – Sun is totally unsuitable for this highly
residential are.

As a local resident this will cause a lot of nuisance, not only for parking, loud music to 11pm will cause significant
issues for people and more so young children asleep.

Anti-Social and drunken behaviour I feel also is not the place on Calder Road.

I wish my objection be lodged in the strongest possible way.

Local resident

[REDACTED]

04 SEP 2019

04 SEP 2019

may I please have a confirmation this has been lodged.

From: [REDACTED]
Sent: 04 September 2019 13:19
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Objection to Application for Licensed Premises Certificate

Dear Sirs

Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

I live locally to the above premises and would like to lodge my objection to the possible granting of a licensed premises certificate.

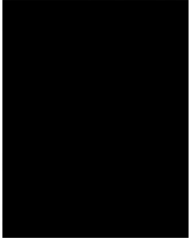
This is a totally unsuitable site for an alcohol license. It is surrounded by residential property full of families, children and older people. There are houses in close proximity to the premises, both at the sides of the property and directly above it. The residents right to peaceful enjoyment of their home will be severely affected by the noise that licensed premises inevitably attract and also noise travelling from the proposed live music.

There is also the issue of the rather kamikazi parking that Ushwear/Cupushi seems to attract on Calder Road, Waste Lane and Marshall Street. In particular, the bottom of Waste Lane has already become a hazard for pedestrians trying to cross the road. It is already a busy corner and the delivery vans would exacerbate the existing difficulties. The premises are on a direct walking route to the local primary school and licensed premises would present an additional problem for young children making their way to and from school.

I notice that the pavement outside the shop has already been annexed for tables and chairs, making an already narrow pavement much narrower. I don't want to have to squeeze past the inevitable smokers standing outside the only entrance to the premises. There would also be an inevitable lessening of air quality in the area and the surrounding houses would be subject to smoke and noise pollution as well as unwanted smells from a new licensed premises.

I understand that licensed premises and housing co-exist all over, but this is a proposal for the introduction of a completely new premise, where one has never existed before. It will change the area totally and make life unpleasant for local residents. It may also attract unwanted attention to the area, as Ushwear/Cupushi has been broken into twice in the last few weeks. Those of us who live locally are concerned by this.

I hope that my concerns will be taken into account when this application is considered.



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Appendix C

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 14:46
To: Mike Skelton
Subject: Cupshi / coffee shop

Dear Mike

With regards to the recent application for an alcohol license for the premises on Calder Road, Mirfield, Cupshi I would like to endorse their application.

They are a local family who have been working hard over many years to grow their business and to remain in Mirfield. They also work hard to employ local people and have carried on regardless of a few mindless acts of vandalism.

This I feel is the next progression for Cupushi to enable their coffee shop users the option of a glass of wine with their lunch, or for any functions they may have. This would only enhance the excellent service they already offer in the community.

I do live local to the shop and I am hopeful that their application is approved.

Please feel free to contact me if need be.

Regards



Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 11:41
To: Mike Skelton
Subject: Cupushi

Hi Mike,

Just wanted to drop a line to say I think it'd be fantastic if Cupushi (lower hopton) were granted an alcohol license. They already provide great food during the daytime and it'd be brilliant to be able to enjoy a cold beer with a bagel!

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 11:53
To: Mike Skelton
Subject: Regarding alcohol licence for cupusi

I'd like to be all for the licence to be for cupusi in lower hopton as I think it will be a brilliant idea to have this located in lower hopton

Sent from Samsung Mobile on O2

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 12:30
To: Mike Skelton
Subject: Ushiwear/Cupushi License

Good afternoon,

I'm writing on behalf of the application for an alcohol license at Ushiwear/Cupushi in Lower Hopton, Mirfield. These are both great businesses we have in Hopton and I truly believe the application will only enhance the area and provide an even greater atmosphere than what has already been achieved by the owners.

This will be a great addition to an already exceptional place.

Thanks,
[REDACTED]

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 14:29
To: Mike Skelton
Subject: Fwd: Ushi

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 25 September 2019 at 14:24:51 BST
To: mike.skelton@kirkless.gov.uk
Subject: Ushi

Dear Mr Skelton

With reference to the above obtaining a liquor licence, I have absolutely no objection whatsoever.

I have lived in Mirfield for most of my life and I see it growing from strength to strength, Calder Rd has developed so much in recent years it's become its own little village with local people investing in, and making it a real place to visit rather than drive past.

Ushi is a wonderful place where I meet friends regularly, the food is fantastic and locally sourced darkwood coffee is world class. The investment from [REDACTED] is recognised greatly, which explains the clientele and loyalty to their brand.

I honestly believe a licence would benefit them, there's nothing nicer than the odd glass of wine at lunchtime with a lovely meal; this is not a 'pub culture' establishment, but just a lovely place for lunch or tea.

I do hope you will consider their application for how it is intended.

Yours faithfully

[REDACTED]
Sent from my iPhone

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 15:25
To: Mike Skelton
Subject: Licensing Application, Calder Road, Mirfield

Importance: High

Dear Mike,

LICENSING APPLICATION, CALDER ROAD, MIRFIELD

We are Mirfield residents and regular customers of Ushwear / Cupushi at Calder Road, Lower Hopton. We write to wholeheartedly support the application for an alcohol license on the above premises.

We have been customers of the applicant for approximately 7 or 8 years since my daughter first saw one of her favourite pop stars wearing an Ushwear t-shirt on TV. Over this time, we have experienced the highs and lows of the journey they have been on to get to where they are now. They are running a very successful clothing brand and coffee shop business inside a beautifully crafted shop which has been subject to significant emotional and financial investment over the last 3 to 4 years. They have continued to invest in our home town of Mirfield despite all the bureaucratic challenges they have encountered along the way. Having known the applicants for a long time, they often feel that they are punished for doing the right thing by seeking all the relevant statutory consents; yet they continue to put their heart and soul into this business. And you can tell.

Ushwear has completely revitalised the street-scene on Calder Road and has created a vibrant place to shop and eat. Without their investment, the building could easily be just another run down neglected eyesore that is being experienced on our high streets up and down the country.

I appreciate that the licensing application has been controversial for nearby residents who are concerned about noise, anti-social behaviour and highways: the latter being predominantly a planning issue, not licensing. The premises have planning and building regulations consent so planning issues were dealt with at that time.

As long time customers, we write to reinforce that the business model of Ushwear / Cupushi is not to become a pub, or regular drinking establishment; the demographic of their target customer base is not those who would cause disruption, noise and anti-social behaviour. I understand that the license application is purely for occasional events that may be invite only up to say 8pm ish in the evening where we might be treated to a glass of wine, bottle of beer and some nibbles during a new clothing line product launch etc.

Having the ability to be invited to evening events with drinks will mean that more money can be spent in the local economy and the business continues to go from strength to strength. Calder Road will therefore remain vibrant and alive. We therefore trust that we have managed to convince you that the obvious economic benefits of granting the license far outweigh the possibility of any harm being caused – which we honestly believe will be extremely rare and negligible.

We trust you agree, support and grant the license.

Many thanks

[REDACTED]

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 15:38
To: Mike Skelton
Subject: Application for Alcohol Licence - Ushiwear/Cupushi Coffee Shop

Dear Mr Skelton,

I support the application for an alcohol licence at Ushiwear/Cupushi Coffee Shop on Calder Road, Mirfield.

I am a local resident, actively support local businesses and I am starting up a small business. Ushiwear/Cupushi have already created a super local community hub for socialising and networking for local businesses.

My take on the ethos of Ushiwear/Cupushi is to not only source products and services locally, but to also bring local people together to socialise and support one-another. With an addition of an alcohol licence, further socialising, networking opportunities and special events will be made available in a ideal setting.

Yours sincerely,

[REDACTED]

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 17:29
To: Mike Skelton
Subject: USHI - Alcohol license

Good afternoon,

I am emailing in relation to Ushi and obtaining an alcohol license.

I am in favour as mirfield is now the new place for having great bars, I actually live in wrenthorpe and previously lived in mirfield but have only just started visiting mirfield more regularly to meet up with friends at the new bars rather than going into Leeds, also Ushi's coffee shop is amazing and would be great to also have a bar in hopton for the locals who do not fancy a working mens club.

Kind regards,

[REDACTED]

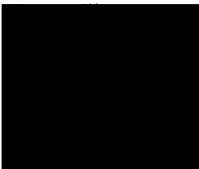
Mike Skelton

Subject: FW: Alcohol licence at coffee shop at ushi wear Mirfield

-----Original Message-----

From: [REDACTED]
Sent: 26 September 2019 14:47
To: Mike Skelton <Mike.Skelton@kirklees.gov.uk>
Subject: Re: Alcohol licence at coffee shop at ushi wear Mirfield

I send this email in support of the alcohol licence for the coffee shop at ushi wear. I understand there have been objections for this.
In my opinion I think it is a great idea. It's a lovely little coffee shop and think it would be great to have the odd glass of wine with my lunch when I visit. I understand this is one of the reasons for the licence. I cannot understand why anyone would object. It's not a very large place so it's hardly going to attract large crowds of people drinking excess alcohol. There is the Flowerpot pub only on the road and The volunteer Arms used to be next but one and these were public houses. This is just a very small coffee shop asking for a licence. I cannot see why there would be any objections so please take my email as An agreement from me the licence should be granted.
Thank you



Sent from my iPhone

Mike Skelton

From: [REDACTED]
Sent: 25 September 2019 20:59
To: Mike Skelton
Subject: Cupushi alcohol licence

Dear Mr Skelton,

I feel compelled to comment on, and support the application for an alcohol licence by Cupushi for various reasons:

- this company has improved the visual aspect of Calder road and has enhanced the footfall for other local businesses
- the application is purely for individual functions on an adhoc basis which will have no detrimental effect on the local area
- the licence will not involve late nights and associated antisocial behaviour
- the customers who use cupushi and presumably who would support these individual events are the customers that we should be encouraging to support local businesses in Mirfield

Yours sincerely,

[REDACTED]

Sent from my iPhone

Sent from my iPhone

Appendix D

**Licensing Act 2003
Response to Licensing Service
From Environmental Services**

Reference:	WK/201918418
Premises:	Cupushi, Former, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

Licensable Activity (place X in relevant box)			
Sale by retail of Alcohol	x	Provision of regulated entertainment	x
Provision of entertainment facilities (music, dancing, etc)	x	Provision of late night refreshment	

OBSERVATIONS			
Public Safety		No observations to send standard letter	
Date:	13 September 2019	Officer/Ext:	Kim Walker 01484 221000
Prevention of Public Nuisance		<p>I have reviewed the information submitted by the applicant and have concerns regards the proximity of residential properties(both attached and unattached) in the area being affected by public nuisance both from the regulated entertainment and also from patrons coming and going from the premises at the times requested by the applicant. Therefore the following conditions are requested to prevent public nuisance at noise sensitive properties near to Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR. These conditions are proportionate and reasonable due to the proximity of the noise sensitive properties coupled with the hours requested for regulated entertainment</p> <p>Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.</p> <p>To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise</p>	

from the premises shall not be audible at this point.

Informative Note:

Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.

In case of dispute, the applicant can verify inaudibility by demonstrating

- zero increase in the LAeq, 1 min (music playing) over the background LA90 (music off) and
- zero increase in the L10, T VS L90, T exceedence in each 1/3 octave band between 40Hz and 160Hz.

Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (e.g. beer gardens) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff shall be trained in ensuring the quiet dispersal of patrons.

All external doors and windows to the room/s where regulated entertainment is provided shall remain closed (other than for normal access and egress) during the course of the entertainment.

No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure

Any noise that arises from regulated entertainment shall be monitored at least once an hour between 18:00 and 23:00 by the licensee, or their representatives. This monitoring shall take place at positions (accessible by the public) adjacent to noise sensitive properties in the vicinity of the licensed premises. If noise is audible at these monitoring positions action shall be taken by the licensee or their representative shall take action to reduce the level of noise. A written log of this monitoring shall be kept and will include; the date, time and place of the monitoring, the person carrying out the monitoring, a description of any noise and a description of remedial action taken. This log shall be readily available to the Responsible Authority.

Date:	16 September 2019	Officer/Ext:	Kevin Ellam 01484 221000
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Appendix E

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.