

West Yorkshire Fire & Rescue

Dear Kirklees Licensing Service

Thank you for giving this Authority the opportunity to comment on the proposed statement on future licensing policy.

I am certain that it will help to secure public safety, protect children from harm, prevent public nuisance and prevent crime and disorder whilst encouraging a sustainable leisure and entertainment industry within Kirklees.

The West Yorkshire Fire & Rescue service looks forward to working with the Council in promoting the four licensing objectives.

Yours faithfully

Nigel Thompson Charlston QFSM, MCGI, GFireE.
Head of Fire Engineering, Planning & Licensing

Councils Response

The Council welcomes the support from West Yorkshire Fire & rescue.

West Yorkshire Trading Standards

The supply of cheap and illicit tobacco significantly undermines the government's policy of using tax to maintain the high price of tobacco and help reduce smoking. Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer. The supply of illicit and counterfeit tobacco products costs the taxpayer over £2.5 billion per year in lost revenue. This money is diverted into the pockets of organised criminal gangs with links to modern slavery and even terrorism.

Section 13.4 of the current licencing policy states that when the premises is being used for criminal activities, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

This has been replaced in the draft of the proposed licencing policy with section 13.5 which states when the premises is used for criminal activities, such as the supply of drugs or money laundering, it will be viewed particularly seriously.

This appears to be a softening of the council's stance against the trade in counterfeit/Illicit tobacco with the prompt for licence revocation being removed.

It has also become normal practice now, when a licence is revoked, for a new application to be immediately submitted. This is clearly being done by an associate of the licence and is done in the appeal period or even prior to the review hearing taking place. This undermines the whole process as although the licence has been

revoked, due to deliberate criminal activity, the premises never actually stops selling alcohol.

This organisation would like to recommend that once a review application has been submitted then no new or transfer applications will be considered until the review hearing has taken place. If the licence is revoked then a minimal time period is set by the panel, during which no new applications will be considered.

Best regards
West Yorkshire Trading Standards

Councils Response

The Council have noted Trading Standards comments however the Licensing Act 2003 places the Council, in its capacity as Licensing Authority, under a duty to accept any and all applications for a licence irrespective of whether a review is taking, or has taken, place; and each application has to be considered on its own merits. As such, it is not within the Licensing Authorities powers to refuse to consider and application until a review hearing has taken place, nor is it within the Licensing Authorities power to stipulate a minimum time period elapse before a new application is submitted, if a licence has been revoked.

Member of the Public

I just wanted to make the observation that in my opinion the sale of alcohol in premises which is then consumed in the street, pavement or road adjoining should be routinely prohibited.

Thank you.

Councils Response

The Council welcomed the member of public's observations however under the Licensing Act 2003 there are no powers that allow us to restrict the consumption of alcohol in public places. We do however take note of other powers such as 'Public Space Protection Orders'.

Member of the Public

I believe that licensing hours are far too long and should be reduced, the reason for this is obvious & I believe the West Yorkshire Police would have requested this too. The Police are tied up in Huddersfield town Centre when really they should be patrolling the outlying areas. Due to the fact Licensing hours are far too long which has an adverse effect on the West Yorkshire Police, Para Medics and the Huddersfield Royal Infirmary A and E Dept.

a: Due to the lack of Police Officers because of austerity it has put a big strain upon the force, with more Police Officers having to work overtime to keep a presence on our streets.

b: Police Officers are tied up in town from about 22.00hrs until the very early hours of the morning due to the binge drinking, fighting and knife crime within the town centre.

c: Also Police Officers can be tied up from about 22.00hrs till the early hours of the morning with those arrested that have had to attend the Huddersfield Royal Infirmary A and E Dept.

d: Surely Kirklees Council have a Duty of Care for the Police that are out on the streets as well as the Para Medics and the NHS staff too.

I believe the Licencing Authority should allow drinking in Pubs from 10.00hrs till 23.00hrs, Last Orders 22.30hrs.

The Clubs should then open at 22.00hrs and close at 02.00hrs, Last Orders 01.30hrs.

This would alleviate the stress and strain on the Police and on the Para Medics which have a difficult job as it is, without this hassle every Friday and week end when they are on shift.

It would certainly help if the Take Away shops also shut their doors at 02.00hrs also then the crowds would dissipate off home.

It is the rowdiness of the town centre that stops the older person coming into the town for a pleasant drink and a nice meal at a restaurant.

I hope you take on board these ideas as it is certainly common sense.

Councils Response

The Council welcomed the member of public's observations however the council do not have any jurisdiction on what applicants can request for when applying for a premises licence to sell alcohol.

The Council and/or the applicant must however consult with West Yorkshire Police as part of the application process. The Police then have the powers to request reduced hours or condition a licence to help promote one or more of the licensing objectives.

Member of the Public

As a Kirklees resident, volunteer and career environmentalist, I am often involved in projects to remove litter from open spaces, riversides and canals throughout our borough. The summer of 2019 saw me working as a volunteer at festivals and events to tackle the growing problem of single use plastics which often end up as

litter and never recycled. Kirklees MC have declared a 'Climate Emergency' with the reduction of waste and increase in recycling high on the agenda.

I would like to put forward a case to restrict the sale of non – biodegradable (polystyrene) packaging and food utensils (plastic cutlery) and implement the condition to the licensee that only biodegradable (cardboard / paper) packaging be available from late night licensed premises offering refreshment in order to prevent public nuisance on the following bases:

- Plastic and polystyrene litter is persistent, unsightly and does not biodegrade. It is harmful to wildlife and ecosystems and makes its way into our rivers, canals and oceans. Cardboard packaging is less harmful, recyclable and will eventually degrade
- The litter associated from fast food outlets is a high proportion of all litter representing between 33% and 54% of litter collected by voluntary groups in 2018 – 19 according to Keep Britain Tidy (see appendix below)
- Litter collection is an unnecessary burden on Kirklees Council Funds. The national average litter collection fee is £28 per household per year – valuable funds which could be used for other more pressing services according to the Ministry of Housing Communities and Local Government

A number of residents, colleagues and volunteers are in support of the comments enclosed and we would ask you kindly to consider these adjustments to the Licensing Policy 2020 – 2025.

Kind regards

Councils Response

The Council welcomes the suggestions made by the member of public and thanks them for their comments. Although the Council supports this matter, the Council hold no jurisdiction under the Licensing Act 2003 to restrict take-a-ways use of single use plastics.

Kirklees Public Health

Public Health asked for the following points to be considered;

- Online businesses – there isn't anything that specifically relates to this but it seems more common now and wonder if there should be something highlighted about this; often there needs to be emphasis on age verification and avoiding purchase/consumption by minors
- The section on Impact of activity – wondering if there could be something mentioned about considering the impact of licensed activity in its widest sense (e.g. impact of low pricing which can encourage harmful drinking by those most likely to be vulnerable)

- Section 8.24 – also relating to the above point – perhaps something about a source of advice from public health that might help to reduce negative impact on citizens and support responsible operating.

Councils Response

The Council welcomes the suggestions made by Kirklees Public Health, and can respond to say that the suggestions made are being added to the policy.