

**Name of meeting:** Licensing Panel

**Date:** 7<sup>th</sup> December 2020 at 11 am

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: Unit 1C The Galleries, Bradford Road, Dewsbury, WF13 1HD

**Purpose of report:** To determine the application

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Russell Williams as agreed by Sue Proctor</b>
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Paul Davies</b>

**Electoral wards affected:** Dewsbury East

**Ward councillors consulted:** Cllr Cathy Scott  
 Cllr Aleks Lukic  
 Cllr Eric Firth

**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 license, 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 21st October 2020 the Licensing department received an application for the grant of a premises licence at Unit 1C The Galleries, Bradford Road, Dewsbury, WF13 1HD. The application was made on behalf of the company by The Licensing Guys, Rural Enterprise Centre, Vincent Carey Road, Rotherwas Business Park, Hereford, HR2 6FE. 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; the supply of alcohol for consumption off the premises, 7 days a week from 08:00hrs to 23:00hrs

2.1.3 In total, three representations have been received relating to this application from Cathy Scott, Ward Councillor, Aleks Lukic, Ward Councillor, and Joanne Todd, Safer Kirklees Manager. The representations consider that the following licensing objectives would not be met should this licence be granted:

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

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

2.1.4 Kirklees Licensing have also received a request for a condition to be applied to the license should the license be granted. This can be viewed at **Appendix C**

2.1.5 The applicant's representative from the company Licensing Guys has also submitted further documents which will be referred to at the hearing. HOC/PSPO documents and Crime Statistics 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.

## **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**

Phil Asquith, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 77841  
Email: Philip.asquith@kirklees.gov.uk

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

- 9.1 Appendix A – Application for the Grant of a Premise Licence – Unit1C The Galleries, Bradford Road, Dewsbury, WF13 1HD.
- 9.2 Appendix B – Representations from Cathy Scott, Ward Councillor, Aleks Lukic , Ward Councillor and Joanne Todd, Safer Kirklees Manager.
- 9.3 Appendix C - Kirklees Licensing have received a request for a condition to be applied to the licence should the licence be granted.
- 9.4 Appendix D – Crime Stats/HOC/PSPO Documents submitted from applicant's representative.
- 9.5 Appendix E – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## **10 Service Director responsible**

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Service Director – Environment  
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