

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 9th March 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor Paola Antonia Davies
Councillor Adam Gregg

In attendance: Tahir Hanif, Legal Advisor to the Panel
Jordan Barrett, Licensing Officer
Rox Javaid, Licensing Officer
Fiona Goldsmith, Public Protection Group Leader
Mark Chapman, Environmental Health Officer
Chris Morse, Environmental Health Officer

- 1 **Site Visit - Gordon & Franks, 331 Wakefield Road, Denby Dale, Huddersfield**
Site visit undertaken.
- 2 **Minutes of Previous Meeting**
Minutes of the meeting held on 22nd December 2021 were agreed as a correct record.
- 3 **Interests**
No interests were declared.
- 4 **Admission of the Public**
All agenda items were considered in public session.
- 5 **Deputations/Petitions**
No deputations or petitions were received.
- 6 **Public Question Time**
No public questions were asked.
- 7 **Licensing Act 2003 - Application for Full Variation of a Premises Licence: Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB**
The Panel considered a report, which outlined an application for a full variation of a premises licence for Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB.

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The Panel was advised that on the 17th January 2022, the Licensing Department received an application for a full variation of a premises licence for Bargain Local 333 -335 Leeds Road, Huddersfield, HD2 1YB.

The licensing activities applied for were as follows:

Sale of Alcohol (off the premises)	Monday - Sunday	24-hour
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The Panel was informed that in response to the application, three representations were received. One from Kirklees Environmental Health Service and two from Dalton ward councillors. The representations considered that the licensing objectives in respect of public nuisance and public safety would not be achieved should the licence be granted. The Panel was further informed that West Yorkshire Police had agreed with the applicant that two additional conditions be added:

- 1) that the CCTV system be upgraded to home office specifications, with 28 days recording and sixteen operational cameras that covered both inside and outside the shop.
- 2) that no customers be allowed in the shop after midnight and up to 5am, and that all sales in that time were to be carried out through a hatch, opening onto the street.

The applicant's representative addressed the Panel and informed them that:

- A full variation for 24-hour trading was submitted in January 2022, and that the existing licensing was until 23:00, with the current opening hours being 08:00 to 22:00.
- Due to Covid19 there had been many restrictions placed on businesses over the last two years and the local community had requested late hours to be able to purchase convenience goods.
- The extended hours would benefit the business as well as the local community, and the premises had been refurbished to make it more appealing and would create approximately two to three jobs for the local community.

The Panel highlighted concerns raised by the Ward Councillors relating to the potential for alcohol related anti-social behaviour and alluded to information supplied by the Ward Councillor on 'Dalton ward alcohol health impact data'.

The Panel also raised questions regarding the proximity of the licensed premises to residential properties, highlighting that the premises adjoined residential houses on both sides and the business trading 24-hours each day, seven days a week could have a potentially disruptive impact on residents living next to premises. Of particular concern was the serving hatch opening on to the street, and the potential noise nuisance this would cause to the people living in the adjoining properties.

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In response, to the concerns raised by the Panel the applicant's representative explained that the premises had been trading for approximately 25 to 30 years and had been serving alcohol during that time as an off-licence, and since the applicant had taken over the establishment, there had been no incidents of anti-social behaviour, crime, social gathering, or alcohol related issues recorded within the last six months, which had been confirmed by West Yorkshire Police. In addition, there was a strict policy in place to guard against serving alcohol or tobacco related products to underaged customers.

Mark Chapman, Environmental Health Officer made representations and advised the Panel that the objections raised by Environmental Health were in relation to the prevention of public nuisance objective. He explained that whilst according to statistics there had been no crime recorded in the past six-months, he suggested that from experience, if the premises was to open with an extended license serving alcohol from 22:00 to 08:00, there would be anti-social behaviour issues associated with alcohol.

Referring to an image on Google Street Maps, the Panel was shown the proximity of Bargain Local to residential properties.

The applicant's representative responded to the concerns raised by Environmental Health by informing the Panel that there were only a few properties within close proximity, and that the majority of other buildings were businesses. He highlighted that there was noise from traffic 24 hours a day and that the applicant had a good relationship with residents and the reason for the application was to support the local community.

Following careful consideration of all the representations both verbally and in writing, the Panel determined that granting the full variation of the premises licence would not be consistent with the licensing objective relating to the prevention of public nuisance.

RESOLVED:

The application for Full Variation of a Premises Licence: Bargain Local, 333 - 335 Leeds Road, Huddersfield, HD2 1YB be refused.

8 Licensing Act 2003 - Application for the Grant of a premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT

The Panel considered a report, which outlined an Application for the Grant of a premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT.

The Panel was advised that on the 25th January 2022, the Licensing Department received an application for the grant of a premises licence for the premises at 331 Wakefield Road, Denby Dale. The application was made by the company DD8 Hospitality Ltd.

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The licensable activities applied for were as follows:

Recorded Music (indoors)	
Monday – Wednesday	08:00 – 16:00
Thursday – Friday	08:00 – 19:00
Saturday – Sunday	09:00 – 19:00

Recorded Music (indoors)	
Thursday, Friday or Saturday	09:00 – 22:00
Up to 2 occasions per month for prebooked event nights as background music only	

Sale of Alcohol (on sales only)	
Monday – Wednesday	12:00 – 16:00
Thursday – Sunday	12:00 – 19:00

Sale of Alcohol (on sales only)	
Thursday, Friday or Saturday	12:00 – 22:00
Up to 2 occasions per month for prebooked event nights, served with a table meal	

The Panel was informed that in response to the application, two representations were received from local residents. The representations considered that the licensing objectives in respect of Public Safety, Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm would not be achieved should the licence be granted.

The applicant, advised the Panel that:

- The initial application was to allow alcohol to be served to a table with a plated meal up to 10:00pm Thursday to Sunday, and that the intention was not to open regularly to that time but to create one-off evening events for example a tapas menu with paired wines
- By requesting Thursday to Sunday, it would avoid the need to submit regular Temporary Event Notices, enable flexibility and keep options open
- Once the application was submitted there were some objections, and following conversations with the Licensing Department, amendments were made to the application, in that the licence would cover until 7:00pm Thursday to Sunday and not 10:00pm
- Serving alcohol with a plated meal would help achieve some of the licensing objectives
- He had asked to extend the hours to 10:00pm up to two occasions per month for event nights and limit it to those two occasions
- Himself and the objectors had young families, and there was no desire to greatly deviate from the current general operating hours
- The premises could only seat 24 guest inside and that the majority of the eight tables were for two guests, therefore gatherings would only ever be intimate

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- Any guests leaving the premise either at the end of an event, at the end of the day or to smoke, would be asked to do so quietly and respectfully and there would be appropriate signage in place
- There were already blinds on the ground floor, which would be removed to block any line of sight and frosting had been installed across a large section of the downstairs windows facing the property across the road and on the upstairs window also
- it was not the intention to create another pub or wine bar in the village
- a letter was sent out asking residents if they wanted to visit the property however no-one took up the invitation.

In response to questions from the Panel, the applicant explained that the coffee shop opened on the 15th November 2021 and had become a vibrant hub in the village. The stipulation was that alcohol would always be served with food.

The Panel then invited the objector to make representations, in summary, he informed the Panel that the only concern that had not been fully addressed was with regard to the frosting on the windows. He explained that the frosting on the window did not appear to be a condition of the licence which suggested it could be removed at any point, and that the line of sight could become an issue once again. In addition, the frosting installed at present did not fully cover the windows, the windows were directly across from his property and there were concerns regarding privacy and safety.

Questions were also raised about the suitability of the kitchen facilities at the premises, however the Licensing Officer advised that the kitchen facilities were not relevant to the licence application. Mark Chapman, Environmental Health Officer, advised that the premises would have been inspected by a food hygiene inspector and given a score rating, and therefore would have been deemed adequate for the current activity.

Mr Chapman explained that the concerns with regard to the kitchen facilities and privacy issues could have been objected to at the planning stage when the change of use from retail to café application was submitted. The applicant clarified that a change of use planning application was not required.

Mr Chapman informed the Panel that he had visited the premises from a public nuisance perspective in that alcohol was being served to assess the impact on the local community and immediate neighbours. He explained that there had been some mitigation to address the concerns raised by local residents and following his visit noted that frosting had been installed and there was no invasion of privacy on any of the dwellings in the vicinity. He advised that adding a condition to the licence with regard to frosting would alleviate resident's concerns.

The Panel also noted an email in support of the application which was read by the chair.

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

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RESOLVED:

That the application for the Grant of a Premises License: DD8 Hospitality Ltd, T/A Gordon & Franks Coffee House, 331 Wakefield Road, Denby Dale, Huddersfield, HD8 8RT be granted with the condition that frosting is placed on all front and side facing windows.