

Contact Officer: Nicola Sylvester

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 3rd August 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor Ammar Anwar
Councillor Adam Gregg

In attendance: David Stickley, Legal Advisor to the Panel
Rox Javaid, Licensing Officer
Fiona Goldsmith, Public Protection Group Leader
Mark Chapman, Environmental Health Officer
Chris Morse, Environmental Health Officer
Jennifer Booth, Planning Officer
Tom Mapplethorpe, Public Health
Lucy Wearmouth, Public Health

Observers Craig Heywood, Licensing Officer

- 1 Site Visit – Playworld, 140 Westbourne Road, Huddersfield**
Site visit undertaken on the 2nd August 2022.
- 2 Minutes of Previous Meeting**
That the minutes of the meeting held on 18th May 2022 were agreed as a correct record.
- 3 Interests**
No interests were declared.

Councillor Adam Gregg declared for transparency purposes a brief conversation with an interested party, advice was not provided.
- 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 the variation of a premises Licence: Playworld, 140 Westbourne Road, Huddersfield

The Panel considered a report, which outlined an application for a variation of a premises licence for Playworld, 140 Westbourne Road, Huddersfield.

All parties present confirmed that they had received a copy of amendments submitted by the applicant prior to the hearing.

The Licensing Officer outlined the application, and advised the panel that on 13th June 2022, the Licensing Department received an application for the full variation of existing premises licence for the premises at Playworld, 140 Westbourne Road, Huddersfield.

The licensable activities applied for, both indoors and outdoors, were as follows:

Sale of Alcohol (on and off the premises)

Monday - Sunday 09:00 – 23:45

Performance of Dance

Monday - Sunday 09:00 – 23:45

Indoor Sporting Events

Monday - Sunday 09:00 – 23:45

Live Music

Monday - Sunday 09:00 – 23:45

Recorded Music

Monday - Sunday 09:00 – 23:45

Late Night Refreshments

Friday and Saturday 23:00 – 23:45

The application also includes:

- To increase the premises perimeter to include an outdoor area
- Six occasions per year with an end time of 01:00am with no dates specified

The Panel was informed that in response to the application, 41 representations were received from residents, Ward Councillors, Environmental Health, Planning Services and Public Health. The representations considered 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.

In response to questions from the Panel, the applicant's representative gave an outline of how the business would operate, explaining that the business was purchased in October 2020, and at the time of purchase, the business evidenced a healthy account. When Covid19 restrictions came into force, it resulted in the business closing for seven months. The application to vary the licence would

provide another means of income due to the significant loss of business throughout the Covid19 pandemic, where customers no longer felt comfortable in an enclosed and confined space.

In summary, the Panel was further informed that the business employed approximately 30 staff, however due to the lack of custom, they had lost four members of staff and a chef. There have been no instances of public nuisance or anti-social behaviour and there was CCTV cameras in operation. Environmental Health had visited the premises and set sound limits for music played indoors, and food would be served from inside, where a ventilation system would be in place to minimise food odour.

The Panel then invited the objectors to make representations. Concerns were raised in relation to public safety, road safety issues and the potential for accidents caused by an increase in traffic, noise nuisance from noise emanating from the premises, crime and disorder and protection of children from harm.

The Environmental Health Officer in attendance, advised the Panel that the outdoor area could create noise levels that could not be regulated, and that the door to the south elevation was inadequate, allowing noise to escape and needed to be replaced.

The Planning Officer informed the Panel that the business was not operating within the hours stipulated by planning, and an application submitted in 2014 to amend those hours was not progressed. Therefore, the authorised operating hours for the business remains as 9am to 9pm.

The Panel was further advised that the land between the building and the properties on Westbourne Road has been vacant until recently and was not part of the curtilage for Playworld. For this area to be used as an outdoor play area, an application for a change of use would be required.

The Public Health Officer advised the Panel that noise radiating from the premises throughout the day and at night, could impact on residents' mental health and subsequently impact on physical health. The Panel was further advised that Public Health had also made recommendations regarding the sale of alcohol.

The Panel highlighted the concerns raised by local Ward Councillors relating to public nuisance, noise, and the proposed opening hours and the impact this could have on neighbouring residents.

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

RESOLVED:

That the application for the variation of a premises licence be approved with additional conditions/amendments which are:

- Removal of the existing external door and replacement with an appropriate door approved by Environmental Health,

- That it be noted the amended application on appendix E did not include the car park area, and the licence be amended accordingly,
- That recorded music in the outdoor area be non-intrusive background music only, and restricted to the hours of 09:00 to 19:00 Friday and Saturday and 09:00 to 18:00 Sunday to Thursday,
- That the sale of alcohol in the outdoor area be restricted to the hours of 09:00 to 19:00 Friday and Saturday and 09:00 to 18:00 Sunday to Thursday,
- That the occasional extension to the license of up to 6 times a year from 09:00 – 23:45 be refused with a suggestion of a Temporary Events Notice to be requested for these events.