

Name of meeting: Licensing Panel

Date: Monday the 5th December 2022 at 10am

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Londis, 28 – 30 Leeds Road, Birstall WF17 0EW

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	Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change)
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 Will Simpson

Electoral wards affected: Birstall Birkenshaw

Ward councillors consulted: Cllr Joshua Sheard
Cllr Elizabeth Smaje
Cllr Mark Thompson

Public or private: Public

Has GDPR been considered?

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 because of 5 representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

- 2.1.1 On 12.10.2022 the Licensing department received an application for the New Grant of a premises licence for Londis, 28 – 30 Leeds Road, Birstall, WF17 0EW. A copy of this application and a location plan may be seen at **Appendix A**.
- 2.1.2 The licensable activities applied for by the applicant are as follows:
- Sale of Alcohol (off the premises)
Monday - Sunday – 07:00 hrs – 00:00 hrs
- 2.1.3 Prior to the application a licence was held which ceased trading under McColl's (PR(A)0197). The licence was cancelled at the request of the premises holder on the 11.04.2022 and can be seen in **Appendix B**.
- 2.1.4 A further application was submitted for the premises by MHC and Son's Yorkshire Ltd on the 08.08.2022. The application was withdrawn on the 14.09.2022.
- 2.1.5 Representations received from a ward councillor and residents can be seen in **Appendix C** and representations from the responsible authorities can be seen at **Appendix F**.
- 2.1.6 Plan of affected area by nearby residents **Appendix D**

2.20 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(s):

2.21 Executive Summary

2.22 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statement and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their own merits and judged accordingly.

2.23 The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.3 Purpose and Scope of the Licensing Policy

2.31 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.

2.4 Licensing Objectives

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

3. Secretary of State Guidance

- 3.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations related to 4 of the licensing objectives, Member's attention is drawn to Section 2 of this guidance, the relevant parts may be found at **Appendix E**.

4. Implications for the Council

4.1 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.

4.2 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 Safeguarding Children team. Representations from the responsible authorities can be seen in **Appendix F**.

4.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

4.4 Climate Change and Air Quality

There are no climate change or air quality implications contained in this report.

4.5 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 regard to this objective.

4.6 Financial Implications for the people living or working in Kirklees

The decision members make may have financial implications for the applicant/existing licence holder.

5. Other (e.g., Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

5.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of States Guidance. The applicant or any other person who made the relevant representations in relation to the application have a right of appeal to the Magistrates Court.

5.2 Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

6. Next steps and timelines

6.1 When determining the application Members, having 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

6.2 Findings on any issues of fact should be on the balance of probability.

6.3 In arriving at a decision Members must have regard to the relevant provisions of the statutory guidance and the licensing policy statement and reasons must be given for any departure.

6.4 The decision should be based on the individual merits of the application.

7. Officer recommendations and reasons.

7.1 Members of the Panel are requested to determine the application.

8. Cabinet Portfolio Holder's recommendations

Not applicable.

9. Contact officer

Craig Heywood, Licensing Officer,
Licensing Service
Tel: 01484 221000 ext. 77067
Email: Craig.heywood@kirklees.gov.uk

10. Background Papers and History of Decisions

10.1 Appendix A – Application Re-acted and Plan for the Grant of a premises licence for Londis.

10.2 Appendix B – Original premises licence for McColl's (PR(A)0197

10.3 Appendix C – Representations from Councillors and members of the public – re-acted.

10.4 Appendix D - Plan of residents proposed effected area.

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

10.6 Appendix F – Representations from responsible authorities.

11. Service Director responsible

Katherine Armitage, Service Director – Climate Change and Environmental Strategy
Tel: 01484 221000 Email: Katherine.armitage@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 [REDACTED]

(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			
Londis Birstall			
28-30 Leeds Road			
Birstall WF17 0EW			
Post town		Postcode	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|---|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i as a limited company/limited liability partnership</p> <p style="padding-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="padding-left: 20px;">iii as an unincorporated association or</p> <p style="padding-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|---|--|

- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname [REDACTED]			First names [REDACTED]		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

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 over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal 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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

AAIf you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note 1)
THIS WAS PREVIOUSLY LICENCED AS MCOLLS THE COMPANY CLOSED DOWN

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

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (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 performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (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 exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (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 boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
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 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 performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (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 playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (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 performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
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					

I

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 – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	00:00			
Fri	07:00	00:00			
Sat	07:00	00:00			
Sun	07:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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):

[Redacted]	
[Redacted]	
Date of birth	[Redacted]
Address [Redacted]	
Postcode	[Redacted]
Personal licence number (if known) [Redacted]	

Issuing licensing authority (if known)
[REDACTED]

K

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).
 NON

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	00:00	<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)
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	

Sun	07:00	00:00	

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)

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.

Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.

If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Trading Standards and HMRC as soon as possible.

If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Trading Standards and HMRC as soon as possible.

Protecting Children from Harm

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.

3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the ALL RESPONSIBLE AUTHORITIES Immediately on request

4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

- 5. A facility will be available for ALL RESPONSIBLE AUTHORITIES to remove from the CCTV system a copy of any material relevant to any ongoing investigation Immediately on request**
- 6. All CCTV images will be retained for a period of not less than 31 day**
- 7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.**
- 8. All persons involved in the sale of alcohol will receive initial and subsequent 3 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.**

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

c) Public safety

A Risk assessment will be in place and updated annually

d) The prevention of public nuisance

**PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES
ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER**

e) The protection of children from harm

**We will operate CHALLENGE 25
Notices to be displayed prominently including the following locations –on or near the entrance to the premises,where alcohol is being offered for sale on general display and near the checkout.The notices will state “UNDER 25 ? PLEASE BE PREPARED TO SHOW PROOF OF AGE WHEN BUYING AGE RESTRICTED PRODUCTS”**

A notice stating it is an offence to buy alcohol for persons under the age of eighteen to be displayed on or near the door to 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 (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 proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	12/10/22
Capacity	Agent for the Applicant

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			
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant

premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

m: 07412008503
t: 02082169302
e: arilma@hotmail.co.uk

ADDRESS
EN3 4 NU
62 church road

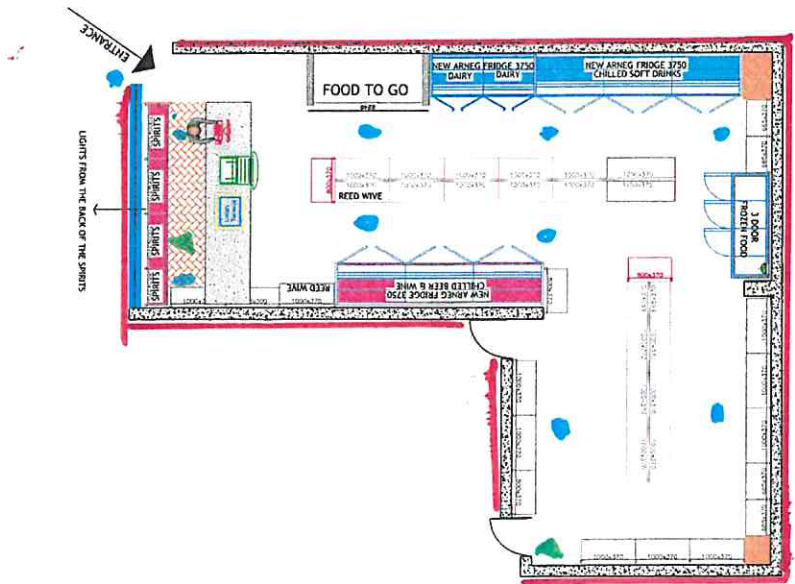
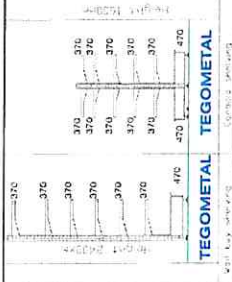
Client:

FLOORING = 75 SM
CEILING = 75 SM

DATE : 26-09-2022

SCALE: 1:50@A3

Revision:



- LICENSEABLE ACTIVITY
- CCTV
- ▲ FIRE EXTINGUISHER


DRAWING BY:
Roger

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO ANY WORKS TAKING PLACE. THIS DRAWINGS REMAINS THE PROPERTY OF ARILMA SHOPFITTING AND MAY NOT BE REPRODUCED IN ANY WAY WITHOUT PRIOR CONSENT

Appendix B

PREMISES LICENCE Licensing Act 2003	Licence number:	Online Reference number:
	PR(A)0197	PR(A)0197/15

THIS LICENCE IS ISSUED BY

	<p align="right">Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL</p> <p align="right">Tel: 01484 456868 Email: licensing@kirklees.gov.uk</p>
---	---

POSTAL ADDRESS OF PREMISES

McColls
28 - 30 Leeds Road
Birstall
Batley
WF17 0EW

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Good Friday	08:00 - 22:30
	08:00 - 23:00
	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday		

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption off the Premises

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER

Martin McColl Limited
Ground Floor West
One London Road
Brentwood
Essex
CM14 4QW
Email address [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Martin McColl Limited

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER: LICENSING AUTHORITY:	[REDACTED]
--	------------

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS****ANNEX 1 - MANDATORY CONDITIONS**

Alcohol:

1. No supply of alcohol may be made under this licence:

- a. At a time when there is no designated premises supervisor in respect of the premises licence, or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 29 August 2005

Date Commences/Varied: 27 October 2015



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0197

THIS LICENCE IS ISSUED BY



LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG

Tel: 01484 456868
Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

McColls
28 - 30 Leeds Road
Birstall
Batley
WF17 0EW

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Good Friday	08:00 - 22:30
	08:00 - 23:00
	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

THE OPENING HOURS OF THE PREMISES


DAY(S)	FROM	TO
Monday to Sunday		

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES
Alcohol is supplied for consumption off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Martin McColl Limited Ground Floor West One London Road Brentwood Essex CM14 4QW

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Martin McColl Limited

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL


STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 29 August 2005

Date Commences/Varied: 27 October 2015



Head of Public Protection Service

Appendix C

It is disappointing that we have another application within a month of an application being withdrawn for these premises, especially one asking for hours between 6.00 am and midnight. Have the residents who objected on the last application been notified of this application? Philip Asquith dealt with the previous application.

My objections remain:

The shop has been closed for some time and all the problems that existed when the shop was open for the residents next to the shop have vastly improved. There is a great concern that all of these problems will return.

My understanding is that:

- The prevention of crime and disorder
 - When drivers have blocked residents driveways and been politely asked to move to allow access there have been incidents of arguments developing. Residents are concerned that this will re-start and lead to further arguments and intimidation – as has happened previously. Signs were put up in the shop about disruptive behaviour and inconsiderate parking but no notice was taken of these.
 - The shop attracted young people who hung around outside.
 - Opportunist burglaries to properties nearby have occurred when the shop was open previously. The shop itself was the subject of attempted robberies. I understand that the opening hours were reduced to earlier in the evening as a result of one of these attempts

- Public safety
 - The traffic volumes have increased considerably on this road and it is almost opposite to a busy junction. Therefore there is a concern that vehicles outside the shop will be a hazard so close to the junction.

- The prevention of public nuisance
 - The hours being applied for will mean a nuisance for local residents. Vehicles will be coming and going from the shop at unreasonable hours, including deliveries at 6.00 am waking residents. Delivery vehicles have blocked driveways and Roebuck Street previously. The hours are unreasonable, including those for the sale of alcohol.
 - The shutters to the property make such a noise that they can easily be heard by neighbours thereby waking them.
 - There is a generator to the rear of the property the noise from which the neighbours have previously been able to hear throughout the night and during the day. This has improved since the shop has been shut.
 - Despite there being a litter bin, litter was a constant problem in neighbouring gardens and there is a concern that this problem will simply return
 - The stopping, parking and pulling away of vehicles creates a noise nuisance, including loud music from vehicles.

I would ask that the licence is not given.

Thanks



Email the following to [REDACTED]

Re 28-30 Leeds Road alcohol licence application

It has come to our attention that an application for a licence to sell alcohol from property 28-30 Leeds Road has been applied for from [REDACTED] trading as Londis.

We wish to object strongly to this being issued.

The prevention of crime and disorder

We have lived at [REDACTED] for the past [REDACTED] and over the years seen the shop have numerous owners and changing opening hours. In later years we have had to suffer from the shop opening early and closing very late, selling alcohol. This has been problematic for us and our neighbours.

Early morning deliveries to the shop have previously caused problems with the lorries blocking drives and causing obstructions to Roebuck Street as well as early morning noise.

Regarding the late-night opening, we have had endless problems with unruly teenagers and young males loitering around the shop at all hours and using our garden walls for congregating. On one occasion a youth who was sitting on our wall chose to throw stones at our front window and smashed it. Police were called and dealt with the matter. We have had lots of nasty arguments with gangs being disruptive. The shop is a magnet for unsociable behaviour and on occasions robbery and theft, including one incident involving a gun being shot.

Since the shop closed a few years ago the whole area has benefitted. If it is allowed to open up again with a licence to sell alcohol between 7.00am and midnight problems for residents in close vicinity will begin again. Leeds Road is exceptionally quiet after 9pm and to introduce late night opening will only attract those who are up to no good again. We do not wish to feel intimidated or fearful for our personal safety and that of our property.

The prevention of public nuisance

At teatime especially we had to suffer inconsiderate folk visiting the shop blocking the entrance to our drive and our neighbours drive which often developed into nasty arguments. Previous shop owners have tried but never been successful at controlling the problems. So, not wishing to have the chaos and problems of an off-licence shop foisted on us once again, we strongly object to the licence being granted.

[REDACTED]

[REDACTED]

We, [REDACTED],
[REDACTED], strongly object to a licence being issued to [REDACTED].
[REDACTED], trading as Londis for the sale of
alcohol at premises 28-30 Leeds Road, Birstall, WF17 0EW, for
the following reasons.

The prevention of crime and disorder

Since the premises were issued with a licence to sell alcohol many years ago, there has been numerous attempts at robbery in the shop. One incident involved a shotgun being fired and the owner suffering a pistol-whipped head injury late at night. Police were called by the owner and our front garden was searched for discarded ammunition. This is not what one wants or expects in a normally quiet, residential area. Opportunist thieves have tried on many occasions to steal from the shop, after loitering outside, watching for the road to become quiet.

[REDACTED], has been burgled on three occasions by opportunist thieves. On winter nights especially, we have often had to leave our home unoccupied, knowing that there are gangs of youths sat on the [REDACTED], watching us leave. This is most unnerving. Then, coming home to find someone has taken out a pane of glass from our dining room window and entered our home is distressing to say the least. To find that the thief or thieves have not taken anything other than what is immediately to hand, indicated to us and the police officers that dealt with our cases that the thieves were opportunists and not planned robberies. We strongly suspected the intruders to be from the gangs that were loitering outside the shop as we left the premises. Should the shop now re-open, selling alcohol until late, we firmly believe such distressing behaviour will re-commence.

We have had individuals purchasing alcohol for under-aged youths who have loitered outside the shop. And on occasions, we have personally seen youths asking innocent passers-by to buy alcohol for them! These youths were nothing but a nuisance!

Most of the gang members did not live in the area, coming from estates in other parts of Birstall. Leeds Road is a busy road but a relatively crime free area. We fear that re-opening an off-licence will again attract unruly gangs, opportunist thieves and under aged drinkers to cause upset and chaos to us and close residents.

The prevention of public nuisance

Previous shop owners have put up signs and asked customers not to loiter at the front of the shop to no avail. Gangs of youths, congregating have often been verbally aggressive and intimidating when we have politely asked them to move on or stop jumping over the [REDACTED] and trampling in our front garden. On occasions the gangs have simply moved from the shop premises and onto our front garden wall. Our requests for them to move on have been met with foul language and us being asked "What are you going to do about it if we don't?" This behaviour is threatening and upsetting. We fear this will all start again if the shop opens, especially if opening late and selling alcohol.

Another huge problem with the shop opening especially long hours is customer parking. Over the years, signs have been erected reminding shoppers not to block drives and park responsibly. This has had little effect in the past and probably wouldn't have any effect in the future.

Since the shop was closed about two years ago, some residents living in the older houses in [REDACTED] Terrace & [REDACTED] [REDACTED] have taken to parking their vehicles on Leeds Road, especially at night and over the weekends. The said properties have no off-road parking and are choosing to park outside our house (No 26) and No 24 next door and directly outside the shop. The vehicle owners do not block access to our drives. However, it reduces the vacant space for prospective shop customers to park. Nor should vehicles park opposite the junction of [REDACTED] with Leeds Road, which is opposite the shop. Options to park close to the shop will be limited. In the past we have had far too many incidents of shoppers blocking our drives, especially at peak times, resulting in us having to hold up the flow of traffic while we waited for shoppers to return to their irresponsibly parked cars. It was on advice from a Kirklees Highways officer that prompted us to hold up the flow of traffic and embarrass irresponsible drivers when they exited the shop. On many occasions, some have thought it acceptable to reverse into our drive to turn around! Again, these incidents have ended in confrontation, with often aggressive verbal abuse received from guilty parties.

Leeds Road is exceptionally busy in rush hours or when there is an accident on the M62. Parked cars on the road cause problems for larger vehicles and buses trying to overtake

them. The road was much quieter when the original licence to sell alcohol was issued. Today, delivery vehicles wishing to unload shop supplies will cause even more congestion and obstruction. Early morning deliveries caused nuisance noise to us still sleeping with the clatter of goods being unloaded. Whatever time of day deliveries were made, they have and always will cause problems.

Public safety

As stated in the previous section, gangs have often been aggressive verbally and on occasions very intimidating to anyone who has confronted them about their behaviour. We do not want to feel threatened while on our own property. It is avoidable by not granting a licence for the shop as it appears the applicant only wants to rent the shop if and only if he gets a licence to open long hours and sell alcohol as the said premises are still available for rent from [REDACTED]. One also begs the question as to why anyone would choose to open an off-licence on these premises when Sainsbury's have applied to build a convenience store just a few yards away?

We feel that for the shop to remain open until midnight each evening will yet again encourage unruly gangs to congregate outside and most certainly cause us to suffer from late night noise, unacceptable behaviour and most importantly to feel unsafe!

The protection of children from harm

Underage youths have in the past obtained alcohol from the shop by getting older ones to purchase it for them. This could become a regular occurrence again. All shop owners have a duty to prevent this happening but past owners of No 28-30 have failed and we strongly doubt a new owner will succeed in doing so.

To whom it may concern

I am writing today to oppose the alcohol license application and the opening hours of Londis Birstall 28-30 Leeds Road Birstall.

My reasons for opposition are,

We do not need a shop opening until 00:00 every day as it will lead to

Noise pollution, litter, additional traffic and parking disruption throughout the day and night.

Roebuck Street is a private road with shared access for all residents, this was a problem the last time the shop was open some years ago.. The road is not council maintained and therefore would encounter additional wear and tear with shop traffic and illegal parking.

The shop would also cause disruption when accepting deliveries, which are often delivered early morning and block the road entrance for all residents.

Alcohol is available within a short walk from several other outlets, so it is unnecessary in my opinion.

I am writing for my household and several other residents who disagree with the application

Kind regards

A black rectangular redaction box covering the signature of the sender.

Hi [REDACTED], Thankyou for your prompt reply. I have spoken to all neighbours on our road. Inwhich is private. We all agree that we cannot afford the upkeep of our road to be destroyed by people using our road to park to go into the shop or to use to deliver goods to the shop, our road is very narrow and short of space daily without this. The council have refused to relay our road with reason. So without any extra help we are being forced to provide parking space for a shop that is unwanted. Previously when Mcolls was open we had constant battles with young drivers parking outside our properties to go into the shop, then they would throw rubbish into our road and spend hours meeting friends to drink in their cars until all hours. At the front of my property both my youngest childrens rooms are there. They both have to be up for school in the morning. And I could not go through the sleepless nights and tired children like I did previously. But this time is would be worse as I have been made aware they want to open the londis 7 in the morning until 12 midnight. This is going to be a nightmare for all people on our road especially those with children. We also are subject to abuse when asking for people to move their abandoned cars which they dump in our road. I have two elderly neighbours next door to me. [REDACTED] doesn't own a computer or any technology, she is extremely concerned. for her safety. The main issue as she lives alone! And doesn't feel safe. We already see constantly on a daily basis warnings from neighbours that people are walking around trying doors and car handles. Would this shop be a excuse for them to be around our road late at night? When I first moved into my property i had a number of issues when the shop was mcolls, i remember clearly that I had come back from the nursery run. My child was tired and asleep after a long day. I could not park on my driveway as it had been blocked so I parked next to the car inwhich had been dumped. I struggled to get my child out the car into the house. As I got into the house I heard bangs on my door from a man shouting that I had blocked him in and he was unable to get out. I was alone with my children that night and was scared for our safety. since the last shop closed down. Everyone on our street have had no litter issues. There is no rubbish thrown on the floor. Our street is tidy, we do not have problems parking with the shop shut. We do not have safety worries for our kids playing on the street. We don't have safety worries in general because our surrounding neighbourhood became very quiet and pieceful. I don't want to go back to the constant worries of coming home. We previously had teenagers smoking weed and nipping in the shop and sitting on our road. I don't want that smell or influence around my children. I am having sleepless nights and I am worrying about the state our road and what it will be left in, and worrying about if we need to move house again. Our neighbours spoke about getting a gate fitted to the end of our road for our safety and for our privacy. When speaking the the relevant people. We cannot do this either as the rear of the shop backs onto our road so we have to allow them access even though that property does not own any of the road !! We struggle with the tenants who live above the shop at the minute because they use our road for access and park on it. But they have consideration for all residents on the road and park sensibly. Consideration is something that people don't have when running into the shop for a quick loaf of bread or a 4 pack of Budweiser. I am against a license for the shop. For all the reasons above but also for the reason that people will use our road to drink on. We don't have street lights ! It is a dark road. This will attract unwanted attention. We don't want drunk people outside our homes. We don't want hgvs or any type of Wagon blocking us in. We don't want the shop !! Please help us !!

Kind regards [REDACTED]

Email the following to [REDACTED]

Re 28-30 Leeds Road alcohol licence application

It has come to our attention that an application for a licence to sell alcohol from property 28-30 Leeds Road has been applied for from [REDACTED] trading as Londis. We wish to object strongly to this being issued.

The prevention of crime and disorder

We have lived at [REDACTED] for the past 26 years and over the years seen the shop have numerous owners and changing opening hours. In later years we have had to suffer from the shop opening early and closing very late, selling alcohol. This has been problematic for us and our neighbours.

Early morning deliveries to the shop have previously caused problems with the lorries blocking drives and causing obstructions to Roebuck Street as well as early morning noise.

Regarding the late-night opening, we have had endless problems with unruly teenagers and young males loitering around the shop at all hours and using our garden walls for congregating. On one occasion a youth who was sitting on our wall chose to throw stones at our front window and smashed it. Police were called and dealt with the matter. We have had lots of nasty arguments with gangs being disruptive. The shop is a magnet for unsociable behaviour and on occasions robbery and theft, including one incident involving a gun being shot. Since the shop closed a few years ago the whole area has benefitted. If it is allowed to open up again with a licence to sell alcohol between 7.00am and midnight problems for residents in close vicinity will begin again. Leeds Road is exceptionally quiet after 9pm and to introduce late night opening will only attract those who are up to no good again. We do not wish to feel intimidated or fearful for our personal safety and that of our property.

The prevention of public nuisance

At teatime especially we had to suffer inconsiderate folk visiting the shop blocking the entrance to our drive and our neighbours drive which often developed into nasty arguments. Previous shop owners have tried but never been successful at controlling the problems. So, not wishing to have the chaos and problems of an off-licence shop foisted on us once again, we strongly object to the licence being granted.

[REDACTED]

Appendix D



Appendix E

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.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;*
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- it is known that unaccompanied children have been allowed access;*
- there is a known association with drug taking or dealing; or*
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.*

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to

consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;*
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;*
- restrictions on the parts of the premises to which children may have access;*
- age restrictions (below 18);*
- restrictions or exclusions when certain activities are taking place;*
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);*
- full exclusion of people under 18 from the premises when any licensable activities are taking place.*

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons

under 18 years old with alcohol- related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Appendix F

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Health**

Reference:	WK/ [REDACTED]
Premises:	28-30 Leeds Road, Birstall, Batley, WF17 0EW

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

OBSERVATIONS

Public Safety		[REDACTED] – no observation to send standard letter	
Date:	24 10 2022	Officer/Ext:	[REDACTED]
Prevention of Public Nuisance		I have reviewed the application and I have no comments to make in relation to prevention of public nuisance	
Date:	23 November 2022	Officer/Ext:	[REDACTED]

Thank you for inviting Public Health to review and respond to this application.

You will be aware that our input as a responsible authority is limited to applications with an alcohol-related component and will focus on actions to support the four licensing objectives. We are not a responsible authority in relation to other types of application (e.g., gambling) where there is no alcohol-related component. We do not provide specialist technical advice or feedback on licensing applications in relation to matters such as noise or air quality. This responsibility lies with other council teams and their responses will be provided separately.

If this application is granted, Public Health recommends that the following areas are considered, to support the licensing objectives (and that the lead licensing officer shares the below with the applicant).

Staff training

We welcome the robust approach to training that has been outlined in the application. We recommend that training in place for staff should cover the following as a minimum: -

- The Licensing Act 2003 - Sets out the offences, defences and penalties that relate to underage sales of alcohol.
- Allowing the sale of alcohol to children - A person who works at a premises in a capacity that authorises them to prevent the sale of alcohol to an individual under 18 commits an offence if they knowingly allow the sale of alcohol to take place. People serving alcohol should be advised that they might be personally liable if they sell to young persons in breach of legal requirements.
- Persistently selling alcohol to children - It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.
- Proxy sales of alcohol - 'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. A person commits an offence if they buy or attempt to buy alcohol on behalf someone under 18. It is also an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises.

Challenge 25

We welcome that the applicant has already committed to the Challenge 25 scheme as part of their application and the information provided in this respect. The aim of the information below is to help further support implementation of this scheme at the premises.

Challenge 25 is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Staff and those responsible for selling alcohol should fully understand the appropriate means of age verification and how to apply the operational aspects of Challenge 25 (<https://challenge25.co.uk/index.html>).

It is recommended that the following areas are considered: -

- Training – It is important to have programmes in place to regularly train staff about the Challenge 25 scheme, including who to challenge and how. This will help to ensure that staff are confident in making challenges and that the policy is consistently applied in the licensed premise/place. It is also useful to keep training records to ensure staff have their training refreshed on a regular basis.
- Advertise - Display posters and appropriate signage in prominent places throughout the premises to advertise your proof of age policy, alongside a statement regarding the refusal of alcohol sales. This will not only help to deter potential underage customers, but also act as a backup to staff members who make challenges.
- Support staff – Challenge 25 only works if the staff have confidence that the decisions they make will not be undermined. It is therefore important to ensure that difficult decisions staff have made are not challenged and overturned.
- Keep records – It is useful to keep records of all failed attempts to buy alcohol of those without ID who look under 25 as this could help with police or trading standards operations. You can use the Wine and Spirit Trade Association model template book by clicking on this link: <https://www.wsta.co.uk/wp-content/uploads/2019/01/Refusalsbook.pdf>
- Be clear about what ID is acceptable –The standard Challenge 25 scheme suggests accepting Passports, Driver's Licences and PASS approved cards. While individual premises can accept anything with the law (ID that includes a hologram, name, date of birth and photo) it is important to make a decision about what you will accept and publicise this clearly.
- Be aware of fake ID – The Home Office has produced guidance for retailers to help them understand how to spot fake ID (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/183495/False_ID_guidance.pdf). It will be important to ensure staff are trained about the types of ID that are acceptable and how to look out for fakes.

Refusals book

All refusals of the sale of alcohol should be recorded in a refusals book. This will help to demonstrate that the applicant actively refuses sales and has an effective system in place.

Entries should include details of the date, time, incident, a description of potential buyer and action taken. Books should be checked by the designated premises supervisor to ensure that all members of staff are using them. You can use the Wine and Spirit Trade Association model template book by clicking on this link: <https://www.wsta.co.uk/wp-content/uploads/2019/01/Refusalsbook.pdf>

Prevention of crime, disorder and public nuisance

There should be a commitment (by having a process in place) to not serving intoxicated customers, in the interests of prevention of public disorder and individual harm.

Other restrictions

There should be a process in place to restrict the sale or supply of super strength beers, lagers and ciders

Useful sources of information

Drinkaware - <https://www.drinkaware.co.uk/>

Alcohol Education Trust - <https://alcholeducationtrust.org/>

Alcohol Change UK - <https://alcoholchange.org.uk/>

