

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 5th December 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor Michael Watson
Councillor Paola Antonia Davies

In attendance: David Stickley (Legal Advisor to the Panel)
Craig Heywood, Licensing Officer
Steve Mycroft, Licensing Officer
Jordan Barrett, Licensing Officer
Mike Skelton, Senior Licensing Officer

1 Site Visit

Site visit undertaken by Cllr Watson.

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 21st September 2022, be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were asked.

7 Application for the Grant of a Premises License, Londis, 28-30 Leeds Road, Birstall, WF17 0EW

The Panel considered a report which outlined an application for the grant of a premises licence, Londis 28-30 Leeds Road, Birstall, WF17 0EW. The Licensing Officer outlined the application, advising the Panel that, on the 12 October 2022, the Licensing Department received an application for the new grant of a premises licence for Londis. The Licensing activities applied for were as follows:

Licensing Panel - 5 December 2022

Sale of Alcohol (off the premises), Monday – Sunday 07:00 – 00:00.

Prior to the application, a licence was held which ceased trading under McColl's. The licence was cancelled at the request of the premises licence holder on the 11 April 2022. A further application was submitted on the 8 August 2022; however, this was subsequently withdrawn on the 14 September 2022.

In response to the application, representations were received from Cllr Elizabeth Smaje ward councillor, and six local residents stating that should the licence be granted, the licensing objectives in respect of the prevention of crime and disorder, public safety and the prevention of public nuisance would not be achieved.

The Panel was informed that prior to the hearing, the applicant had proposed to reduce the closing time from 00:00 to 23:00.

Using images on Google Maps, the Panel was shown the premises in relation to residential properties.

A representative acting on behalf of the applicant advised the Panel that Londis have over 2000 members across the UK, and while members receive support from the organisation, they are independent operators. The applicant currently has five petrol stations with Londis and has a wealth of experience running licenced premises. The premises was previously licenced under grandfather rights and there were no conditions on it, however the applicant has offered a number of conditions.

The representative informed the Panel that when an application is submitted, a copy of the application goes to the Police, Trading Standards, the Planning Department, Home Office, a body in respect of the protection of children, and no objections have been received from any of the bodies consulted.

Responding to the concerns raised by the objectors, the representative informed the Panel that the shop held a licence for many years and the shop was never reviewed or revoked as a result of complaints raised by residents. In response to the concerns raised regarding crime and disorder and drivers blocking resident's driveways, it was explained that this is a commercial premises and there will be people pulling up outside the shop. The concerns regarding early morning deliveries can be alleviated as there will be no deliveries before 8:00am and after 5:00pm.

The Panel was advised that in 2008, the High Court emphasised that the principles laid down by the Licensing Act 2003, Section 182, is that there should be a light touch bureaucracy applied to licensing applications and that restriction should only be attached to the premises licence if they are necessary to promote the licensing objectives. It also highlights that decisions on applications should be made on evidence and not based on speculation.

The applicant offered to further reduce the proposed closing time from 23:00 to 22:00.

The objectors were invited to put forward their representations and they advised the Panel of the following:

Licensing Panel - 5 December 2022

- The reduced opening times will make little difference because it is the alcohol licence and the sale of alcohol which attracts the anti-social behaviour and the cause of issues previously
- Drivers blocking residents driveways and become argumentative when asked to move their vehicles
- Opportunist burglaries to nearby properties
- Increased volumes of traffic on an already busy junction
- The hours being applied for will mean a nuisance for local residents with vehicles coming and going from the shop at unreasonable hours
- Disturbance from deliveries at 6:00am
- Unruly teenagers congregating on the garden walls of residents and the potential for underage drinking
- There will be a potential for noise pollution, litter, additional traffic, and parking disruption

After considering the information presented the Panel voted two to one to grant the application with additional conditions.

RESOLVED:

that the application for the grant of new premises licence in respect of Londis, 28-30 Leeds Road, Birstall, WF17 0EW be approved with additional conditions:

- That the licensing activities in respect of the sale of alcohol be reduced to Monday – Sunday - 07:00 hrs – 22:00 hrs
- External CCTV to be installed

8 Application for the Grant of a Premises Licence, Morrisons Store and Petrol filling station - 17 Union Street, Beck Lane Heckmondwike WF16 0HL

The Panel considered a report which outlined an application for the grant of a premises licence, Morrisons Store and Petrol Filling Station, 17 Union Street, Beck Lane, Heckmondwike.

The Licensing Officer outlined the application, advising the Panel that on the 5th October 2022, the Licensing Department received an application for the new grant of a premises licence in respect of Morrison Store, and filling station, 17 Union Street, Beck Lane, Heckmondwike.

The licensing activities applied for by the applicant are as follows:

Sale of alcohol (off the premises) Monday – Sunday 06:00 – 00:00

Late night refreshments (off premises) Monday – Sunday 23:00 – 00:00

The licensing activities on the underlying licence are as follows:

Sale of alcohol (off the premises) everyday 06:00 – 00:00

Licensing Panel - 5 December 2022

In response to the application, representation was received from Cllr Viv Kendrick Heckmondwike ward councillor. The representation considered that should the licence be granted, the licensing objectives in respect of prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm would not be achieved.

The Panel was informed that there had been no matters arising from any of the Responsible Authorities, however, Public Health had made recommendations, Morrisons has those same recommendations embedded in their licensing policy. The Licensing Officer informed the Panel that he had spoken to the police, who advised that while there are anti-social behaviour issues in the area, there are no direct links to Morrisons.

A legal representative acting on behalf of Morrisons, advised the Panel that this is an application for a new premises licence, and is almost identical to the current licence held by Morrisons, with the difference being, that the plan for the application incorporates the petrol filling station.

Promoting the licensing objectives in respect of the petrol filling station will be as follows:

- The petrol station is covered by Morrison's CCTV
- Small kiosk, all alcohol will be behind the counter
- Challenge 25
- Panic buttons and direct links to the main store
- All staff will be fully trained
- Electronic refusal log
- Independent test purchases
- No single cans or bottles sold

None of the Responsible Authorities have raised any concerns and it is not a cumulative impact area.

The Chair read the concerns raised by the local ward councillor, which expressed concerns particularly with the sale of alcohol because of the amount of anti-social behaviour nearby. Groups appear to gather at certain times, often groups of young people where drinking alcohol appears to be the main activity.

RESOLVED:

That the application be granted as requested.

9 Application for the Grant of a Premises License, Moll Springs Brewery, Moll Springs, Netherton, Huddersfield, HD4 7DN RESOLVED:

That consideration of the application be deferred until the 18 January 2023.