

**Name of meeting:** Licensing Panel

**Date:** Wednesday 26<sup>th</sup> April 2023

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: 33 Royds Drive, New Mill, Holmfirth, HD9 1LH

**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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name  Is it also signed off by the Service Director (Finance)?  Is it also signed off by the Service Director for Legal Governance and Commissioning?	Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change  Not applicable  Not applicable
Cabinet member <a href="#">portfolio</a>	Cllr Will Simpson

**Electoral wards affected:** Holme Valley South

**Ward councillors consulted:** Cllr Moses Crook  
Cllr Paul Davies  
Cllr Donald Firth

**Public or private:** **Public**

#### **GDPR Implications:**

GDPR has been considered and appropriate sections of the report have been amended.

## 1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence, which as a result of representations received, has been referred to this Panel for determination.

## 2 Information required to take a decision

### 2.1 Application

2.1.1 On 12<sup>th</sup> March 2023 the Licensing department received an application for the grant of a premises licence for Abi Mini Mart. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows.

Sale of Alcohol (off premises)  
Monday - Sunday 07:00 – 23:00

2.1.3 In total, 1 representation from a member of the public has been received relating to this application. The application was also served on responsible authorities to which no representations were received.

2.1.4 The premises has held a licence previously since 2016, however this expired on 31<sup>st</sup> December 2021 due to immigration status of previous licence holder. The hours were Monday – Friday 07:00 – 21:00 and Saturday – Sunday 08:00 – 21:00. A copy of this licence may be seen at **Appendix B**.

2.1.5 The representation that was received consider that the following licensing objectives would not be met should this licence be granted:

- Public Nuisance
- Prevention of Crime and Disorder

A copy of the representation may be seen at **Appendix C**

### 2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

#### **1.0 – Executive Summary**

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

#### **2.0 – Purpose and Scope of the Licensing Policy**

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

### **Licensing Objectives.**

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance
4. Protection of children from harm

### **2.3 Secretary of State Guidance**

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Member's attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix D**.

## **3 Implications for the Council**

### **3.1 Working with People**

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

### **3.2 Working with Partners**

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safeguarding Children team.

### **3.3 Place Based Working**

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

### **3.4 Improving outcomes for children**

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

### **3.5 Other (e.g. Legal/Financial or Human Resources)**

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

## **4 Consultees and their opinions**

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

## **5 Next steps and timelines**

5.1 When determining the application Members, having had regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application.

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

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

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

## **6 Officer recommendations and reasons**

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

## **7 Cabinet portfolio holder's recommendations**

Not applicable

## **8 Contact officer**

Jordan Barrett, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 71665  
Email: Jordan.barrett@kirklees.gov.uk

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

9.1 Appendix A – Application for the Grant of a Premise Licence for Abi Mini Mart

9.2 Appendix B – Copy of previous licence.

9.3 Appendix C – Objection from member of public

9.4 Appendix D – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## **10 Service Director responsible**

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

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