

Name of meeting: Licensing Panel

Date: Wednesday 25th October 2023 at 9.30am

Title of report: Licensing Act 2003 – Application for the Grant of a New Premises Licence: Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN

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 <u>Council's Forward Plan</u> (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 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 Rachel Spencer-Henshall Strategic Director (Environment and Climate Change) Not applicable Not applicable
Cabinet member <u>portfolio</u>	Cllr Mussarat Pervaiz

Electoral wards affected: Mirfield Ward

Ward councillors consulted: Cllr Itrat Ali
 Cllr Martyn Bolt
 Cllr Vivien Lees-Hamilton

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 new premises license, which because 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 5th September 2023, the Licensing Department received an application for the grant of a new premises licence for Mirfield Market, 156 Wakefield Road, Mirfield, WF14 8AN. A copy of this application, plan and a location map can be seen at **Appendix A**.

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

Sale of Alcohol (Off Premises)

Sunday to Thursday – 08:00hrs to Midnight

Friday - Saturday 08:00hrs to 02:00hrs
the following day

2.1.3 A total of six (6) representations have been received from members of public and one (1) from a responsible authority. The below licensing objectives are believed to have not been met.

- Public Safety
- Prevention of crime & disorder
- Prevention of public nuisance
- Protection of children from harm

A copy of the representations made by the public can be seen at Appendix B.

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 four of the licensing objectives, Member's attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

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 Climate Change and Air Quality

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

3.5 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 to have regard to this objective.

3.6 Financial Implications for the people living or working in Kirklees Council

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

3.7 Other (e.g. Integrated Impact Assessment (IIA)/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. 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

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There has been one (1) representation from the responsible authorities. West Yorkshire Police have made representations due to several failed test purchases at the premises whilst operating under Temporary Event Notices.

This representation can be seen at Appendix D.

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

Steve Mycroft, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 74196
Email: steve.mycroft@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application, Plan and Location Map for the Grant of a Premises Licence for Mirfield Market.

9.2 Appendix B – Representations made by members of the public.

9.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003.

9.4 Appendix D – Representation made by West Yorkshire Police.

10 Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

Tel: 01484 221000

Email: katherine.armitage@kirklees.gov.uk

Appendix A

New Premises Licence

Premises Details

Premises Address *

156 HUDDERSFIELD ROAD MIRFIELD KIRKLEES WF14
8AN

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 6800

Applicant Details

I/We 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.

Please state whether you are applying for a premises licence as:

an individual or individuals

Applicant Details

If you are applying as a person described in one of the above please confirm: *

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

Individual Applicant

Title *

Mr

First name *

Mohammed Azad

Surname *

Ahmadi

Street address *

Individual Applicant

Town/City *

County

Postcode *

Date of Birth *

I am 18 years old or over

Nationality *

Daytime Contact Telephone Number *

Email *

Operating Schedule

When do you want the premises licence to start? *

If 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. *

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) *

Plays

Films

Operating Schedule

- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *	Monday
	08:00
	00:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *	Tuesday
	08:00

Supply of Alcohol Standard Times

00:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Wednesday

08:00

00:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Thursday

08:00

00:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Friday

08:00

02:00

Supply of Alcohol Standard Times

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Saturday

08:00

02:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Sunday

08:00

00:00

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) *

Off the premises

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? *

No

State any seasonal variations for the supply of alcohol. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed? (please read guidance note 6)

Designated Premises Supervisor

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)

Title *

Mr

First name *

Muhamad Nwree

Designated Premises Supervisor

Surname *	Abas
Street address *	
Town/City *	
County	
Postcode *	
Personal Licence Number (if known)	
Issuing Licensing Authority (if known)	

Adult Entertainment

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).	N/A
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Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *	Monday
	08:00
	00:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Opening Hours Standard Times

Day *

Tuesday

08:00

00:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Wednesday

08:00

00:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Thursday

08:00

00:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Friday

08:00

02:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Saturday

08:00

02:00

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Sunday

08:00

00:00

Licensing Objectives

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) *

Please see attachment (500 CHARACTERS MAXIMUM USING THIS FORM)

b) The prevention of crime and disorder *

Please see attachment (500 CHARACTERS MAXIMUM USING THIS FORM)

c) Public safety *

Please see attachment (500 CHARACTERS MAXIMUM USING THIS FORM)

d) The prevention of public nuisance *

Please see attachment (500 CHARACTERS MAXIMUM USING THIS FORM)

e) The protection of children from harm *

Please see attachment (500 CHARACTERS MAXIMUM USING THIS FORM)

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand 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 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.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

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).

Full Name *

Tony Clarke, Agent for the applicant

Date *

04/09/2023

Capacity *

Authorised Agent

Declaration made

Do you wish to provide alternative correspondence details? *

Yes

Alternative Correspondence

Please provide Contact Name and postal address for correspondence associated with this application.

Title

Mr

First name

Tony

Alternative Correspondence

Surname

Clarke

Street address *

Town/City *

County

Postcode *

Telephone Number

Email *

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Tony

Surname /Company Name

Clarke

Email *

Telephone

Mirfield Market, Proposed Conditions of the Premises Licence

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)

CCTV

1.1 The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business.

1.2 The recording medium (e.g. disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request.

1.3 The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one other member of staff (or other person(s)) who is trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

1.4 The premises licence holder / Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours.

1.5 In the case of a breakdown or malfunction the premises licence holder / designated premises supervisor shall make sure that the CCTV is in working order as soon as practicable

b) The prevention of crime and disorder

As above plus

2. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
3. Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

4. The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
5. An incident book/register shall be maintained to record:
 - i.All incidents of crime and disorder occurring at the premises.
 - ii.Details of occasions when the police are called to the premises.
6. This book/register shall be made available for inspection by a police officer or other authorised officer on request.

c) Public safety

No risk has been assessed

d) The prevention of public nuisance

7. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
8. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

e) The protection of children from harm

9. The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
10. The premises is to maintain a refusals to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

LEGEND

Smoke Detector



Fire Bell



Fire Exit



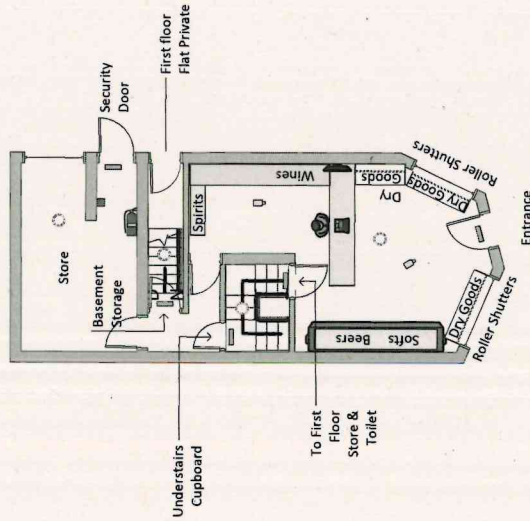
Camera



Fire Ext. Water



Monitor



Drawing Purpose

Premises Licence

Drawing Details

The purpose of this drawing is for the submission of a change of use consent.
All Measurements have been drawn in millimeters.
This drawing is not to be used for the intention of any building, shop fitting or construction purposes.

Name of Premises

Mirfield Market

Premises Address
156 Huddersfield Road,
Mirfield,
WF14 8AN

SCALE

1:200

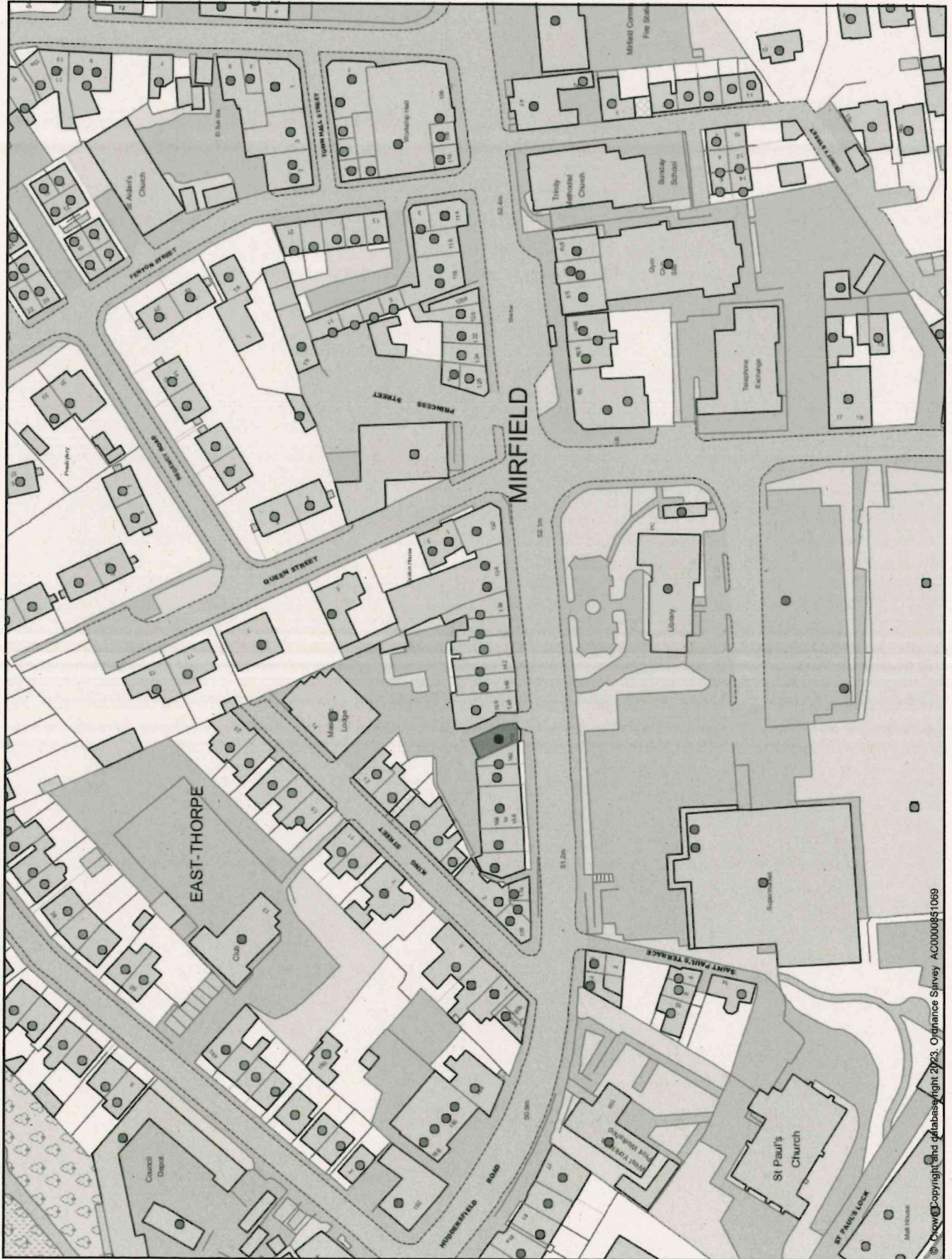
Location Map of Mirfield Market, 156 Huddersfield Road, Mirfield, WF14 8AN



Scale = 1:952,580

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Ordnance Survey
AC0000851069

maps@kirklees.gov.uk



Appendix B

Objection 1

Mirfield Market

I object to this application and feel it will become a public nuisance and in particular the request to open until 2 am as nearby there are residential properties.

Objection 2

Dear Sir or Madam

I would like to register my objection to application number PR00395 from Mirfield Market.

I believe if approved, opening so late would be a public nuisance generally and in particular to the residents who live just a few metres from the establishment.

Yours Sincerely

Objection 3

Hi team

I have seen that the new "shop" mirfield market has applied for a licence to be able sell until 2am... as a local resident I find it disturbing that this has even been considered. This shop is already creating issues in our town with gangs of youths gathering and purchasing e cigarettes and leaving them disposed of in the road.. the shop frontage also brings the area down its repulsive! The town used to be nice but with a few shops like this it's really brought the town down ... we have had restaurants and bars refused licences that would of made a town a nicer place but this monstrosity is being considered.. very disappointed that its even a consideration! I whole heartedly oppose this application!

Regards

Objection 4

Dear Sirs

I wish to raise an objection to the granting of a licence to serve Alcohol by Mr Mohammed Azad Ahmadi for the following reasons.

1. These premises are not within the keeping of the area and are a blight on the Town of Mirfield. The exterior of the shop looks like it has been attacked by fly posters which I thought was illegal. Surely they should be asked to remove them.
2. Mirfield already has an overabundance of establishments selling alcohol on an off-licence basis. This surely adds to the difficult trading conditions already being experienced by correctly licenced public houses who are barely surviving as it is.
3. A premises such as this certainly attracts gangs of youths as been witnessed by anyone who dares venture into Mirfield of an evening. I have deep concerns for the safety of the public in Mirfield. We can no longer rely on the support of West Yorkshire police to police the town at any time of the day let alone into the early hours.
4. What consideration is being taken for the rest of the business's in Mirfield who will suffer this blight on a daily basis. There are many business that have spent a fortune trying to improve the look of their premises and now as we approach the winter months will be forced to close early to consider their own safety and that of their staff members. You can be sure that the opticians, hairdressers, florists, greeting card shops, solicitors, cafe owners are all going to be deeply impacted by the loss of footfall which in turn could force the closure of these business's. What should be considered is the perilous state of the finances of Klrklees Council. Are the interests of one new business to over ride the interests of all the other established business's, many who are likely to move out of Mirfield adding to lost revenue for the council. There are wider issues here to be considered which affects not only Mirfield, but the wider area too.
5. It is not that many years ago that an extended liquor licence was refused by Pax Burgers which forced the owner to pull out and take his business to another town. Mirfield is crying out for quality establishments, selling food etc where people can relax and have an enjoyable meal, yet Pax Burgers was refused a licence. Consistency surely must prevail, if it was deemed inappropriate then, it certainly is now

Regards

Objection 5

Email 1

Thankyou for speaking with me a few days ago regarding the shop at 156 Huddersfield Road, Mirfield.

When I originally spoke with yourself There had been no planning signs up or anything to let people know, or on the Shop itself with regard to what it was going to be selling.

In 2008, I opened et cetera. I then moved in to the , in 2013. I am in my 70s and I enjoy it in the flat because it's fairly quiet and in the evening, apart from passing traffic , there isn't very much in the way of problems. One of my occasional problems is the alleyway between 156 is sometimes used as a urinal by males on the way home from one of the numerous pubs in Mirfield, as there are no public toilets

ranging in age from very young to very elderly, And a lot of people have been asking what was going to be selling -as most of Mirfield now has very few small retail premises. We have a butcher, a homeware products, a gift shop, a florist shop, a hardware shop, and most of the other small shops are either connected to the beauty, trade, e.g. hairdressers and cosmetic services, Cafes, and pubs or offices. We have had Bargain Booze (off-licence) for a number of years now and have never been any problems that I'm aware of.

But when some ugly lighted Perspex signs went up on the shop next door a week or two ago saying "Off Licence, vapes, tobacco, beers wines and spirits" and are on the front of the shop and the side into the alleyway and gaudy perspex panels with large Pictures of alcohol bottles and confectionery, I suddenly had saying " What on earth is going on , there are enough places in Mirfield selling alcohol and Vapes and those signs put up look like a Blackpool promenade frontage – they are disgusting and ugly.

Other people have also said Mirfield is starting to look like a seaside place with the gaudy signs. I've also had quite a few people expressing rather stronger language, generally, I have been asked to start a petition , as quite a lot of elderly and do not have the Internet, and then would you believe it after I said to one of the people working in there yesterday you're meant to have a sign on the door , And lo and behold this morning when I went round onto the road to walk my dog there affixed to the shutter with a nail was a piece of paper regarding planning application. The people were in the shop last night filling the shelves with alcohol and other stock and they've already put an ugly steel door in the alleyway and bars on the windows, which I can understand if they are selling alcohol– But that was done two or three weeks ago! And they hadn't even applied for planning, then apparently, As the sign only went up late last evening.

The biggest problem we now have (after chatting to some locals) are the licensing hours that they are applying for every day of the week until midnight and Friday and Saturday until 2 o'clock in the morning!!!

I personally find this quite frightening as I live on my own and I already am quite often having to clear litter - cans and bottles et cetera and now it really worries

me as I believe there will also be quite an increase in noise -and there is no parking at the front as it's double yellow lines, a dropped pavement(And a bus stop)– but primarily the fact that we already have a lot of bars for the size of the town.

Another shop has opened up across the road towards the traffic lights further on Huddersfield Road and that is I believe a convenience store selling Vapes et cetera but people are also commenting to me about the horrendous Perspex signage outside that one..I have taken a quick snap(which isn't very good as it's busy during the day,)but hopefully you'll see that it's not very nice at all and I've had so many people asking me to set up petitions. I hope you will not allow this planning. We found it very strange that they were in the shop Last night filling all the shelves with the alcohol et cetera and the fact they put a steel security door on. I think it was about three or four weeks ago which is very ugly but then again it's not on the front of the street but they were doing all this before, I believe, that they had even even applied for planning.

I've just been along the street and spoken quite a few people of varying ages who have said please do a petition because it's absolutely disgusting and it's also starting to look like Ravensthorpe – those are other peoples words, not mine -Mirfield used to be quite a lovely town. Sadly it's sinking into a place that folks do not like.

Email 2

With reference to our phone call a few moments ago, I would just like to confirm what I was actually reporting to you at the time – the premises at 156 Huddersfield Road Mirfield as previously discussed, obviously they seem to not care about any laws – by Friday evening, there was no longer a blue application for licensing attached to the shop anywhere, and I have taken the video movie of the whole surrounding area to prove this, and lo and behold, the shop opened on Saturday morning all day, and yesterday, and they are open today.They were open well into the evening Each day.

I have taken photographs at various times during the weekend and this morning to prove that they were open – and I did also mention to one of the men standing outside this morning that they are not meant to put their shop sign on the curb as we are meant to keep our signs between our shop and the cut line on the pavement that goes along the High Street, but he's just moved it even closer to the kerb !!!

As I also told you in our conversation this morning – on Saturday evening I Was just taking my dog for a walk when a car pulled in behind the shops, and I said it's actually a private carpark, the driver and his companions said “we're only nipping into the shop To get some drinks, we won't be very long” I then asked them “are you going to buy some alcohol? and they responded that they were – – – so I rather cheekily asked them would you be willing to get a receipt for me and I did explain to them that the shop didn't actually have a license for alcohol which they thought was bad, but they agreed to do it as I said I wanted some proof to hand in to licensing.(The people have kindly give me names and phone numbers in order to back up what I am telling you. They are worried though that they may be involved which they don't really want to be in case there is any trouble from the shop.).

First of all one of them went in to the shop with her card to pay, but then came running out asking if anybody had any cash, as the shop was not willing to take Cards for payment!!! She

then went back in and a few minutes later, came back out with a carrier bag. Full of what I believe, was beer and lager – she did show me what was in there to prove that it was alcohol. She willingly gave me the receipt, which I now have in my possession – – – but when I looked at it later, that evening, I realised that it was printed with the address of the other shop across the road next door to the old post office, and not the premises, next door!!! Also, there was no record of any VAT number or what they had actually bought, so that confirms my suspicions, and I think that the two shops are belonging to the same owner.

I wish somebody would make a plainclothes unannounced visit and buy some alcohol and try and pay with card as well, because they're obviously trying to cover their tracks by using the other shops' details.

I was also told by the _____ – (Also believes That the frontage is horrendous and ugly) they have previously been applications to planning for some frontage that was actually refused by planning – so I just pray to God that this time it will be refused, and also the shop across the road that now it would seem is Being run by the same people.

I'm sorry if I have repeated myself following on from my original email to yourself, but so many people in Mirfield are really angry. How the look of the town is being ruined, and that the current people running the shop obviously don't give a damn about the law or else they would wait until they have the necessary permissions. If they are currently going to disregard the law, they do not deserve any permissions - frontage or alcohol.

Both shops look absolutely terrible, and again, I say I feel so sorry for the volunteers working so hard with Mirfield in bloom every year for this to happen to the town now – the general consensus seems to be that it's disgusting, but that they will get away with it and get all the permissions. It's a pity the obvious lawbreakers have a chance to carry on in Mirfield trading. I dread to think what the future holds, and as I said in my earlier email, as I am now in my 70s, and I live _____, and _____, I am seriously thinking about my future here because lawbreakers are lawbreakers. And what else will they sink to?

Kind regards,

Objection 6

Good afternoon, I am writing to make representations regarding the above licensing application.

As a side note, I spoke to a colleague, (I hope I heard the name correctly earlier) and explained the blue notice was only up outside of the shop for a day, stuck over a nail, before it was removed / blew away, so there is no public notice displayed and hasn't been since last week.

My concerns regarding the licence request for the sale of alcohol are as follows;

1 – Shop opening hours are proposed to be until midnight Sunday to Thursday and until 02:00 Friday and Saturday nights. I am concerned both of these are far too late for what is, certainly through the week, a quiet town centre after 8pm (I know this as I live in the town centre) so there is no requirement for another shop to be open so late as there is already Tesco express approximately 150 yards down the road, open until 10pm, selling cigarette and alcohol and Bargain Booze the same distance the other way open until 9pm. Tesco did open until 11pm initially but I am told altered its time to 10pm as there was no call for such late opening. Furthermore, to request opening hours until 02:00 Friday and Saturday goes way beyond any need of anyone at that time and I would be concerned it would encourage people to make unnecessary late night trips out potentially when they are over the alcohol limit in a car to buy more alcohol. None of the bars locally are open until then so there is absolutely no need. Even if they were, the potential for anti-social behaviour/ risk to those working in the shop at that time would be high. Even the only late closing local takeaway on the same road closes at 1am.

2- I am concerned the position of the shop is on double yellow lines on a busy road but patrons will still park causing a dangerous obstruction, especially later in the evening when people can tend to think 'it doesn't matter'.

3 – I am concerned that this (and a further seemingly twin market virtually opposite) are opening offering sale of alcohol when a relatively short road already has a late night Tesco Express, a Bargain Booze, a Co-op, Lidl and (soon to be) Aldi, all of which sell alcohol until 10pm in the evening. Why are a further -2 shops in the half mile space needed?

Thank you for taking the time in considering these representations.
Kind regards.

Appendix C

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.

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 Revised Guidance issued under section 182 of the Licensing Act 2003 | 11 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); and • 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 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 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.

Appendix D

156 Huddersfield Road Mirfield.

On the 5th of September, a new application was submitted to the licensing department, for the grant of a new licence.

As well as the application 3 temporary event notices were also submitted allowing alcohol sales to take place while the licensing application period of 28 days took place.

The dates the tens covered were:

Tuesday 12th September to Sunday 17th September.

No ten notice for Mon 18th Sept.

Tuesday 19th September to Sunday 24th September

No ten notice for Monday 25th September

Tuesday 26th to Monday 1st Oct Ten in place.

On Thursday 14th September, a test purchase was put in place to see if the shop was selling illegal tobacco products during the application process.

I went into the shop at approximately 11.30 am, and selected a bottle of Estrella Beer and went to the counter to pay. I asked the gentleman behind the counter if he had any cheap cigarettes. He said I could have 20 Marlboro Lights for £6.00. The cigarettes appear to be for the Polish market, and are none duty paid to the UK Government.



On Monday the 18th September a further two test purchases were carried out, one in the morning where four cans of Stella Artois were sold.

This is an unlicensed sale as no temporary event notice was in place.



A further test purchase was carried out in the afternoon, where a bottle of Estell was sold, along with 20 non-duty paid L and M cigarettes were also purchase.



It was also noted that illegal vapes were on display, with over 3500 puffs available, the UK specification is 600 max.

On Monday 25th September a fourth test purchase was carried out. There was no temporary event notice in place, alcohol should not be sold.

A test purchase was carried out at approximately 12.30 hours, where a bottle of Estrella beer was sold, along with 20 non-duty paid Marlboro cigarettes.



This applicant has no respect to English law, he retails alcohol illegally, as well as selling non-duty paid tobacco products, he breaches the crime and disorder licensing objective, before a licence has been even granted. The public safety objective is also impacted upon, by selling illegal tobacco products.

Therefore West Yorkshire Police object to the grant of this licence.