

Name of meeting: Licensing Panel

Date: Wednesday 25th October 2023 at 10.45am

Title of report: Licensing Act 2003 – Application for the Grant of a New Premises Licence: Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB

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 (key decisions and private reports?)</u>	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: Dalton Ward

Ward councillors consulted: Cllr Mussarat Khan
Cllr Naheed Mather
Cllr Tyler Hawkins

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 30th August 2023, the Licensing Department received an application for the grant of a new premises licence for Gourmet Hub, Shop 1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB. 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) Everyday -	15:00hrs to 05:00hrs the following day
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Late Night Refreshment Everyday -	23:00hrs to 05:00hrs the following day
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The premises has previously held a licence when it was a Public House called the Somerset Arms, this licence was surrendered on 25th February 2013.

There is an off licence / News agents located next door to the premises at 51 Wakefield Road. The Off licence for that store **PR(A)1415** is.

Everyday -	07:00hrs to 23:00hrs
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There is a food outlet KFC at 47 – 49 Wakefield Road. The late-night refreshment licence for that store **PR(N)0171** is.

Sunday to Thursday	23:00hrs to 23:30hrs
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Friday to Saturday	23:00hrs to Midnight
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Copies of both licences can be seen at Appendix B.

2.1.3 During the consultation period a representation from two of the Councillors for the Dalton Ward has been submitted, this includes information of health, crime, and social deprivation concerns in the local area. **This can be seen at Appendix C.**

2.1.4 The representation that was received considers that the following licensing objectives would not be met should this licence be granted.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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 sections of the guidance can be seen 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 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 have been no representations from the responsible authorities. However, planning has advised that there are planning restrictions in place with regards to what time a premises can operate at that location. **This can be seen at Appendix E.**

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 Gourmet Hub.
- 9.2 Appendix B – Copy of Premises Licence for Newsagent & KFC PR(A)1415 & PR(N)0171
- 9.3 Appendix C – Representations from Local Ward Councillors.
- 9.4 Appendix D - Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003
- 9.5 Appendix E – Planning restrictions on premises

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 *

GOURMET HUB, SHOP 1 53 WAKEFIELD ROAD
MOLDGREEN HUDDERSFIELD KIRKLEES HD5 9AB

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 10000

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 *

Mrs

First name *

HUMA

Surname *

MIRZA

Street address *

shop 1, 53 Wakefield Rd

Moldgreen

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

Late Night Refreshment Standard Times

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

Day *	Every Day
	23:00
	05:00

Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 3) *

Both

Please provide further details.(please read guidance note 4)

Indoors: Sale of late night refreshments and collections of late night refreshments. Outdoor = Home deliveries of late night refreshments

Late Night Refreshment

State any seasonal variations for the provision of late night refreshment.(please read guidance note 5)

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

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 *

Supply of Alcohol

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

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

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 *

First name *

Surname *

Street address *

Designated Premises Supervisor

	United Kingdom
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

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 *	Every Day
	15:00
	05:00

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) *

I have set standards related to all aspects of operating the business, from the deliveries of stock right through to the manner of sales to the customers. I am mindful of my obligation to my staff, our customers, local residents and visitors who may be affected by my business. I have

Licensing Objectives

b) The prevention of crime and disorder *

employed adequate staff to allow proper management and supervision of those who visit us.

I will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our business. I will not countenance the use or supply of illegal drugs/products and my staff will inform the police immediately of any suspected activity on or in the vicinity of the premises. Our employment policy is designed to ensure that only professional and reputable staff are employed.

c) Public safety *

The premises comply with all requisite health and safety legislation. I will carry out regular health and safety risk assessments and am required to do so under the terms of the lease. In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the shop and return at a quieter time.

d) The prevention of public nuisance *

Our door will be kept closed at all times except customers/staff/delivery drivers etc entering and exiting the premises. I intend to display a notice to our customers to leave the premises quietly and with due consideration for our neighbours. Delivery drivers will be instructed to enter and leave their vehicles quietly, not leave the engines running and to part considerately. I would not hesitate in banning people who visit the premises and regularly leave in a noisy fashion.

e) The protection of children from harm *

To comply with this legislation, I will operate a CHALLENGE 25 policy as a minimum whereby any person not looking the age of 25 must prove that they are in fact over the age of 18 for the purpose of sale of alcohol. Acceptable proof of ID will be passport or photo card driving license. Operate a refusals book, CCTV, Legal age signage and regular refreshers training of staff for sale of alcohol.

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

Declarations

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 *

HUMA MIRZA

Date *

30/08/2023

Capacity *

Applicant

Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

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

Forename

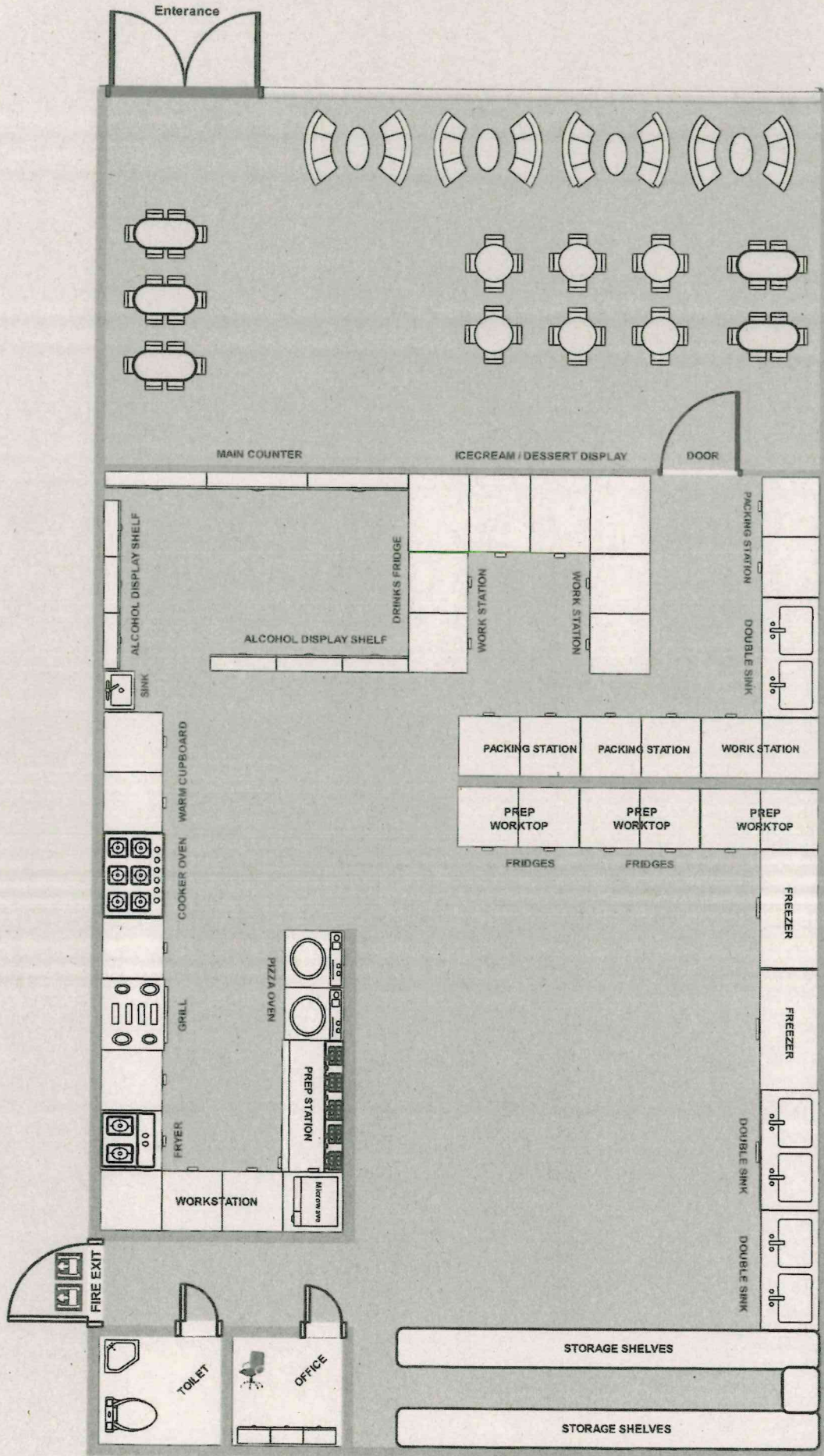
HUMA

Surname /Company Name

MIRZA

Email *

Telephone



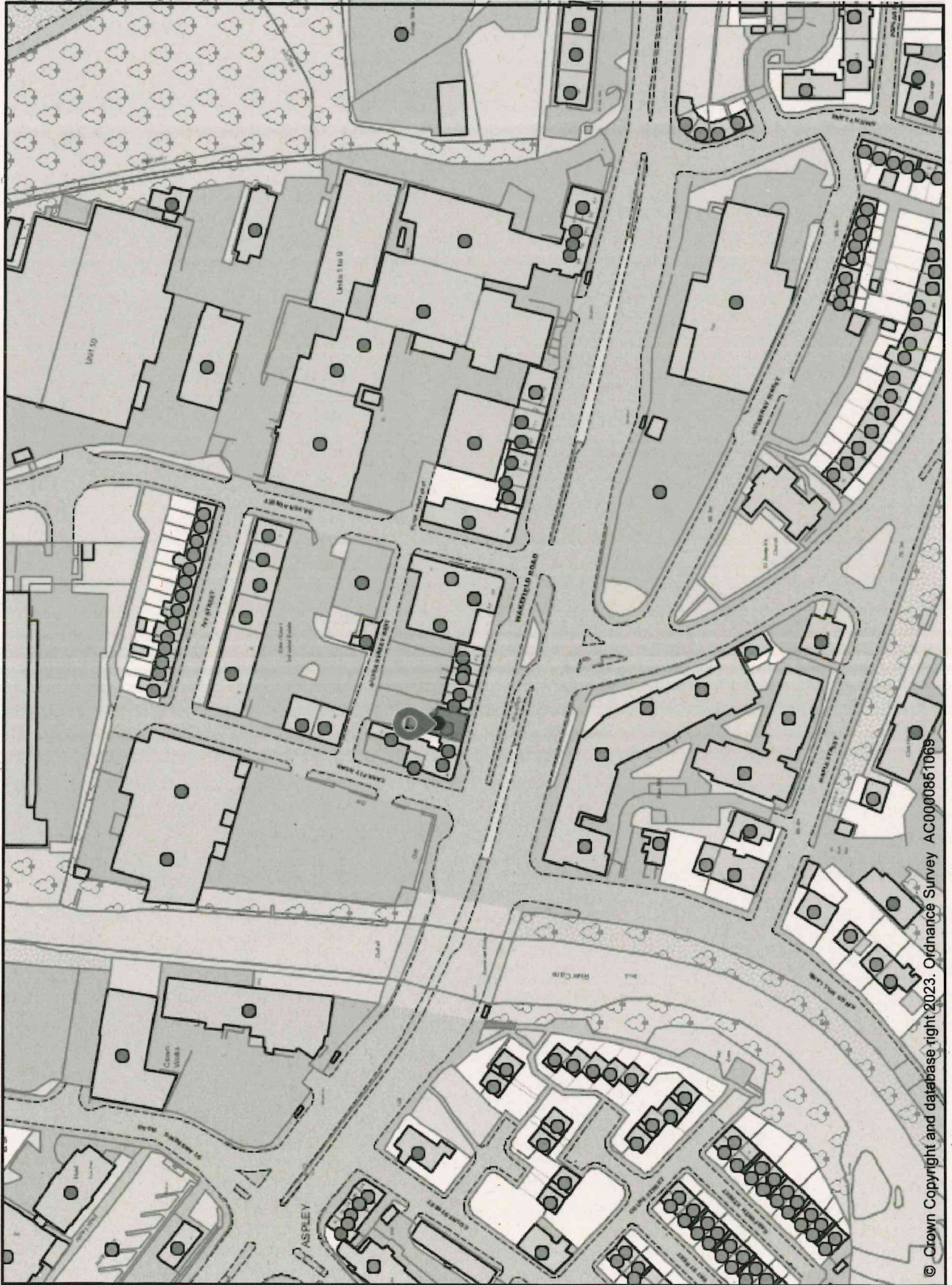
Gourmet Hub, Shop1, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB



Scale = 1:1906,120

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database right 2020.
Ordnance Survey
AC0000851069


maps@kirklees.gov.uk



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Appendix B

PREMISES LICENCE Licensing Act 2003	Licence number:	Online Reference number:
	PR(N)0171	LAMVAR/14756/22

THIS LICENCE IS ISSUED BY	
	<p>Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL</p> <p>Tel: 01484 456868 Email: licensing@kirklees.gov.uk</p>

POSTAL ADDRESS OF PREMISES
<p>KFC 47 - 49 Wakefield Road Moldgreen Huddersfield HD5 9AB</p>

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES						
Late Night Refreshment (Indoors)						
<table border="0"> <thead> <tr> <th>Day(s)</th> <th>From - To</th> </tr> </thead> <tbody> <tr> <td>Friday to Saturday</td> <td>23:00 - 00:00</td> </tr> <tr> <td>Sunday to Thursday</td> <td>23:00 - 23:30</td> </tr> </tbody> </table>	Day(s)	From - To	Friday to Saturday	23:00 - 00:00	Sunday to Thursday	23:00 - 23:30
Day(s)	From - To					
Friday to Saturday	23:00 - 00:00					
Sunday to Thursday	23:00 - 23:30					

THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Friday and Saturday	11:00	00:00
Sunday to Thursday	11:00	23:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)
N/A

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

N/A

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

Email address

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

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

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:

PREMISES LICENCE

Licensing Act 2003

PR(N)0171**ANNEXES****ANNEX 1 – MANDATORY CONDITIONS****ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE****ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. All odours and fumes produced from the cooking of foodstuffs shall be extracted from the premises via an air extraction system. This system shall be insured to the satisfaction of the Responsible Authority for Public Nuisance.

The extraction system shall be maintained and cleansed to ensure to its effective operation. No alterations shall be made to the extract system without the approval of the Responsible Authority.

2. All waste-water from food preparation areas shall discharge into the sewerage system via a suitable grease interceptor. The interceptor shall be maintained and cleansed to ensure to its effective operation.

3. The external refuse and waste bottle receptacles and surrounding storage areas shall be inspected daily, cleansed where necessary and cleansed on at least a weekly basis.

4. General

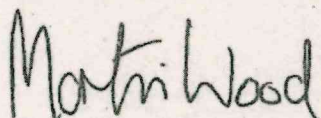
Those specified within the application.

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: 28 September 2022

Date Commences/Varied: 28 September 2022



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(N)0171**THIS LICENCE IS ISSUED BY**LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LGTel: 01484 456868
Email: licensing@kirklees.gov.uk**POSTAL ADDRESS OF PREMISES**KFC
47 - 49 Wakefield Road
Moldgreen
Huddersfield
HD5 9AB**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Late Night Refreshment (Indoors)

Day(s)	From - To
Friday to Saturday	23:00 - 00:00
Sunday to Thursday	23:00 - 23:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Friday and Saturday	11:00	00:00
Sunday to Thursday	11:00	23:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

N/A

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

N/A

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

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

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

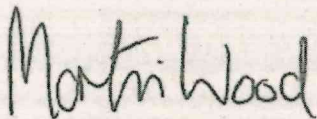
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence


Date Granted: 28 September 2022

Date Commences/Varied: 28 September 2022



Head of Public Protection Service

PREMISES LICENCE Licensing Act 2003	Licence number:	Online Reference number:
	PR(A)1415	PR(A)1415

THIS LICENCE IS ISSUED BY	
	<p>Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL</p> <p>Tel: 01484 456868 Email: licensing@kirklees.gov.uk</p>

POSTAL ADDRESS OF PREMISES

Williamson's Newsagents
51 Wakefield Road
Moldgreen
Huddersfield
HD5 9AB

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
Everyday	07:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Everyday	06:00	23:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

N/A

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

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

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

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:

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

The premises licence holder will ensure that a fully functional CCTV system is in operation at all times when the premises are open to the public.

The system should cover all licensable areas and the entrance/exit to the premises.

Staff should be trained in the use of the system, and images recorded should be made immediately available on the request of a police constable or authorised officer of the Council.

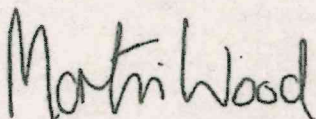
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 8 January 2013

Date Commences/Varied: 29 December 2012



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1415**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

Williamson's Newsagents
 51 Wakefield Road
 Moldgreen
 Huddersfield
 HD5 9AB

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
Everyday	07:00 - 23:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Everyday	06:00	23:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

N/A

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

Any conditions applicable to these premises are attached to the licence.

Date Granted: 8 January 2013

Date Commences/Varied: 29 December 2012

Martin Wood

Head of Public Protection Service

Appendix C

Dear Steve,

I am submitting the below evidence taken from public health data to submit my objection to an alcohol license exceeding beyond 11 pm at 53 WAKEFIELD ROAD, MOLDGREEN, HUDDERSFIELD, HD5 9AB. The below public health data shows a significant higher than average rate of hospital alcohol attributable conditions for this area, higher than the kirklees average for living environment deprivation, higher than average figures in voluntarily excluded from the labour market, and the worst 3 deciles for health and crime figures.

The following data provides evidence to Licensing Committee to review and consider when making their decision about this application proposal.

This document refers to the data for the Dalton ward and LOSA area relating to the postcode of the proposed application.

E02002299 is the MSOA which covers the address of the application. E02002299 is part of the Dalton Ward. Some data below is presented at MSOA level and some at ward level.

LOCAL HEALTH: REPORT PART 2 - HOSPITAL ADMISSIONS - HARM AND INJURY

Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021

Indicators	Kirklees 029 (msoa 2011)	Kirklees (LTLA 2021)	Kirklees (UTLA 2021)	Kirklees 029 (msoa 2011)
<u>Emergency hospital admissions for intentional self harm (SAR)</u>	127.9	86.4	86.4	127.9
<u>Emergency hospital admissions for hip fractures, persons aged 65 years and over (SAR)</u>	91.9	90.3	90.3	91.9
<u>Hospital admissions for alcohol attributable conditions (Broad definition) (SAR)</u>	147.5	93.1	93.1	147.5
<u>Hospital admissions for alcohol attributable conditions, (Narrow definition) (SAR)</u>	158.0	97.7	97.7	158.0

Source: *Hospital Episode Statistics (HES) NHS Digital*

Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021

Kirklees 029 (msoa 2011)
Emergency hospital admissions for intentional self harm
Emergency hospital admissions for hip fractures, persons aged 65 years and over
Hospital admissions for alcohol attributable conditions (Broad definition)
Hospital admissions for alcohol

attributable conditions, (Narrow definition) 0.020.040.060.080.0100.0120.0140.0160.0160.0160.05 significantly better / England Not significantly different Significantly worse / England England
Source: Hospital Episode Statistics (HES) NHS Digital

Other Deprivation Measures

Figure 1 shows that 50% of Dalton Ward residents are in the worst 3 deciles for living environment deprivation.

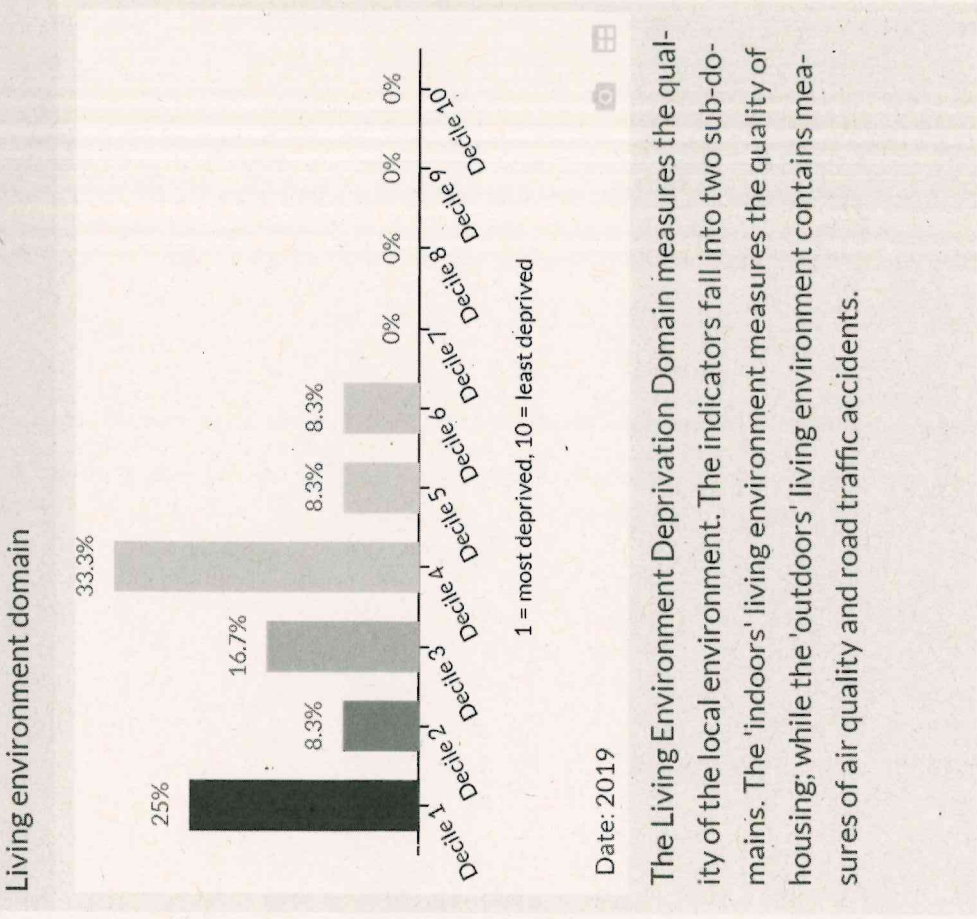
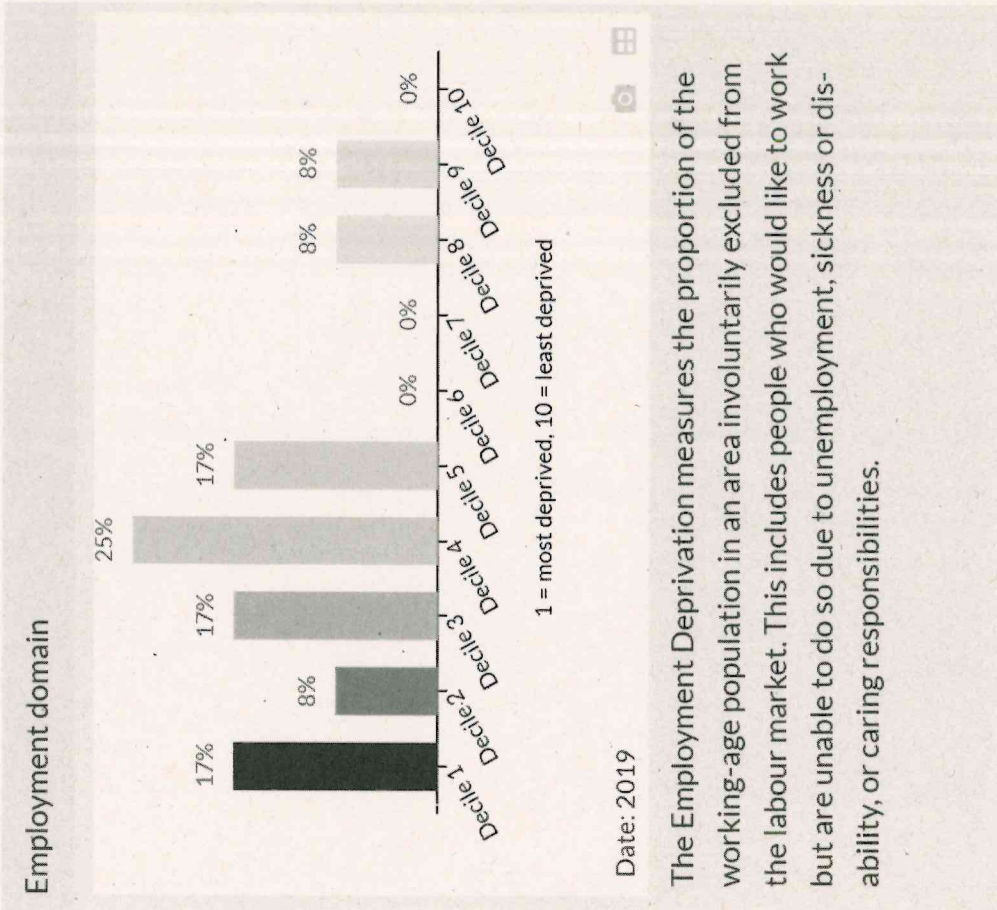


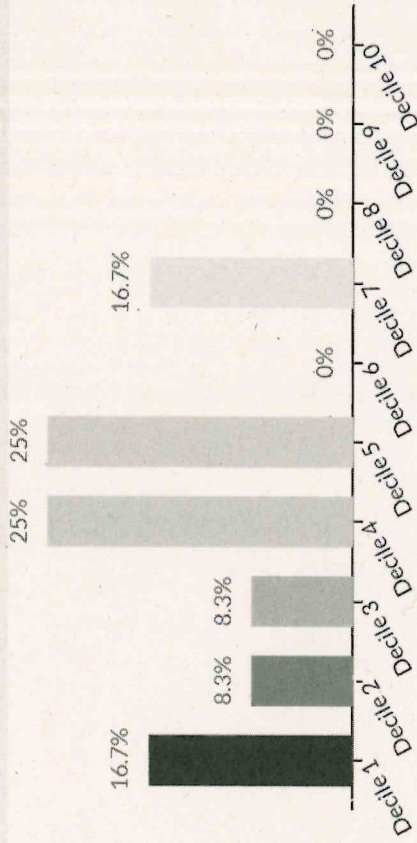
Figure 2 shows that 42% of Dalton Ward residents are in the worst 3 deciles for being involuntarily excluded from the labour market.



The Employment Deprivation measures the proportion of the working-age population in an area involuntarily excluded from the labour market. This includes people who would like to work but are unable to do so due to unemployment, sickness or disability, or caring responsibilities.

Figure 4 shows that a third of Dalton Ward residents are in the worst 3 deciles for health. Figure 4 shows that over half of Dalton Ward residents are in the worst 3 deciles for crime.

Health domain

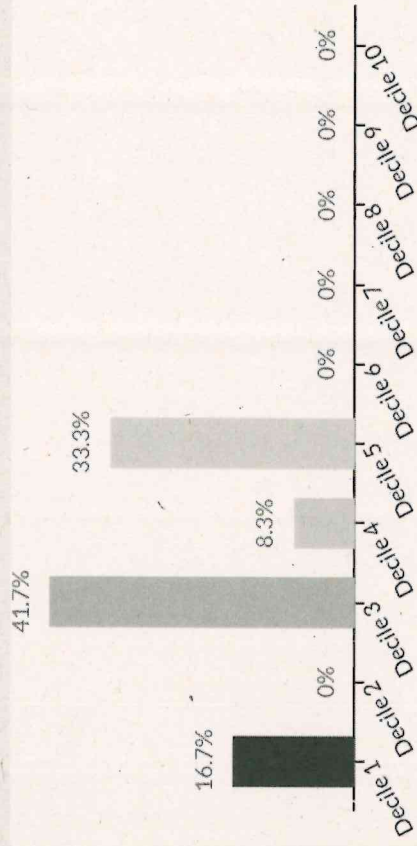


1 = most deprived, 10 = least deprived

Date: 2019

The Health Deprivation and Disability Domain measures the risk of premature death and the impairment of quality of life through poor physical and mental health. The domain measures morbidity, disability and premature mortality but not aspects of behaviour or environment that may be predictive of future health deprivation.

Crime domain



1 = most deprived, 10 = least deprived

Date: 2019

Crime is an important feature of deprivation that has major effects on individuals and communities. The Crime Domain measures the risk of personal and material victimisation at local level.

Appendix D

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 E

Planning information

The site appears to operate as per the following planning permission:

2012/70/93811 VARIATION OF CONDITION 2 ON PREVIOUS PERMISSION 2012/90723 FOR CHANGE OF USE OF GROUND FLOOR FROM CLASS A4 (PUBLIC HOUSE) TO CLASS A5 (HOT FOOD TAKE-AWAYS) AND INSTALLATION OF REPLACEMENT SHOP FRONT. ERECTION OF TWO STOREY EXTENSION AND ALTERATIONS TO FORM 2 FOUR BEDROOM HOUSES OF MULTIPLE OCCUPATION AND ALTERATIONS TO FORM 2 STUDIO FLATS

Condition 8 of the permission restrict the hours of operation, details as follows:

8. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 08.00 and 23.00 Monday to Sunday. Reason: In the interest of residential amenity and to accord with policy EP4 of the Kirklees Unitary Development Plan and Part 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework.

It appears the hours of use would be exceeded (as per the details of the license application). If the intention is for later hours than those permitted by application 2012/93811 an application for variation of condition of the planning permission would need to be submitted.



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2010**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2012/62/90723/W

To: Andy Brook,
Code L6 Architecture
31, Halifax Road
Brighouse
HD6 2AA

For: MR M RAFI, MR PROPERTY DEVELOPMENTS

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

CHANGE OF USE OF GROUND FLOOR FROM CLASS A4 (PUBLIC HOUSE) TO CLASS A5 (HOT FOOD TAKE-AWAYS) AND INSTALLATION OF REPLACEMENT SHOP FRONT. ERECTION OF TWO STOREY EXTENSION AND ALTERATIONS TO FORM 2 FOUR BEDROOM HOUSES OF MULTIPLE OCCUPATION AND ALTERATIONS TO FORM 2 STUDIO FLATS.

At: SOMERSET ARMS, 53, WAKEFIELD ROAD, MOLDGREEN,
HUDDERSFIELD, HD5 9AB

In accordance with the plan(s) and applications submitted to the Council on 14-Mar-2012, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

Reason: So as to ensure the satisfactory appearance of the development on completion and to accord with policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and part 7 – Requiring good design of the National Planning Policy Framework.

3. The materials used in the extension shall match those used on the existing building in terms of type, colour, texture and scale.

Reason: In the interests of visual amenity and to accord with policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and part 7 – Requiring good design of the National Planning Policy Framework.

4. The parking spaces as shown on drawing no. 12-089-10C, received 08/05/2012 shall be provided before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) the parking spaces shall be retained and kept available for the parking of vehicles hereafter.

Reason: In the interests of highway safety and to ensure that there is sufficient parking provision at the site and to accord with policy T10 of the Kirklees Unitary Development Plan and part 4 – Promoting sustainable transport of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) the first floor windows to the front elevation (facing towards Wakefield Road) shall be none opening upon first occupation and be retained as such thereafter.

Reason: In the interests of residential amenity and to protect residents from unacceptable levels of noise and to accord with policy EP4 of the Kirklees Unitary Development Plan and Part 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework.

6. Details of the installation and/or erection of any extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emission shall be submitted to and approved in writing by the Local Planning Authority before the development is first commenced. The works specified in the approved scheme shall then be installed before the development is first brought into use and operated at all times when the takeaway/restaurant is in use and be maintained in accordance with the manufacturers' instructions.

Reason: In the interests of residential amenity and to protect surrounding residents from unacceptable noise and odours and to accord with policy EP4 of the Kirklees Unitary Development Plan and Part 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework.

7. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 08.00 and 23.00 Monday to Sunday.

Reason: In the interest of residential amenity and to accord with policy EP4 of the Kirklees Unitary Development Plan and Part 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework.

NOTE – It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 226452.

NOTE - To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which works may be carried out.

The proposal is considered acceptable having regard to all material planning considerations including national planning policy and guidance, and policies and proposals of the Development Plan set out below:

Unitary Development Plan

D2 – Unallocated Land

BE1 – Design principles

BE2 – Quality of design

B1 – Employment needs of the district

B4 – Change of use of land and buildings last used for business or industry

T10 – Highway safety

EP4 – Noise sensitive development

National Planning Policy Framework

Part 1 – Building a strong, competitive economy

Part 3 – Supporting a prosperous rural economy

Part 4 – Promoting sustainable transport

Part 6 – Delivering a wide choice of high quality homes

Part 7 – Requiring good design

Part 8 – Promoting healthy communities

Part 11 – Conserving and enhancing the natural environment

The development would protect the vitality of the local centre and result in no undue harm to visual or residential amenity or highway safety.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan and Existing Plans and Elevations	12-089-01	N/A	14/03/2012
Proposed Plans and Elevations	12-089-10C	N/A	08/05/2012
Design and Access Statement	12-089-15	N/A	14/03/2012
Photographs	12-089-02	N/A	14/03/2012

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Applicants must investigate and take account of these hazards prior to commencing development and introduce appropriate measures to address risks both within and beyond the development site. Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

An electronic version of the full Standing Advice, which you are strongly advised to read and details of the coalfield consultation areas can be provided on request to: planningconsultation@coal.gov.uk

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 30-May-2012

Signed: 

**Jacqui Gedman
Director of Place**

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2012/62/90723/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

**Town and Country Planning Act 1990
Application for Permission to Develop Land**

Response from Pollution & Noise Control

PNC Reference No:	WK/201207091
Name of Planning Officer dealing with the matter:	Rachel Carney
Application Number:	2012/62/90723/W
Proposed Development:	Change of use of ground floor from Class A4 to Class A5 and installation of replacement shop front. Erection of 2 x storey extension and alterations to form 2 x four bedroom HMO and alterations to form 2 x studio flats.
Location:	Somerset Arms, 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB
Date Required By Planning:	18th April 2012

COMMENTS

I note from the information submitted with this application that the rooms overlooking Wakefield Road are to be ventilated without the need to open windows so as to avoid excessive internal noise levels.

I recommend that the following condition be attached to any approval

VENTILATION

Before development commences, a ventilation scheme to show how habitable rooms to rooms overlooking Wakefield Road shall be ventilated without the need to open windows shall be submitted to and approved in writing by the LPA. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

A suitable scheme may be provided by ventilation that complies with the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975.

In addition to traffic noise I am also concerned that the extract ventilation to the hot food takeaway may cause noise and odour problems to nearby residents therefore I recommend the following conditions attached to any approval

The use hereby permitted shall not begin until details of the installation and/or erection of any extract ventilation system , including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the takeaway/restaurant is in use and maintained in accordance with the manufacturers instructions unless otherwise agreed in writing by the Local Planning Authority.

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 226452.

HOURS OF USE

Unless otherwise agreed in writing with the LPA no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 08.00 and 23.00 Monday to Sunday.

I also recommend the following advice is given to the applicant,

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify

Date:	23/4/12	Officer:	K. Ellam Ext. 6433
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