

**Name of meeting:** Licensing Panel

**Date:** Tuesday 30<sup>th</sup> January 2024

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL

**Purpose of report:** To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall - Strategic Director, Corporate Strategy, Commissioning & Public Health
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <a href="#">portfolio</a>	Cllr Mussarat Pervaiz

**Electoral wards affected:** Dewsbury West

**Ward councillors consulted:** Cllr Ammar Anwar  
 Cllr Darren O'Donovan  
 Cllr Mussarat Pervaiz

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

**GDPR Implications:**

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

## 1 Summary

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

## 2 Information required to take a decision

### 2.1 Application

2.1.1 On 13<sup>th</sup> December 2023 the Licensing department received an application for the grant of a premises licence for Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL. A copy of this application and plan may be seen at **Appendix A**.

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

Sale of Alcohol (off premises)

Monday - Sunday 08:00 – 23:00

With 1 additional hour at the end of terminal hours on Christmas Eve and New Years eve.

2.1.3 In total, 3 representations from ward councillors have been received relating to this application. The application was also served on responsible authorities to which no representations were received.

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

- Prevention of Public Nuisance

A copy of the representations may 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 Public Nuisance, 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.

### **3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions**

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

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 requirements set out in the Licensing Act 2003. There have been no matters arising from responsible authorities. Representations have been received from 3 Local Ward Councillors.

## **5 Engagement**

Engagement is not a requirement as set out in the Licensing Act 2003.

## **6 Next steps and timelines**

6.1 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.

- 6.2 Findings on any issues of fact should be on the balance of probability.
- 6.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.
- 6.4 The decision should be based on the individual merits of the application.

## **7 Officer recommendations and reasons**

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

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

Not applicable

## **9 Contact officer**

Jordan Barrett, Licensing Officer, Licensing Service  
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## **10 Background Papers and History of Decisions**

- 10.1 Appendix A – Application and Plan for the Grant of a Premise Licence for Ravensthorpe Off Licence
- 10.2 Appendix B – Objections from ward councillors
- 10.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## **11 Service Director responsible**

Katherine Armitage  
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