

**REPORT TITLE:**

Licensing Act 2003 – Application for the Full Variation of Le Sorelle, 5 Pickford Street, Milnsbridge, Huddersfield, HD3 4LH.

<b>Meeting:</b>	Licensing Panel
<b>Date:</b>	25 <sup>th</sup> June 2024
<b>Cabinet Member</b> (if applicable)	Councillor Adam Zaman
<b>Key Decision Eligible for Call In</b>	No No
<b>Purpose of Report</b> To determine the application.	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>Members of the panel are requested to determine the application.</li> </ul> <b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision.</li> </ul>	
<b>Resource Implications:</b> There are no resource implications.	
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director for Corporate Strategy, Commissioning and Public Health  Not applicable  Not applicable

**Electoral wards affected:** Golcar

**Ward councillors consulted:** Cllr Graham Turner  
 Cllr Elizabeth Reynolds  
 Cllr Andrew Marchington

**Public or private:** Report to be heard in Public.

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

## 1. Executive Summary

1.1 The purpose of this report is to inform Members of an application for the Full Variation of a premises licence, 14 representations have been received, and is therefore referred to this Panel for determination.

## 2. Information required to take a decision.

### 2.1 Application

2.1.1 On 30<sup>th</sup> April 2024 the Licensing Department received an application for the full variation of a premises licence for Le Sorelle, 5 Pickford Street, Milnsbridge, Huddersfield, HD3 4LH. A copy of this application and plan is shown at **Appendix A**. The applicant has confirmed that the opening times on the application should reflect the sales of alcohol. This can be seen at **Appendix D**.

2.1.2 The licensable activities applied for are as follows: -

Sale of Alcohol (on the premises) Monday – Sunday 10am – 10pm

2.1.3 A total of 14 representations have been received in respect of this application, 1 from Environmental Health, the remaining have been received from residents.

2.1.4 These representations consider the following licensing objectives would not be met should this full variation application be granted:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the representations may be seen at **Appendix B**

2.1.5 The applicant applied for a licence for this premises in August 2023. The applicant applied for:

Sale of Alcohol, Monday – Sunday 10am – 10pm  
Live Music 6:30pm – 10:30pm on Fridays.

The application received 21 objections in total, 1 objection from Environmental Health and 20 from members of the public. This application went to a hearing on 11<sup>th</sup> October 2023 and the panel decided to grant the licence, however only allowing the premises to sell alcohol between the hours of 10am – 6pm and added a condition on the licence that licensable activities must only take place inside the premises and no alcohol is allowed to be taken outside of the premises or consumed outside the premises and also that music should be inaudible to residents. A copy of this licence can be seen at **Appendix C**

The applicant has applied for a full variation to increase the hours for the Sale of Alcohol to 10am – 10pm every day and they want to remove the conditions attached at the previous hearing.

## 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(s):

### **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 statement and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their own 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.

2.4 The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

2.13 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 an application is lawfully made and no relevant representations are made in respect of an application, the Licensing Authority is under a duty to grant the licence on the terms sought. Only if relevant representations are made will the Council's discretion be engaged.

## 2.3 Secretary of State Guidance

Members also need to consider the statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations related to all 4 of the licensing objectives. Member's attention is drawn to Section 2 of this guidance, the relevant parts may be found at **Appendix E**.

## 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 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 the Licensing Authority, will have regard to this objective.

### **3.6 Financial Implications**

There are no financial implications in relation to this report.

### **3.7 Legal Implications**

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 relevant representations in relation to the application have a right of appeal to the Magistrates Court.

### **3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)**

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 Consultation

4.1 Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003. 14 Representations have been received as detailed above.

## 5 Engagement

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

## 6 Options

### 6.1 Options considered

Members of the Panel are requested to determine the application.

### 6.2 Reasons for recommended option

In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision.

## 7 Next steps and timelines

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

- Grant the Full Variation application
- Grant the Full Variation application with appropriate conditions
- Exclude from the scope of the licence any of the licensable activities which relate to this application, or
- Reject the Full Variation application

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

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

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

## 8 **Contact officer**

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

[Agenda for Licensing Panel on Wednesday 11th October 2023, 10.00 am | Kirklees Council](#)

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

[Licensing Policy \(kirklees.gov.uk\)](#)

## 10 **Appendices**

Appendix A – Full Variation Application

Appendix B - Representations

Appendix C – Existing Premises Licence

Appendix D – Confirmation of Opening Hours

Appendix E – Section of 182 Guidance

## 11 **Service Director responsible**

Katherine Armitage  
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