

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 15th July 2024

Present: Councillor Amanda Pinnock (Chair)
Councillor Jane Rylah
Councillor Paola Antonia Davies

In attendance: Tahir Hanif, Legal Advisor to the Panel
Anwar Butt, Licensing Officer
Stephanie Mashiter, Senior Licensing Officer
Alexander Garry, Environmental Health

1 Site Visit

Site visit undertaken.

2 Membership of the Panel

All Panel members were in attendance.

3 Minutes of Previous Meeting

That the minutes of the meeting held on the 25th June 2024, be approved as a correct record.

4 Declaration of Interests

No interests were declared.

5 Admission of the Public

All agenda items were considered in public.

6 Deputations/Petitions

No deputations or petitions were received.

7 Public Question Time

No public questions were asked.

**8 Licensing Act 2003 – Application for the Grant of a New Premises Licence:
Mapplewell Bottle Shop Ltd, 337 - 339 Wakefield Road, Denby Dale,
Huddersfield HD8 8RT**

The Panel considered a report which outlined an application for the grant of a premises licence, Mapplewell Bottle Shop Ltd, 337-339 Wakefield Road, Denby Dale, Huddersfield HD8 8RT. The Licensing Officer advised the Panel that on the 24th April 2024, the Licensing Department received an application for the grant of a new premises licence for the Mapplewell Bottle Shop Ltd. In response to the application, five representations were received, one from Environmental Health and the remaining from local residents.

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The submitted representations indicated that the licensing objectives in respect of the prevention of crime and disorder, public safety and the prevention of public nuisance would not be achieved if the licence was granted.

The licensable activities applied for were as follows:

- Retail sale of Alcohol (on and off) – 00:00 – 23:59.

Regulated entertainment in respect of live and recorded music indoors and outdoors which were included in the original application were subsequently withdrawn from the application.

The Panel invited the representative of the applicant to outline the application. The Panel was informed that the premises will be a real ale pub and would be a replica of the other successful operation in Mapplewell, which has existed for several years and has never come to the attention of any of the Responsible Authorities. It was explained that the original operating schedule contained comment and context as to what was required, much of which could not be included as conditions attached to the grant of any licence and therefore, a revised operating schedule was submitted. The aim was to show that the proposed operation supported by the proposed operating schedule would not undermine the licensing objectives.

The Panel was further advised that since the Live Music Act of 2012, all live, recorded and unamplified music within the confines of a licensable area of a licensed premises, between the hours of 08:00 and 23:00 to audiences of less than 500, are no longer licensable activities. Therefore, all requests for regulated entertainment are to be removed from the application.

The Panel invited representations from those who had objected to the application. The objectors stated that whilst they did not object to the overall application, the concern was the proposed outdoor activities in relation to the outdoor space at the rear of the premises. The Environmental Health Officer explained that it would be difficult to control the noise levels in the rear outdoor space and the potential for intrusive levels of noise emanating particularly when customers consume alcohol. It is a source of noise which cannot be regulated or mitigated to prevent a potential noise nuisance.

Local residents also raised concerns regarding the potential noise nuisance that will emanate from the premises particularly from the rear outdoor space, which backs on to some of the neighbours private gardens. Concerns were also raised with regard to alcohol related crime and disorder, abusive language, food waste attracting vermin and parking nuisance.

Having considered all the information presented both verbally and in writing, the Panel determined as follows:

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RESOLVED

That the application for the Grant of a new premises licence, Mapplewell Bottle Shop Ltd be granted with conditions as follows:

- Sale by retail of alcohol on and off premises from Monday-Sunday 00:00hrs-23:59hrs (24hrs)
- In respect to the rear Beer Garden/rear outdoor space, the use of this area is to be restricted to the hours of 10:00hrs to 20:00hrs only, following consideration of the revised operating schedule and the Noise Management Plan.