

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Tuesday 17th September 2024

Present:

Councillor Zarina Amin
Councillor Jane Rylah
Councillor Paola Antonia Davies

In attendance:

David Stickley, Legal Advisor to the Panel
PC Katie Swift Richard Woodhead
West Yorkshire Police Licensing Officer
Jason Bethell, West Yorkshire Trading Standards
Steve Mycroft, Licensing Officer
Mike Skelton, Senior Licensing Officer

- 1 Appointment of Chair**
Cllr Zarina Amin was appointed Chair for the meeting.
- 2 Membership of the Panel**
All Panel members were in attendance.
- 3 Minutes of Previous Meeting**
The minutes of the meeting held on the 22nd August 2024 were approved has 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 received.
- 8 Licensing Act 2003, section 51 - Review of premises licence for PR00340 Markwan Mini Market, Trading as - Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH**

Licensing Panel - 17 September 2024

The Panel considered a report which outlined an application for the Review of a premises licence for Markwan Mini Market, Trading as, Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH.

The Licensing Officer advised the Panel that on 31st July 2024, West Yorkshire Police made an application for the review of premises licence for Markwan Mini Market, Trading as, Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH, under Section 51 of the Licensing Act 2003. The Applicant believed that the Licensing Objectives in respect of the Prevention of Crime and Disorder and Public Safety were not being met.

The Panel was informed that West Yorkshire Police had received intelligence that the premises had been selling illegal cigarettes and tobacco. In response to this intelligence, on the 10th June 2024, a search was carried out under Section 179 of the Licensing Act, where large quantities of illegal cigarettes and tobacco were found. On 11th July a test purchase was carried out by Trading Standards where further illegal cigarettes were purchased.

On the 18th June 2024, Trading Standards assisted West Yorkshire Police to conduct a further search where more illegal cigarettes and tobacco products along with alleged stolen bottles of alcohol and illegal vapes were found.

PC Swift, West Yorkshire Police, confirmed that illegal cigarettes were found in the shop, the shop had failed a test purchase for illegal cigarettes, and 227 illegal vapes were found to be on sale at the premises. In addition, stolen items were found in the storeroom and there were reasonable grounds to believe that these items were being offered for sale. During the search, behind the serving counter, 1,700 illegal cigarettes and 5 pouches of illegal tobacco were found and subsequently seized and passed over to Trading Standards.

PC Swift further advised that in June 2024, a letter was sent to the premises licence holder with clear instructions that the premises must not store illegal cigarettes/tobacco or sell it, and that the alcohol licence would be reviewed if further such products were found in the shop or on sale.

Jason Bethell, Trading Standards Officer, confirmed that during the visit on 18th July 2024, a thorough inspection of the store was conducted, and recovered from behind the counter were 227 disposable electronic cigarettes with a tank capacity greater than the maximum permitted of 2ml making them illegal. In the storeroom, there were bottles of spirits which still had the security tags on the top, placed there by supermarkets to prevent them from being stolen.

Having considered all the information presented both verbally and in writing, the Panel, in reaching its decision, had due regard to the provisions of the Licensing Act 2003, the statutory guidance issued under section 182 of the Act, the Councils Statement of Licensing Policy and the relevant provisions of the human Rights Act.

The Panel determined that the Licensing Objectives in respect of Public Safety and the Prevention of Crime and Disorder were not being achieved at the premises and therefore the only recourse is to revoke the licence.

Licensing Panel - 17 September 2024

RESOLVED:

That the premises licence in respect of Markwan Mini Market, Trading as - Hudds Wines, 8 Kirkgate, Huddersfield HD1 1QH be revoked.