

**REPORT TITLE:**

Licensing Act 2003 – Application for the Grant of a Premises Licence  
 37 Westgate, Huddersfield, HD1 1PB

<b>Meeting:</b>	Licensing Panel
<b>Date:</b>	Wednesday 9 <sup>th</sup> July
<b>Cabinet Member</b> (if applicable)	Cllr Amanda Pinnock
<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>Executive 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 (Monitoring Officer)?</b>	<b>Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration</b>  Not applicable  Not applicable

**Electoral wards affected:** Newsome

**Ward councillors consulted:** Cllr Karen Allison  
 Cllr Andrew Cooper  
 Cllr Susan Lee-Richards

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

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

## 1. Executive Summary

1.1 The purpose of the report is to inform members of an application for the grant of a premises licence. One representation has been received and is therefore referred to this panel for determination.

## 2. Information required to take a decision

### 2.1 Application

On 9<sup>th</sup> May 2025 the Licensing department received an application for the grant of a premises licence for 37 Westgate, Huddersfield, HD1 1PB. A copy of this application and plan is shown at **Appendix A**.

The licensable activity applied for is as follows: -

Sale of Alcohol (off the premises) Monday – Sunday 08:00 - 23:00

The premises was previously licenced; the licence holder cancelled / surrendered the licence on 26<sup>th</sup> February 2025.

The previous licence was for the sale of alcohol off the premises between 06:00 to 23:00 Monday to Sunday. A copy of the licence may be seen at **Appendix B**.

The location of the premises is situated within the Huddersfield Town Centre Cumulative Impact Area. The cumulative impact area came into effect on 15<sup>th</sup> January 2025 and is in place to address alcohol-related crime and disorder that happens in the Town Centre.

A representation has been received by the Licensing Authority as a responsible authority, relating to 3 of the licensing objectives. A copy of the representation may be seen at **Appendix C**.

### 2.2 Licensing Policy

Members considering the application must 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).

#### **Executive Summary**

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.

## Purpose

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

The Policy has four main purposes:

- To provide the basis for elected Members to make decisions on applications.
- To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
- To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
- To inform the Courts how decisions have been made and to support those decisions.

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 3 of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix D**.

## 3. **Implications for the Council**

### 3.1 **Council Plan**

The Licensing Service and its Statement of Licensing Policy balance the objective of improving the local economy, improving health and wellbeing and tackling health inequalities and cultural development against noise, nuisance, safeguarding and crime and disorder.

### 3.2 **Financial Implications**

There are no financial implications in relation to this report.

### **3.3 Legal Implications**

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

### **3.4 Climate Change and Air Quality**

There are no climate change or air quality implications contained in this report.

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

Under the provisions of the Licensing Act 2003 there is no requirement for an Integrated Impact Assessment, 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**

Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003, one representation has been received as detailed above.

## **5. Engagement**

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

Jordan Barrett – Licensing Officer  
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 Jordan.barrett@kirklees.gov.uk

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

Licensing Act 2003 Statement of Licensing Policy - [Licensing Policy](#)

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

Cumulative Impact Assessment 2025 [Cumulative Impact Assessment 2025-2028](#)

## **10. Appendices**

**Appendix A – Premises Licence Application**

**Appendix B – Copy of Previous Premises Licence**

**Appendix C – Representations**

**Appendix D – Secretary of State Guidance**

## **11. Service Director responsible**

Katherine Armitage  
 Service Director – Environmental Strategy and Climate Change  
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