



Licensing Policy 2011 - 2014

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1.0 Executive Summary

- 1.1 Under the provisions of the Licensing Act 2003 (the Act), Kirklees Council (the council) is the licensing authority for the administration and enforcement of the Act and associated orders and regulations within this area.
- 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.
- 1.3 Kirklees Council has an overall aim to improve the quality of life in Kirklees. The Council has four main ambitions for Kirklees:
 - Enhance life chances for young people
 - Support older people to be healthy, active and included
 - Lead Kirklees out of recession
 - Provide effective and productive services
- 1.4 This policy sets out how the licensing authority will deal with applications made under the Act. It sets out in detail who can make a representation under the Act. The policy contains a clear commitment not to use licensing provisions to duplicate other legislation.
- 1.5 This policy refers to the impact of licensing on cultural strategies and the possible impact on live entertainment. The policy also sets out the licensing authority's approach to integrating licensing with respect to other local plans and strategies, and to cumulative impact and special policies.
- 1.6 The licensing authority's approach to licensing hours and the presence of children on licensed premises is set out. The policy states that standard conditions will not be applied to licences. The policy considers the process of reviewing a premises licence or club premises certificate, and sets out the approach to enforcement.
- 1.7 The Licensing Act 2003 gives the council additional opportunities to further its four corporate ambitions. The powers and duties contained within the Act will complement and reinforce the council ambitions. The Council will be able to build on its existing excellent record of working with and consulting with partners to help to achieve the objectives of the Act.

2.0 Purpose and Scope of the Licensing Policy

2.1 The Policy is prepared to meet the requirements of the Licensing Act 2003 and is done so in accordance with Section 5 of the same Act.

2.2 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.

2.3 The Policy promotes 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.

2.4 The Policy balances the objective of improving the local economy, tourism, and cultural development against noise, nuisance and crime and disorder.

2.5 The Policy covers the following licensable activities.

- The retail sale of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

- 2.6 The licensing authority recognises that the 2003 Act is not a mechanism for a general control of nuisance, anti-social behaviour and environmental crime by individuals once they are away from the premises and beyond the direct control of the licence holder. The licensing authority will not therefore, attempt to control such through its exercise of licensing functions. The licensing process can only seek to control those measures within the control of the licensee, and in the 'vicinity' of the premises. Whether or not incidents can be regarded as being in the 'vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of each individual case. The licensing authority will focus primarily on the direct impact on the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area.
- 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. Also, there is no provision for a licensing authority its self to make representations. If no relevant representations are made in respect of an application, the licensing authority is obliged to issue the licence on the terms sought.
- 2.8 The policy will promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are
- Personal Licences for individuals – necessary where alcohol is to be sold or provided on premises.
 - Premises Licences and Club Premises Certificate – subject to suitability of premises and measures taken by applicant
 - Temporary Event Notice – simplified process for events of a smaller scale.

2.9 The licensing authority may depart from this policy if the individual circumstances of any case merit such a decision, in the interests of promoting the licensing objectives. Full reasons should be given to justify any departure from this policy.

2.11 Advice on whether a licence is required for premises or an event can be obtained by contacting Licensing direct on 01484 436860

3.0 Kirklees

3.1 Kirklees is a vibrant multi-cultural district with a population of approximately 390,000. There are around 2,000 licensed outlets including pubs, nightclubs, registered clubs, off licences, cinemas, theatres, casinos, bingo halls, community halls and takeaways etc. These are spread across the district offering a diverse selection of leisure and entertainment to its residents and visitors. It is recognised that these businesses provide social and community spaces, facilities for residents and business, and a vital support infrastructure for related sectors such as retail and tourism.

3.2 The district of Kirklees covers 254 square miles and stretches from the high moor lands of the Pennines (including part of the Peak National Park) in the West to the edges of Bradford, Leeds and Wakefield in the East. The M62 motorway traverses the northern edge of the district. Being at the centre of the country with excellent transport links makes Kirklees easy to get to from all areas of the country.

3.3 The main towns are Huddersfield, Dewsbury and Batley with many other smaller towns. The area is essentially split into east and west with the former being mainly industrial and densely populated and the latter rural in nature. Night time activity centres on the towns and the Bradford Road corridor near Batley.

3.4 The people of Kirklees represent many cultures, faiths, languages and races. A wide range of minority groups including Pakistani, Indian, Black Caribbean as well as many other smaller communities make up almost 15 % of the population.

3.5 The Kirklees Partnership brings together public, private and voluntary sector representatives along with community members. It has produced a Community Strategy which is divided into ten themes aimed at bringing about significant improvement in Kirklees by 2012.

4.0 Other Policies, Objectives and Strategies

- 4.1 In preparing the Policy the Licensing Authority has had regard to the following strategies.
- Vision 2012 the Community Strategy.
 - The Unitary Development Plan and the emerging Local Development Framework.
 - Local Area Agreements & Local Public Service Boards
 - Crime Reduction Strategy.
 - Kirklees Partnership Alcohol Strategy
 - Tourism Visitor Strategy.
 - Equality and Diversity Policy.
 - Cultural Strategy.
 - Kirklees Safer Communities Strategy
 - Kirklees Street Cafe Design Guide
 - Kirklees Designated Alcohol Control Zones
 - Civic and Community Groups
- 4.2 Wherever possible the Policy is intended to promote other policies and strategies for the wider cultural benefit of communities. The Licensing Authority will monitor the impact of the Policy to ensure that it does not unnecessarily deter or prevent cultural or community events, or have a negative impact on other cultural or community activities.
- 4.3 Protocols will be developed to ensure the Policy will take into account the ongoing needs of local tourism, the cultural strategy and regeneration activities in the area.
- 4.4 The effects of licensing activity in the area will be fed into local transport plans so that proper regard can be taken of the need to disperse people away from town centres swiftly and safely at all times of the day and night.
- 4.5 The Licensing Authority is aware of its obligations under equalities legislation and the Local Government Equality Standard. The implementation of the Act will be monitored and its impact on different communities in Kirklees assessed. The Policy aims to ensure that every citizen receives equal opportunity, rights and treatment when applying for licences and making representations.

5.0 Consultation

5.1 In order that the Policy links effectively with the other initiatives mentioned above and is founded on a sound basis, a wide consultation of stakeholders has taken place in its preparation.

5.2 Some consultees are statutory but the Licensing Authority recognises the need for a wider consensus if the Policy is to be effective. In view of this the following have been consulted.

- Elected Members.
- West Yorkshire Police.
- West Yorkshire Fire Service.
- Representatives of local businesses.
- Representatives of local residents.
- Representatives of existing licence holders.
- Kirklees Community Safety Partnership.
- Kirklees Drugs Action Team.
- Council Services e.g. Planning, Highways, Environmental, Culture and Leisure, etc.

This policy was reviewed between September and November 2010, and the policy will come into force on 7th January 2011.

5.3 The Policy will be formally reviewed every three years. Notwithstanding this mechanisms will be established to determine whether the licensing objectives are being satisfied on an ongoing basis. Should the ongoing scrutiny reveal the necessity for change, the Policy can be formally reviewed before the end of the three year period.

6.0 General Principles

Human Rights

6.1 The European Convention on Human Rights makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 - that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 - that everyone has the right to respect for his home and private life.
- Article 1 - of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

Other Regulatory Regimes

- 6.2 The Policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators e.g. The Health and Safety at Work, etc. Act 1974, The Environmental Protection Act 1990, Disability Discrimination Act, the Fire Safety Regulatory Reform Order, Violent Crime Reduction Act 2006, Cleaner Neighbourhoods Act, Smoke free Legislation.
- 6.3 Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of that licensing objective.

Planning and Building Regulations

- 6.4 The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for the establishment of a new premises or change of use of premises.
- 6.5 In general, all premises that are the subject of an application ought to have the benefit of planning permission, or be deemed permitted development. It is the responsibility of the applicant to demonstrate that planning permission has been granted, including for the hours of operation sought in the licence application, or that the premises have the benefit of permitted development rights.
- 6.6 In addition, it is also the responsibility of the applicant to indicate whether or not structural alterations have taken place, and if so the applicant will be responsible for ensuring that any necessary building control approval has been obtained.

- 6.7 A hearing on any licence application will not consider whether any decision to grant or refuse planning permission was lawful and correct. The licensing process is not a re-run of the planning process.
- 6.8 In order to ensure proper integration, reports on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder may be taken to the Planning committee.

Impact of Licensing Activity

- 6.9 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives including how it may support other key aims, strategies and objectives.
- 6.10 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):
- The type of use, the numbers and type of customers likely to attend the premises;
 - The proposed hours of operation;
 - The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
 - The adequacy and impact of car parking on local residents or businesses;
 - The scope for mitigating any impact;
 - How often the activity occurs.

and, in considering any application for a variation the Licensing Authority may also take into account

- historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses;
- and where adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

Cumulative Impact

- 6.11 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.

- 6.12 The licensing policy is not the only means of addressing such problems. Other controls include:
- Planning and Environmental controls.
 - Positive measures to create cleaner greener and safer environment.
 - Provision of CCTV.
 - Provision of transport facilities including taxi ranks.
 - Police enforcement and closure powers.
 - Joint agency action to address under age and binge drinking.
- 6.13 The Policy is not intended to be the primary mechanism for the general control of nuisance, anti social behaviour and environmental crime once consumers are away from the vicinity of the premises.
- 6.14 There are places in the area which on occasion raise concerns in relation to numbers of people congregating in and moving around certain confined locations and the effect of this on crime and disorder, public safety and public nuisance. This is particularly so at night time when large numbers of alcohol fuelled revellers are present. However the Policy does not propose a special policy as to cumulative impact at this time.
- 6.15 The Licensing Authority, in consultation with the police and other relevant parties, will regularly review the issue of cumulative impact in light of the practical experience of the operation of the Licensing Act 2003 and of the demand for premises licences. Such reviews will be conducted as part of regular liaison meetings.
- 6.16 Any imposition of special provisions to combat the effect of cumulative impact will only be introduced after widespread consultation, including those bodies/persons indicated in section 5(3) of the Act, and the establishment of clear evidence of a problem and its links with licensed activities. Any special policy, once adopted, will be the subject of regular reviews.
- 6.17 Should special provisions be introduced they will not be applied universally or override the right of each application to be dealt with on its merits. Where licences are unlikely to add significantly to the cumulative impact, the presumption is that they will be granted.

Licensing Hours

- 6.18 The Government states that flexible licensing hours may reduce the level of conflict / anti-social behaviour / disorder caused by concentrations of young drinkers, allowing a more gradual dispersal of customers from premises.
- 6.19 The Council accepts that use of more flexible hours can provide customers and businesses with a greater choice and may help to promote the evening economy in Kirklees, particularly in our town centres. However there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount.
- 6.20 The Licensing Authority will consider supporting longer hours where:
- There is likely to be no significant effect on crime and disorder or public nuisance.
 - The operating schedule clearly demonstrates that the applicant is taking appropriate measures to minimise any adverse effects on residents and businesses in the vicinity. Measures to reduce the impact of customers using external facilities in and around premises (e.g. beer gardens, car parks, and pavements) are increasingly important, since the introduction of the Health Act 2006 (smoke free premises).
 - Transport facilities are available to take customers away from the venue.
- 6.21 Shops, stores and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open unless there are very good reasons for restricting those hours.

Children

- 6.22 The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. However the Licensing Authority strongly recommends that applicants address the access of children in the operating schedule.
- 6.23 The Licensing Authority will also not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 6.24 Areas that will give rise to particular concern in respect of children include the following premises, the list is not exhaustive:

- Where entertainment of a sexual or adult nature is commonly provided.
- Where there have been convictions of members of staff for serving alcohol to minors or there is a reputation for underage drinking.
- Where there is a known problem with sales of alcohol for consumption off the premises by underage persons.
- Where there is a known association with drug taking or dealing.
- Where there is a strong element of gambling (not the simple presence of a small number of cash prize gaming machines).
- Where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided.

The Licensing authority welcomes and supports any campaign aimed at preventing underage consumption of alcohol

6.25 In these circumstances the conditions which are likely to be attached to any licence are:

- Limitations on the hours when children will be permitted.
- Stating a minimum age for access by children.
- Limiting or prohibiting access when certain activities are taking place.
- Permitting access only when the child is accompanied by an individual aged 18 years or over.
- A combination of the above.
- A full exclusion of all individuals aged under 18 years.

.6.26 The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place the Licensing Authority will expect the Code of Practice to be fully implemented.

6.27 In the case of premises giving film exhibitions the Licensing Authority will expect licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the licensing authority itself.

- 6.28 The Licensing Authority expects that employers will make careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Criminal Records Bureau check to the appropriate standard.

Conditions

- 6.29 The Licensing Authority will only impose conditions on a licence (other than the statutory mandatory conditions) which are necessary and proportionate for the promotion of the licensing objectives, following scrutiny of the applicants operating plan and any relevant representations.
- 6.30 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.31 Standardised conditions will not be imposed, but where appropriate the Licensing Authority will draw upon the model pool of conditions, detailed in paragraph 13.20 Chapter 10 of the latest guidance issued by the Secretary of State under Section 182 of the Act.
- 6.32 The Licensing Authority may also impose conditions other than those set out in the guidance, in circumstances where this is necessary to properly promote the licensing objectives.
- 6.33 More stringent conditions will usually be considered on new or variation applications or when reviewing a licence where applicants have a previously documented failure to comply with licence conditions.

Live Music, Dancing and Theatre

- 6.34 The Council recognises the rich cultural benefit of live entertainment/performances. The council promotes the enjoyment, involvement and celebration of cultural experiences. As part of implementing the council's cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, theatre, performing arts – including 'street arts' and circus. The potential for limited disturbance in neighbourhoods will be balanced with these benefits, particularly for children.
- 6.35 In determining what conditions should be attached to licences and certificates, the licensing authority is aware of the need to avoid measures

which deter live music, dancing and theatre etc, by imposing indirect costs of a disproportionate nature. The licensing authority is aware that the absence of cultural provision can itself lead to young people being diverted into anti social behaviour.

7.0 Licensing Process

Personal Licences

- 7.1 The Licensing Authority recognises that it has no discretion regarding the granting of personal licenses where the applicant:
- is 18 years or over;
 - possesses a licensing qualification;
 - has not been convicted of a relevant offence and
 - has not forfeited a licence in the last five years.
- 7.2 An application must be made in the form specified by regulation and must be accompanied by the requisite fee together with evidence of the relevant licensing qualification.
- 7.3 Applicants should also produce a Criminal Record Bureau certificate (or other agreed declaration) which has been issued within one month of an application being submitted.
- 7.4 Where the application discloses relevant unspent convictions the Licensing Authority will notify the police of that application and the convictions. The police may then make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held.
- 7.5 The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.
- 7.6 All personal licence holders should note that on their first appearance in any court, when charged with a relevant offence (see Annex C of Guidance under section 182 of the Licensing Act 2003); they must declare their status as a holder of a personal licence to that court. Where

subsequently convicted they must declare that conviction to the Licensing Authority.

Designated Premises Supervisors

- 7.7 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 7.8 The licensing authority accepts that not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be authorised by such a licence holder. The licensing authority would normally expect that personal licence holders give specific written authorisation to individuals that they are authorising to sell alcohol on their behalf. This would assist personal licence holders in demonstrating due diligence. Although the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales made.
- 7.9 The requirements relating to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises where a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the Licensing Act 2003.

Premises Licences and Club Premises Certificates

- 7.7 When processing applications the Licensing Authority will not be influenced by the question of need. Need for any particular premise is a commercial matter or it may be part of a Planning consideration.
- 7.8 An application for a premises licence or a club premises certificate must be made in the form specified by regulation. The form must be accompanied by the requisite fee and a floor plan indicating the safety

features of the premises such as alarm systems, access and egress points, fire doors, fire extinguishers, etc.

- 7.9 The applicant must also send copies of completed application forms and operating schedules to the responsible authorities named in Appendix A and advertise the application on or near the premises in accordance with the relevant regulations.
- 7.10 Applicants must provide an operating plan with the application. The plan must include those matters that are prescribed by the Act.
- 7.11 The plan is crucial as it demonstrates to the Licensing Authority how the applicant will meet the four licensing objectives. It must therefore contain sufficient information to allow the Licensing Authority to determine the licence and ought to include an assessment of the risks associated with the application.
- 7.12 The Licensing Authority strongly recommends that applicants seek advice from the appropriate agencies, for example West Yorkshire Police and West Yorkshire Fire Service prior submitting the operating plans.
- 7.13 The applicant must conduct an assessment of issues based upon the potential for crime and disorder and it is strongly recommended this is carried out in consultation with local police. Where any crime prevention measures are agreed, they should be implemented in accordance with the West Yorkshire Police Licensing Policy - Crime Prevention Measures. Failure to involve the local police at an early stage may result in them making representations against the application.
- 7.14 Guidance on what the Licensing Authority expects and on the completion of operating plans is provided in Appendix B. Notwithstanding this plans must be completed in a manner specific to an application rather than in general terms.
- 7.15 The Licensing Authority requests that holders of a premises licence are requested to make timely applications for variation of the designated premises supervisors. Applicants should note that the legislation allows West Yorkshire Police to object to the designation in order to promote the crime prevention objective.
- 7.16 Any application not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the application correctly before it is accepted by the Licensing Authority.

7.17 The council may use the information submitted in any application form for any licence and/or permission provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.

The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services.

Temporary Events

7.18 Temporary Event Notices (TEN's) may only be used in certain circumstances and are subject to specific limitations. Unless the event falls within these then a premises licence will be required. The criteria are:

- Scale – the maximum number attending at any one time must be less than 500.
- Duration – events can only last for up to 96 hours and to a total of 15 days in one year.
- Same premises – maximum use of 12 times in 12 months.
- Number of notices – maximum of 5 for ordinary persons and 50 for personal licence holders in 12 months.

7.19 The Licensing Authority does not grant permission for TEN's. They are notices and provided all the criteria above are satisfied only the police may intervene.

7.20 The minimum notice for such events is ten working days before the event is due to commence. The Licensing Authority would encourage notice providers to give the earliest possible notice, particularly where the event is liable to be complex and it would be sensible to establish a safety team of Council Services and outside agencies such as the police, fire and ambulance services.

7.21 Where TEN's are used for events other enforcement powers remain available to control public safety, nuisance, etc. The Licensing Authority will provide local advice about the other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, other necessary permissions, police powers to close down events with no notice on grounds of disorder and about giving proper consideration to the concerns of local residents.

7.22 Many premises submitting TEN's will not have commercial backgrounds or ready access to legal advice. They will include people acting on behalf of

charities, community and voluntary groups all of which may stage events to raise funding at which licensable activities will take place. The Licensing Authority will therefore ensure that clear guidance is available for such groups.

7.23 The police may issue an objection to a TEN where they believe the crime prevention objective may not be satisfied. Where police issue an objection notice they must do so within 48 hours of being notified and the Licensing Authority will then convene a hearing to consider the prevention of crime.

7.24 To reduce the potential for disruption to their plans event organisers are strongly encouraged to consult with police at the earliest opportunity.

8.0 Right to make representation

8.1 In relation to premises licences and club premises certificates, the licensing authority must consider relevant representations as part of its determination. Relevant representations can only be made by interested parties or responsible authorities within prescribed time periods. Where the licensing authority is of the opinion that representations are frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.

8.2 Relevant representations relate to:

- . matters about the likely effect of the grant of a premises licence or club premises certificate on the promotion of the licensing objectives; or
- . a proposed designated premises supervisor if made by the Chief Constable.

8.3 Interested Party means any of the following:

- . a person living in the vicinity of a premises.
- . a body representing persons who live in the vicinity.
- . a person involved in a business in the vicinity.
- . a body representing persons involved in such a business.

- . a member of the relevant licensing authority, i.e. elected councillors of the licensing authority for the area in which the premises are situated.

8.4 Responsible authority means any of the following:

- . The Chief Officer of Police
- . The local Fire & Rescue authority
- . The local enforcement authority for the Health & Safety at work etc Act 1974
- . The local authority with responsibility for environmental health
- . The local planning authority
- . A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm
- . The local weights & measures authority (trading standards); and
- . Any licensing authority, other than the relevant licensing authority, in whose area part of the premises is situated.

In relation to a vessel:

- . A navigation authority having functions in relation to waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities;
- . The Environment Agency
- . The British Waterways Board
- . The Secretary of State for Transport, acting through the Maritime and Coastguard Agency.

8.5 In promoting the licensing objectives, the licensing authority will, for reasons of appropriateness and efficiency, refer complaints about licensed premises/club premises/temporary events or licensed individuals to its own appropriate service team (e.g. Health & Safety, Pollution & Noise Control) or to another agency (e.g. West Yorkshire Police, West Yorkshire Fire & Rescue Service) for their consideration, in accordance with any enforcement protocols.

- 8.6 Councillors may make representations in writing and at any hearing on behalf of interested parties such as a resident or a local business if specifically requested to do so. They can also make representations as an interested party in their own right if they live, or are involved in a business, in the vicinity of the premises in question. Local councillors can also, as elected members of the licensing authority, make representations in their own right if they have concerns about any premises, regardless of whether they live in the area or run a business in the vicinity of the premises. Councillors have a duty to act in the interests of all their constituents. Their role as community advocate must therefore be balanced with their ability to represent specific interests.
- 8.7 Nothing in this policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

9.0 Delegation

- 9.1 The Licensing Authority will appoint a Licensing Committee of 15 Councillors. Licensing decisions will generally be delegated to a licensing sub committee of 3 Councillors or, in appropriate cases to officers of the Licensing Authority.
- 9.2 Many of the decisions will be purely administrative in nature and the Licensing Authority will operate the delegations highlighted in Appendix D to achieve the correct balance between proper consideration of applications and an efficient use of resources.
- 9.3 If no relevant representations are received and the operating plan sufficiently demonstrates steps to promote the licensing objectives, the application will be granted.
- 9.4 During the licensing process representations may be made by responsible authorities and interested parties. Where the issues raised are relevant and cannot be resolved by mediation, the application will be heard by Elected Members as indicated in Appendix D.
- 9.5 Every decision made whether by the Licensing Committee, the Sub-Committee or by officers shall be accompanied by clear reasons for that decision.
- 9.6 Where a Councillor who is a member of the Licensing Committee or Sub-Committee has a prejudicial interest in the application before them, in the

interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.

10.00 Review of a Premises Licence or Club Premises Certificate

- 10.1 The licensing authority recognises the importance of its ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance and the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives. Responsible authorities are encouraged to give licensees early warning of any concerns identified at a premises.
- 10.2 Only responsible authorities and interested parties can apply for the review of a premise licence or club premises certificate. The licensing authority itself cannot initiate the review process. The licensing authority's role is to administrate the process and determine its outcome at a Licensing Panel hearing. At a Licensing Panel hearing, reasons should be given for any decisions, and details recorded of any conditions to be attached to the licence. A copy of the decision notice will be kept on the relevant premises file.
- 10.3 The licensing authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:

- . to modify the conditions of the licence
 - . to exclude a licensable activity from the scope of the licence
 - . to remove the designated premises supervisor
 - . to suspend the licence for a period not exceeding three months
 - . to revoke the licence
- 10.4 In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, it is expected that revocation of the licence, even in the first instance, will be seriously considered.
- 10.5 Where there has been a request for a review, the licensing authority must advertise that an application for a review has been made. Further representations may then be made within 28 days from the original application for review. A hearing must be held within 20 working days of the end of the 28 day period. Anyone who has made a representation and

who wants to attend the hearing must inform the licensing authority at least 5 working days before the day of the hearing.

10.6 Appeals against licensing decisions will be heard by Magistrates Courts

11.0 Enforcement

11.1 The Licensing Authority will establish enforcement protocols which will target agreed problems and high risk premises. This will allow for greater attention to high risk premises and lighter touch approach to those which are well maintained and managed and represent a lower risk.

11.2 Where appropriate the Licensing Authority will work in partnership with other agencies in enforcement around the licensing objectives e.g. underage drinking issues with West Yorkshire Trading Standards or premises that are crime 'hotspots' with West Yorkshire Police

11.3 Enforcement activity will be directed using intelligence from many sources including other services, agencies and the Primary Care Trust to determine those premises presenting higher risks.

11.4 Risk is linked to many issues but one of these will be premises encouraging excessive drinking via aggressive drinks promotions leading to nuisance and disorder.

11.5 Enforcement at premises which cause noise disturbance to local residents or businesses, and in particular during late evening and night hours will be a priority.

11.6 The Licensing Authority will consider whether other direct powers should be used to address a problem for example Police, Fire and Environmental Services have their own powers.

11.7 The Licensing Authority has adopted the enforcement concordat and formal enforcement will be a last resort and proportionate. Key principles of consistency, transparency and proportionality will be maintained.

11.8 The Licensing Authority will maintain an on-line register of licences and licence applications which can be accessed via the Council's website.

11.9 Where responsible authorities or interested parties make representations in connection with the licensing objectives, in order to seek a review of a licence, provided the representations are not frivolous, vexatious or repetitious, the Licensing Authority will review the licence.

Appendix A - Contact information – licensing authority, responsible authorities/useful contacts

Licensing Authority Kirklees Council
 Licensing Section
 Riverbank Court
 Aspley
 Huddersfield
 HD5 9AA

Tel: 01484 456868
 Fax: 01484 456857
 licensing@kirklees.gov.uk

Responsible Authorities

<p>West Yorkshire Fire & Rescue Service District Licensing Officer Kirklees District Fire Safety Office Huddersfield Fire Station Outcote Bank Huddersfield HD1 2JT</p> <p>Tel: 01484 426527 Fax: 01484 452451 kirklees.district@westyorksfire.gov.uk</p>	<p>Kirklees Council Environmental Health Pollution and Noise Control / Health & Safety Riverbank Court Wakefield Road Aspley Huddersfield HD5 9AA Health and Safety Section 01484 226450 Pollution & Noise Control 01484 226436 Fax (for both sections): 01484 226409 environmental.health@kirklees.gov.uk</p>
<p>Adam Bell Kirklees Safeguarding Children Board Knowl Park House Staff House Crowlees Road Mirfield WF14 9PR Tel: 01924 482161 Fax: 01924 483747 KSCB.Admin@kirklees.gov.uk</p>	<p>West Yorkshire Police Licensing Office Riverbank Court Wakefield Road Aspley Huddersfield HD5 9AA Tel: 01484 456868 Fax: 01484 456857 Rw913@westyorkshire.pnn.police.uk</p>
<p>West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley LS27 0QP</p> <p>Tel: 0113 2530241 Fax: 0113 2530311 licensing@wyjs.org.uk</p>	<p>Kirklees Council Planning Services Development Control PO Box B93 Civic Centre III Huddersfield HD1 2JR Tel: 01484 221000 Fax: 01484 221585 planning.contactcentre@kirklees.gov.uk</p>

Useful Contacts

British Institute of Innkeeping Wessex House 80 Park Street Camberley Surrey GU15 3PT Tel: 01276 684 449	Security Industry Authority (SIA) P.O. Box 9 Newcastle-Upon-Tyne NE82 6YX Tel: 08702 430100 www.the-sia.org.uk/register
NCFE 2 nd Floor Citygate St James Boulevard Newcastle-Upon-Tyne NE1 4JE Tel: 0191 2398000	Criminal Records Bureau (CRB) Customer Services CRB PO Box 10 Liverpool L3 6ZZ Tel: 0870 9090811
City and Guilds 1 Giltspur Street London EC1A 9DD Tel: 020 7294 2800	Huddersfield Magistrates Court PO Box B37 Civic Centre Huddersfield Tel: 01484 423552
Dewsbury Magistrates Court Grove Street Dewsbury Tel: 01924 468287	

Appendix B - Operating Plan considerations

The operating plan is a key document in the licensing process. It is one of the primary means by which the Licensing Authority and the consultees can assess whether the licensing objectives have been satisfied within a particular application.

The following is a list of matters to which applicants should give consideration, if relevant to the premises in question. Applicants should note the outcome within the operating plan. Please note the matters are not exhaustive and it is recognised that some may fall outside the remit of the Act. Notwithstanding this, if all the matters have been addressed they are more likely to lead to a successful, safe and well managed premise.

The matters are listed under each of the four licensing objectives.

Crime and Disorder

- Within the trading hours requested, consideration of the times within which alcohol is to be sold or supplied, other times at which the premises are to be open to the public, drinking-up time, last entry policies etc.
- Crime prevention through application of 'secure by design' principles to the premises e.g. all areas visible from bar. The use of CCTV systems, both within and outside the premises, installed and operated under West Yorkshire Police guidelines.
- Regular participation in the local 'Pubwatch' group or the 'Late Night Premises Forum' run in partnership by the police and local authority. These informal meetings present an opportunity for two way dialogue on local issues.
- Applicants are encouraged to consider whether the designated premises supervisor is expected to be on the premises at all times when the sale or supply of alcohol is taking place. Where this will not be the case, then arrangements should be put in place to ensure proper management of the venue and licensable activities.
- Whether door supervisors (licensed under the Security Industry Authority) and other security measures are required in respect of the venue and the licensable activities proposed. Supervision inside and outside the premises by properly trained staff can have a significant impact on crime and disorder, and therefore public safety in and around the premises, by for example: the non-admission of persons who are drunk, screening for weapons and drugs, dealing with disorderly behaviour. Premises may operate an incident book to log events involving crime and disorder.

- Measures to combat drug dealing and the use of drugs in the premises. The Licensing Authority and West Yorkshire Police support the guidance detailed in the Safer Clubbing Guide produced by the Home Office – this guide can be viewed at www.drugs.gov.uk.
- Participating in the retail radio scheme in the town centre areas covered by the Council's CCTV system. Communication with other premises, the Council's CCTV centre and the police can help to minimise disorder occurring within or in the vicinity of premises.
- Operating 'proof of age' checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or photo driving licences. Attendance at Kirklees' Responsible Retailer training is to be promoted.
- Adoption of 'policies' e.g. Kirklees Late Night Premises Charter which assess the potential risk of drinks promotions that may encourage excessive drinking and contribute to crime and disorder.
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods.
- Any policies for the use of toughened, shatterproof or polycarbonate/plastic glasses and the refusal to serve drinks in glass bottles. Preventing the removal of glasses and bottles from premises and timely clearing of empties from internal/external drinking areas can also prevent them being used as weapons.
- Measures to exclude known troublemakers and those identified under local 'banning' schemes or anti-social behaviour orders.
- Security in premises seeking to sell alcohol for consumption off the premises. Displayed stock may be sited to be in the view of staff at all times and/or covered by CCTV and spirits may be kept behind the counter.
- Level of transport facilities available to aid customers in leaving premises quickly and quietly.

Public Safety

- Demonstrate that proposed occupancy levels are safe and that sufficient management control exists to prevent the levels being exceeded. Where the premise is split into different parts it would be prudent to identify the occupancy for each individual part.
- Provision of adequate sanitary accommodation – for advice contact Kirklees Environmental Health, Health & Safety Section (see Appendix A)
- Reasonable access and facilities for people with disabilities including the safe evacuation of disabled persons, identifying the staff trained to implement emergency egress plans, sanitary accommodation, etc.

- Details of the management arrangements put in place to ensure adequate installation, testing, maintenance and certification of the following.
 - fire detection and alarm systems
 - fire fighting equipment/fire suppression systems
 - emergency lighting system
 - electrical installation to the premises
 - portable electrical appliances
 - music cut-out systems
 - fire retardant treatments for materials used in drapes, furnishings and decorations, include for frequency of treatment
 - heating systems and cooking appliances e.g. gas boilers/pressure systems
 - hot and cold water systems e.g. certain air con units re: Legionella

and make general fire precautions. Fire safety features should be denoted on the floor plans accompanying the licence application.

- Details of the regime for regular inspection and maintenance of structural elements such as walls, floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings etc. It is similarly important to ensure that the integrity of materials providing fire resistance to these elements of structure is also maintained.
- Written procedures for the inspection and maintenance of items of general housekeeping e.g.
 - escape routes are kept clear with escape doors being easily operable without the use of key, card, code or similar means
 - fire doors and the door operating furniture
 - fire safety signs are adequately illuminated
 - removable security fastenings are removed from exit doors whenever the premises are open to the public or occupied by staff
 - damage to furnishings and fabrics
 - guarding to stairs, balconies, landings, and ramps
 - general condition of floor surfaces (e.g. trip hazards, non-slip surfaces)
 - provision of safety glazing and manifestation in critical locations
 - suspended decorations, lights, and amplification systems
 - guarding to fires, candles and open flames
 - edges of treads to steps and stairways are kept conspicuous
 - systems for the collection of glass and bottles
- Controls exercised by management of premises, regarding any drinks promotions
- Safety measures when hot food and drink is prepared in close proximity to the public.

- Number of first aid trained staff with suitable equipment to provide first aid on the premises. Training may include treatment to those persons affected by drugs or alcohol, including the policy of providing free drinking water.
- Transport facilities serving premises do not provide a safety hazard at points where customers leave the premises.
- Means for controlling noise levels to prevent damage to the hearing of employees and to the public visiting premises.
- A number of the above issues may be contained within Health and Safety Policies, which will form part of any Operating Plan (for guidance on H & S Policies contact Kirklees Environmental Health, Health & Safety Section - see Appendix A).

Public Nuisance

- With reference to the proposed hours of operation and audibility at noise sensitive premises in the vicinity, the measures taken to prevent noise and vibration emanating from within premises and from external sources (under the control of the applicant) causing nuisance or disturbance, such as :-
 - amplified and non amplified music levels
 - singing and speech
 - disposal to waste and bottle bins
 - plant and machinery (including extract systems)
 - food preparation, the cleaning of premises and equipment
 - noise associated with vehicles arriving at and departing from the premises e.g. car doors, horns, stereos, engine noise etc.
 - firework displays etc.

measures may include:-

- the installation/adoption of soundproofing,
- air conditioning to allow windows to be kept closed,
- sound limitation devices
- use of lobby doors
- cooling down period with reduced music levels at the end of the night
- adopting hours of operation appropriate to the activities in question and the location.
- adopting a schedule for the delivery of goods and collection of waste at times appropriate for the locality
- advice notices and announcements requesting customers and staff to behave with 'good conduct' to neighbouring premises

- controls exercised by management over excessive drinking encouraged by drinks promotions
- arrangements to prevent disturbance by customers leaving the premises or congregating or queuing outside premises, this being of most importance between the hours of 11pm to 7am
- identifying good transport facilities that serve the venue

In considering applications from pub, clubs, concert venues, and similar premises and activities, the Licensing Authority expects licensees to have regard to any guidance published, such as the Good Practice Guide on the Control of Noise from Pubs and Clubs published by the Institute of Acoustics, the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council, and to other local, regional or national standards.

Particular care must be taken where the noise source is in the open air, e.g. beer garden, car park, access roads, or queues.

Other potential causes of nuisance to which consideration should be given:-

- Light is now a category of statutory nuisance. Exterior lighting should be carefully sited, directed and operated so as not to cause disturbance to occupiers of nearby premises.
- Arrangements to prevent the release of noxious odours affecting the occupiers of adjacent premises.
- Steps taken to prevent any impact of inadequate refuse storage or littering on the surrounding area, including the responsible use of 'flyers' or promotional materials.
- Fly posting should not be used to promote events.

For further information relating to 'public nuisance' please contact Kirklees Environmental Health, Pollution and Noise Control Section – see Appendix A

Protection of Children from Harm

- Times within which children, whether accompanied or not, will be allowed access to whole or any part of the premises – will restrictions be specified by a notice at the entrance.
- At premises or events where entertainment is specifically targeted towards children employers take steps to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity e.g. Criminal Records Bureau check to the appropriate standard.

- In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event, provision of a suitable number of adult supervisors to children on the premises.
- The normal minimum ratio will be one supervisor per 50 children plus one supervisor for each floor and one supervisor for each exit e.g. this would mean at an event where 300 children are expected, which takes place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event.
- Supervisors should receive instruction on fire procedures and be made aware of all dangerous equipment particularly 'backstage' to ensure supervision of children performing at such premises.
- Arrangements for safe entry and departure from the premises.
- Precautions to avoid unsupervised children being seated in the front row of a balcony or box.
- Arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the licensing authority itself. NB Licensees should note that this is a mandatory condition required by s20 Licensing Act 2003.
- Limiting use of special effects which can trigger adverse reactions, especially with regard to children.
- Operating 'proof of age' checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or photo driving licences.
- Compliance with the Portman Group Code of Practice on the naming packaging and promotion of alcoholic drinks to be fully implemented.
- Steps taken to ensure the safety of play areas and equipment.
- Any arrangements to supply children's drinks in safety glasses or bottles
- Provision of safe child seating for young children in premises selling meals.
- Any provision of smoke free areas.
- Provision of child friendly lavatories, family toilet and nappy changing facilities.

Appendix C - Other reading

www.culture.gov.uk – Government website showing full versions of Licensing Act 2003 and Secretary of State's Guidance issued under section 182 of Licensing Act.

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ('The Purple Book') ISBN 0 7176 2453 6

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

The Guide to Safety at Sports Grounds (the Stationary Office 1997) ('The Green Guide') ISBN 0 11 300095 2

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Streets Arts Network, copies which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

Good Practice Guide on the Control of Noise from Pubs and Clubs – published by the Institute of Acoustics, 77A St. Peter's Street, St. Albans, Hertfordshire AL1 3BN (tel. 01727 848195)- March 2003.

Code of Practice on Environmental Noise Control at Concerts (1995) – published by The Noise Council (ISBN 0 900103515). Available from the Chartered Institute of Environmental Health Library (0207 8275821) or from information@CIEH.org

Alcohol Harm Reduction Strategy for England – Prime Minister's Strategy Unit, Admiralty Arch, The Mall, London SW1A 2WH (www.strategy.gov.uk)

Kirklees Drug and Alcohol Strategies - available from Kirklees Community Safety, Estate Buildings, Railway Street, Huddersfield (tel. 01484 224291)

Safer Clubbing Guide (reducing harm from drug use in club environments) – available from Drug Prevention Advisory Service ISBN 1840827807 (www.drugs.gov.uk)

Responsible Retailing of Alcohol: Guidance for the Off-Trade – available from the Association of Convenience Stores (www.thelocalshop.com) tel. 01252 515001

West Yorkshire Police Licensing Policy - available from the Licensing Officer, West Yorkshire Police, Riverbank Court, Aspley, Huddersfield, HD5 9AA (tel. 01484 436859)

Kirklees Planning Services – ‘Going Smokefree’ – A planning advice note on smoking shelters and related features www.kirklees.gov.uk/planning

Home Office ‘Practical Guide for Preventing and Dealing with Alcohol Related Problems’ www.alcoholpolicy.net

Home Office Designated Public Place Order (DPPO) Guidance www.homeoffice.gov.uk

LACORS/TSI Code of Practice on Test Purchasing www.lacors.gov.uk

Related Legislation

Policing and Crime Act 2009
Anti Social Behaviour Act 2003
Crime and Disorder Act 1998
Crime and Security Act 2010
Criminal Justice and Police Act 2001
Private Security Industry Act 2001
Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
The Clean Neighbourhoods and Environment Act 2005
The Health Act 2006
Violent Crime Reduction Act 2006

Relevant case law regarding policy statements

Limits of Licensing policy: BBPA& Others v Canterbury City council (2005) EWHC 1318 (Admin)

‘Strict’ licensing policies and exceptions to policy: R (Westminster City Council) v Middlesex Crown court and Chorion plc (2002) LLR 538

Cumulative impact policies and hours: R (JD Wetherspoon plc) v Guildford Borough council (2006) EWHC 625(admin)

Duplication and conditions: R (on the application of Bristol Council) v Bristol Magistrates Court (2009) EWHC 625 (Admin)

Extra Statutory notification by the licensing authority: R (on the application of Albert court Residents Association and others) v Westminster City Council (2010) EWHC 393 (Admin)

The prevention of crime and disorder: ambit of the objective: Blackpool Council, R (on the application of) v Howitt (2008)

Appendix D - Delegation

Sub-committee is comprised of 3 members of the full licensing committee.

Matter to be dealt with	Full Licensing Committee	Sub-Committee	Officers
Application for personal licence		If a police objection made	If no objection made
Application for personal licence with unspent convictions		If a police objection made	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder/premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Appendix E - Glossary of terms

Licensable Activities

- a) the sale by retail of alcohol,
- b) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club,
- c) the provision of regulated entertainment,
- d) the provision of late night refreshment.

Qualifying Club Activities

- a) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club,
- b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
- c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment

- a) a performance of a play,
- b) an exhibition of a film,
- c) an indoor sporting event,
- d) a boxing or wrestling entertainment,
- e) a performance of live music,
- f) any playing of recorded music,
- g) a performance of dance,
- h) entertainment of a similar description to that falling within paragraph (e), (f) and (g), where the entertainment takes place in the presence of an

audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

exemptions for the provision of entertainment and entertainment facilities – note if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities

- i) for the purposes of or purposes incidental to religious services or meetings or at places of public religious worship
- j) morris dancing or dancing of a similar nature
- k) incidental music
- l) garden fetes
- m) film exhibitions for the purposes of advertisement, information, education, etc.
- n) use of television or radio receivers
- o) vehicles in motion

Interested Party

- a) a person living in the vicinity of the premises,
- b) a body representing persons who live in that vicinity,
- c) a person involved in a business in that vicinity,
- d) a body representing persons involved in such businesses.

Responsible Authority

- a) the chief officer of police for any police area in which the premises are situated,
- b) the fire authority for any area in which the premises are situated,
- c) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,

- d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (C.8) for any area in which the premises are situated,
- e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health,
- f) a body which:-
 - i. represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - ii. is recognized by the licensing authority for that area for the purposes of this section as being competent to advise it or such matters.
- g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- h) in relation to a vessel;
 - i. a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
 - ii. the Environment Agency;
 - iii. the British Waterways Board, or
 - iv. the Secretary of State;
 - v. a person prescribed for the purposes of this subsection.

Temporary Event

The use of the premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place – see ‘limitations’ in paragraph 8.15.

Late Night Refreshment

A person “provides late night refreshment” if :-

- a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
- b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,

unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5 of Schedule 2 to the Act.

Hot Food or Hot Drink

Food or drink supplied on or from any premises is “hot” for the purposes of this schedule if the food or drink, or any part of it:-

- a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

Personal Licence

A licence which:-

- a) is granted by a licensing authority to an individual, and
- b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

Premises Licence

A licence which authorises the premises to be used for one or more licensable activities.

Representations

- Relevant - If it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives
- Frivolous - Frivolous representations would essentially be categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant.
- Vexatious - Vexation may arise because of disputes between rival businesses or persons.
- Repetitious - A repetitious representation would be categorised by its similarity to a previous representation which has already been decided upon.

Criminal Records Bureau Certificate

A disclosure showing all convictions held at national level which are not spent – for contact details see appendix A

Licensing Authority

Reference to the Licensing Authority in this policy indicates Kirklees Council operating in its role specified under the Licensing Act 2003, and not in any other role.