

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

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High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Jenny Bryce-Chan

Email: jenny.bryce-chan@kirklees.gov.uk

Tuesday 28 January 2020

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Meeting Room 1 - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 5 February 2020**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing Panel members are:-

Member

Councillor Amanda Pinnock (Chair)

Councillor Christine Iredale

Councillor Michael Watson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Minutes of Previous Meeting

1 - 4

To approve the minutes of the meeting of the Panel held on 6 November 2019.

2: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

3: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

4: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

5: Public Question Time

The Committee will hear any questions from the general public.

6: Licensing Act 2003- Application to vary a premises licence under the Licensing Act 2003 - The Shoulder of Mutton, 59 Lea Green, Mirfield WF14 0EA 7 - 48

To consider the application at 10:00

Contact: Mike Skelton, Licensing Officer Tel: 01484 221000

7: Licensing Act 2003 - Application for the grant of a premises license under the Licensing Act 2003 - The Little Lock, 2 Marsden Lane, Marsden HD7 6AF 49 - 164

To consider the application at 10:45

Contact: Anwar Butt, Licensing Officer, Tel: 01481 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 6th November 2019

Present: Councillor Amanda Pinnock (Chair)
Councillor Christine Iredale
Councillor Mohan Sokhal

In attendance: Russell Williams, Group Leader Licensing Public Protection
Mike Skelton, Licensing Officer
Jordan Barrett, Licensing Officer
Richard Woodhead, West Yorkshire Police, Licensing Officer
PC Katie Jagger, West Yorkshire Police, Licensing Officer

1 Site Visit - Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR
Site visit was undertaken.

2 Interests
No interests were declared.

3 Admission of the Public
That all agenda items be considered in public session.

4 Deputations/Petitions
No deputations or petitions were received.

5 Public Question Time
No questions were asked.

6 Licensing Act 2003 – Application for the Grant of a Premises Licence: Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR

The Panel considered a report which outlined an application for the grant of a premises licence for Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR.

The Licensing Officer, outlined the application, advising the Panel that on 30 August 2019, the Licensing department received an application for the grant of a premises licence for Cupushi, 54 Calder Road, Lower Hopton, Mirfield, WF14 8NR. The application was made on behalf of the company itself.

The licensable activity applied for by the applicant was for the supply of alcohol for consumption on the premises, live and recorded music as follows:-

- Supply of alcohol: Monday to Sunday, 11:00 – 23:00.
- Live Music: Monday to Sunday, 12:00 – 23:00
- Recorded Music: Monday to Sunday, 12:00 – 23:00

Licensing Panel - 6 November 2019

In response to the application, eleven representations were received from members of the public. The representations suggested that should the application be granted, the licensing objectives in respect of Public Nuisance, Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety would not be achieved.

The licensing service also received correspondence from ten other members of the public in support of the application.

The Council's Environment Health Team in their capacity as Responsible Authority, had also requested that certain conditions be applied to the license should it be granted.

The owner made representation to the Panel in support of the application and it was noted that although the application was for the full licence the intention was to serve wine between 9-5, and did not intend to open after 5:00pm unless it is for a ticket only event. The owner advised that to date, the venue had held three events and there had been no complaints from local residents and the aim was not to turn the venue into a bar but to provide a community hub and as the majority of the patrons were most likely be local, they would probably walk or take a taxi to the venue and therefore parking would not be an issue. The owner advised that with regards to live music the intention was not to host bands as the premises was not big enough but to play background music which would be no different to what the venue currently did now.

The Panel received representations from local residents who were concerned that granting the full application would give permission for the premises to open all hours and play music which would cause a nuisance to residents given the proximity of the premises to local properties.

Following careful consideration of all the representations both verbally and in writing, the Panel decided that:

RESOLVED – The application for the Grant of a Premises Licence on behalf of Cupushi be granted as stipulated in the application.

7 Application for Review Hearing under S51 Licensing Act 2003: JC's Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, HD5 9XF

The Panel considered a report which outlined an application made by West Yorkshire Police for a review hearing under S51 Licensing Act 2003, JCS Convenience Store, 607 Wakefield Road, Waterloo, Huddersfield, HD5 9XF.

The Group Leader Licensing Public Protection outlined the application advising the Panel that on the 11 September 2019, West Yorkshire Police made an application for the review of the premises licence at JCS Convenience Store, 607 Wakefield Road, Waterloo. The applicant believed that the licensing objective of the prevention of crime and disorder was not being achieved at the premises.

West Yorkshire Police, Licensing Officer, confirmed that a joint partnership operation was undertaken on the 7th September 2019, when partner organisations namely West Yorkshire Police, Trading Standards and the local authority visited a

Licensing Panel - 6 November 2019

number of shops, including JCS Convenience Store. The purpose of the operation was to ensure these premises were trading within the scope of the premises licence.

The Panel was informed that during the visit, four packs of different branded tobacco products were open on the counter, with a number of cigarettes missing from each packet. The owner's car was parked outside where a substantial amount on non-duty paid tobacco products were further found. There was also a serious breach of licensing conditions as the CCTV did not work and the owner could not operate the system and cameras were defective. It was also noted during the operation that staff were being employed without the necessary tax and national insurance being paid.

The Panel was further informed that the shop had been trading for under 12 months and during this time it has been proven that the premises licence holder has a disregard for employment and licensing laws and this disregard is clearly in breach of the licensing objectives in respect of public safety and the prevention of crime and disorder.

The premises Licence holder made representation advising the Panel it would be possible able to show receipts which would demonstrate that the purchase of a specific brand of cigarettes had been made from the local cash and carry store. Receipts were produced which, were circulated for the Panel's attention.

The Premises Licence holder responded to Panel questions by explaining that in respect of the non-duty paid cigarettes a friend had brought these back from the airport, and they were not for general sale but for personal use and there was only one other person that helped out at the store but not as a paid worker.

RESOLVED - The premises licence for JCS Convenience Store be revoked.

8 Application for Review Hearing under S51 Licensing Act 2003: Dixy Chicken, 19 Cross Church Street, Huddersfield HD1 2PY

The Panel considered a report which outlined an application made by West Yorkshire Police for a review hearing under S51 Licensing Act 2003, Dixy Chicken, 19 Cross Church Street, Huddersfield, HD1 2PY.

The Panel previously met on the 15 October 2019, to consider the review application made by West Yorkshire Police in respect of Dixy Chicken. At the hearing, the Panel were unable to reach a conclusive decision as it needed further information from the owner of Dixy Chicken and West Yorkshire Police and deferred the hearing to the 6 November 2019, to allow time for further information to be provided.

The Group Leader Licensing Public Protection outlined the application advising the Panel that Dixy Chicken was visited as part of a joint operation between West Yorkshire Police, the UK Border Agency and the local authority on the 7 August 2019.

A number of shops were visited on that occasion; and the purpose of the operation was to ensure they were trading within the scope of their premise licence and that no illegal persons were employed in the premises. One individual was found to be

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employed at Dixy Chicken who had an expired student visa and who's right to remain in the UK had also expired.

West Yorkshire Police Licensing Officers, drew the Panel's attention to a statement provided from the UK Immigration Service. The statement gave details of the interview that was conducted on the day of the operation with the illegal worker. West Yorkshire Police Licensing Officer suggested to the Panel that this statement showed that the illegal worker was employed at Dixy Chicken and was not there purely for training purposes as was previously stated.

The Licensing Officer who was involved in the operation explained that he was not present at the premises when the illegal worker was arrested, when he and a colleague entered Dixy Chicken he noticed a gentleman in handcuffs. He explained that it was a vast building and having gone upstairs he could not say with any certainty that the premises was being used for living accommodation.

An associate of the owner made representation on behalf of the owner. The Panel was informed that there was no evidence that the premises was being used as living accommodation as there were no shower/bathing facilities. For health and safety reasons there were some toiletries i.e. washing soaps and sometimes customers would use upstairs. West Yorkshire Police Licensing Officer agreed to disregard the premises being used as living accommodation.

The Panel was further informed that the illegal worker was only there for a few days for training and at the time of the operation he was not in uniform. A copy of the illegal workers training records were circulated for the Panels attention.

The Panel raised a number of questions in respect of the illegal workers employment, and in response was advised that the new owner took over the shop 1st August 2019 and the operation took place on the 7th August 2019 and suggested that the illegal workers employment at the shop may have been at the behest of the previous owner.

In addition, a copy of a UK Border Agency document entitled Certificate of Application was circulated for the Panel's attention. The Panel sought clarification on the document and was advised that this document was often issued when a none EEA national had applied for residency in a EEA country. The certificate of application can be used to show that a person has a right to work.

The Panel questioned why such an important document was not produced at the first hearing.

Following careful consideration of all the representations, the Panel made the following decision:-

RESOLVED - That the application for a review of the Premises Licence under S51 Licensing Act 2003, Dixy Chicken be dismissed.

KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Licensing Panel				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Licensing Panel

Date: Wednesday 5th February 2020, at 10:00am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application to vary a premises licence under the Licensing Act 2003 – The Shoulder Of Mutton, 59 Lea Green, Mirfield, WF14 0AE

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan</u> (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Rob Walker

Electoral wards affected: Mirfield

Ward councillors consulted: Cllr Martyn Bolt
 Cllr Vivien Lees-Hamilton
 Cllr Kath Taylor

Public or private: **Public**

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 6th December 2019 the Licensing department received an application to vary an existing premises licence at The Shoulder of Mutton, 59 Lea Green, Mirfield, WF14 0AE. The application was made by Licensing solicitors, Flint Bishop LLP, on behalf of licence holder, MT Barrel Trading Limited. A copy of this application can be seen at **Appendix A**.

2.1.2 The Applicant is applying for the following variation:

To allow an additional 1 hour on bank holiday weekends, Maundy Thursday, Christmas Eve and Boxing Day. To add, in the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours, for the licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.

The above would apply to the following licensable activities: Indoor sporting events, live music, recorded music, late night refreshment and the supply of alcohol

The applicant is also applying to remove all current annex 2 conditions on the licence, replacing them with new ones and the removal of all annex 3 conditions on the current licence. A copy of the current premises licence including the current conditions can be seen at **Appendix B**.

2.1.3 The Council's Environmental Health team in their capacity as a responsible authority have made representation against the additional hours for international sporting events and the removal of Annex 2 and Annex 3 conditions, sighting that the following licensable activity would not be met in the variation was granted:

- The prevention of Public Nuisance

A copy of the representation can be seen at **Appendix C**

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:

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 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.

2.0 – Purpose and Scope of the Licensing Policy

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. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance
4. Protection of children from harm

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix D**.

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 Safe Guarding 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

Tackling the climate emergency, reducing emissions and improving air quality are key long-term priorities for the Council. Working closely with responsible authorities, applicants and existing licence holders the Licensing Authority will, within the confines of the Licensing Act 2003, highlight any issues around Climate Change and Air Quality, to applicants and / or existing licence holders.

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

3.6 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's 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.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

5 Next steps and timelines

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

- grant the application,
- grant the application with the appropriate conditions,

- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

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

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

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

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Mike Skelton, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70540
Email: mike.skelton@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application to vary a premises licence. Flint Bishop LLP

9.2 Appendix B – Existing premises licence

9.3 Appendix C – Representation from Environmental Health

9.4 Appendix D – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Strategic Director responsible

Karl Battersby – Strategic Directory, Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk

Appendix A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

WE, MT Barrel Trading Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number PR(A)0445

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Shoulder Of Mutton 59 Lee Green

Post Town Mirfield	Postcode WF14 0AE
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Telephone number at premises	01924 490439
Non-domestic rateable value of premises	£12,000

Part 2 - Applicant Details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	██████████ ██████████
Post Town ██████████	Postcode ██████████

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

If not do you want the variation to take effect from

Day	Month	Year							
-----	-------	------	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The application proposes to:-

1. Extend the opening hours to allow the premises to open from 08.00 daily for breakfast, coffee and tea etc.
2. Permit late night refreshment from 23.00 to midnight Thursday to Saturday and from 23.00 to 23.30 on Sunday
3. Extend the start time for the sale of alcohol daily to start from 08.00 to allow for wakes etc.
4. Amend existing non-standard timings and add new non-standard timings
5. Remove all Annex 2 and Annex 3 conditions and replace with updated conditions

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- | | |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	As existing
Mon	No Change	No Change	
Tue	No Change	No Change	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed	No Change	No Change	
Thur	No Change	No Change	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day" To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day
Fri	No Change	No Change	
Sat	No Change	No Change	
Sun	No Change	No Change	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) As existing		
Mon	No Change	No Change			
Tue	No Change	No Change	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	No Change	No Change			
Thur	No Change	No Change	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	No Change	No Change			
Sat	No Change	No Change	Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day"		
Sun	No Change	No Change	To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day		

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) As existing		
Mon	No Change	No Change			
Tue	No Change	No Change			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	No Change	No Change			
Thur	No Change	No Change			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	No Change	No Change			
			An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day		
Sat	No Change	No Change			
			In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day		
Sun	No Change	No Change			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A	N/A	<u>Please give further details here</u> (please read guidance note 5) Provision of hot food and hot drink		
Tue	N/A	N/A			
Wed	N/A	N/A	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	00:00			
Sun	23:00	23:30	<p>An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p> <p>From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day</p>		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	08:00	No Change	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	<input checked="" type="checkbox"/>
Tue	08:00	No Change			
Wed	08:00	No Change			
Thur	08:00	No Change		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day" To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day	
Fri	08:00	No Change			
Sat	08:00	No Change			
Sun	08:00	No Change			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	No Change	
Tue	08:00	No Change	
Wed	08:00	No Change	
Thur	08:00	No Change	
Fri	08:00	No Change	
Sat	08:00	No Change	
Sun	08:00	No Change	
			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p> <p>From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day</p>

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

We seek to remove all existing Annex 2 and Annex 3 conditions as these are now obsolete and replace these with updated and proportionate conditions.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

None above that of the existing licence.

b) The prevention of crime and disorder

We understand our obligations under existing legislation and take our responsibilities seriously.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. Staff shall monitor the customers in the external area on a regular basis and ensure customers do not cause a public nuisance
2. When regulated entertainment, including live and recorded music, is taking place, all windows and external doors shall be kept closed, except in the event of an emergency and for immediate access and egress
3. There shall be no speakers positioned in the external area
4. When regulated entertainment, including live and recorded music, is taking place, regular boundary noise checks shall be conducted and any required action shall be taken. Records detailing the sound checks and any required action shall be recorded
5. No customers shall be allowed to use any external area of the premises after 11pm, except for customers permitted to temporarily leave the premises to smoke
6. Notices shall be prominently displayed at all exits and in the external area requesting customers to respect the needs of local residents and leave the premises and area quietly
7. All amplified sound provided as part of the regulated entertainment shall be played through a sound system that incorporates a sound limiting device that has been installed and set to the satisfaction of the Responsible Authority for the prevention of Public Nuisance. The sound limiting device shall be retained and maintained and no alteration to the approved setting shall be made without the approval of the Responsible Authority

e) The protection of children from harm

We understand our obligations under existing legislation and take our responsibilities seriously.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	[REDACTED]
Date	06/12/2019
Capacity	Flint Bishop LLP – Solicitors for and on behalf of applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

[REDACTED] Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar

Appendix B

PREMISES LICENCE

Licensing Act 2003

PR(A)0445**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

Shoulder Of Mutton
 Shoulder Of Mutton Inn
 59 Lee Green
 Mirfield
 WF14 0AE

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Indoor Sporting Events
 Live Music
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Monday to Wednesday	10:00 - 23:00
	12:00 - 23:30
Thursday to Saturday	10:00 - 00:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Indoor Sporting Events (Indoors)

Day(s)	From - To
	10:00 - 23:30
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Live Music (Indoors)

Day(s)	From - To
10:00 - 23:30	
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Recorded Music (Indoors)

Day(s)	From - To
Monday to Friday	10:00 - 23:00
10:00 - 23:30	

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Friday	10:00	23:30
Sunday	12:00	00:00
Thursday to Saturday	10:00	00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption both on and off the Premises

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER

MT Barrel Trading Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL****PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)**

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of

children must be restricted in accordance with any recommendation by that body.

3. Where:

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

Alcohol shall not be sold or supplied except during permitted hours as shown on the licence.

General:

1. The Designated Premises Supervisor/staff monitor behaviour of customers in premises at all times, including beer garden, car park and toilets.
2. When required management uses nominated taxi companies to collect customers from the premises with the instruction for vehicle drivers not to sound car horns.
3. Bottles and glasses to be collected from outside drinking areas at regular intervals.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

West Yorkshire Police Conditions.

1. CCTV to be installed covering all licensable activity areas, the public entrances to the premises, entrance foyers and any external drinking and smoking area of the building. A live time monitor to be installed behind the bar to assist staff in monitoring the outside areas of the premises where the public has access. The CCTV system installed and operated in accordance with Home Office/ ACPO guidelines as adopted by West Yorkshire Police. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.
2. No drinks to be consumed in the outside areas of the premises after 21.30hrs.
3. No persons other than those who work in the premises shall be permitted to remain in the licensed premises after it has closed to the public.

Environmental Health Conditions.

1. The hours that all regulated entertainment can be carried out at the premises should be restricted to between 10.00 hrs and 23.00hrs on all days except for Saturday when it will be allowed between 10.00hrs and 23.30hrs.
2. Clear conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (eg beer gardens and smoking shelters) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
3. The outside areas of the premises shall be monitored at least once an hour between the hours of 20.00hrs and when the premises close to ensure that the customers or other persons are not behaving in a manner which will give rise to public nuisance.
4. No drinks shall be allowed in the outside areas of the premises after 21.30hrs on any day (the same as Police

Condition 2).

5. On the closing of the premises the Designated Premises Supervisor, his representative or member of his staff will ensure that groups of people do not remain congregated outside the premises.

6. With regards to the planning conditions the decking area to be closed at 23.00hrs except for during regulated entertainment when the decking area is not to be used. All amplified sound provided as part of the regulated entertainment shall be played through a sound system that incorporates a sound limiting device that has been installed and set to the satisfaction of the Responsible Authority for the prevention of Public Nuisance. The sound limiting device shall be retained and maintained and no alteration to the approved setting shall be made without the approval of the Responsible Authority.

7. Noise from amplified and non amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise sensitive location in the vicinity of the Shoulder of Mutton 59 Lee Green Mirfield.

To enable the applicant to check whether this condition is being met, suitable monitoring positions (s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point.

Informative Note:

Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.

In the case of dispute, the applicant can verify Inaudibility by demonstrating zero increase in the;

LAeq(1,min) (music playing) over the background LA90 (music off) and zero increase in the L10, T VS L90, T exceedence in each 1/3 octave band between 40HZ and 160 HZ.

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 29 September 2005

Date Commences/Varied: 3 December 2018



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0445**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

Shoulder Of Mutton
 Shoulder Of Mutton Inn
 59 Lee Green
 Mirfield
 WF14 0AE

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Indoor Sporting Events
 Live Music
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Monday to Wednesday	10:00 - 23:00
	12:00 - 23:30

Thursday to Saturday	10:00 - 00:00
----------------------	---------------

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Indoor Sporting Events (Indoors)

Day(s)	From - To
	10:00 - 23:30
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Live Music (Indoors)

Day(s)	From - To
10:00 - 23:30	

Sunday to Friday	10:00 - 23:00
------------------	---------------

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Recorded Music (Indoors)

Day(s)	From - To
Monday to Friday	10:00 - 23:00

10:00 - 23:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Friday	10:00	23:30
Sunday	12:00	00:00
Thursday to Saturday	10:00	00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption both on and off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

MT Barrel Trading Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL****STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 29 September 2005

Date Commences/Varied: 3 December 2018

A handwritten signature in black ink, appearing to read "J. Blawie". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Head of Public Protection Service

Appendix C

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Health**

Reference:	WK/201926530
Premises:	Shoulder of Mutton Inn, 59 Lee Green, Mirfield, WF14 0AE

Licensable Activity (place X in relevant box)			
Sale by retail of Alcohol	X	Provision of regulated entertainment	X
Provision of entertainment facilities (music, dancing, etc)		Provision of late night refreshment	X

OBSERVATIONS			
Public Safety		No Observations	
Date:	16 December 2019	Officer/Ext:	Jenny Dineen 01484 221000
Prevention of Public Nuisance		<p>I have reviewed the information submitted by the applicant and can agree to points 1-3 of the proposed variation. With regards to point 4, I can also agree with the extra hour to bank holidays etc. and the extension of hours to New Year's Eve until 01.00 on New Year's Day.</p> <p>I am unable to agree with the extension of hours for international sporting events, if there are international sporting events of such significance happening outside the permitted hours these can be dealt with by the way of TEN's.</p> <p>I am also unable to agree to point 5 the removal of Annex 2 and Annex 3, except for variations to reflect the above changes to permitted hours agreed above.</p>	

Date:	18 December 2019	Officer/Ext:	Kevin Ellam 01484 221000
--------------	------------------	---------------------	--------------------------

Appendix D

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances

where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and

- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Name of meeting: Licensing Panel

Date: Wednesday 5th February 2020, at 10:45am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application for the grant of a premises licence under the Licensing Act 2003 – The Little Lock, 2, Marsden lane, Marsden. HD7 6AF.

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Rob Walker

Electoral wards affected: Colne Valley

Ward councillors consulted: Cllr Donna Bellamy
 Cllr Rob Walker
 Cllr Lesley Warner

Public or private: **Public**

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 28th November 2019 the Licensing department received an application for the Grant of a premises licence for the former Little Shop, 2 Marsden Lane, Marsden, Huddersfield. The application was submitted by The Little LOCK (38E) LTD. A copy of this application can be seen at **Appendix A**.

2.1.2 The Application seeks to develop the former sandwich shop and establish a coffee shop which will also have the benefit of an alcohol licence: With the following licensable activities:

Sale of Alcohol: Mon- Tues 10:00am – 22:00 hrs
Wed - -Sat 11:00am –23:00 hrs
Sun 11:00am –21:00 hrs

Recorded Music: Mon – Tues 09:00 – 22:00hrs
Wed– Fri 09:00 – 23:00hrs
Sat 08:00 - 23:00 hrs
Sun 09:00 - 17:00hrs

Live Music Fri - 16:00 – 22:00 hrs
Sat - 10:00 - 22:00 hrs
Sun - 10:00 - 18:00hrs

The application has been advertised in accordance with the requirements of the Licensing Act 2003, the closing date for representations was **26/12/2019**. The Council has received Representations from local residents in the area, these include a petition from residents. Residents believe that the following licensing objectives will not be achieved.

- The prevention of Public Nuisance
- The prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

A copy of these representations can be seen at **Appendix B**

In order to achieve the Prevention of Public nuisance objective the Environmental Health team in their capacity as responsible Authority have made observations, and have suggested appropriate conditions to ensure that this licensing objective will be achieved. The applicant has agreed to the requested conditions.

A copy may be seen at **Appendix C**.

The Planning Authority in their capacity as responsible Authority have advised that the applicant may require a change of use with regard to the nature of this business, and that they should contact the planning department directly.

An extract from the licensing Policy is attached together with the response from planning. It should be noted that although relevant planning permission is required, this is a matter to be considered separately, and would not necessarily prevent the grant of a licence.

Copies are attached at **Appendix D**.

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:

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 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.

2.0 – Purpose and Scope of the Licensing Policy

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. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder

3. Prevention of public nuisance

4. Protection of children from harm

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which 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 Safe Guarding 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**

Tackling the climate emergency, reducing emissions and improving air quality are key long-term priorities for the Council. Working closely with responsible authorities, applicants and existing licence holders the Licensing Authority will, within the confines of the Licensing Act 2003, highlight any issues around Climate Change and Air Quality, to applicants and / or existing licence holders.

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

3.6 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's 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.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

5 Next steps and timelines

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

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

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

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

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

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application.

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Anwar Butt, Licensing Officer, Licensing Service

9 Background Papers and History of Decisions

- 9.1 Appendix A – Application for the grant of a premises licence.
- 9.2 Appendix B – Representations from Local Residents.
- 9.3 Appendix C – Observations from Environmental Health
- 9.4 Appendix D – Comments from Planning and extracts from the licensing Policy.
- 9.5 Appendix E – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Strategic Director responsible

Karl Battersby – Strategic Directory, Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk

APPENDIX A

Application for a premises licence to be granted under the Licensing Act 2003

28/11/11

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

LOCK (38E) L

T/A THE LITTLE

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
2 MARSDEN LANE MARSDEN HUDDERSFIELD			
Post town	HUDDERSFIELD	Postcode	HD76AF

Telephone number at premises (if any)	NA
Non-domestic rateable value of premises	£0 EXEMPT BAND A £3,450

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality		BRITISH			
Current residential address if different from premises address		SE			
Post town	HUDDERSFIELD		Postcode	HDS 8YD	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname		First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		
Nationality		BRITISH		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town	HODDERSFIELD		Postcode	HD7 6NF
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	THE LITTLE LOCK (38E) LTD.
Address	2/3M C/O Paramount Accountancy LTD INDEPENDENCE HOUSE, HILL BANK RD, HODDERSFIELD HD3 3LX.
Registered number (where applicable)	063-521538.
Description of applicant (for example, partnership, company, unincorporated association etc.)	LTD COMPANY.

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
16	12	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
16	12	2019

Please give a general description of the premises (please read guidance note 1)

The Little Shop in Marsden backs on to Lock 38 of the canal with access from the roadside. Single storey detached it is a brick built building with one side garages and the other houses. history is a shop that sold sandwiches & hot drinks.

our plan is a coffee shop & bar which will have a garden to the rear overlooking the canal. outside around 4 tables inside around 5. Serving coffee, cakes, pastries but also alcohol. No drinking of alcohol to the front area facing andy Properties

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

NA

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2)
- Please tick all that apply
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

efr

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Live music will be as and when, but within permitted times. mainly jazz music, guitar		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5) Summer will be more often but not weekly.		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	4 pm	10 PM			
Sat	10 AM	3 PM	Friday - 10-3 Live music will be as and when but within times permitted. Sat - 10-3 Sun - 10-3		
	4 PM	10 PM			
Sun	10 AM	3 PM	During mardon Jazz festival		
	12 PM	6 PM			

Wrestle
ants

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	9 AM	10 PM	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	9 AM	10 PM			
Wed	9 AM	11 PM	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	9 AM	11 PM			
Fri	9 AM	11 PM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	8 AM	6 PM			
Sun	9 AM	5 PM			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11 am	3 pm						
	4 pm	10 pm						
Tue	11 am	3 am						
	4 pm	10 pm						
Wed	11 am	3 pm						
	4 pm	11 pm						
Thur	11 am	3 pm				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
	4 pm	11 pm						
Fri	11 am	3 pm						
	4 pm	11 pm						
Sat	11 am							
		11 pm						
Sun	11 am							
		4 pm						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	APPLIED FOR
Issuing licensing authority (if known)	KIRKLEES

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)

State any seasonal variations (please read guidance note 5)

Christmas holidays may open through day with no midday break

Day	Start	Finish
Mon	9pm	3pm
	4pm	10pm
Tue	9AM	3pm
	4pm	10pm
Wed	9AM	3pm
	4pm	11pm
Thur	9AM	3pm
	4pm	11pm
Fri	9AM	3pm
	4pm	11pm
Sat	9AM	
		11pm
Sun	9AM	
		9pm

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- notice to ensure customers use front access from canal side to be prominent
- A close relationship with the community will be pushed to ensure we are a benefit and bring the community closer.
- w feedback forms and events to

b) The prevention of crime and disorder

- Pubwatch
- All crimes shall be notified to the relevant authority
- CCTV shall be inside & outside of the shop recorded to a hard drive
- A close relationship with the area PC to ensure as much presence as possible
- Staff will be trained to stop serving and operate an awareness policy to any situation which may cause concern.

c) Public safety

- adequate outside lighting
- all staff to be trained in the fire drill
- Staff shall have toolbox talks and a place to notify any causes for safety concerns
- Disabled customers may require full table service to help there safety
- Accident book shall be kept behind the bar
- all food safety will be complied with
- temperature control shall be based on thermostat behind bar

d) The prevention of public nuisance

- Signs alluding to the fact of local residence shall be prominent
- front door shall be kept closed when reasonable possible in evening
- Litter bin shall located outside for cigarettes and trash.
- outside area to be much lower than inside to help cancel much of the noise
- speakers will be at the back of the shop
- no bags of rubbish/bottles to be to front of shop
- notice to car park located at the side of canal to be signed

e) The protection of children from harm

- Challenge 21 shall be incorporated into our service
all staff shall be trained to carry this out if serving alcohol. ^{via} PASS LOGO ID Required
- No children unaccompanied by an adult shall be allowed entry.
- No gambling will be permitted
- A Bad language, Policy to ensure a good clean environment shall be incorporated

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
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	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	14/11/19
Capacity	owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	14/11/19
Capacity	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:
<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community

premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications**

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- evidence of the applicant's own identity – such as a passport, evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

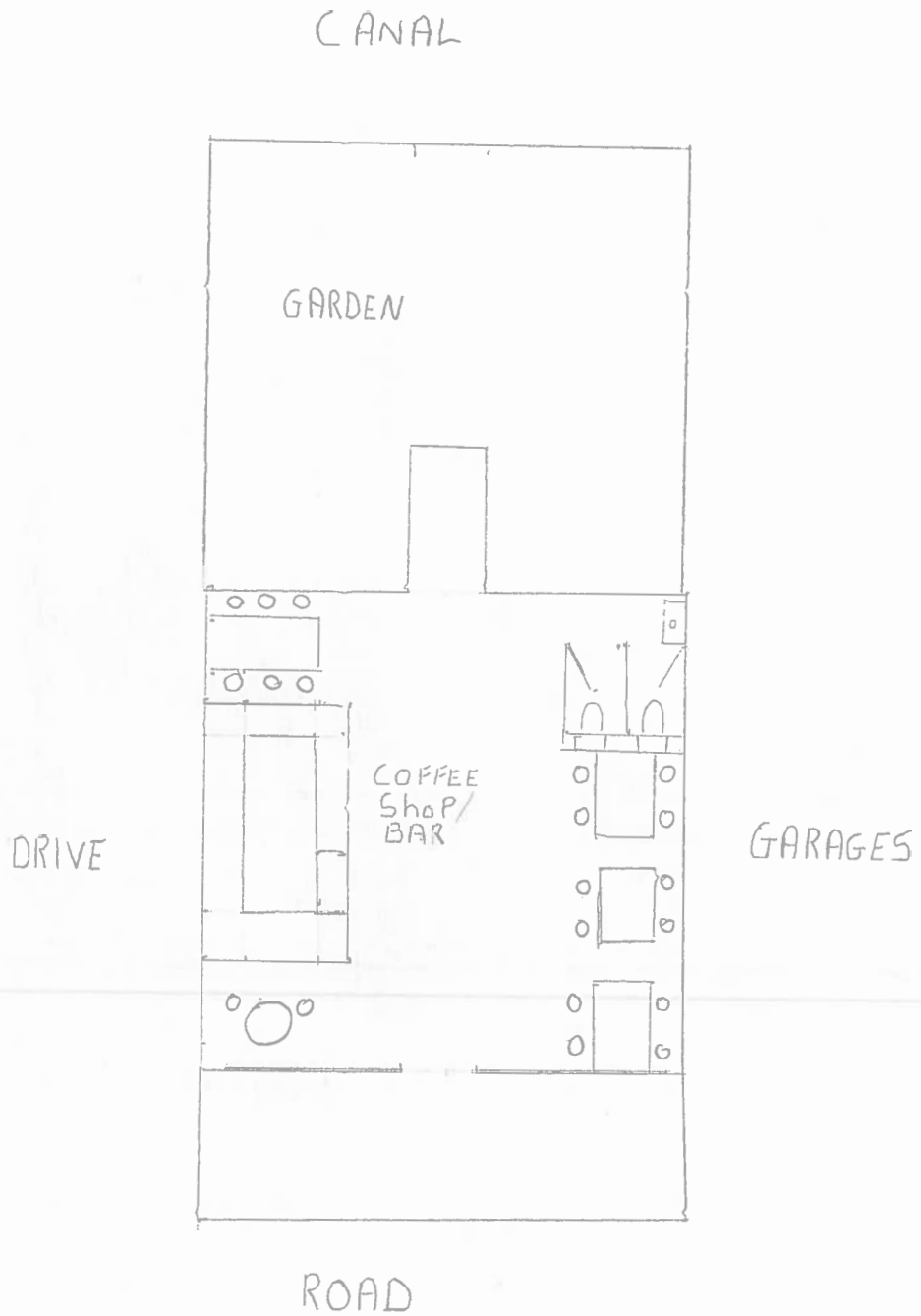
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

THE LITTLE LOCK

SCALE 1-100



APPENDIX B

The Licensing Office
Flint Street Depot,
Flint Street,
Fartown,
Huddersfield
HD1 6LG.

11th December 2019.

[Redacted]
Marsden Lane
Marsden
Huddersfield.
HD7 6AF.

12 DEC 2019

Dear Sir/Madam,
I wish to register
my objections to the application
for a licence for the sale of alcohol
and the playing of music-live and
recorder at No 2. Marsden Lane.

This property
is in the middle of a quiet residential

area and the times proposed for opening I feel will be very detrimental to the peace and well being of all in the neighbourhood.

We already have several drinking establishments in the village and the so called 'Abe trail' causes many problems with anti social and drunken behaviour.

I would also like to point out that the notice has been altered and is not easily understandable.

Yours. Sincerely

Licensing Act 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	DGE
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	MARSDEN LANE MARSDEN, HUDDERSFIELD, HD07 6 AF
Contact telephone number	

Name of the premises you are making a representation about	The Little Lock 2 MARSDEN LANE, MARSDEN
Address of the premises you are making a representation about.	2 MARSDEN LANE, MARSDEN HUDDERSFIELD HD07 6 AF

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	I am concerned about late evening drinking sometimes associated with anti-social behaviour, criminal damage + disorder on the street.
Public safety	YES	There is no parking area on the street and it is already a subject to driving/road problems (narrow road, no pavement on Warehouse Hill).
To prevent public nuisance	YES	I am concerned about noise in the back garden area and at the front of the building, and smoking in these areas. There is no safe parking area, and noise will result.
To protect children from harm	NO	
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		If this licence application is granted, then restrictions should be placed on opening hours to avoid the above problems — perhaps 8pm or even earlier. This is primarily a residential area and should be respected.

Signed:

Date:

16 December 2019

Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:

<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

NOTES

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given in the public notice in a local newspaper or other local publication.
3. You must live, work or represent a body that is in the vicinity of the premises that you are writing about in order to make representations.
4. These can only relate to the four licensing objectives.
5. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
6. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available. Names and addresses will only be withheld from the Committee report at your request.
7. Please return this form when completed to:

Kirklees Council,
Licensing Department
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG
Tel: 01484 456868
Email: licensing@kirklees.gov.uk

Licensing Act 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	REVUE
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	MARSDEN LANE MARSDEN HD7 6AF
Contact telephone number	

Name of the premises you are making a representation about	THE LITTLE LOUK
Address of the premises you are making a representation about.	2 MARSDEN LANE

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	LATE NIGHT DRIVING WITH LEAD TO ANTI-SOCIAL BEHAVIOUR & WASTE DISREGARD FOR THOSE LIVING IN THE RESIDENTIAL AREA
Public safety	YES	THE ROAD ALREADY HAS ISSUES TO DO WITH PARKING. THERE ARE NO SPACE FOR EXTRA VEHICLES.
To prevent public nuisance	YES	THERE WILL BE NOISE AS PEOPLE LEAVE THE PREMISES. SMOKING OUTSIDE THE PROPERTY WOULD BE UNPLEASANT FOR
To protect children from harm	NO	NEIGHBOURS LOUD MUSIC WOULD BE INTRUSIVE.
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		A RESTRICTION ON HOURS OF OPENING FOR SALE OF ALCOHOL SPECIFIC HOURS TO BE NEGOTIATED CONSIDERING LOCATION OF PREMISES.

Signed:

Date:

16 Dec 2019

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NOTES

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given in the public notice in a local newspaper or other local publication.
3. You must live, work or represent a body that is in the vicinity of the premises that you are writing about in order to make representations.
4. These can only relate to the four licensing objectives.
5. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
6. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available. Names and addresses will only be withheld from the Committee report at your request.
7. Please return this form when completed to:

Kirklees Council,
Licensing Department
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG
Tel: 01484 456868
Email: licensing@kirklees.gov.uk

Context

The property identified as 2 Marsden Lane immediately adjoins my own, 4 Marsden Lane, and one of its external walls forms the boundary between the two properties. The property is situated in a quiet residential area. The premises are situated on a stretch of the street that has no pavement on either side of the carriageway. The property consists of a single storey indoor space with a frontage onto the street and has a garden area behind.

Planning permission

I cannot find any evidence of a planning application relating to these premises. Since the proposal to open a licensed bar constitutes a change of use and since licensed premises must meet particular planning requirements I would have expected to see such an application. I believe that the absence of a planning application has implications for the licensing application.

Licensing application

I wish to object to the licensing application on the following grounds:

Public nuisance

If the premises are open at night there is serious potential of nuisance from noise. Music, especially live music, may be heard from outside the building. Customers using the garden may cause noise nuisance, especially on summer evenings. Year round, smokers using the premises will either use the garden as a smoking area or congregate on the street outside the property. This will inevitably lead to noise nuisance to properties next to, and opposite, the proposed bar. Smoke and discarded cigarettes will also constitute a nuisance to residents and passers-by.

There is very little off-street parking between Warehouse Hill and Plains Lane. The vast majority of car users living on this stretch of Marsden Lane park their vehicles on the street and parking space is at a premium. The premises for which a licence is sought can offer no off-street parking to customers. Any increase in demand for parking from customers of the bar will inevitably cause great inconvenience to local residents.

Public safety

Marsden Lane is a narrow road that carries considerable traffic, both from residents of the lane and from through traffic from nearby streets and from as far afield as Slaithwaite. The absence of pavement on stretches of the lane, compounded by the dense on-street parking, make the lane a difficult place for pedestrians to navigate safely. This presents a risk to customers trying to reach the proposed bar on foot. If pedestrians encounter more difficulties from increased parking and from groups of smokers outside the proposed bar the risk of road traffic accidents will increase.

Public Disorder

Marsden has a variety of places in the village centre licensed to sell alcohol. Even with recent closures there remain 6 pubs and bars open to the public. In addition, there are at least 5 social clubs selling alcohol in or near the village centre. Most of these establishments have, on occasions, suffered the sorts of public disorder that can accompany late night drinking. Loud arguments, bad language, public urination, vomiting and fights are not rare occurrences in the village, particularly on

Friday and Saturday nights. These problems are compounded by Marsden being a featured destination of the "Ale Trail" that brings heavy drinkers by train along the Colne Valley. The problems of disorder repeatedly caused by Ale-trailers have necessitated the publishing of a code of conduct to help control the excesses, and the use of security staff on and around Marsden Station at key times.

While the proposed licensed premises are not in the village centre, they are less than 4 minutes' walk from the sites of the greatest drink-related disturbances in the village. It is highly likely that drinkers wishing to avoid the crowds and long queues in the village centre pubs will find their way to Marsden Lane bringing with them the anti-social behaviour that is unfortunately common in the village but presently rare in this residential area.

Mitigation

I am opposed to these premises being granted a licence to sell alcohol or to play music. If a licence were to be granted, the worst elements of nuisance, public disorder and threats to public safety could be avoided by insisting the bar closes at or before 7.00pm every night of the week. This should not represent a serious restriction on trade as temporary events licenses could be obtained to extend opening hours for (hopefully rare) special occasions such as the Jazz Festival.

I wish to raise my objections to the request by XXXXX for the granting of a premises licence/club premises certificate in respect of premises known as **The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.**

As a resident of 4 Marsden Lane, I am immediately affected by this application. One of the external walls of 2 Marsden Lane forms the side boundary between the two properties and the distance between the 2 buildings is at one point as little as 3.5 metres. Our garden area sits directly alongside the open area at the back of 2 Marsden Lane, and their street frontage abuts our drive. As such I wish to object to the licensing application on a number of grounds:

1. Crime and disorder

Marsden already is well served with pubs and bars and there is currently a lot of disorder connected with the 'ale trail' that congregates in the village centre, from which The Little Lock is only 4 minutes' walk. Moreover the British Legion and Band Room are both licensed premises in operation within 200 and 500 metres respectively of the property, and both in the past have been associated with drink-related antisocial behaviour which has impacted negatively on the residents in this area. There is evident potential for the licensed premises at 2 Marsden Lane to attract similar antisocial behaviour with its negative consequences for local residents, including myself.

2. Public safety

Kirklees council licensing policy focuses predominantly on how the safety of the potential users of the licensed premises will be ensured. In this respect the lack of pavement both in front of the premises and along neighbouring road areas poses an evident risk to people accessing and leaving the premises by foot. I can testify to the lack of visibility at this point in the road and the problems caused by cars travelling at speed along the road towards the village centre. In terms of the wider public, the extra traffic that the opening of a bar would generate has obvious potential for jeopardising the safety of all pedestrians using the road, including schoolchildren going to and from the local schools. Extra traffic would not only relate to customers and staff accessing the premises but to goods traffic, waste removal etc.

3. Public nuisance

The problems connected with extra traffic extend also to parking, already at a premium in this area, as the premises have no scope for the provision of customer or staff parking and hence pressure will inevitable increase on the very limited on-road parking used by residents.

Noise is an evident issue as the proposed bar with its outside space to the rear sits in a residential area with a number of houses in very close proximity. The potential noise nuisance is amplified with the proposals for live and recorded music and licensing hours that extend into the late evening. Light is another issue connected to late opening hours that, along with noise, would affect not only nearby residents but impact negatively on the wildlife corridor that follows the line of the Huddersfield Narrow Canal at the immediate rear of the building.

4. Child protection

There has been no notice posted of a planning application for change of use of the premises, so I have no information concerning how the use of the premises by children would be managed and underage drinking prevented. The concern here is not simply for the important issue of child protection but also concerns public nuisance. This concern is highlighted by the history of 2 Marsden Lane which, in the past, has operated as a retail premises with a licence to supply alcohol. This became a source of public nuisance connected to underage drinking which had direct impact on the previous residents of my property and led them, I believe, to complain to the licensing authority.

Mitigation

I would like to reiterate my objection to the granting of a licence for these premises to either sell alcohol or play music. This an inappropriate area for such a development and would be a substantial public nuisance. I am unable to suggest grounds for mitigation.

Mark Scaramuzza

From: Barry
Sent: 11 December 2019 17:31
To: Licensing
Subject: 2 Marsden Lane license application.

I am making my objection to the application for a music and alcohol at 2 Marsden Lane.

We live virtually opposite the venue on Marsden Lane and are very concerned about this proposal and how it will affect our lifestyle and enjoyment of our home which we have lived in for over 20 years. Having witnessed the opening and closing of similar venues in Marsden the first problem will be noise from people entering and leaving the pub, the bars and pubs in the village centre all have people smoking and drinking outside of them which in this currently quiet location would be a major disturbance. I and some of my neighbours leave for work very early in the mornings and need to get to sleep early in the working week and we would be disturbed by loud voices, music and cars arriving and leaving at various times. On Marsden Lane there is very little parking available so any extra parked traffic would cause residents to park away from their homes causing further disruption. Currently if we include the clubs there are at least 12 licensed venues where people can consume alcohol in Marsden does a small Pennine village need another? Finally I am concerned about antisocial behaviour when people start to use the pub especially leaving late at night in this quiet residential area. I hope this unsuitable location for a bar will be refused a license by the authority.

Yours sincerely

Licensing Office . Huddersfield 11 December 2019

Marsden Lane
Marsden
HD7 6AF.

An Objection.

I am writing to you in regarding the application for a bar in the building formerly The Little Shop at 2 Marsden Lane.

I have major concerns about the application as follows.

Late night disturbances when the venue is open with people leaving having consumed alcohol and causing anti social behaviour in a quiet residential area.

Cars parking in what is a very busy street for car parking and increased noise when people leave in their vehicles.

The proposed venue is less than 100 meters from my house and we would be able to hear music easily from such a close source disturbing our peace and enjoyment of our own home.

Customers smoking outside at the front or rear of the property when at the moment we have nothing.

As some pubs and bars have recently closed in Marsden I don't see the need for any further venues selling alcohol.

With all our concerns this venue is totally unstable for a bar and we trust the authority will not grant the owners a licence.

Yours sincerely

Pauline Lowe

From: [redacted] <[redacted]>
Sent: 15 December 2019 21:26
To: Licensing
Subject: License application for 2 Marsden Lane

Hi

I understand there has been an application to license a bar at 2 Marsden Lane, Marsden.

I would like to send some comments as we are very concerned about this.

The area is a quiet residential street, a bar would ruin the peace that the residents currently enjoy. Having a licensed premises in this area will totally change the character of the street for the worse. Even if the owners try to minimise sound there is still bound to be noise from them emptying bottles, from customers leaving and arriving and of course the music. The peace of this street is one of the main draws for residents.

There is already a parking problem on the street, residents often have to park a distance away, a bar opening would make this worse.

The route to and from the bar doesn't have a pavement, if people were to walk this could cause traffic and accident issues.

There are empty properties that have already held licenses in the village centre, the applicants could have purchased one of those.

The village attracts a large number of people coming on the ale trail, at the moment they are contained mainly to the village centre, this may widen the area they visit and therefore widen the associated issues they bring.

We are very concerned about antisocial behaviour and how this would be managed.

I am under the impression that a notice of application should be displayed at the property? There isn't one.

Many thanks for your time, please contact me if you need any other information.

Marsden Lane resident

From:
Sent: 19 December 2019 10:23
To: Licensing
Subject: Objection to application for The Little Lock, HD7 6AF

I wish to register my objection to the application for a licence to open a bar for the consumption of alcohol and the playing of music including live music at a premises to be called The Little Lock, 2 Marsden Lane, HD7 6AF.

This is a quiet residential area. The proposed licensed premises is directly opposite and/or very close to residential homes and is less than two metres from the building's direct neighbour.

It is highly likely this venture will have an adverse impact on local residents and those in the surrounding area, including people living along Warehouse Hill Road, as customers travel to or from the premises. It is entirely possible it will become part of the Ale Trail. Ale Trailers are known for their vocal and rowdy behaviour in the village, indeed Marsden rarely required a police presence at weekend and now they are frequently required.

Inevitably there will be noise pollution, the possibility, if not probability, of public nuisance and there are questions regarding waste. Where will their bins be located? Will local residents be subjected to the noise of bottles being tossed into bins at unsocial hours and where will the smokers congregate? Surely people have a right to enjoy their gardens without being subjected to secondhand smoke?

My final comment for now is parking. There is quite simply inadequate parking along Marsden Lane which is already difficult to negotiate for pedestrians.

This proposal is totally unfair to local residents and I trust my objections will be taken into account.

Yours faithfully

LICENSING ACT 2003: NOTICE OF APPLICATION FOR GRANT OF PREMISES LICENCE

TAKE NOTICE that I have applied to Kirklees Council under the Licensing Act 2003, for the grant of a premises licence/club premises certificate* in respect of premises known as The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.

For Sale of alcohol Mon/Tues 11am-10pm, Wed-Sat 11am-11pm, Sun 11am-9pm.

Live music Fri 4pm-10pm, Sat 10am-10pm, Sun 11am-9pm.

Recorded music Mon-Fri 9am-11pm, Sat 8am-11pm, Sun 9am-5pm.

Interested parties and responsible authorities may make representations regarding the application where they believe that the proposed activities would undermine any of the four licensing objectives.

Any representations must be submitted in writing to the Licensing Office, Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG or by email at licensing@kirklees.gov.uk by 28.12.19. Persons wishing to inspect the Licensing Register may do so at the above address during normal office hours or online at www.kirklees.gov.uk/licensing. It is an offence to knowingly or recklessly to make a false statement in connection with an application and on summary conviction would be liable to a fine not exceeding £5000.

TM REF: 225894764-01

In considering licences, the Licensing Authority will focus 'primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area'.

Representations must relate to one of the four licensing objectives:

1. To prevent crime and disorder
2. Public safety
3. To prevent public nuisance
4. To protect children from harm

The Licensing Office,
Flint Street Depot,
Flint Street, Fartown,
Huddersfield, HD1 6LG

Ref: 225894764-01

Please find enclosed 44 representations in response to the application for the grant of a premises license/club premises certificate by Arran Crabtree and Christopher Latham in relation to premises known as The Little Lock, 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.

They represent a range of objections to the granting of the license raised by people living in the immediate vicinity of the premises. They are focussed on how local residents believe that the proposed activities would undermine the four licensing objectives, i.e.

1. To prevent crime and disorder
2. Public safety
3. To prevent public nuisance
4. To protect children from harm

We trust that these will all be taken into consideration in any decision-making in relation to this application.

POSTED BY LCARR FOR ALL SIGNATURES ATTACHED.

18/12/19

MARSDEN LANE
MARSDEN
HD7 6AF

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden,
 Marsdenfield HD7 6AF, we wish to raise objections as detailed below:

1
2
3
4
5
6
7
8

Address, email, contact tel.no.	Category of objection	Nature of objection	Sig	Date
COLNE RESIDENT	2	POOR ACCESS + ROAD OVERBUSH	A	14/12/19
Marsden Lane	2	Road access, parking, delivery, child safety - no pavements		14.12.19
Marsden	2	parking + access.		14.12.19
MARSDEN LA	1234	noise, history of alcohol related violence from pub/dorm. parking facilities		14/12/19
MARSDEN LANE	2-3	Ø. Light + noise direct into my home.		
		ALREADY NO PARKING SPACE ON MARSDEN LANE	I	14-2-19
Marsden LA	123	- potential noise + parking issues - potential increase in drinking related crime	2	14/12/19
Marsden LA	123			14/12/19
MARSDEN LA	1234	NOT A SUITABLE LOCATION FOR A BAR. WILL CAUSE PROBLEMS FOR RESIDENTS		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
9		1-4	I have young children and can't see how this would be a good idea for them. Also I have a concern with parking		14/12/19
10		1-4	Completely wrong location for a bar. Road safety, noise + parking issues.		14.12.19
11		1-4	Bad junction. Parking issues. Road safety. Noise (Music etc)		14.12.19
2		2	NO WHERE TO PARK NOW WHEN VISITING FAMILY		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	S	Date
13		2	NO parking available - bridge work has been wanted through and residential property next door will wanted through 3 time		14/12/19
14		1-4	HISTORY OF NOISE, ANTI SOCIAL BEHAVIOUR FROM BAND ROOM NOT A GOOD LOCATION		14/12/19
15		-4	NOISE POLLUTION, ANTI SOCIAL BEHAVIOUR, CRIME, PARKING (ALREADY DIFFICULT)		14/12/19
16		2+3	Noise & Parking.		14/12/19
17		-4	Traffic & Parking. Health.		- " ✓
18		-4	Totally inappropriate for a predominantly residential area		17/12/19
19		1-4	Noise, lack of parking (it was site of Marsden Band 10 years ago & there was such trouble with noise, neighbours & disruption when the bar was always open)		14/12/16
20		3+4	too many dogs with excess people outside pushing children into road to get for		14/12/16

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Date
25		3	Completely inappropriate area for alcohol late night noise, disorder. Residential area - lots of shift work and people getting up before 5am everyday.	19/12/19
26		1 to 4.	Increased traffic. Noise. Anti Social Behaviour.	14/12/19
27		1 to 4.	Anti social behavior increased traffic noise	14/12/19
28		1 to 4.	As above.	14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
25	GRANGE AVE MARSDEN HUDDERS	1,2,3,4	ACCESS NOISE DISRUPTION		14/12/19
26	Grange Ave Marsden	1,2,3,4	ACCESS NOISE DISRUPTION		14/12/19
27	MARSDEN LANE	1,2,3,4	ALREADY STRUGGLE WITH ANTI SOCIAL BEHAVIOUR AND MIST FROM ISLAND ROOM AND VANDALISM TO CARS. WHERE WILL RUBBISH BE KEPT BIG PROBLEM WITH MICE + RATS CANAL SIDE PROSPECT TRAFFIC HORRENDOUS - LOCALS CRASHED INTO MY GATE.		15/12/19
28	Netheley Dr	2,3,4	NO PARKING ALREADY WITH VISITING SON + GRAND CHILDREN		15/12/19
29	Netheley Dr	2,3,4	DNT WANT TO WALK WITH ALCOHOL INFUSED PEOPLE WITH GRANDCHILD NOT BEING IN THE WILDS - NO PAVEMENT SO WILL BE WALKING IN THE ROAD WITH THE CHILDREN		15/12/19

A

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
30		23	Road access + Noise pollution		16/12/19
31		1,2,3,4	Noise pollution. Not a suitable site		17/12/19
32		1234	Extremely congested site to p: no parking for family space 4x vandalism crime jobs low no weekend. 13th car vandalised twice and neigh car x 7 late weekend.		17/12/19
33		13	Rubbish is a huge issue as is noise to the local residents. It's a residential area with no distance between houses & proposed site.		17/12/19
34	MANCHESTER ROAD	1234	PEOPLE WORKING SHIFT PATTERNS OPPOSITE AND NEXT TO SITE. 11PM CLOSURE WITH ALCOHOL NOISE UNACCEPTABLE FOR RESIDENTS + UNFAIR. LIGHT CAR'S LIGHTS, DOORS CLUSING RUBBISH WHERE WILL IT BE kept ??		17/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
35	Marsden la Marsden Hudds HD7 6AF	1,2,3,4	Likelihood of noise nuisance to exist, noise Anti-social behaviour arising from alcohol consumption. Road closures already existed with resident vehicles, drinking club on junction opposite - already cause of concern due to parked vehicles. Children waiting to school regularly on this route - narrow road + pavement. A bar of this nature will encourage drinking through the day - already a high level of anti-social behaviour + drug dealing in the village out of control. Why was licensing details notice displayed considered as illegal? Already a number of pubs/clubs + other establishments in village it would not be beneficial to the village or local residents to create another venue during the same. What car parking facilities would be provided + how fast would the impact of such a venue be assessed or monitored?		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
	<p>MARSDEN LANE</p>	1 2 3	<p>Late night disturbances, problems with parking. Access "wheel borrow" behind my garage. It's not public or business access and we had to increase security in the past when premise was a shop open until approx 5pm already.</p>		17/12/19

40

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
37	1 Grange Av	1-4	ROAD IS CONGESTED AS IT IS		14/12/19
38	" Grange Av	1-4	AS ABOVE, AND NOISE		14-12-19
39	GRANGE TERRACE		NOISE, AND THE SHOP IS TO SHAW SO PEOPLE WILL SPILL ONTO THE STREET. RUSSISH AS WELL		15/12/19
40	"		" " " "		15/12/19
41	" Plains Lane	1-4	PARKING ISSUES - NOISE, LITTER, ANTI SOCIAL BEHAVIOUR		16.12.19
42	paulusinyam@gmail	1-4	PARKING ISSUES, NOISE ISSUES, ANTI-SOCIAL BEHAVIOUR.		16/12/19
43	6 grange terrace	1-4	ROADS noise, drinking when children passing coming home from school. Traffic		15.12.19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

44.

Name	Address, e mail, contact tel.no.	Category of objection	Nature of objection	Signature	Date
	Marsden Lane	1234	<p>The local residents back on to an area of natural woodland / with an abundance of nature which will be affected by late noise & light pollution i.e - bats, owls & bird life - a lot of people work shifts so late noise - people leaving / cars doors slamming affects human right of sleep. My property is listed with single glazed windows. We have history of problems with 13 Ardrossan next door - violence induced by alcohol, noise pollution. Also my garage is next door to Little Lock and we had to reinforce security due to attempted break ins at work & the previous shop. The area is not a wealthy older middle aged demographic which I believe the owners want to attract its very much listed working & transient people with an ongoing problem with younger peer groups re violence & vandalism.</p>		18/12/19

APPENDIX C

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Health**

Reference:	WK/201924885
Premises:	The Little Shop, 2 Marsden Lane, Marsden, Huddersfield, HD7 6AF.

Licensable Activity (place X in relevant box)			
Sale by retail of Alcohol	X	Provision of regulated entertainment	X
Provision of entertainment facilities (music, dancing, etc)		Provision of late night refreshment	

OBSERVATIONS			
Public Safety		No objections	
Date:	21 Nov 2019	Officer/Ext:	Jenny Dineen 01484 221000 x70831
Prevention of Public Nuisance		<p>The premises are located immediately adjacent to a residential property with additional nearby residential properties across the road. It is likely that background noise levels in the area will be quite low and the proposed live and recorded music would have the potential to cause disturbance to nearby residents unless the noise levels were effectively controlled. In addition there is a potential for noise caused by customers outside the premises to adversely affect nearby noise sensitive premises, particularly in the evening. I therefore consider that conditions are necessary to restrict noise from the regulated entertainment and to restrict the times of use of the outdoor areas.</p> <p>Recommended Conditions</p> <p>LC1 Noise from amplified and non-amplified music, singing and speech</p>	

arising from regulated entertainment emanating from the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the premises.

To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point.

Informative Note:

Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.

In case of dispute, the applicant can verify inaudibility by demonstrating

- zero increase in the $L_{Aeq, 1 \text{ min}}$ (music playing) over the background L_{A90} (music off) and
- zero increase in the $L_{10, T}$ VS $L_{90, T}$ exceedence in each 1/3 octave band between 40Hz and 160Hz.

LC4

All external doors and windows to the room/s where regulated entertainment is provided shall remain closed (other than for normal access and egress) during the course of the entertainment.

LC7

No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure.

LC2

Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (e.g. beer gardens) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff shall be trained in ensuring the quiet dispersal of patrons.

LC10

External areas of the premises shall not be used by customers between the hours of 20:00 and 09:00 apart from a single designated external smoking area. Drinks shall not be allowed in the smoking area between the hours of 20:00 and 09:00.

LC12

The disposal of waste bottles, glass and other materials into

		external receptacles shall not take place between 20:00 and 09:00 hours and any such waste receptacle shall not be removed from the premises between those hours.	
Date:	26 Nov 2019	Officer/Ext:	Richard Hume 01484 221000 x70909

APPENDIX D

Anwar Butt

From: Licensing
Sent: 20 January 2020 16:51
To: Anwar Butt
Subject: FW: 2019/20466

OFFICIAL - SENSITIVE

From: Jennifer Booth
Sent: 25 November 2019 13:54
To: Licensing <Licensing@kirklees.gov.uk>
Subject: 2019/20466

OFFICIAL - SENSITIVE

Good Afternoon,

With regards to the recent licensing application for The Little Shop, 2 Marsden Lane. This property is an A1 shop. If they are wanting to operate as a "coffee shop & bar" then this will require a change of use to A3. They will need to consider whether they need to apply for planning permission or if this can be achieved under permitted development. Can you let the applicant know that they need either a prior notification (if they are going down a permitted development route) or a planning application to change the use of the premises and if they wish to discuss this they can contact my colleague, Nick Hirst.

Regards

Jennie Booth
Planner – Development Management
Economy & Infrastructure – Development & Masterplanning
PO Box B93
Huddersfield
HD1 2 JR

e Jennifer.booth@kirklees.gov.uk
W www.kirklees.gov.uk

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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 under the Licensing Act may also need to seek the appropriate planning permission, or be deemed permitted development. The grant of a Premises Licence or Club Premises Certificate does not negate the need to seek and be granted any required planning consent.

6.6 In addition, it is also the responsibility of the applicant to ensure that any necessary building control approval has been obtained where structural alterations have taken place.

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.

APPENDIX E

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;*
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- it is known that unaccompanied children have been allowed access;*
- there is a known association with drug taking or dealing; or*
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.*

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to

consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;*
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;*
- restrictions on the parts of the premises to which children may have access;*
- age restrictions (below 18);*
- restrictions or exclusions when certain activities are taking place;*
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);*
- full exclusion of people under 18 from the premises when any licensable activities are taking place.*

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons

under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

