

Public Document Pack



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

Julie Muscroft

The Democracy Service

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Please ask for: Jenny Bryce-Chan

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

Monday 28 June 2021

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Virtual Meeting - online** at **12.00 pm** on **Tuesday 6 July 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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', on a light-colored background.

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 Karen Allison

Councillor Adam Gregg

Agenda

Reports or Explanatory Notes Attached

Pages

1: Site Visit

Site visit to be undertaken at 10:00am.

2: Interests

1 - 2

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 Panel will hear any questions from the general public.

6: Application for the Grant of a Premises Licence: Cockley Woodland Weddings, Liley Lane, Ninevah Farm, Grange Moor, WF4 4EN 3 - 60

To determine the application at 12:00pm

Contact: Michelle McCluskey, Assistant Licensing Officer, Tel:
01484 221000

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: Tuesday 6th July 2021

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Cockley Woodland Weddings, Liley Lane, Ninevah Farm, Grange Moor, WF4 4EN

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 <u>Strategic Director</u> & name	Fiona Goldsmith as agreed by Colin Parr
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 Will Simpson

Electoral wards affected: Kirkburton

Ward councillors consulted: Cllr Bill Armer
 Cllr John Taylor
 Cllr Richard Smith

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 license, 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 the 11th May 2021 the Licensing department received an application for the grant of a premises licence for Cockley Woodland Weddings. The application was made by a company called Hospitality Training Solutions Limited acting as agent to the applicant Stephen Smith. A copy of this application may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows;

The supply of alcohol for consumption on and off the premises:
Mon – Sun 10:00 – 00:00

Recorded Music:
Mon - -Sun 23:00 – 00:00

2.1.3 During the consultation period, no representations have been made by the responsible Authorities. However, concerns have been raised resulting in a total of ten representations, supported by 2 Ward Members, a Member of Parliament and 9 residents, and 2 petitions supported by 22 residents which relate to the licensing objectives below:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of children from harm

A copy of the representations may be seen at **Appendix B**
A copy of the petitions may 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 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.

3.5 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

Michelle McCluskey, Assistant Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 74222
Email: Michelle.mccluskey@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence for Cockley Woodland Weddings.

9.2 Appendix B – Representations

9.3 Appendix C - Petitions

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

10 Service Director responsible

Wendy Blakeley
Service Director – Environment
Tel: 01484 221000
Email: wendy.blakeley@kirklees.gov.uk

APPENDIX A

Application for a premises licence to be granted 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.

I/We [REDACTED].....
(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			
Cockley Woodland Weddings Liley Lane Ninevah Farm Grange Moor			
Post town	Wakefield	Postcode	WF4 4EN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <input type="checkbox"/>			First names <input type="checkbox"/>		
Date of birth <input type="checkbox"/>	I am 18 years old or over <input type="checkbox"/>		Please tick yes		
Nationality <input type="checkbox"/>					
Current residential address if different from premises address		<input type="checkbox"/>			
Post town	<input type="checkbox"/>	Postcode	<input type="checkbox"/>		
Daytime contact telephone number					
E-mail address (optional)		<input type="checkbox"/>			
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 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 type="checkbox"/>		Please tick yes	
Nationality					
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				Postcode	
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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

DD	MM	YYYY

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

Cockley Woodland Weddings is 16 acres of private land including the beautiful Cockley Wood, the application is to license the entire area within the boundaries of the plans, although the events that happen at the premises will be confined to much smaller areas.

The land is used for wedding events and has been successfully operated in the past using temporary event notices, the business is well established in the area and a premises licence is the obvious next step.

A marquee is erected in one of two locations to host the wedding party (only one event will take place at any one time) the guests of an event will be confined to the Marquee area. The Marquees are commercially made and fit for purpose, they are well lit and are equipped with fire fighting equipment and state of the art CCTV.

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

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
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					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (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 exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
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)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (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					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (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 performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>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</u> (please read guidance note 6)		
Sat	23:00	00:00			
Sun	23:00	00:00			

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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
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			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<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)		
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 checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			
			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)		

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	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

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).

NONE

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	<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 6)</p>
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	00:30	

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)

EFFECTIVE ONGOING TRAINING OF ALL MEMBERS OF STAFF TO UNDERSTAND AND PROMOTE THE LICENSING OBJECTIVES AND WORK WITH IN THE CONDITIONS SET BY THE PREMISES LICENCE. THE DESIGNATED PREMISES WILL CONDUCT STAFF TRAINING ON A SIX MONTHLY BASIS, RECORDS OF TRAINING WILL BE DOCUMENTED AND MADE AVAILABLE TO THE POLICE OR OTHER RESPONSIBLE AUTHORITIES.

b) The prevention of crime and disorder

CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times that the premises are open to the public. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31 days.

An incident record shall be maintained by the Designated Premises Supervisor that details incidents that occur in or in the immediate vicinity of the premises. This shall include refused sales, any incidents of disorder, seizures of drugs or offensive weapons, any faults in the CCTV system, and ejections from the premises as a minimum. The incident record shall be kept on the premises and be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises is open.

c) Public safety

The premises will be well lit externally to avoid trip hazards
Regular checks will be made by a member of staff to check for any unused plates of glasses
A steward will be employed at each event to help guide people to and from the parking area

d) The prevention of public nuisance

A responsible member of staff shall carry out proactive noise assessments outside the premises at least once an hour during the provision of regulated entertainment, and take any necessary remedial action. A written record of proactive external noise assessments and, where applicable, remedial actions taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by authorised council officers at all times the premises are open.

Waste bottles or other glass shall not be disposed of or transported in bulk through any external area between the hours of 22:00 and 08:00 the following day.

e) The protection of children from harm

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;
a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

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	[REDACTED]
Date	[REDACTED]
Capacity	[REDACTED]

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	
Capacity	

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

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>

Licensing Department, Flint Street Depot, Flint Street, Huddersfield HD1 6LG

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.

APPENDIX B

From: Mark Eastwood [REDACTED]
Sent: 08 June 2021 11:27
To: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>
Subject: [REDACTED] Grant of Premise Licence - Liley Lane, Ninevah Farm, Grange Moor, WF4 4EN

Dear Michelle,

I wish to add my voice to those who have registered objections to the proposed grant of a licence to the above premises. In the last 18 months, since I was elected as Mp for Dewsbury I have had a number of local residents contacting me expressing concerns about the activities at this location which was operating as an Outdoor Wedding Venue.

The location is a rural one and in a quiet area where the noise at night carries down across the valley and the activities here have been causing noise nuisance to their neighbours and I was pleased to see their application for planning permission to turn this location into a Wedding Venue rejected.

If a licence was to be granted, who would be purchasing this alcohol, given the very remote location? It is clear that this would be people who would be travelling to and from this venue, again increasing the noise and public nuisance, especially late into the evening. There is no public transport which people could use and when this was operating pre pandemic we had taxis turning up late at night parking on the roadside and the venue was advertising that it was suitable for coaches as well.

This is an inappropriate location for nighttime activities of this nature and would strongly urge that the effects on local residents be paramount and the application refused.

Regards

John Taylor (Cllr)

on behalf of Mark Eastwood MP

From: Cllr JohnJ Taylor

Sent: 24 May 2021 13:05

To: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>; Cllr Bill Armer

[REDACTED] Cllr Richard Smith [REDACTED]

Subject: Re: Grant of Premise Licence - Liley Lane, Ninevah Farm, Grange Moor, WF4 4EN

Hi Michelle,

Thank you for this, I know the site well and in fact visited the site one evening when an "event" was being held there at the request of a local resident. This is an inappropriate location for a premises licence. It is a quiet rural area where the noise carries down the valley and there is insufficient car parking, nor any suitable local transport.

The events that have been held here to date have caused disruption to neighbours and unwarranted noise and lights until late in the evening. The provision of a licence would only encourage this anti social activity in what is a very remote and rural area.

The applicants are aware that as a Councillor I am not supportive of this location being used for a night time venue and this was also the view of the Parish Council when they were consulted.

Regards

John Taylor

Cllr John Taylor

Kirkburton Ward

[REDACTED]

From: Cllr Bill Armer <[REDACTED]>
Sent: 13 May 2021 10:22
To: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>; Cllr JohnJ Taylor <[REDACTED]>; Cllr Richard Smith <[REDACTED]>
Subject: Re: Grant of Premise Licence - Liley Lane, Ninevah Farm, Grange Moor, WF4 4EN

Hi Michelle

Thank you for this.

I would like to clarify my original response. In that I treated the outstanding Planning application as being separate from the licensing application. I do not support the planning application, but should it be granted then I would look for strict licensing conditions as I outlined. That does not imply that I support the licensing application, but merely indicates that should it be granted there are conditions which I feel should be imposed. My preference would be that a licence was not granted.

I would add that there are important considerations around noise, light nuisance and traffic problems with Liley Lane which should form part of the consideration of the licensing application. It is not, in my opinion, desirable that we should encourage activities which would disturb the residential amenity of others, cause noise nuisance, would have a detrimental effect on the significant wildlife in the area or which would add to environmental degradation through, for example, increased light pollution.

Cheers, Bill

Cllr Bill Armer
Kirkburton Ward

Be alert, take care. Social distancing will save lives!

Please note that the Councillor Privacy Notice which explains how I process personal information in responding to constituents requests and their privacy rights can be found here: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>

6th June 2021

Kirklees Licensing Department
Flint Street
Fartown
Huddersfield
HD1 6LG

For the attention of Michelle McCluskey

Hello Michelle

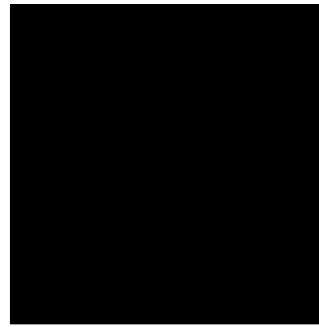
Enclosed please find my *Objection* Letter regarding the Premises Licence Application for Cockley Woodland Weddings, Liley Lane, Grange Moor, WF4 4EN.

My postal address is listed as [REDACTED] which is a [REDACTED] two miles from where I live. I live just outside [REDACTED] on [REDACTED] looking directly onto Cockley Wood and the fields owned by Nineveh. My house and our neighbours can be seen on the enclosed map.


Yours sincerely

[REDACTED]

6th June 2021



For the attention of the Licensing Department

I am writing to register my **objection** to the application for a premises licence by  in respect of Cockley Woodland Weddings, Liley Lane, Nineveh Farm, Grange Moor, Wakefield, WF4 4EN.

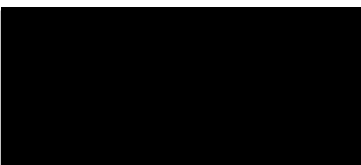
The basis for this objection is that granting a licence for these premises would continue to have a significant impact on the local community and wildlife. The noise heard in the past from these premises and flashing lights are totally out of character in a quiet rural area.

I am a near neighbour who has since the very first event in 2019, has had to listen to the noise and music from this venue. The music has been playing well past midnight; it can be heard in my house which has meant that I have had to lay in bed trying to sleep but having to listen to the music until it stops. The music has also resulted in me being unable to enjoy the sounds of birds and pleasant conversation when relaxing in my garden with friends. I am forced to listen to the amplified music and chanting from Cockley Woodland weddings, parties and other events.

I note that the sale of alcohol by retail on and off the premises would be Monday to Sunday 10.00 to 00.00; this could lead to anti social behaviour in this area.

I am also concerned about public safety, Liley lane is a very fast road despite the 40mph speed limit, it is a high accident road and people waiting for taxis or lifts by the road would be at risk to themselves and other road users. I also note that the whole area of land belonging to Niniveh Farm, including Cockley Wood which is the area used for the tepees at past events would be covered by this premises application. It would be a very large area to monitor to ensure that guests were not coming to harm, it would be impossible to light up the whole area and cover it with CCT. The local emergency services do take quite a lot longer to get to this rural area with it been remote from the larger towns; I feel this should also be taken into consideration.

Yours sincerely



From: [REDACTED]
To: [Michelle McCluskey](#)
Subject: Cockley woodland weddings licence application
Date: 08 June 2021 18:33:55

Further to our inquiries regarding the above we would like to register our concerns.

A)Public safety.

The site in question is on an unlit country road which has been referred to by Kirklees council as “ one of the most dangerous roads in the district”. Within the previous three weeks there has been yet another high speed accident almost adjacent to the proposed site. Unfortunately the road has become more dangerous over the 44 years that we have lived at this address. Kirklees have introduced many measures to resolve this problem but to no avail.

All people attending by car (no public transport is available) will have to stop on this dangerous road causing a high risk to other road users.

We understand that parking (hard standing) is no longer permitted on this site .

b) The prevention of public nuisance.

The application includes the provision of recorded music. The site is in a quiet valley where any music is clearly audible to the whole area.

As members of the public who live at the opposite side of the valley we would consider this to be very much a public nuisance especially during the evening and night hours when it can be clearly heard.

In addition to the music the noise generated by an alcohol fuelled group of revellers will from previous experience also be clearly heard .

In conclusion we would strongly oppose the granting of any licence.

We feel that this would impact negatively on the whole area .

We look forward to being able to emphasise our points of view at the hearing.

Kind regards

[REDACTED]

Sent from my iPad

From: [REDACTED]
To: [Michelle McCluskey](#)
Subject: Cockley Woodland Weddings Premise License Application
Date: 08 June 2021 11:28:01
Attachments: [cockley_wedding_planning_refusal.PDF](#)

Dear Michelle,

The proposed application for licensing raises many concerns with regards to public safety, local residents, light and noise nuisance and road safety.

Please note that the venue has already had a number of refused planning applications and has a current enforcement order to remove the hard standing area currently still in situ.

I have attached the case officer's report from the most recently refused planning application which highlights issues with parking and highway safety, greenbelt damage, visual and noise disturbance.

Many accidents occur on this stretch of road, for example, I can confirm, with photographic evidence, that an accident did occur on the evening of the 8/6/19 resulting in a vehicle on its roof through the perimeter fence of the venue. Emergency services on the scene consisted of fire engines, ambulances, police and the air ambulance. Imagine the scene if this type of accident had occurred as guests were waiting for their taxis/ queuing to enter or leave the venue. I can confirm that since the previous application was rejected there has been even more traffic incidents on that particular stretch of Liley Lane requiring the emergency services. Most recently a high-speed collision resulted in an upturned car in the field adjacent to the venue on the 23rd May 2021.

During the global pandemic as emergency services are stretched to within breaking point anything that may potentially increase the risk of accidents and place further strain on the emergency services should be avoided.

Moreover, the venue has already had an effect on the health and wellbeing of local residents due to the late-night parties which considering the opening hours they are seeking to gain permission for will only add to the stress and concern for local residents.

Events taking place before the covid pandemic were not in keeping with the ambiance of the greenbelt area. The numerous lights all through the woodland resembled a small town rather than an area of greenbelt woodland and the noise pollution could be heard from a significant distance from the venue, even when indoors.

The proposed application is simply not in keeping with a greenbelt area and has the potential to result in harm to road users and local residents.

Kind regards

[REDACTED]

From: [REDACTED]
To: [Michelle McCluskey](#)
Cc: [Licensing](#)
Subject: COCKLEY WOODLAND WEDDINGS
Date: 08 June 2021 23:27:19

Good evening,

I wish to object to the proposed licensing of the above venue to allow alcohol sales from 10am to midnight seven days a week, and have music until midnight. This is an obvious noise nuisance in a formerly quiet country area and I would have thought the times more appropriate to a town centre where there are no houses so that only the people making the noise would hear it.

Where this woodland is, is quiet countryside and, especially at night, sound travels a long way. It's not just the music, but people shouting to one another, singing, then vehicles revving and bright lights. It disturbs everyone's sleep and peaceful enjoyment of their own properties. Farmers especially are up early so need to be able to get sleep to be able to function properly. This sort of noisy venue is totally unsuited to a country wood. The bright lights and flashing lights are very disturbing and rob the local population of their quality of life.

Another worry is the entrance and exit of the site, Liley Lane is notorious for accidents - there was one the other week which resulted in a car upside down in the field opposite this venue. Extra cars coming and going, some with drivers who have had a drink, will only exacerbate this situation. Possible queues to get in or out will make it worse for people just driving on the road to get somewhere else.

I do hope this request is refused - it does affect such a lot of people and also wildlife.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: [Licensing](#)
To: [Michelle McCluskey](#)
Subject: FW: Cockley Woodland Weddings :Application for Premises Licence to sell alcohol and play music till midnight
Date: 09 June 2021 08:19:37

Good Morning again

The objection below has been scanned to Anite and Uniform updated

Cheers
Robert

From: [REDACTED]
Sent: 09 June 2021 00:00
To: michelle.mccluskey@kirklees.gov.uk; Licensing <Licensing@kirklees.gov.uk>
Subject: Cockley Woodland Weddings :Application for Premises Licence to sell alcohol and play music till midnight

Dear Ms McCluskey,

I am contacting you regarding the above application. I wish to make a representation regarding this as I feel that the granting of such a license would have a large impact on the people in the surrounding areas.

My first concern regards the increase of noise created by Woodland Weddings if this license is granted. The venue is very close 'as the crow flies' to several local villages – Whitley, Bristfield and, of course, Grange Moor. Noise travels a great distance in open spaces such as those around Cockley Woods, particular on still summer nights which is the most obvious time for this type of venue to be most popular and I believe that any music would be intrusive to many homes. More worrying still is the level of noise made by the party-goers themselves who would, of course, want to have a good time and would not think that, although they are in the middle of a wood, they are also close to many homes whose occupants do not wish to be disturbed in the middle of the night, particularly, potentially, every night of the week. The travel of noise from the site is increased by it being raised above most other properties as it is close to the top of the hill and so the sound 'rolls away' down the hill. The effect on local residents could be devastating as trying to function on too little sleep due to unnatural and disturbing noise would severely impact on their ability to function in their day-to-day life. This is, I believe, particularly worrying in a rural community where there are many farmers who not only generally go to bed early as they have to get up early in the mornings, but also use equipment that could be life threatening to both themselves and others, particularly if they are sleep deprived. Besides being appalling for all the people living in the surrounding properties this must also, surely, have a large impact on the surrounding wildlife which we should all be trying to protect.

My second concern is regarding the light nuisance that would be created. Light travels a great distance in the dark and this again, would be very intrusive for people in the surrounding villages creating the same types of problems as noted above regarding the noise. This would be particularly disturbing with all the different types of light being used and the possibility of flashing and coloured lights which would be even more intrusive.

My last concern is impact of the increase of traffic on B6118, Liley Lane. This road has always been notorious due to the number of accidents that there have been on it, many of them

serious. Increasing the number of vehicles on this road, and in particular ones which will be slowing down to stop and setting off again must surely increase the possibility of more, and more serious, accidents. The entrance to Cockley Woods is on quite a difficult part of the road and this fairly limited space will again, I am sure, increase the likelihood of accidents and increase the likelihood of severe accidents as well.

It seems to me quite amazing that a licence like this can be applied for when the 'business' to which it relates has been refused permission to run.

My name is [REDACTED] and I live at [REDACTED]

Kind regards,

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
To: [Michelle McCluskey](mailto:Michelle.McCluskey@kirklees.gov.uk)
Subject: Re: Cockley Woodland Weddings Premise Licence Application
Date: 08 June 2021 10:38:13

Ok thanks Michelle

From: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>
Sent: 08 June 2021 09:37
To: [REDACTED]
Subject: RE: Cockley Woodland Weddings Premise Licence Application

Good morning,

Apologies for the confusion [REDACTED], a representation is the same as an objection. I will forward your objections to our Business Support Team who will log this.

I will be in contact after the consultation period end with details of the hearing.

Kind Regards

Michelle McCluskey | Assistant Licensing Officer | Licensing | Place – Investment & Regeneration |
Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG |
☎ 01484 221000 | ☎(Int) 74222 ✉michelle.mccluskey@kirklees.gov.uk

From: [REDACTED]
Sent: 07 June 2021 16:49
To: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>
Subject: Re: Cockley Woodland Weddings Premise Licence Application

Thanks Michelle

I dont know what you mean by making a representation.

I object on safety grounds - due to the road being very fast and busy, danger of vehicle and ped. accidents due to site of the Woodlands Wedding Venue. (Objections received by Planning Dept, against Application for Woodland Weddings etc to take place at this site and Planning Department declining permission to the owners.)

I object on noise pollution grounds. The music can travel a long way and disturbs

neighbours, more distant neighbours and wildlife. (Objections received by Planning Dept, etc as above)

Is this sufficient

Thank you

[REDACTED]

From: Michelle McCluskey <michelle.mccluskey@kirklees.gov.uk>

Sent: 07 June 2021 15:10

To: [REDACTED]

Subject: Cockley Woodland Weddings Premise Licence Application

Good afternoon [REDACTED],

Please see below in response to your enquiry with regards to making a representation against the grant of a premise licence for Cockley Woodland Weddings.

The representation needs to be submitted no later than **midnight 08.06.2021**.

You are able to submit a representation that represents more than one of you as long as you all put your names to it. I am happy to accept via email.

The representation needs to detail why one or more of the four licensing objectives below would not be met should the licence be granted.

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Once the consultation period has ended, I will then send out invite letters to the objectors and the applicant to the hearing that has been arranged.

I will generate a report including all objections to which all objectors will receive a copy and this will also be read out at the beginning of the Hearing.

If you make a representation you do not have to be present, however, as mentioned if present it enables the applicant and panel to ask any questions regarding your objections and being present gives you the opportunity to respond to them.

Any personal details are redacted from the documents and reports re GDPR (general data protection regulations). However, if attending the hearing as an objector you will be introduced to those attending.

I have attached a copy of the application form with the personal details redacted.

Please do not hesitate to contact me if I can be of any further assistance.

[Comment on an alcohol licence - GOV.UK \(www.gov.uk\)](#)

Kind Regards

Michelle Mccluskey | Assistant Licensing Officer | Licensing | Place – Investment & Regeneration |
Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG |
☎ 01484 221000 | ☎(Int) 74222 ✉ michelle.mccluskey@kirklees.gov.uk



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For the attention of the licencing Officer

Premises Licence in respect of
Cockley Woodland Weddings, Liley Lane. Grange Moor WF4 4EN.

With reference to Application for the
Sale of Alcohol by retail on & off the premises.
Monday to Sunday 10-00 to 00-00
Recorded Music 23-00 - 00-00

I **Object** to this Application. I am a near resident that will be directly affected by this.

I have already been affected by Noise Nuisance. Loud music and shouting by drunken people, at this venue, late into the evening and night.

This is Not Acceptable in this rural and residential area. This will result in the loss of Amenity to myself and other local residents.

The use of Greenbelt and Woodland for commercial gain, and the affect this has on local residents is Not Acceptable.

I also have concerns about Anti-social behaviour.
Excessive consumption of Alcohol/drugs. can lead to a number of issues, which would be difficult police at this venue. Plus Emergency Services would take some time to arrive.

This proposed application is not appropriate in this area.

Yours Sincerely



APPENDIX C

Alcohol License Application for Cockley Wood, Liley Ln, Ninevah Farm, Grange Moor, Wakefield WF4 4EN

The above application is the most shameful misuse of Applications for an unauthorised use of a wonderful woodland in our area. The proposed Wedding Venue has been rejected by our council and an enforcement order made to clear the site and return it to the natural state. Yet again the owners of the site have launched a new website offering Cockley Wood as a Wedding Venue to unsuspecting customers.

The application for an Alcohol License is an obvious ploy to ignore the decision of our elected council who have listened to the legitimate concerns of the local populace as the applicant again attempt to impose an entertainment business in our precious Greenbelt. The erection of the huge fence which is on the highway's curtilage rather than on the other side of the boundary wall is theft of common land. Liley Lane (B6118) is an exceptionally busy and fast road, with a very high accident rate. If a car was to breakdown on that stretch of country road, there is nowhere to safely pull up on the side of the road.

This length of road has always been a natural pathway for the native deer which live in our area as they cross to the opposite side of Liley Lane to further woodland. On the morning of Sunday 30th May 2021, when travelling on the B6118, I saw a large dead deer by the Cockley Wood Fence. The poor creature was moving from one area of woodland into Cockley Wood and trying to clear the offensive high fence and was hit by a car. Shocked and upset, I turned my car round in Grange Moor to take a photo of the sad scene but the deer had been quickly removed.

We the undersigned have walked around the area this week and collected our thoughts and concerns.

Our objections to the Alcohol License are in the interests of:

1. **The prevention of crime and disorder**- on the grounds that alcohol consumption on the site will encourage disorderly behaviour and a disregard for both the rural environment and the local people who live near
2. **Public safety**- as already identified the applicants have erected a wholly inappropriate fence preventing the safe area for vehicle refuge, animals crossing an already busy road. In this location we are already served by wonderful local pubs and restaurants with large well-lit car parks employing many people. Liley Lane is highlighted by our local Highways department as a road of high accident occurrence with a bespoke road surface and appropriate warning signs
3. **The prevention of public nuisance** – there is no public transport on this road which presumes that consumers of the alcohol served at Cockley Wood or Ninevah Farm will undoubtedly climb into their cars and drive along this road endangering the lives of all road users including: cyclists, pedestrians, horses and their riders and unsuspecting drivers along what should be a country lane.
4. **The protection of children from harm** – further to the above anybody using this venue will put their own children at risk being on this extremely busy road. Children walking, cycling, riding their horses will be put at additional risk when users of the Alcohol provided at this site spill out onto the road. As a new grandparent who enjoys taking her grandson out in his pram, I would be extremely worried if there was a rural alcohol 'free for all' on Liley Lane.

[Redacted signature block]

Application to grant a Premises Licence in respect of: Cockley Woodland Weddings, Liley Lane, Ninevah Farm, Grange Moor WF4 4EN

General

It is hoped that the application to grant a Premises Licence in respect of Cockley Woodland Weddings, Liley Lane, Ninevah Farm, Grange Moor, Wakefield WF4 4EN will seriously be considered for refusal by the Licensing Authority, Kirklees Council, for the following reasons.

It is understood that many decisions have already been made in relation to Cockley Wood -which forms a large part of the area under consideration - including those listed below:

- Kirklees Planning Application 2019/93978 – application refused
- Kirklees Planning Application 2020/92579 – application refused
- Enforcement Notice issued by Kirklees Council – 8 July 2020
- Appeal Decision Upheld by Planning Inspectorate (Appeal Ref: APP/Z4718/C/20/3257926) – decision date 12 February, 2021.

Therefore, it would be **inappropriate**, in the light of the above, that a permanent Premises Licence be granted. It should be noted that the site is allocated Green Belt on the Kirklees Local Plan.

This representation is made by local people most of whom live in close proximity to the site. A small number of events have already been held, prior to lockdown, so that which follows is based mainly on experience.

The likely effect of the grant of a premises licence in the main falls within 2 of the 4 licensing objectives:

Prevention of Public Nuisance

Noise

By nature, weddings are usually lively, noisy affairs, involving large numbers of people. Alcohol, by its nature can encourage jolly, boisterous behaviour, which can turn into public nuisance for those residents who surround this venue.

Fancy sound systems may help to control amplified music in a confined space, but the noise that is generated beyond the range of the controlled sound system, outside – the cheers, whistles, impromptu sing - alongs, inappropriate language, shouting across the wood - encroaches on the privacy of others. Noise travels very easily, picked up by the wind, in the countryside in the quiet of the evening. Having to listen to this unwelcome noise takes away the basic right of being able to relax in the privacy of one's own garden, or home, and residents are likely to have to close windows and doors even in hot weather. This is likely to have an adverse impact on the living conditions of nearby residential occupants, reducing the quality of life and well being.

The right to a decent night's sleep is likely to be disturbed by:

- the comings and goings of service vehicles driving up and down the length of the wood, after the event is over;
- noise generated by patrons leaving in the early hours of the morning as they shout to bid their goodbyes, slamming car doors, revving car engines, tooting of horns, all disturbing this area of countryside.

- Furthermore, as the site is close to a public right of way the noise will likely create a public nuisance particularly for those large numbers who visit this Green Belt seeking peace and tranquillity in order to restore their own well being.

Light

Bright lighting is necessary for the safety of patrons, this along with the flashing disco lights, some coloured, and the festoon style lighting, it is felt, is a public nuisance as it is at odds with this rural setting and the character and appearance of the area. This would cause undue disturbance and distress to some residences in the locality.

Public Safety

Liley Lane is a notoriously dangerous road and as this is a rural area, agricultural vehicles are likely to be using it. The stretch of road near the premise’s entrance is the straightest strip for some distance and the most likely place where vehicles overtake. It is felt that no extra hazard should be brought to this stretch of road. Numerous accidents have occurred over the years, in June 2019 a car crashed into the venue fence line. The most recent accident occurred on Sunday 23 May 2021. It is understood that a car travelling at speed on this stretch of road pulled out to overtake and collided with another vehicle, resulting in one of the cars landing on its side in the field adjacent to the venue, one of the occupants, it is understood was a very young child. Emergency services attended, the road was closed. Photographic evidence is available.

It is understood that the hard surfaces have had to be removed in compliance with the enforcement notice. If the car park/access footpaths to be used at events no longer have hard surfaces, then how safe is this going to be, both for patrons and the general public? There is a potential for these surfaces to become muddy and slippery in wet weather. Could this be a potential slip hazard? With the hard surfaces removed, would it not be the case that only informal carparking was available, consequently, adding further danger and hazard? Also, could the mud be carried out of the venue on the tyres of vehicles onto the already hazardous Liley Lane?

Roadside parking on Liley Lane would pose danger.

The Licensing Authority is thanked for taking the time to consider this representation.

Name	Address	Email address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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.

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.