

Public Document Pack



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

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Friday 25 November 2022

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Monday 5 December 2022**.

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 Michael Watson

Councillor Paola Antonia Davies

Agenda

Reports or Explanatory Notes Attached

Pages

1: Site Visit

Site visit in respect of Londis, 28-30 Leeds Road, Birstall, WF17 0EW to be undertaken.

2: Minutes of Previous Meeting

1 - 2

To approve the minutes of the meeting of the Panel held on 21st September 2022.

3: Interests

3 - 4

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.

4: 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.

5: 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.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Application for the Grant of a Premises License, Londis, 28-30 Leeds Road, Birstall, WF17 0EW 5 - 70

To consider the application at 10:00am.

Contact: Craig Heywood, Licensing Officer - 01484 221000

8: Application for the Grant of a Premises Licence, Morrisons Store and Petrol filling station - 17 Union Street, Beck Lane Heckmondwike WF16 0HL 71 - 114

To consider the application at 11:00am.

Contact: Steve Mycroft, Licensing Officer – 01484 221000

9: Application for the Grant of a Premises License, Moll Springs Brewery, Moll Springs, Netherton, Huddersfield, HD4 7DN 115 - 168

To consider the application at 11:50am.

Contact: Jordan Barrett, Licensing Officer – 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 21st September 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor Jo Lawson
Councillor Paola Antonia Davies

In attendance: David Stickley – Legal Officer
Steve Mycroft – Licensing Officer
Anwar Butt – Licensing Officer
PC 4346, Katie Jagger – West Yorkshire Police
David Mullins – West Yorkshire Trading Standards

1 Membership of the Committee
All Panel Members were present.

2 Minutes of Previous Meeting
That the minutes of the meetings held on 3rd August 2022 and 5th September 2022 be noted.

3 Interests
No interests were declared.

4 Admission of the Public
All agenda items were considered in public session.

5 Deputations/Petitions
No deputations or petitions were received.

6 Public Question Time
No public questions were asked.

7 Application for a Review Hearing: Rio Foods, 229A Bradford Road, Fartown, HD1 6EW
The Panel considered a report, which outlined an application for a review of a premises licence for Rio Foods, 229A Bradford Road, Fartown, Huddersfield, HD1 6EW.

The Licensing Officer outlined the application, and advised the panel that on 4th August 2022, the Licensing Department received an application from West Yorkshire Police for the review in respect of a premises licence under section 51 of the Licensing Act 2003, for the premises known as Rio Foods, 229A Bradford Road, Fartown, Huddersfield, HD1 6EW.

Licensing Panel - 21 September 2022

The applicant believed that the following licensing objectives were not being met:

- Prevention of Crime and Disorder
- Public Safety

The applicant advised the Panel that on the 18th July 2022, the premises, at Rio Foods, 229A Bradford Road, Huddersfield was inspected by West Yorkshire Police and Trading Standards. During the inspection, 2,357 packets of illegal cigarettes were found concealed in the rear of the pick and mix cabinet and in a storeroom located in the backyard of the premises, which totalled a value of £24,748 if sold at the price of UK duty paid cigarettes.

The applicant also found the CCTV was not operational in the areas where licensable activities were taking place which contravened the licence conditions.

The Trading Standards representative in attendance, advised the panel of the seriousness of the offence in respect of public health, loss of government revenue, and the impact the sale of illegal cigarettes had on young people.

RESOLVED:

The Panel determined that the premises licence in respect of Rio Foods 229A Bradford Road, Huddersfield, HD1 6EW be revoked.

In reaching its decision, the Panel determined that there had been a serious breach of the licensing objectives, namely the Prevention of Crime and Disorder and Public Safety. The Panel considered the breaches to be extremely serious and that the licence holder had disregarded the licensing objectives and knowingly engaged in criminal activity. The Panel, therefore, determined that revocation of the licence was a necessary and proportionate step.

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: Monday the 5th December 2022 at 10am

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Londis, 28 – 30 Leeds Road, Birstall WF17 0EW

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 – on behalf of Colin Parr Strategic Director (Environment and Climate Change)
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: Birstall Birkenshaw

Ward councillors consulted: Cllr Joshua Sheard
Cllr Elizabeth Smaje
Cllr Mark Thompson

Public or private: Public

Has GDPR been considered?

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 because of 5 representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

- 2.1.1 On 12.10.2022 the Licensing department received an application for the New Grant of a premises licence for Londis, 28 – 30 Leeds Road, Birstall, WF17 0EW. A copy of this application and a location plan may be seen at **Appendix A**.
- 2.1.2 The licensable activities applied for by the applicant are as follows:

Sale of Alcohol (off the premises)
Monday - Sunday – 07:00 hrs – 00:00 hrs
- 2.1.3 Prior to the application a licence was held which ceased trading under McColl's (PR(A)0197). The licence was cancelled at the request of the premises holder on the 11.04.2022 and can be seen in **Appendix B**.
- 2.1.4 A further application was submitted for the premises by MHC and Son's Yorkshire Ltd on the 08.08.2022. The application was withdrawn on the 14.09.2022.
- 2.1.5 Representations received from a ward councillor and residents can be seen in **Appendix C** and representations from the responsible authorities can be seen at **Appendix F**.
- 2.1.6 Plan of affected area by nearby residents **Appendix D**

2.20 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(s):

2.21 Executive Summary

2.22 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statement and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their own merits and judged accordingly.

2.23 The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.3 Purpose and Scope of the Licensing Policy

2.31 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.

2.4 Licensing Objectives

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

3. Secretary of State Guidance

3.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations related to 4 of the licensing objectives, Member's attention is drawn to Section 2 of this guidance, the relevant parts may be found at **Appendix E**.

4. Implications for the Council

4.1 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.

4.2 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 Safeguarding Children team. Representations from the responsible authorities can be seen in **Appendix F**.

4.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

4.4 Climate Change and Air Quality

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

4.5 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will regard to this objective.

4.6 Financial Implications for the people living or working in Kirklees

The decision members make may have financial implications for the applicant/existing licence holder.

5. Other (e.g., Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

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

5.2 Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

6. Next steps and timelines

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

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

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

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

7. Officer recommendations and reasons.

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

8. Cabinet Portfolio Holder's recommendations

Not applicable.

9. Contact officer

Craig Heywood, Licensing Officer,
Licensing Service
Tel: 01484 221000 ext. 77067
Email: Craig.heywood@kirklees.gov.uk

10. Background Papers and History of Decisions

10.1 Appendix A – Application Re-acted and Plan for the Grant of a premises licence for Londis.

10.2 Appendix B – Original premises licence for McColl's (PR(A)0197

10.3 Appendix C – Representations from Councillors and members of the public – re-acted.

10.4 Appendix D - Plan of residents proposed effected area.

10.5 Appendix E - Relevant sections of Secretary of State Guidance –Section 182 of Licensing Act 2003

10.6 Appendix F – Representations from responsible authorities.

11. Service Director responsible

Katherine Armitage, Service Director – Climate Change and Environmental Strategy
Tel: 01484 221000 Email: Katherine.armitage@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			
Londis Birstall			
28-30 Leeds Road			
Birstall WF17 0EW			
Post town		Postcode	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10500

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

- statutory function or
- a function discharged by virtue of Her Majesty’s prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
[REDACTED]			[REDACTED]	
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes	
[REDACTED]				
Current residential address if different from premises address		[REDACTED]		
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

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 over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal 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? **ASAP**

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

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

THIS WAS PREVIOUSLY LICENCED AS MCOLLS THE COMPANY CLOSED DOWN

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)			<u>Will the performance of a play 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 performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
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 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 playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance 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 dance</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
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 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	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	00:00			
Fri	07:00	00:00			
Sat	07:00	00:00			
Sun	07:00	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):

[Redacted]	
[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).
 NON

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	00:00	<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)
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	

Sun	07:00	00:00	

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)

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

- All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.**
- Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.**
- If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Trading Standards and HMRC as soon as possible.**
- If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Trading Standards and HMRC as soon as possible.**

Protecting Children from Harm

b) The prevention of crime and disorder

- 1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.**
- 2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.**
- 3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the ALL RESPONSIBLE AUTHORITIES Immediately on request**
- 4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).**

- 5. A facility will be available for ALL RESPONSIBLE AUTHORITIES to remove from the CCTV system a copy of any material relevant to any ongoing investigation Immediately on request**
- 6. All CCTV images will be retained for a period of not less than 31 day**
- 7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.**
- 8. All persons involved in the sale of alcohol will receive initial and subsequent 3 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.**

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

c) Public safety

A Risk assessment will be in place and updated annually

d) The prevention of public nuisance

**PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES
ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER**

e) The protection of children from harm

**We will operate CHALLENGE 25
 Notices to be displayed prominently including the following locations –on or near the entrance to the premises,where alcohol is being offered for sale on general display and near the checkout.The notices will state “UNDER 25 ? PLEASE BE PREPARED TO SHOW PROOF OF AGE WHEN BUYING AGE RESTRICTED PRODUCTS”**

A notice stating it is an offence to buy alcohol for persons under the age of eighteen to be displayed on or near the door to the premises.

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 (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 proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	12/10/22
Capacity	Agent for the Applicant

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)			
			
Post town			
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

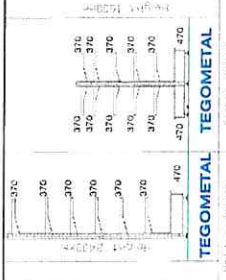
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CEILING = 75 SM

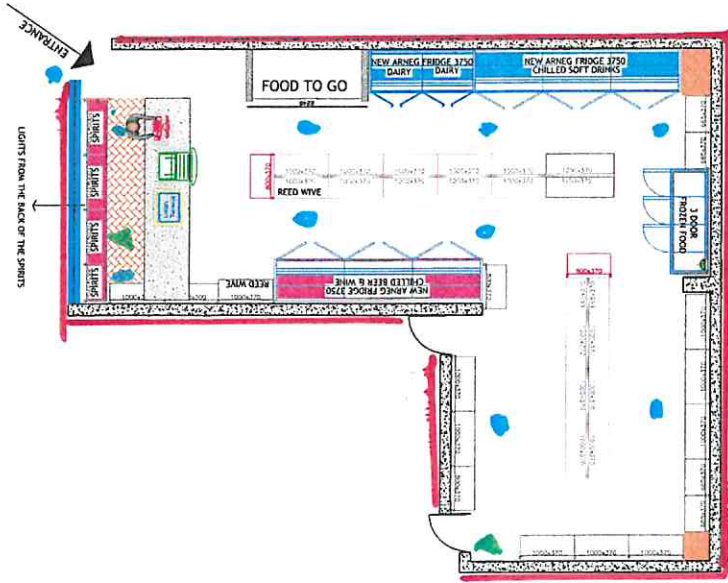
DATE : 26-09-2022

SCALE: 1:50@A3

Revision:



TEGOMETAL TEGOMETAL
with key schedule



- License Activity
- CCTV
- ▲ Fire extinguisher

DRAWING BY:
Roger

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO ANY WORKS TAKING PLACE. THIS DRAWING REMAINS THE PROPERTY OF ARILMA SHOPFITTING AND MAY NOT BE REPRODUCED IN ANY WAY WITHOUT PRIOR CONSENT

Appendix B

PREMISES LICENCE Licensing Act 2003	Licence number:	Online Reference number:
	PR(A)0197	PR(A)0197/15

THIS LICENCE IS ISSUED BY

	Kirklees Council Public Protection Services Licensing Department PO Box 1720 Huddersfield HD1 9EL
	Tel: 01484 456868 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

McColls
28 - 30 Leeds Road
Birstall
Batley
WF17 0EW

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Good Friday	08:00 - 22:30
	08:00 - 23:00
	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday		

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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

Alcohol is supplied for consumption off the Premises

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

Martin McColl Limited
Ground Floor West
One London Road
Brentwood
Essex
CM14 4QW
Email address [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Martin McColl Limited

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER: LICENSING AUTHORITY:	[REDACTED]
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ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

ANNEX 1 - MANDATORY CONDITIONS

Alcohol:

1. No supply of alcohol may be made under this licence:

- a. At a time when there is no designated premises supervisor in respect of the premises licence, or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

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

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

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

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 29 August 2005

Date Commences/Varied: 27 October 2015



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0197**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

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

POSTAL ADDRESS OF PREMISES

McColls
 28 - 30 Leeds Road
 Birstall
 Batley
 WF17 0EW

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

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

Day(s)	From - To
Good Friday	08:00 - 22:30
	08:00 - 23:00
	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday		

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES
Alcohol is supplied for consumption off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Martin McColl Limited Ground Floor West One London Road Brentwood Essex CM14 4QW

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Martin McColl Limited

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
[REDACTED]

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 29 August 2005

Date Commences/Varied: 27 October 2015



Head of Public Protection Service

Appendix C

It is disappointing that we have another application within a month of an application being withdrawn for these premises, especially one asking for hours between 6.00 am and midnight. Have the residents who objected on the last application been notified of this application? Philip Asquith dealt with the previous application.

My objections remain:

The shop has been closed for some time and all the problems that existed when the shop was open for the residents next to the shop have vastly improved. There is a great concern that all of these problems will return.

My understanding is that:

- The prevention of crime and disorder
 - When drivers have blocked residents driveways and been politely asked to move to allow access there have been incidents of arguments developing. Residents are concerned that this will re-start and lead to further arguments and intimidation – as has happened previously. Signs were put up in the shop about disruptive behaviour and inconsiderate parking but no notice was taken of these.
 - The shop attracted young people who hung around outside.
 - Opportunist burglaries to properties nearby have occurred when the shop was open previously. The shop itself was the subject of attempted robberies. I understand that the opening hours were reduced to earlier in the evening as a result of one of these attempts

- Public safety
 - The traffic volumes have increased considerably on this road and it is almost opposite to a busy junction. Therefore there is a concern that vehicles outside the shop will be a hazard so close to the junction.

- The prevention of public nuisance
 - The hours being applied for will mean a nuisance for local residents. Vehicles will be coming and going from the shop at unreasonable hours, including deliveries at 6.00 am waking residents. Delivery vehicles have blocked driveways and Roebuck Street previously. The hours are unreasonable, including those for the sale of alcohol.
 - The shutters to the property make such a noise that they can easily be heard by neighbours thereby waking them.
 - There is a generator to the rear of the property the noise from which the neighbours have previously been able to hear throughout the night and during the day. This has improved since the shop has been shut.
 - Despite there being a litter bin, litter was a constant problem in neighbouring gardens and there is a concern that this problem will simply return
 - The stopping, parking and pulling away of vehicles creates a noise nuisance, including loud music from vehicles.

I would ask that the licence is not given.

Thanks



Email the following to [REDACTED]

Re 28-30 Leeds Road alcohol licence application

It has come to our attention that an application for a licence to sell alcohol from property 28-30 Leeds Road has been applied for from [REDACTED] trading as Londis.

We wish to object strongly to this being issued.

The prevention of crime and disorder

We have lived at [REDACTED] for the past [REDACTED] and over the years seen the shop have numerous owners and changing opening hours. In later years we have had to suffer from the shop opening early and closing very late, selling alcohol. This has been problematic for us and our neighbours.

Early morning deliveries to the shop have previously caused problems with the lorries blocking drives and causing obstructions to Roebuck Street as well as early morning noise.

Regarding the late-night opening, we have had endless problems with unruly teenagers and young males loitering around the shop at all hours and using our garden walls for congregating. On one occasion a youth who was sitting on our wall chose to throw stones at our front window and smashed it. Police were called and dealt with the matter. We have had lots of nasty arguments with gangs being disruptive. The shop is a magnet for unsociable behaviour and on occasions robbery and theft, including one incident involving a gun being shot.

Since the shop closed a few years ago the whole area has benefitted. If it is allowed to open up again with a licence to sell alcohol between 7.00am and midnight problems for residents in close vicinity will begin again. Leeds Road is exceptionally quiet after 9pm and to introduce late night opening will only attract those who are up to no good again. We do not wish to feel intimidated or fearful for our personal safety and that of our property.

The prevention of public nuisance

At teatime especially we had to suffer inconsiderate folk visiting the shop blocking the entrance to our drive and our neighbours drive which often developed into nasty arguments. Previous shop owners have tried but never been successful at controlling the problems. So, not wishing to have the chaos and problems of an off-licence shop foisted on us once again, we strongly object to the licence being granted.

[REDACTED]



We, [REDACTED],
[REDACTED], strongly object to a licence being issued to [REDACTED].
[REDACTED], trading as Londis for the sale of
alcohol at premises 28-30 Leeds Road, Birstall, WF17 0EW, for
the following reasons.

The prevention of crime and disorder

Since the premises were issued with a licence to sell alcohol many years ago, there has been numerous attempts at robbery in the shop. One incident involved a shotgun being fired and the owner suffering a pistol-whipped head injury late at night. Police were called by the owner and our front garden was searched for discarded ammunition. This is not what one wants or expects in a normally quiet, residential area. Opportunist thieves have tried on many occasions to steal from the shop, after loitering outside, watching for the road to become quiet.

[REDACTED], has been burgled on three occasions by opportunist thieves. On winter nights especially, we have often had to leave our home unoccupied, knowing that there are gangs of youths sat on the [REDACTED], watching us leave. This is most unnerving. Then, coming home to find someone has taken out a pane of glass from our dining room window and entered our home is distressing to say the least. To find that the thief or thieves have not taken anything other than what is immediately to hand, indicated to us and the police officers that dealt with our cases that the thieves were opportunists and not planned robberies. We strongly suspected the intruders to be from the gangs that were loitering outside the shop as we left the premises. Should the shop now re-open, selling alcohol until late, we firmly believe such distressing behaviour will re-commence.

We have had individuals purchasing alcohol for under-aged youths who have loitered outside the shop. And on occasions, we have personally seen youths asking innocent passers-by to buy alcohol for them! These youths were nothing but a nuisance!

Most of the gang members did not live in the area, coming from estates in other parts of Birstall. Leeds Road is a busy road but a relatively crime free area. We fear that re-opening an off-licence will again attract unruly gangs, opportunist thieves and under aged drinkers to cause upset and chaos to us and close residents.

The prevention of public nuisance

Previous shop owners have put up signs and asked customers not to loiter at the front of the shop to no avail. Gangs of youths, congregating have often been verbally aggressive and intimidating when we have politely asked them to move on or stop jumping over the [REDACTED] and trampling in our front garden. On occasions the gangs have simply moved from the shop premises and onto our front garden wall. Our requests for them to move on have been met with foul language and us being asked "What are you going to do about it if we don't?" This behaviour is threatening and upsetting. We fear this will all start again if the shop opens, especially if opening late and selling alcohol.

Another huge problem with the shop opening especially long hours is customer parking. Over the years, signs have been erected reminding shoppers not to block drives and park responsibly. This has had little effect in the past and probably wouldn't have any effect in the future.

Since the shop was closed about two years ago, some residents living in the older houses in [REDACTED] Terrace & [REDACTED] [REDACTED] have taken to parking their vehicles on Leeds Road, especially at night and over the weekends. The said properties have no off-road parking and are choosing to park outside our house (No 26) and No 24 next door and directly outside the shop. The vehicle owners do not block access to our drives. However, it reduces the vacant space for prospective shop customers to park. Nor should vehicles park opposite the junction of [REDACTED] with Leeds Road, which is opposite the shop. Options to park close to the shop will be limited. In the past we have had far too many incidents of shoppers blocking our drives, especially at peak times, resulting in us having to hold up the flow of traffic while we waited for shoppers to return to their irresponsibly parked cars. It was on advice from a Kirklees Highways officer that prompted us to hold up the flow of traffic and embarrass irresponsible drivers when they exited the shop. On many occasions, some have thought it acceptable to reverse into our drive to turn around! Again, these incidents have ended in confrontation, with often aggressive verbal abuse received from guilty parties.

Leeds Road is exceptionally busy in rush hours or when there is an accident on the M62. Parked cars on the road cause problems for larger vehicles and buses trying to overtake

them. The road was much quieter when the original licence to sell alcohol was issued. Today, delivery vehicles wishing to unload shop supplies will cause even more congestion and obstruction. Early morning deliveries caused nuisance noise to us still sleeping with the clatter of goods being unloaded. Whatever time of day deliveries were made, they have and always will cause problems.

Public safety

As stated in the previous section, gangs have often been aggressive verbally and on occasions very intimidating to anyone who has confronted them about their behaviour. We do not want to feel threatened while on our own property. It is avoidable by not granting a licence for the shop as it appears the applicant only wants to rent the shop if and only if he gets a licence to open long hours and sell alcohol as the said premises are still available for rent from [REDACTED]. One also begs the question as to why anyone would choose to open an off-licence on these premises when Sainsbury's have applied to build a convenience store just a few yards away?

We feel that for the shop to remain open until midnight each evening will yet again encourage unruly gangs to congregate outside and most certainly cause us to suffer from late night noise, unacceptable behaviour and most importantly to feel unsafe!

The protection of children from harm

Underage youths have in the past obtained alcohol from the shop by getting older ones to purchase it for them. This could become a regular occurrence again. All shop owners have a duty to prevent this happening but past owners of No 28-30 have failed and we strongly doubt a new owner will succeed in doing so.

To whom it may concern

I am writing today to oppose the alcohol license application and the opening hours of Londis Birstall 28-30 Leeds Road Birstall.

My reasons for opposition are,

We do not need a shop opening until 00:00 every day as it will lead to

Noise pollution, litter, additional traffic and parking disruption throughout the day and night.

Roebuck Street is a private road with shared access for all residents, this was a problem the last time the shop was open some years ago.. The road is not council maintained and therefore would encounter additional wear and tear with shop traffic and illegal parking.

The shop would also cause disruption when accepting deliveries, which are often delivered early morning and block the road entrance for all residents.

Alcohol is available within a short walk from several other outlets, so it is unnecessary in my opinion.

I am writing for my household and several other residents who disagree with the application

Kind regards

A black rectangular redaction box covering the signature of the sender.

Hi [REDACTED], Thankyou for your prompt reply. I have spoken to all neighbours on our road. Inwhich is private. We all agree that we cannot afford the upkeep of our road to be destroyed by people using our road to park to go into the shop or to use to deliver goods to the shop, our road is very narrow and short of space daily without this. The council have refused to relay our road with reason. So without any extra help we are being forced to provide parking space for a shop that is unwanted. Previously when Mcolls was open we had constant battles with young drivers parking outside our properties to go into the shop, then they would throw rubbish into our road and spend hours meeting friends to drink in their cars until all hours. At the front of my property both my youngest childrens rooms are there. They both have to be up for school in the morning. And I could not go through the sleepless nights and tired children like I did previously. But this time is would be worse as I have been made aware they want to open the londis 7 in the morning until 12 midnight. This is going to be a nightmare for all people on our road especially those with children. We also are subject to abuse when asking for people to move their abandoned cars which they dump in our road. I have two elderly neighbours next door to me. [REDACTED] doesn't own a computer or any technology, she is extremely concerned. for her safety. The main issue as she lives alone! And doesn't feel safe. We already see constantly on a daily basis warnings from neighbours that people are walking around trying doors and car handles. Would this shop be a excuse for them to be around our road late at night? When I first moved into my property i had a number of issues when the shop was mcolls, i remember clearly that I had come back from the nursery run. My child was tired and asleep after a long day. I could not park on my driveway as it had been blocked so I parked next to the car inwhich had been dumped. I struggled to get my child out the car into the house. As I got into the house I heard bangs on my door from a man shouting that I had blocked him in and he was unable to get out. I was alone with my children that night and was scared for our safety. since the last shop closed down. Everyone on our street have had no litter issues. There is no rubbish thrown on the floor. Our street is tidy, we do not have problems parking with the shop shut. We do not have safety worries for our kids playing on the street. We don't have safety worries in general because our surrounding neighbourhood became very quiet and pieceful. I don't want to go back to the constant worries of coming home. We previously had teenagers smoking weed and nipping in the shop and sitting on our road. I don't want that smell or influence around my children. I am having sleepless nights and I am worrying about the state our road and what it will be left in, and worrying about if we need to move house again. Our neighbours spoke about getting a gate fitted to the end of our road for our safety and for our privacy. When speaking the the relevant people. We cannot do this either as the rear of the shop backs onto our road so we have to allow them access even though that property does not own any of the road !! We struggle with the tenants who live above the shop at the minute because they use our road for access and park on it. But they have consideration for all residents on the road and park sensibly. Consideration is something that people don't have when running into the shop for a quick loaf of bread or a 4 pack of Budweiser. I am against a license for the shop. For all the reasons above but also for the reason that people will use our road to drink on. We don't have street lights ! It is a dark road. This will attract unwanted attention. We don't want drunk people outside our homes. We don't want hgvs or any type of Wagon blocking us in. We don't want the shop !! Please help us !!

Kind regards [REDACTED]

Email the following to [REDACTED]

Re 28-30 Leeds Road alcohol licence application

It has come to our attention that an application for a licence to sell alcohol from property 28-30 Leeds Road has been applied for from [REDACTED] trading as Londis. We wish to object strongly to this being issued.

The prevention of crime and disorder

We have lived at [REDACTED] for the past 26 years and over the years seen the shop have numerous owners and changing opening hours. In later years we have had to suffer from the shop opening early and closing very late, selling alcohol. This has been problematic for us and our neighbours.

Early morning deliveries to the shop have previously caused problems with the lorries blocking drives and causing obstructions to Roebuck Street as well as early morning noise.

Regarding the late-night opening, we have had endless problems with unruly teenagers and young males loitering around the shop at all hours and using our garden walls for congregating. On one occasion a youth who was sitting on our wall chose to throw stones at our front window and smashed it. Police were called and dealt with the matter. We have had lots of nasty arguments with gangs being disruptive. The shop is a magnet for unsociable behaviour and on occasions robbery and theft, including one incident involving a gun being shot. Since the shop closed a few years ago the whole area has benefitted. If it is allowed to open up again with a licence to sell alcohol between 7.00am and midnight problems for residents in close vicinity will begin again. Leeds Road is exceptionally quiet after 9pm and to introduce late night opening will only attract those who are up to no good again. We do not wish to feel intimidated or fearful for our personal safety and that of our property.

The prevention of public nuisance

At teatime especially we had to suffer inconsiderate folk visiting the shop blocking the entrance to our drive and our neighbours drive which often developed into nasty arguments. Previous shop owners have tried but never been successful at controlling the problems. So, not wishing to have the chaos and problems of an off-licence shop foisted on us once again, we strongly object to the licence being granted.

[REDACTED]

Appendix D



Appendix E

Appendix E

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

Crime and disorder

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

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

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

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

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

condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public safety

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

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

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

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

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

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

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

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

Protection of children from harm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix F

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

Reference:	WK/ [REDACTED]
Premises:	28-30 Leeds Road, Birstall, Batley, WF17 0EW

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

OBSERVATIONS			
Public Safety		[REDACTED] – no observation to send standard letter	
Date:	24 10 2022	Officer/Ext:	[REDACTED]
Prevention of Public Nuisance		I have reviewed the application and I have no comments to make in relation to prevention of public nuisance	
Date:	23 November 2022	Officer/Ext:	[REDACTED]

Thank you for inviting Public Health to review and respond to this application.

You will be aware that our input as a responsible authority is limited to applications with an alcohol-related component and will focus on actions to support the four licensing objectives. We are not a responsible authority in relation to other types of application (e.g., gambling) where there is no alcohol-related component. We do not provide specialist technical advice or feedback on licensing applications in relation to matters such as noise or air quality. This responsibility lies with other council teams and their responses will be provided separately.

If this application is granted, Public Health recommends that the following areas are considered, to support the licensing objectives (and that the lead licensing officer shares the below with the applicant).

Staff training

We welcome the robust approach to training that has been outlined in the application. We recommend that training in place for staff should cover the following as a minimum: -

- The Licensing Act 2003 - Sets out the offences, defences and penalties that relate to underage sales of alcohol.
- Allowing the sale of alcohol to children - A person who works at a premises in a capacity that authorises them to prevent the sale of alcohol to an individual under 18 commits an offence if they knowingly allow the sale of alcohol to take place. People serving alcohol should be advised that they might be personally liable if they sell to young persons in breach of legal requirements.
- Persistently selling alcohol to children - It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.
- Proxy sales of alcohol - 'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. A person commits an offence if they buy or attempt to buy alcohol on behalf someone under 18. It is also an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises.

Challenge 25

We welcome that the applicant has already committed to the Challenge 25 scheme as part of their application and the information provided in this respect. The aim of the information below is to help further support implementation of this scheme at the premises.

Challenge 25 is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Staff and those responsible for selling alcohol should fully understand the appropriate means of age verification and how to apply the operational aspects of Challenge 25 (<https://challenge25.co.uk/index.html>).

It is recommended that the following areas are considered: -

- Training – It is important to have programmes in place to regularly train staff about the Challenge 25 scheme, including who to challenge and how. This will help to ensure that staff are confident in making challenges and that the policy is consistently applied in the licensed premise/place. It is also useful to keep training records to ensure staff have their training refreshed on a regular basis.
- Advertise - Display posters and appropriate signage in prominent places throughout the premises to advertise your proof of age policy, alongside a statement regarding the refusal of alcohol sales. This will not only help to deter potential underage customers, but also act as a backup to staff members who make challenges.
- Support staff – Challenge 25 only works if the staff have confidence that the decisions they make will not be undermined. It is therefore important to ensure that difficult decisions staff have made are not challenged and overturned.
- Keep records – It is useful to keep records of all failed attempts to buy alcohol of those without ID who look under 25 as this could help with police or trading standards operations. You can use the Wine and Spirit Trade Association model template book by clicking on this link: <https://www.wsta.co.uk/wp-content/uploads/2019/01/Refusalsbook.pdf>
- Be clear about what ID is acceptable –The standard Challenge 25 scheme suggests accepting Passports, Driver's Licences and PASS approved cards. While individual premises can accept anything with the law (ID that includes a hologram, name, date of birth and photo) it is important to make a decision about what you will accept and publicise this clearly.
- Be aware of fake ID – The Home Office has produced guidance for retailers to help them understand how to spot fake ID (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/183495/False_ID_guidance.pdf). It will be important to ensure staff are trained about the types of ID that are acceptable and how to look out for fakes.

Refusals book

All refusals of the sale of alcohol should be recorded in a refusals book. This will help to demonstrate that the applicant actively refuses sales and has an effective system in place.

Entries should include details of the date, time, incident, a description of potential buyer and action taken. Books should be checked by the designated premises supervisor to ensure that all members of staff are using them. You can use the Wine and Spirit Trade Association model template book by clicking on this link: <https://www.wsta.co.uk/wp-content/uploads/2019/01/Refusalsbook.pdf>

Prevention of crime, disorder and public nuisance

There should be a commitment (by having a process in place) to not serving intoxicated customers, in the interests of prevention of public disorder and individual harm.

Other restrictions

There should be a process in place to restrict the sale or supply of super strength beers, lagers and ciders

Useful sources of information

Drinkaware - <https://www.drinkaware.co.uk/>

Alcohol Education Trust - <https://alcholeducationtrust.org/>

Alcohol Change UK - <https://alcoholchange.org.uk/>

Afternoon [Redacted],

Further to my initial email on the 12th Oct 2022, I can confirm we do not have any objections to this application.

Many thanks

[Redacted]

From: [Redacted]

Sent: 12 October 2022 12:22

To: Licensing <Licensing@kirklees.gov.uk >

Cc: [Redacted] >

Subject: RE: Premise License Application - Londis WF17 OEW (PR00331)

Afternoon Licensing

No objection to this application.

Cheers

[Redacted]

Name of meeting: Licensing Panel

Date: Monday 5th December 2022 at 11am

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Morrisons Store and Petrol filling station, 17 Union Street, Beck Lane, Heckmondwike, WF16 0HL

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	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 – on behalf of Colin Parr Strategic Director (Environment and Climate Change)
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Will Simpson

Electoral wards affected: Heckmondwike Ward

Ward councillors consulted: Cllr Aafaq Butt
 Cllr Steve Hall
 Cllr Viv Kendrick

Public or private: **Public**

GDPR Implications:

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

1 Summary

The purpose of this report is to inform Members of an application for the Grant of a premises licence, which because of a representation received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 5th October 2022, the Licensing Department received an application for the New Grant of a premises licence for Morrisons Store and Petrol Filling Station, 17 Union Street, Beck Lane, Heckmondwike, WF16 0HL. A copy of this application, plan and a location map can be seen at **Appendix A**.

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

Sale of Alcohol (off the premises)
Monday - Sunday – 06:00 hrs – 24:00 hrs

Late Night Refreshments (off the premises)
Monday - Sunday – 23:00 hrs – 24:00 hrs

2.1.3 Wm Morrisons 17 Union Street, Beck Lane, Heckmondwike, WF16 0HL currently holds a premises licence, licence number **PR(A)0194** a copy of that licence and plan is attached at **Appendix B**

2.1.4 The licensable activities on the underlying licence are as follows.

Sale of Alcohol (off the premises)
Everyday – 06:00hrs – 24:00hrs

2.1.5 During the consultation period a representation from one of the Councillors for the Heckmondwike Ward has been submitted.

2.1.6 The representation that was received consider that the following licensing objectives would not be met should this licence be granted.

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- The protection of children from harm.

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

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly.

The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

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

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to four of the licensing objectives, Member's 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 Safeguarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Climate Change and Air Quality

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

3.5 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

3.6 Financial Implications for the people living or working in Kirklees Council

The decision members make may have financial implications for the applicant/existing licence holder.

3.7 Other (e.g. Integrated Impact Assessment (IIA)/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.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities. Public Health have made recommendations. However, Morrisons already have the same recommendations embedded in their licensing policy which is attached to their application.

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

Steve Mycroft, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 74196
Email: steve.mycroft@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application, Plan and Location Map for the Grant of a Premises Licence for Morrisons Store & Petrol Station.

9.2 Appendix B – PR(A)0194 – Licence & Plan

9.3 Appendix C – Objection from local ward Councillor.

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

10 Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

Tel: 01484 221000

Email: katherine.armitage@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.

(1) Delete as applicable.
(2) Insert name(s) of applicant.

(1) ~~[[~~[We](2)

WM MORRISON SUPERMARKETS LIMITED

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) [I am][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 MORRISONS STORE AND PETROL FILLING STATION 17 UNION STREET BECK LANE			
Post town	HECKMONDWIKE	Postcode	WF16 0HL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

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 type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company/limited liability partnership | <input checked="" 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 | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 | <input type="checkbox"/> 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 | <input type="checkbox"/> 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					First names					
Date of birth					I am 18 years old or over					<input type="checkbox"/> Please tick yes
Nationality										
Current residential address if different from premises address										
Post town						Postcode				
Daytime contact telephone number										
E-mail address (optional)										
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the '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										
Current residential address if different from premises address										
Post town						Postcode				
Daytime contact telephone number										
E-mail address (optional)										
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)										

(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	WM MORRISON SUPERMARKETS LIMITED
Address	HILLMORE HOUSE GAIN LANE BRADFORD BD3 7DL
Registered number (where applicable)	00358949
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0 3	1 1	2 0 2 2

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)
SUPERMARKET WITH PETROL FILLING STATION ON SITE OFFERING THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES AND LATE NIGHT REFRESHMENT.

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

Provision of late night refreshment (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
Supply of alcohol (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat			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)		
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon			State any seasonal variations for the performance of dance (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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		
			Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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 (please read guidance note 6)		

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	2400			
Tue	2300	2400			
Wed	2300	2400			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	2300	2400			
Fri	2300	2400			
			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 (please read guidance note 6)		
Sat	2300	2400			
Sun	2300	2400			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input 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	0600	2400			
Tue	0600	2400			
Wed	0600	2400			
			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)		
Thur	0600	2400			
Fri	0600	2400			
Sat	0600	2400			
Sun	0600	2400			

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 GRANT HOWLEY	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0600	0000	
Tue	0600	0000	
Wed	0600	0000	
Thur	0600	0000	
Fri	0600	0000	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Sat	0600	0000	
Sun	0600	0000	

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)

PLEASE SEE CONDITIONS ATTACHED.

b) The prevention of crime and disorder

PLEASE SEE CONDITIONS ATTACHED.

c) Public safety

PLEASE SEE CONDITIONS ATTACHED.

d) The prevention of public nuisance

PLEASE SEE CONDITIONS ATTACHED.

e) The protection of children from harm

PLEASE SEE CONDITIONS ATTACHED.

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
• I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input checked="" type="checkbox"/>
• I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
• I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>
• [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).	<input checked="" type="checkbox"/>

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 proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	5TH OCTOBER 2022
Capacity	SOLICITORS ON BEHALF OF THE APPLICANT

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) Gosschalks LLP	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

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 proprietor 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 issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

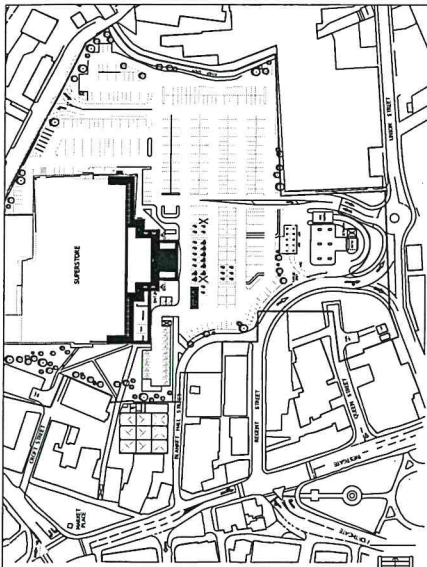
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**MORRISONS STORE AND PETROL FILLING STATION, 17 UNION STREET, BECK LANE,
HECKMONDWIKE WF16 0HL**

PROPOSED CONDITIONS

1) CCTV to be installed covering all licensable activity areas, and entrance foyer. The CCTV system installed and operated in accordance with West Yorkshire Police guidelines. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.

2) All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" Scheme to be applied on the premises. The following forms of identification are acceptable; photo driving licence, passport, proof of age standards scheme (PASS) Military ID and any other locally or nationally approved form of identification.

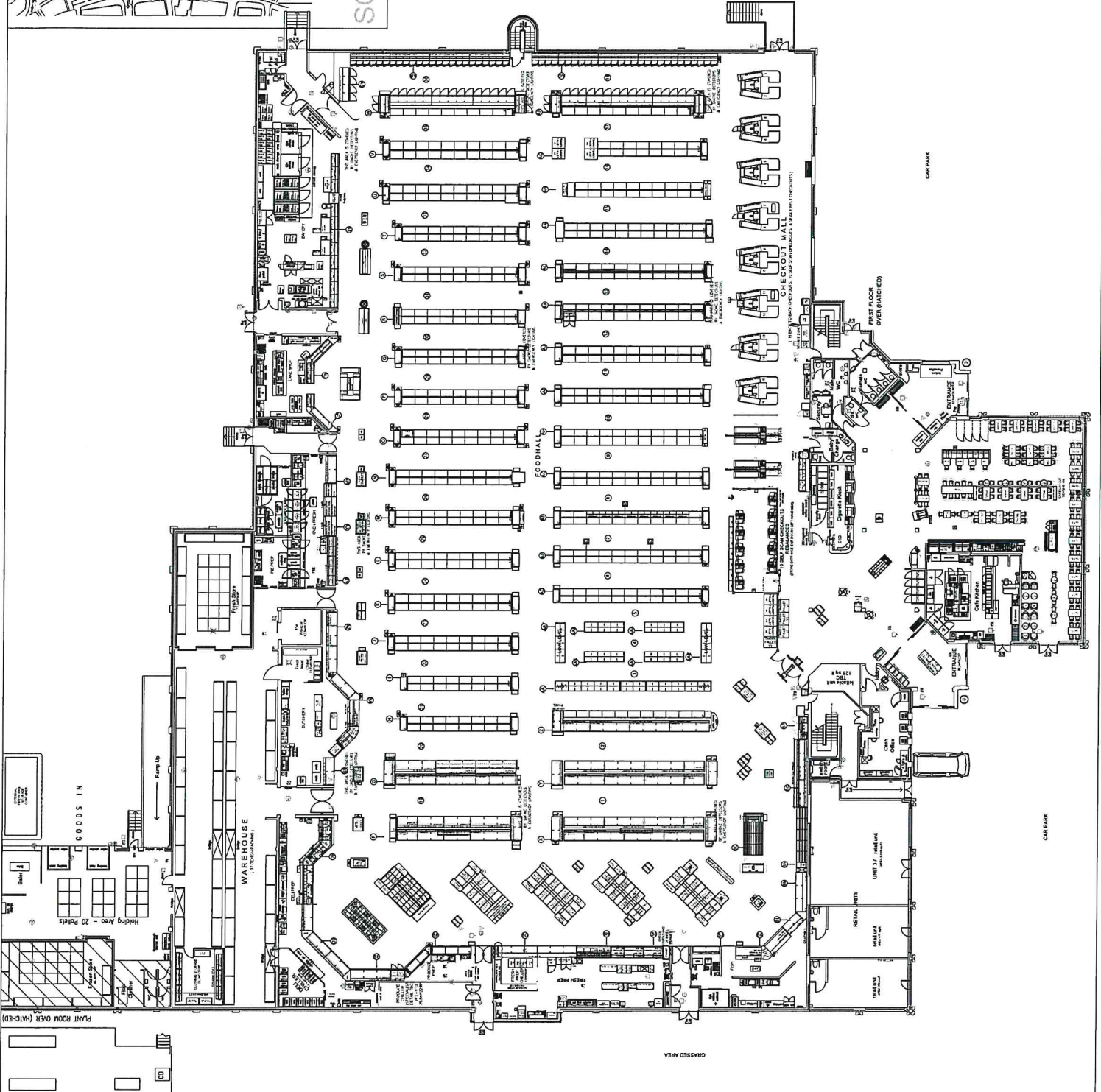


SCALE 1:1000
SCALE 1:75



PFS KIOSK

Licensable activities permitted by the premises licence may be provided within the area edged red



01	OFFICE	YES
02	RETAIL	YES
03	RESTAURANT	NO
04	BAR	NO
05	CLUB	NO
06	ENTERTAINMENT	NO
07	AMUSEMENT	NO
08	THEATRE	NO
09	CINEMA	NO
10	CONCERT	NO
11	SPORTS	NO
12	INDUSTRIAL	NO
13	LABORATORY	NO
14	WORKSHOP	NO
15	REPAIR	NO
16	STORAGE	NO
17	WAREHOUSE	NO
18	TRANSPORT	NO
19	VEHICLE	NO
20	AVIATION	NO
21	SEMI-CONDUCTOR	NO
22	RESEARCH	NO
23	DEVELOPMENT	NO
24	TELECOMMUNICATIONS	NO
25	POSTAL	NO
26	POSTAL	NO
27	POSTAL	NO
28	POSTAL	NO
29	POSTAL	NO
30	POSTAL	NO
31	POSTAL	NO
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42	POSTAL	NO
43	POSTAL	NO
44	POSTAL	NO
45	POSTAL	NO
46	POSTAL	NO
47	POSTAL	NO
48	POSTAL	NO
49	POSTAL	NO
50	POSTAL	NO

042 Heckmondwike
4/2/2011/BWL/011
OFF-SALE: YES On-Sale: NO
SALLS L1001
Scheme 1.125
A0



Morrisons Store & Petrol Station, Heckmondwike

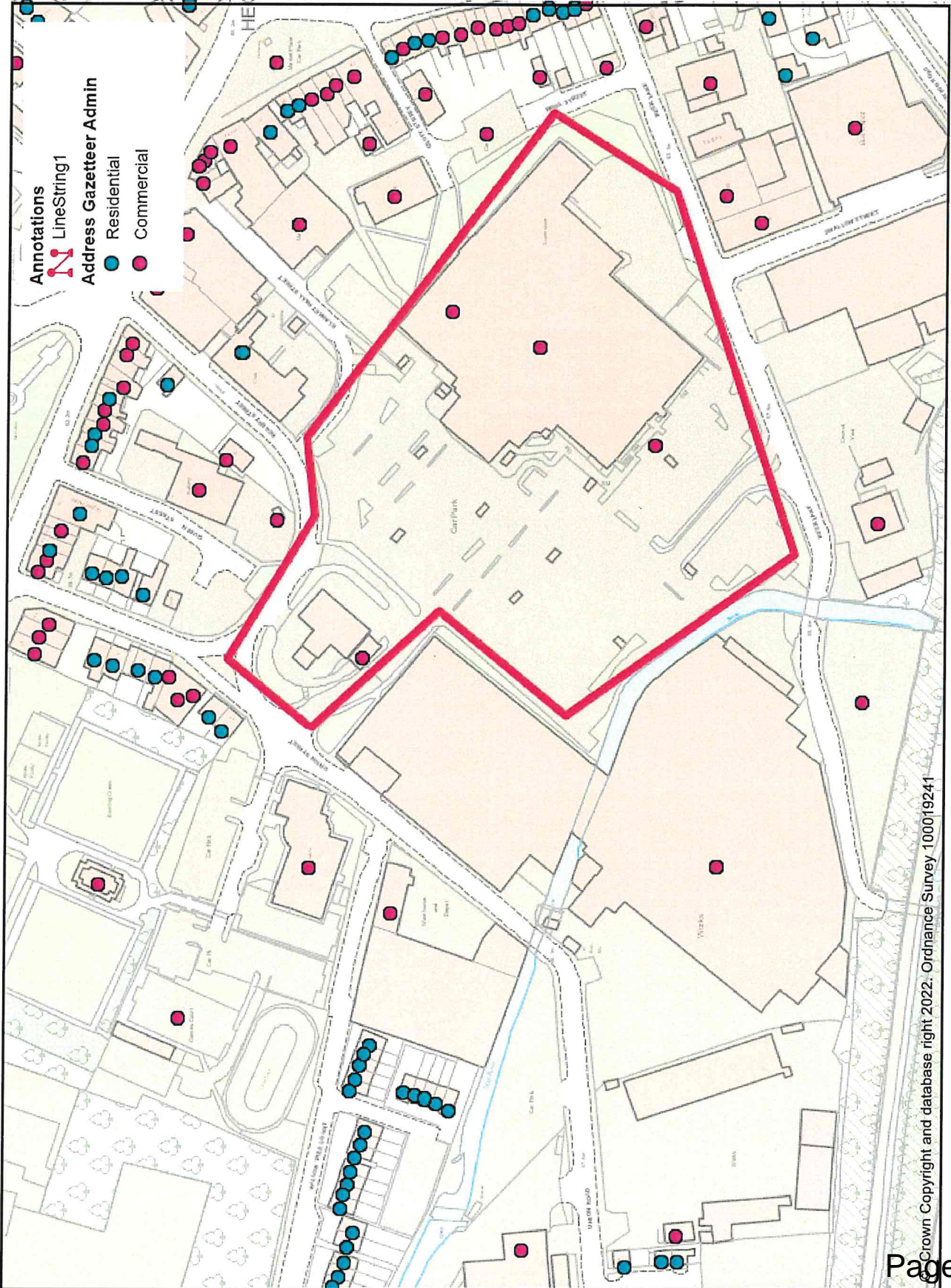
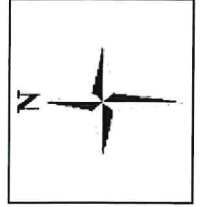


Kompass
Kirklees Mapping Service

Scale = 1:1805.120

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Ordnance Survey
100019241

maps@kirklees.gov.uk



Appendix B

PREMISES LICENCE
Licensing Act 2003

Licence number:
PR(A)0194

Online Reference number:
LAVDPS/13741/22

THIS LICENCE IS ISSUED BY



Kirklees Council
Public Protection Services
Licensing Department
PO Box 1720
Huddersfield
HD1 9EL

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

POSTAL ADDRESS OF PREMISES

Morrisons Supermarket
17 Union Street
Heckmondwike
WF16 0HL

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Every Day	06:00 - 00:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Every Day	06:00	00:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

N/A

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

Alcohol is supplied for consumption off the Premises

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

Wm Morrison Supermarkets Limited
Hillmore House
71 Gain Lane
Bradford
West Yorkshire
BD3 7DL

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Wm Morrison Supermarkets Limited

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS****ANNEX 1 - MANDATORY CONDITIONS**

Alcohol:

1. No supply of alcohol may be made under this licence:

- a. At a time when there is no designated premises supervisor in respect of the premises licence, or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

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

For the purposes of the condition set out in paragraph 1 of this condition -

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

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

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

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

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

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

1) CCTV to be installed covering all licensable activity areas, and entrance foyer. The CCTV system installed and operated in accordance with West Yorkshire Police guidelines. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.

2) All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "challenge 25" Scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification.

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

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 12 August 2005

Date Commences/Varied: 23 June 2022



Head of Public Protection Service

PREMISES LICENCE SUMMARY Licensing Act 2003	PR(A)0194
---	------------------

THIS LICENCE IS ISSUED BY	
	<p style="text-align: right;"> LICENSING Flint Street Depot Flint Street Fartown Huddersfield HD1 6LG </p> <p style="text-align: right;"> Tel: 01484 456868 Email: licensing@kirklees.gov.uk </p>

POSTAL ADDRESS OF PREMISES
Morrisons Supermarket 17 Union Street Heckmondwike WF16 0HL

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
Sale of Alcohol		
Day(s)	From - To	
Every Day	06:00 - 00:00	

THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Every Day	06:00	00:00

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES
Alcohol is supplied for consumption off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Wm Morrison Supermarkets Limited Hillmore House 71 Gain Lane Bradford West Yorkshire BD3 7DL
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Wm Morrison Supermarkets Limited
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
As per Licensing Act 2003

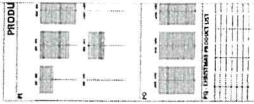
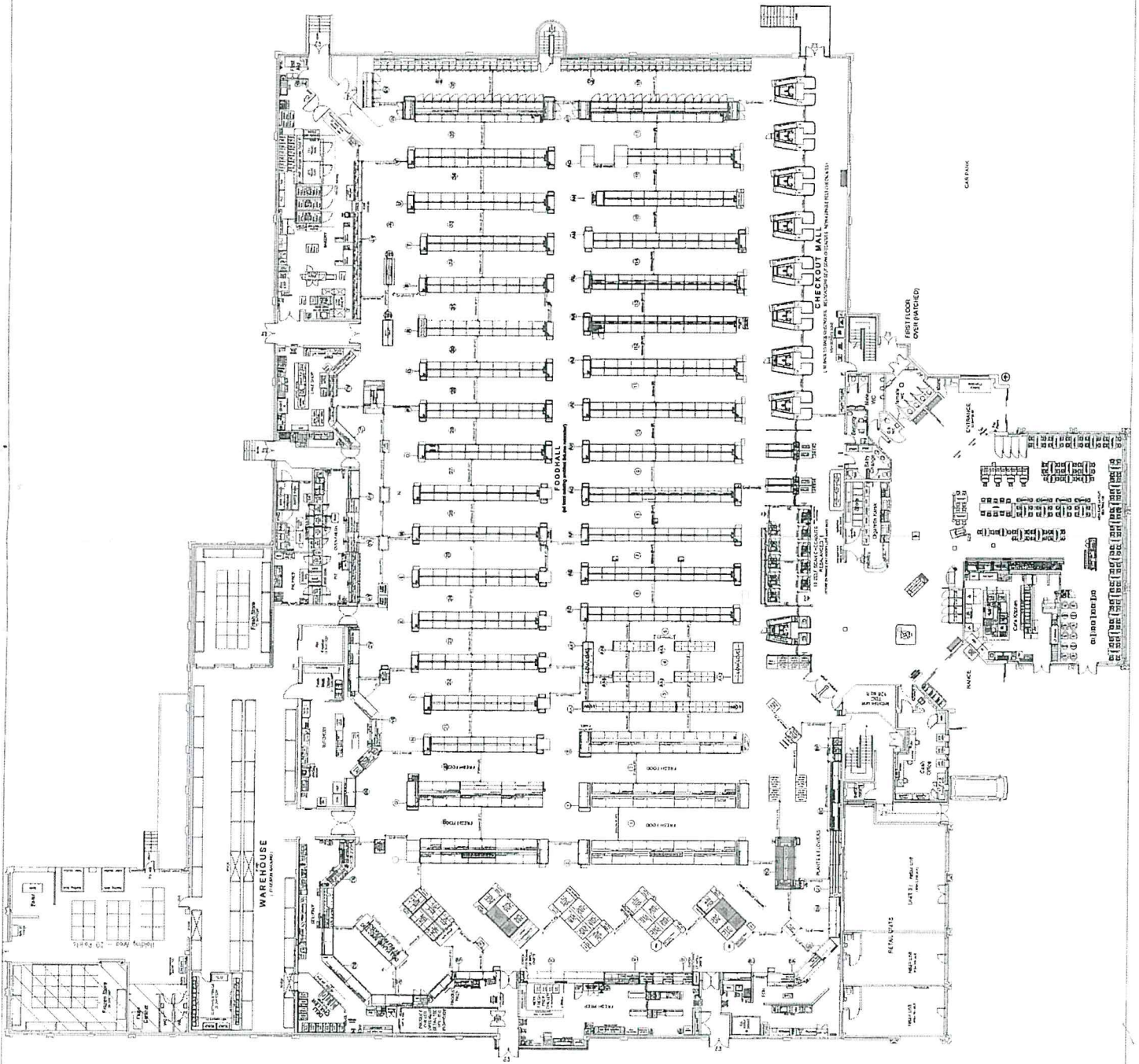
Any conditions applicable to these premises are attached to the licence

Date Granted: 12 August 2005

Date Commences/Varied: 23 June 2022



Head of Public Protection Service



042 Heckmondwike
 041/ANSI/BS/005
 SALES FLOOR
 DATE: 11/25
 DRAWN BY: BAO
 CHECKED BY: BAO
 PROJECT: 042 Heckmondwike
 PROPERTY DEVELOPMENT LTD.

Appendix C

Dear Steve

My apologies. I thought that I had sent a response to this but on checking, I cannot find one.

I am concerned about this application, particularly off sales of alcohol because of the amount of ASB nearby in Firth Park and the carpark there. Groups appear to gather at certain times, often groups of young people, where drinking alcohol appears to be the main activity. Lots of litter – bottles, cartons etc. is found in the carpark and Firth Park and other ASB incidents are seen such as damage and setting fire to equipment and furniture in the park, items thrown onto the roof of the pavilion etc. For people attending meetings in the pavilion it is often feels unsafe trying to access the park through groups gathered there.

I would be therefore be opposed to increasing the off sales of alcohol in this area.

Regards

Viv Kendrick

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.

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 Revised Guidance issued under section 182 of the Licensing Act 2003 | 11 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); and • 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 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 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.

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Name of meeting: Licensing Panel

Date: Monday 5th December 2022

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Moll Springs Brewery, Moll Springs, Netherton, Huddersfield, HD4 7DN

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change)
Is it also signed off by the Service Director for 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: Holme Valley North

Ward councillors consulted: Cllr Charles Greaves
Cllr Tony McGrath
Cllr Paul White

Public or private: Public

Has GDPR been considered? 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 10th October 2022 the Licensing department received an application for the grant of a premises licence for Moll Springs Brewery. The application was made by the company called Moll Springs Brewery Limited. 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.

Sale of Alcohol (Both on and off)
Monday - Sunday 12:00 – 22:30

2.1.3 In total, 2 representations from members of the public have been received relating to this application.

2.1.4 The application was also served on responsible authorities to which 1 representation was received from Environmental Health, the applicant has agreed to the conditions Environmental have requested. The signed conditions may be seen at **Appendix B**. Both members of the public were consulted about the agreed conditions, one did not respond and the other responded stating they were still not happy with the application.

2.1.5 The representations that were received consider that the following licensing objectives would not be met should this licence be granted:

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

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

2.1.6 Moll Springs Brewery has had several Temporary Events Notices this calendar year. Licensing have not received any complaints from responsible bodies or from the local residents.

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, Member's 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 Safeguarding Children team.

3.1 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.2 Climate Change and Air Quality

There is no impact in relation to climate change and air quality in this report.

3.3 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.

3.4 Financial Implications of people living or working in Kirklees

The decision members make may have financial implications for the applicant.

3.5 Other (eg Integrated Impact Assessment (IIA) Legal/Financial or Human Resources) Consultees and their opinions

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.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environment Act 2005

- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

4. Next steps and timelines

4.1 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

4.2 Findings on any issues of fact should be on the balance of probability

4.3 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.

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

5. Officer recommendations and reasons

5.1 Members of the panel are requested to determine that application.

6. Cabinet Portfolio Holder's recommendations

Not applicable

7. Contact officer

Jordan Barrett, Licensing Officer, Licensing Service.

Tel No: 01484 221000 ext. 71665. Email: jordan.barrett@kirklees.gov.uk

8. Background Papers and History of Decisions

8.1 – Appendix A – Application for the Grant of a Premises Licence for Moll Springs Brewery

8.2 – Appendix B – Environmental Health conditions

8.3 – Appendix C – Objections from members of public

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

9. Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environmental Strategy
Tel: 01484 221000
Email: katherine.armitage@kirklees.gov.uk

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 MOLL SPRINGS BREWERY LTD
(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 MOLL SPRINGS BREWERY MOLL SPRINGS NETHERTON			
Post town	HUDDERSFIELD	Postcode	HD47DN

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

Part 2 - Applicant details

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

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

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or **YES**
- 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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable)

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

(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 MOLL SPRINGS BREWERY LTD
Address 7 Stamford Square, Ashton-Under-Lyne, Lancashire, England, OL6 6QU

Registered number (where applicable) 13235840
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	0	1 1 2 0 2 2

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)
 We operate as a Brewery, the premises includes the brewery, cooler room and storage area. We aim to utilise the storage area as a tap room selling alcoholic products including the ale brewed on the premises. The premises is situated in a single storey old textile mill. The mill has a number of units including a wood workshop, fabrication unit and car medic. There are three residential homes on the development accessed via a thorough way. Other businesses within the area include Honley Boarding Kennels and Holiday Cottages. The Brewery is situated just off the main road that runs through woodland. We have held temporary events at the Brewery over the previous two summers. The village of Netherton is approximately a mile away, with a junior and infant school, co-op, post office, the Beaumont Arms and a variety of other retail units.

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)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	.....	.....	<u>Please give further details here</u> (please read guidance note 4)		
Tue	.....	.....	
Wed	.....	.....	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur	.....	.....	
Fri	.....	.....	<u>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</u> (please read guidance note 6)		
Sat	.....	.....	
Sun	.....	.....	

B

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

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
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 performance of dance</u> (please read guidance note 5)		
Thur	.....	.....	
Fri	.....	.....	<u>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</u> (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	
Mon	.....	.....		Outdoors	
				Both	
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	
Day	Start	Finish		Outdoors	
				Both	
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	
Day	Start	Finish		Off the premises	
				Both	✓
Mon	12:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	12:00	22:30			
Wed	12:00	22:30			
Thur	12:00	22:30	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)		
Fri	12:00	22:30			
Sat	12:00	22:30			
Sun	12:00	22:30			

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

Name		████████████████████
Date of birth		██████████
Address		████████████████████ ████████████████████ ████████████████████
Postcode	██████████	
Personal licence number (if known)		██████████

Sat	12:00	23:00	
Sun	12:00	23:00	

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)

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 25 Policy including the forms of identification that are acceptable
- The hours and activities and conditions permitted in the premises licence
- How to complete and maintain the refusal register in operation at the market
- The operating procedures for refusing service to any person under-age or appears to be under-age, or appears to be making a proxy purchase
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed every year. Training records shall be made available for inspection.

A list of all authorisations for the sale of alcohol will be on site and available to view.

We will operate our premises with regard to the Statement of Licencing Policy.

We will adhere to the Portman Group Code of Practice for the promotion of alcoholic drinks and follow the Home Office guidance on selling alcohol responsibly. A drink, its packaging and any promotional material or activity will not in any direct or indirect way appeal to under 18s or incorporate images of people who are or look as if they are under 25 years of age where there is any suggestion that they are drinking alcohol.

There shall be a responsible trained person on duty at the premises at all times when the premises are open and selling alcohol.

b) The prevention of crime and disorder

An incident log shall be kept and maintained at the premises which will include the time and date of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection.

Open containers of alcohol shall not be removed from the premises.

All alcohol on display will be in such a position so as not to be obscured from the constant view of staff.

We will provide litter bins to help reduce rubbish and litter.

The Premises Licence Holder will work closely with the Police, Fire Authority, local business and local residents.

Crime prevention notices will be displayed.

Outside of hours authorised for the retail sale of alcohol and whilst the premises is open to the public, all alcohol within the premises will be secured in a private locked area.

We will train all staff in drugs awareness and the importance of consumption and supply of illegal drugs. We have a drugs policy on site and this is available to view. We will adhere to the Governments' Drug Strategy 2010, reducing demand, restricting supply and building recovery. A copy is on site and available to view.

c) Public safety

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

All exits/entrances will be kept clear at all times.

Regular/ongoing Health & Safety risk assessments shall be conducted to identify and deal with hazards that may involve tripping, manual handling, electric shock, hazardous substances, etc.

Regular/ongoing Fire risk assessments shall be conducted. A logbook will be maintained to show that regular checks have been carried out. Staff will be advised of the findings from the risk assessments during training.

All designated escape routes and exits shall be maintained and kept free from obstructions. The fire assembly point will be clearly sign posted.

All regulatory checks of fire extinguishers and smoke detectors are in place.

All portable equipment will be kept in good working order and tested regularly.

We have a first aid box and accident book.

All internal and external doors, fixtures and fittings, lighting and emergency lighting will be kept in good working order and regular checks made.

Access for emergency vehicles will be kept clear and free from obstruction. Safety checks will take place at the start of each day, all checks will be recorded,

d) The prevention of public nuisance

Clear and legible notices shall be prominently displayed at all exits requesting patrons and staff to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible during evening hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 19:00 hours and 07:00 hours. No collections of waste or recycling materials (including bottles) from the premises shall take place between 19:00 hours and 07:00 hours on the following day.

All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 19:00 hours and 07:00 hours on the following day.

A sufficient number of suitable receptacles will be located in appropriate locations for the depositing of waste materials and smoking related litter by customers. Packaging will be reduced to a minimum and we will recycle bottles, cans and general waste wherever possible.

A telephone number shall be made available for neighbours and local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the market. The telephone number will be a direct number to the Designated Premises Supervisor. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

We will ensure all staff shall leave the premises quietly so as to avoid causing disturbance or nuisance to local residents. All staff will be trained to understand our noise control requirements.

Taxi operator's telephone numbers will be advertised to customers. The operators will be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.

We use rubber matting and handling aids for the movement of barrels, cylinders and bottles.

All external doors and windows will be kept shut at all times when the premises are open/during regulated entertainment except for entry and egress.

The outside area shall be regularly swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

e) The protection of children from harm

All staff will be trained in the legality and procedure of alcohol sales to Level 1 Responsible Alcohol Retailing Training or similar. All training shall be signed and documented. Training records will be kept on the premises and be made available for inspection. The documentation relating to training will extend back to a period of three years and will specify the time, date and details of the persons both providing the training and receiving the training.

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 policy. The poster will be on display. All staff working at the premises will ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol will be refused. The EPS till system records all sales of restricted items.

The age verification policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 (proxy sales).

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include the date and time and reason for refusal, details of the person refusing the sale and description of the customer. The refusals register will be made available for inspection.

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 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	<input style="width: 150px; height: 20px;" type="text"/>
Date	10 th October 2022
Capacity	Acting Agent

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	<input style="width: 580px; height: 30px;" type="text"/>
Date	<input style="width: 580px; height: 30px;" type="text"/>
Capacity	<input style="width: 580px; height: 30px;" type="text"/>

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]			

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 issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

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.

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Your ref:
Our ref: ENV/ Moll Springs Brewery /RC

07.11.2022

Moll Springs Brewery Ltd
Moll Springs Mill,
Moll Springs,
Netherton,
Huddersfield,
HD4 7DN

Your personal contact for this matter is Mr Jordan Barrett: Telephone 01484 456865

Dear Sir

LICENSING ACT 2003 – APPLICATION FOR GRANT OF A PREMISE LICENCE
Moll Springs Mill, Moll Springs, Netherton, Huddersfield, HD4 7DN

I refer to your application regarding the above premises.

I have to inform you that observations have been received from the Council's Environment Services, a copy of which is enclosed. If you agree to these conditions being attached to the premise licence can you please sign and return the attached consent.

Should you have any queries regarding the above please do not hesitate to contact me on the above telephone number.

I look forward to hearing from you.

Yours faithfully

Licensing Officer

Enc

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

Reference:	WK/202234726
Premises:	Moll Springs Mill, Moll Springs, Netherton, Huddersfield, HD4 7DN

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

OBSERVATIONS			
Public Safety		No observations	
Date:	28 October 2022	Officer/Ext:	Mark Chapman 01484 221000
Prevention of Public Nuisance		<p>In regard to the application for a premises license for Mill Springs Brewery there are minor some concerns for the impact of noise on the nearby noise sensitive residential receptors, although we believe that this can be managed by licensing conditions.</p> <p>It is our opinion that continuous use of external areas by customers will likely have a detrimental impact on the amenity of the nearby residential properties. The Noise and Pollution team would like to see the sale and consumption of alcohol confined to internal areas, as demonstrated on the Fire Safety map provided by the applicant. The use of external areas should be limited to use as a smoking area while drinks are left inside the premises.</p> <p>Further use of external areas can be used under the application of Temporary Events Notices which the premises have successfully used in the past.</p>	

It is noted that due to the opening hours requested by the premises there is no requirement to apply for regulated entertainment.

Recommended Conditions

LC1

Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of Moll Springs Brewery Ltd.

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

Informative Note:

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

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

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

LC2

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

LC3

There shall be a 15-minute ‘cooling down’ period at the end of the evening when the regulated entertainment shall cease. This will allow customers hearing to adjust before they leave the premises and will mean they are more likely to be quieter as they leave. The aim of the ‘cooling down’

	<p>period is to stagger the departure of the customers to help prevent public nuisance.</p> <p>LC4 All external doors and windows to the room/s where regulated entertainment is provided shall remain closed (other than for normal access and egress) during the course of the entertainment.</p> <p>LC5 All external doors to the premises (including fire doors and patio doors) shall be kept closed (other than for normal access and egress) during the course of regulated entertainment.</p> <p>LC6 All noise creating activities that are associated with the regulated entertainment shall only be carried out inside the premises except with the prior written approval of the Licensing Authority.</p> <p>LC7 No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure.</p> <p>LC10 External areas of the premises shall not be used by customers for the sale and consumption of alcohol unless prior permission has been granted through a Temporary Events Notice.</p> <p>LC12 The disposal of waste bottles, glass and other materials into external receptacles shall not take place between 22:00 and 08:00 hours and any such waste receptacle shall not be removed from the premises between those hours.</p> <p>These conditions are proportionate and reasonable and are requested to prevent public nuisance being caused at noise sensitive properties nearby.</p>		
<p>Date:</p>	<p>23 November 2022</p>	<p>Officer/Ext:</p>	<p>Joanne Cooper 01484 221000</p>

07.11.2022

Moll Springs Brewery Ltd
Moll Springs Mill,
Moll Springs,
Netherton,
Huddersfield,
HD4 7DN

LICENSING ACT 2003 – APPLICATION FOR GRANT OF A PREMISE LICENCE

Moll Springs Mill, Moll Springs, Netherton, Huddersfield, HD4 7DN

I/we agree to the conditions set by Environmental Services being attached to the above premise licence.

Signed: Date: 08/11/0222.....

Print Name: LYNDA ANNETTE READ (ACTING AGENT).....

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3 NOV 2022

Dear Sir or Madam,

I am writing to you concerning
the application for the sale of Alcohol, by retail,
Monday to Sunday 12 noon to 10.30pm by
Moll Springs Brewery, Old Moll Road, Netherton
HD4711N.

I live at Moll Springs and have done for
many years and am very concerned about
this application and so is my neighbor, who
has told me he has sent at least two
objections.

I hope you find these objections satisfactory.
I have done my very best to present them
to your criteria

2

Prevention of Crime and Disorder

Moul Springs is not regarded as a worrying crime area. To the best of my knowledge there have been few incidents regarding the mill property, but, because of added units, there may be incidents I have not been made aware of. My neighbour, who has already made an objection to this application would be more knowledgeable of this.

Prevention of Public Nuisance

③

This licence to sell alcohol permanently, which could include optional music, bands, entertainment on these premises, from noon to 10.30pm, seven days a week would definitely contribute to being a public nuisance to residents, however few.

Please, bear in mind also, this is our only access from Old Mill Road to and from our properties. The extra constant too-iny and fro-iny of vehicles, people etc will increase the problem - and our privacy. It is already a busy parking area for the units as it is, but that is understandable. Vehicles coming and going, engine noise, car doors opening and shutting up until very late night and the general public intrusion which includes unsociable hours of entry which qualifies as a concern for us, and the sale of alcohol simply compounds it.

The side of the Mill - in front of the said ④
3 houses and their property, has also been used
at least once for 'an event'. It's possibly a one-off
(I think) this proved a nuisance of the event
going on until midnight, parking in the top
mill yard (our access way in and out) was
restricted and the selection of this area, actually
in front of our houses and property, although at
a lower level was disturbing and intrusive.

This may or may not have been anything directly
to do with the brewery itself, but the whole
area was lit up and totally out of character
even with curtains drawn. This area, like
the mill yard area is fine for light industrial
working premises, but certainly not to be
recommended for public events/activities.

For that to happen on a regular basis - would
definitely be a public nuisance - to us at
least.

Public Safety

⑤

The mill property itself is very old dating back to the Victorian era, and apart from fairly recent additional units, could be unsafe, potentially because of its natural rural, steep location in an old wooded area. I've known the mill and surrounding area for many years (and my family, before that) but to the general public - it could prove - risky, to say the least.

Please don't forget, it wants to sell alcohol - SEVEN DAYS A WEEK (all afternoon till 10.30pm) very late finish including cleaning up + shutting down (closing).

Increased parking, tables, seating over and around our access way, to and from our properties, is not acceptable, and potentially dangerous, encouraging accidents, ill-feeling and unpleasantness to happen. The brewery's suggestion they will ^{give space} just enough room to get through, is just not viable, acceptable or an option, but an insult to our rights as they have always been. These points could include

Public Safety and Public Nuisance AND ALSO the Protection of Children from Harm.

The inside bar opens straight onto our access way through up to our properties. No pavement, space, separating them and vehicles, pedestrians, which could also include fire/ambulance services, police and other public services.

These points could contribute to both being a Public nuisance and Public Safety to adults and children alike.

Protection of Children from Harm ⑥

As mentioned elsewhere, children should be safe at all times. The extra traffic, vehicles and rural location of Moss Springs and Old Mott Road, in particular, the surrounding mill area, i.e. the uncertain nature of rocky, wooded areas, steepness of the terrain surrounding the mill itself.

The area itself including Old Mott Road, here here and Sedgely has become increasingly busy with, especially traffic between Netterton and Monby. In certain places - a rather a Licensed Premises, would only increase the problem around Moss Springs - a danger to children, adults, doormen and waiters/pedestrians alike.

Please remember: these premises would/could be licensed to sell alcohol SEVEN DAYS A WEEK!

From:

Sent: 27 October 2022 21:33

To:

Subject: Rejection of Objection

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sir. First of all,

I am 75 yrs old and find the Task of contacting Kirklees frustrating and time consuming.

In July 2022 I sent in a complaint, regarding Mollsprings Brewery pointing out Health and safety and danger to the public plus various other complaints including unauthorised camping .I received acknowledgement of this complaint from Lee Stoney, “ team leader “ enforcement planning @kirklees [REDACTED] Stating that the case would be looked into and I would be contacted asap after. Like most enquiries concerning Kirklees council, this never happened being in poor health at that time I didn't follow it up ,when this application for a License was been made I checked the ref given by Lee Stoney and it doesn't seem to exist. You need to find this original complaint and explain to me why it wasn't acted upon. But on your excuses for rejecting my objection I will point out my reasons

1. 43 yrs ago when we moved in very few people even knew of the location, apart from 3 houses built 1878 and the Old Mill, which only housed a couple of tenants, working a 5 and a half day week, in the days pre Post code both the Police and ambulances struggled to find this area, it was very dark surrounded by trees and in all that time the mill was only burgled once to my knowledge and our garden shed was once broken into.. Unit 4 has been in the last 20 yrs a dyeworks, A stonecutting workshop, until recently a machine storage unit. It was then taken over by the recent tenant and a brewery built inside, Licensing these premises will attract noise in this quiet area. My July Complaint points out the problems we had over the summer. Points 2,3,4 are also in this complaint. Sole entrance is the only access to the houses, the whole site a health and safety problem Especially in the dark, uneven ground, skips with industrial rubbish, piles of stone's. Top end of the yard 30 concrete steps down to a toilet and lower level of the building with only one flimsy railing (during summer kids were actually being allowed to explore this site, whilst the parents were drinking at the tables) this I reported to HSE but again no further action. The entrance to the whole site is only just wide enough to get a fire engine or ambulance through, so surely our public safety is at risk. Before any License is approved it is your personal responsibility to organise a site visit. I require an acknowledgement of this letter, with the correct reference so that I can follow the progress of my complaint ,also if for some unknown reason you grant this license a contact where my solicitor can send any appeal to.

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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.

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 Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 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); and • 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 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 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.