

# Public Document Pack



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

**Julie Muscroft**

Governance and Commissioning

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**Tel:** 01484 221000

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Email: [Yolande.myers@kirklees.gov.uk](mailto:Yolande.myers@kirklees.gov.uk)

Tuesday 28 March 2023

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **9.30 am** on **Wednesday 5 April 2023**.

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 James Homewood

Councillor Jo Lawson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Minutes of Previous Meeting**

1 - 2

To approve the Minutes of the meeting of the Panel held on 1<sup>st</sup> March 2023.

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**2: 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.

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**3: Admission of the Public**

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

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**4: Deputations/Petitions**

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

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

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**5: Application for the Grant of a New Premises Licence, M  
& G Convenience Store Ltd, 30 Church Street,  
Dewsbury, WF13 1LB**

5 - 48

To consider the application at 9:30am.

**Contact:** Steve Mycroft, Licensing Officer – 01484 221000

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Contact Officer: Jenny Bryce-Chan

## KIRKLEES COUNCIL

### LICENSING PANEL

**Wednesday 1st March 2023**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Adam Gregg  
Councillor Andrew Marchington

In attendance: Steve Mycroft, Licensing Officer  
Mike Skelton, Senior Licensing Officer,  
Lee Rushworth, Licensing Officer  
Tahir Hanif, Senior Legal Officer  
Richard Woodhead, West Yorkshire Police Officer

**1 Minutes of Previous Meeting**

Minutes of the meeting held on 18<sup>th</sup> January 2023 were agreed as a correct record.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

The Panel resolved that the public be excluded from the hearing in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100 (A)(4) of the Local Government Act 1972 during consideration of agenda item 7.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Public Question Time**

No public questions were asked.

**6 Exclusion of the Public**

Determined.

**7 Licensing Act 2003 - Application for the Grant of a Personal Licence**

The Panel considered a report which outlined an application for the grant of a Personal Licence.

**RESOLVED:** That the application for the Grant of a Personal Licence be refused.

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

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

**Name of meeting:** Licensing Panel

**Date:** Wednesday 5<sup>th</sup> April 2023 at 9.30am

**Title of report:** Licensing Act 2003 – Application for the Grant of a New Premises Licence: M & G Convenience Store Ltd, 30 Church Street, Dewsbury, WF13 1LB

**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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <a href="#">Strategic Director</a> & 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 <a href="#">portfolio</a>	Cllr Will Simpson

**Electoral wards affected:** Dewsbury East Ward

**Ward councillors consulted:** Cllr Eric Firth  
 Cllr Aleks Lukic  
 Cllr Cathy Scott

**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 new premises license, 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 16<sup>th</sup> February 2023, the Licensing Department received an application for the grant of a new premises licence for M & G Convenience Store Ltd, 30 Church Street, Dewsbury, WF13 1LB. 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 Premises)

Monday to Saturday –	05:30hrs to 23:00hrs
Sunday -	10:00hrs to 22:30hrs

In discussion with the applicant the hours were changed to below.

#### Sale of Alcohol (Off Premises)

Monday to Saturday –	07:00hrs to 23:00hrs
Sunday -	10:00hrs to 22:30hrs

However, the store opening hours remain the same at 05:30hrs, The applicant was informed that the alcohol could not be accessible to the public between 05:30hrs to 07:00hrs. Licensing were informed by the applicant that the store intends to have a “Beer Cave” which will be locked outside of the licensed hours.

There is also a previous licence at the applied for address which was cancelled on 3<sup>rd</sup> August 2020 at the request of the previous licence holder PR(A)1602. A copy can be seen at **Appendix B**.

2.1.3 During the consultation period a representation from one of the Councillors for the Dewsbury East Ward has been submitted, this includes information of planning consent which has been applied for above the premises for 15 residential apartments. At the time of writing this report, no decision has been made on the planning application.

2.1.4 A further Councillor objected but offered to withdraw the objection should requested specific conditions be agreed by the applicant, the conditions requested were agreed by the applicant. See **Appendix C**

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

- Prevention of public nuisance.



A copy of the aged conditions, representation and planning application search can be seen at **Appendix D**.

## 2.2 Licensing Policy

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

### **1.0 – Executive Summary**

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

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

### **2.0 – Purpose and Scope of the Licensing Policy**

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

#### **Licensing Objectives.**

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

## 2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to one 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 E**.



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

#### **3.1 Working with People**

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

#### **3.2 Working with Partners**

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and 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.

#### **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](mailto: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 M&G Convenience Store Ltd.
- 9.2 Appendix B – Copy of previous Premises Licence PR(A)1602
- 9.3 Appendix C – Agreement of requested conditions from Local Ward Councillor.
- 9.4 Appendix D – Objection and Planning application search from Local Ward Councillor.
- 9.5 Appendix E - 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](mailto:katherine.armitage@kirklees.gov.uk)



# Appendix A



## New Premises Licence

### Premises Details

Premises Address \*

30 CHURCH STREET DEWSBURY KIRKLEES WF13 1LB

Telephone number at premises (if any)

None

Non-domestic value of premises. \*

### Applicant Details

I/We 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.

Please state whether you are applying for a premises licence as:

a person other than an individual -as a limited company/  
limited liability partnership

### Applicant Details

If you are applying as a person described in one of the above please confirm: \*

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

### Other Applicant (Non Individual)

Name \*

M & G Convenience Store Ltd

Registered Address \*

30 Church Street

Town/City \*

Dewsbury



### Other Applicant (Non Individual)

County	West Yorkshire
Postcode *	WF13 1LB
Registered Number (where applicable)	
Description of applicant (for example partnership, company, unincorporated association, etc) *	v
Telephone Number	
Email *	

### Operating Schedule

When do you want the premises licence to start? *	
If 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. *	Convenience and general store
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	

### Operating Schedule

What licensable activities do you intend to carry on from the premises? \* (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) \*

- Plays
- Films
- Indoor Sporting Events
- Boxing or Wrestling



### Operating Schedule

- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Monday
05:30
23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Tuesday
05:30
23:00



### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Wednesday

05:30

23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Thursday

05:30

23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Thursday

05:30

23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Friday

05:30



### Supply of Alcohol Standard Times

23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Saturday

05:30

23:00

### Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)\*  
Please enter times in 24hr format (HH:MM)

Day \*

Sunday

10:00

22:30

### Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) \*

Off the premises

State any seasonal variations for the supply of alcohol. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed?(please read guidance.note 6)

### Designated Premises Supervisor

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)



### Designated Premises Supervisor

Title \*

First name \*

Surname \*

Street address \*

Town/City \*

County

Postcode \*

Personal Licence Number (if known)

Issuing Licensing Authority (if known)

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*



### Opening Hours Standard Times

23:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Wednesday

05:30

23:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Thursday

05:30

23:00

### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*

Friday

05:30

23:00

### Opening Hours Standard Times



### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*




### Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) \* Please enter times in 24hr format (HH:MM)

Day \*




### Licensing Objectives

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

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

1 All alcoholic products shall be displayed in a separate area of the store and shall not be displayed on the same shelving as non alcoholic products. 2 A record of all relevant staff training and personal licence holders shall be maintained by the licence holder and made available to the licensing authority and police when requested. 3 All staff shall receive induction training at the commencement of their employment at the premises including underage sales training.

b) The prevention of crime and disorder

1 No customers shall be permitted to take from the premises alcoholic drinks in open vessels or containers 2 The premises shall have in place during all opening hours a CCTV system to be installed at the premises and which will have sufficient storage to store the previous 31 days footage. 3 All staff shall be trained in the use of the CCTV system to ensure data retrieval and download when required by the police or local authority enforcement officers.

c) Public safety

d) The prevention of public nuisance



### Licensing Objectives

e) The protection of children from harm

1 As above

### Declarations

Declaration Type \*

Sole Applicant - Individual or Other

### Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand 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 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.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

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).

Full Name \*

Date \*

Capacity \*

Declaration made

Do you wish to provide alternative correspondence details? \*

Yes



## Declarations

## Alternative Correspondence

Please provide Contact Name and postal address for correspondence associated with this application.

Title

First name

Surname

Street address \*

Town/City \*

County

Postcode \*

Telephone Number

Email \*

## Email confirmation

On submission an email confirmation will be sent using the details below

Forename

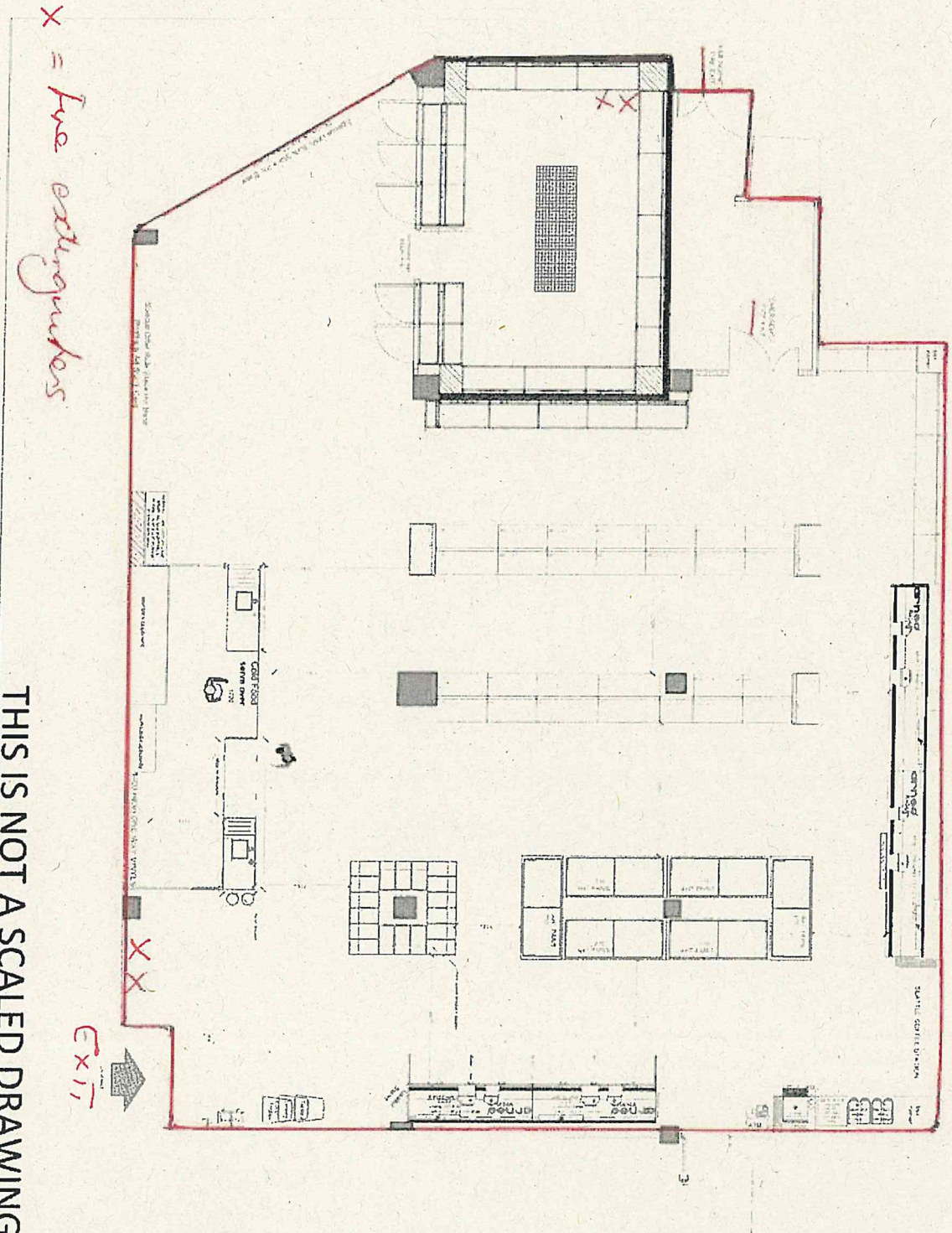
Surname /Company Name

Email \*

Telephone



chrome://external-file



X = Fire extinguishers

THIS IS NOT A SCALED DRAWING

Church Street

Sam Fenton

30 Church Street

Dewsbury

WF131LB

23/11/2022

2022 Proposal

3300sqft

**BOOKER**  
**WHOLESALE**

The drawing is for information purposes only. All dimensions should be validated by a qualified third party prior to any construction. All work must be completed with Building & Planning regulations for the user responsibility of the customer.  
**PLAN AGREED.**

RETAI...  
 NAME: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 RDM: \_\_\_\_\_  
 NAME: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_







# Appendix B



**PREMISES LICENCE**

Licensing Act 2003

Licence number:

**PR(A)1602**

Online Reference number:

**PR(A)1602****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](mailto:licensing@kirklees.gov.uk)

**POSTAL ADDRESS OF PREMISES**

**New Picture House**  
 New Picture House  
 30 Church Street  
 Dewsbury  
 WF13 1LB

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol  
 Films  
 Films  
 Live Music  
 Live Music  
 Recorded Music  
 Recorded Music  
 Provision of entertainment or similar  
 Provision of entertainment or similar

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

Day(s)	From - To
12:00 - 23:00	
17:00 - 23:00	

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 00.00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
 Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October.  
 Bank Holiday Mondays 12:00- 00.00

**Films (Indoors)**

Day(s)	From - To
12:00 - 00:00	



17:00 - 00:00

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 00:00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October. Bank Holiday Mondays 12:00- 00:00

**Films (Indoors)**

Day(s)	From - To
12:00 - 00:00	
17:00 - 00:00	

**Live Music (Indoors)**

Day(s)	From - To
12:00 - 23:00	
17:00 - 23:00	

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 23:00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October. Bank Holiday Mondays 12:00- 23:00

**Live Music (Indoors)**

Day(s)	From - To
12:00 - 23:00	
17:00 - 23:00	

**Recorded Music (Indoors)**

Day(s)	From - To
12:00 - 00:00	
17:00 - 00:00	

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 00:00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th,



30th, 31st October. Bank Holiday Mondays 12:00- 00:00

**Recorded Music (Indoors)**

Day(s)	From - To
	12:00 - 00:00
	17:00 - 00:00
-	

**Provision of entertainment or similar (Indoors)**

Day(s)	From - To
	12:00 - 00:00
	17:00 - 00:00
-	

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 00.00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October. Bank Holiday Mondays 12:00- 00.00

**Provision of entertainment or similar (Indoors)**

Day(s)	From - To
	12:00 - 00:00
	17:00 - 00:00
-	

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO
Friday to Sunday	12:00	01:00
Monday to Thursday	17:00	01:00
Non Standard Timings		

**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 on the Premises

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

New Picture House  
[REDACTED]

Mobile Number [REDACTED]

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

New Picture House

**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:

[REDACTED]



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

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



(b) an ultraviolet feature.

6. The responsible person must ensure that—

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

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

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

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

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

For the purposes of this condition -

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

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

where -

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

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

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

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

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

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

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

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

If the Premises Licence allows Exhibition of Films

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

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



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

3. Where:

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

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

**ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

- 1) Challenge 21 Policy will be adopted.
- 2) No bottles or glassess shall be taken off the premises.
- 3) Prompt clearing of empty glassess throughout opening times.
- 4) Registration with crime prevention initiatives run by the police.
- 5) A suitable evacuation plan will be in place in case of emergencys.
- 6) Notices shall be placed in prominent positions to ask patrons to leave the premises quietly.
- 7) Windows and doors shall be kept closed.
- 8) All persons under the age of 16 must be accompanied and supervised by an adult at all times.

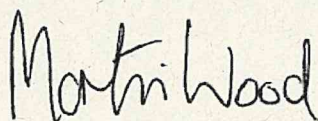
**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

**Date Granted: 25 October 2016**

**Date Commences/Varied: 25 October 2016**



Head of Public Protection Service







# PREMISES LICENCE SUMMARY

Licensing Act 2003

# PR(A)1602

## THIS LICENCE IS ISSUED BY



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG

Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

## POSTAL ADDRESS OF PREMISES

**New Picture House**  
New Picture House  
30 Church Street  
Dewsbury  
WF13 1LB

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol  
Films  
Films  
Live Music  
Live Music  
Recorded Music  
Recorded Music  
Provision of entertainment or similar  
Provision of entertainment or similar

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

### Sale of Alcohol

Day(s)	From - To
	12:00 - 23:00
	17:00 - 23:00

### Non-Standard Timings

Films During The Christmas Holiday- 12:00 to 00.00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October.  
Bank Holiday Mondays 12:00- 00.00

### Films (Indoors)

Day(s)	From - To
	12:00 - 00:00



17:00 - 00:00

-

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 00.00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
Halloween Horror Films Festival With Double Or Triple Bill Screenings - 12:00 - 03:00 On 25th, 26th, 27th, 28th, 29th, 30th, 31st October. Bank Holiday Mondays 12:00- 00.00

**Films (Indoors)**

**Day(s)** **From - To**

12:00 - 00:00

17:00 - 00:00

-

**Live Music (Indoors)**

**Day(s)** **From - To**

12:00 - 23:00

17:00 - 23:00

-

**Non-Standard Timings**

Films During The Christmas Holiday- 12:00 to 23:00 on 24th, 26th, 27th, 28th, 29th, 30th And 31st December.  
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**Live Music (Indoors)**

**Day(s)** **From - To**

12:00 - 23:00

17:00 - 23:00

-

**Recorded Music (Indoors)**

**Day(s)** **From - To**

12:00 - 00:00

17:00 - 00:00

-

**Non-Standard Timings**

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30th, 31st October. Bank Holiday Mondays 12:00- 00.00

**Recorded Music (Indoors)**

Day(s)	From - To
	12:00 - 00:00
	17:00 - 00:00
-	

**Provision of entertainment or similar (Indoors)**

Day(s)	From - To
	12:00 - 00:00
	17:00 - 00:00
-	

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**THE OPENING HOURS OF THE PREMISES**

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Friday to Sunday	12:00	01:00
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Non Standard Timings		

**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 on the Premises
---



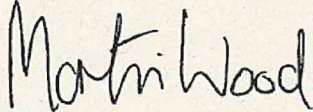
[Redacted]

<b>NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE</b>
New Picture House [Redacted]
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>
New Picture House
<b>NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL</b>
[Redacted]
<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

**Date Granted: 25 October 2016**

**Date Commences/Varied: 25 October 2016**



Head of Public Protection Service



# Appendix C



Email trail from councillor requesting specific conditions

Hi Steve, given the overall permissive licensing regime we operate in I will put an objection in a similar manner as I have done before for other premises in the town centre and helped to improve the application with respect to the PSPO in the town centre.

I object to the application as the proposed off-licence is situated within the area of the Dewsbury Town Centre Public Space Protection Order against street drinking but I do not see any specific measures in the application that would help to ensure that customers comply with the PSPO. This is key to help prevent crime and public nuisance in the town centre.

I will withdraw this objection if the applicant is willing to commit to measures such as

- not selling single containers of high strength beer/lager/cider (ABV 6.5% or higher)
- staff helping to prevent/report any street drinking directly outside the premises
- a prominent notice promoting compliance with the PSPO (Safer Kirklees should be able to provide one).

Kind regards,

Cllr Aleks Lukic  
Independent – Dewsbury East Ward  
Kirklees Council

Afternoon Martin,

One of the local councillors has objected to your application. They have proposed some measures they would like you to take on, if agreed by your client they will then withdraw the objection. Details below:

I will withdraw this objection if the applicant is willing to commit to measures such as

- not selling single containers of high strength beer/lager/cider (ABV 6.5% or higher)
- staff helping to prevent/report any street drinking directly outside the premises
- a prominent notice promoting compliance with the PSPO (Safer Kirklees should be able to provide one).

If you could advise as soon as possible as I will need to inform our Governance department

Regards  
Steve

Good Afternoon Steve ,

Thank-you for your e-mail regarding the objection received.

I have spoken to my client and confirm they are happy to agree with the three conditions suggested by the objector.

Kind Regards



# Appendix D



Appendix - Objection Received from Councillor

Hi Steve

Sorry for the delay in responding. Yet again Dewsbury has another application for Off Licence premises in the town centre. I am normally very supportive of businesses setting up in Dewsbury however, on this occasion I am not. I feel strongly this should be opposed by committee.

The following concerns I have are about public nuisance, the likelihood of disturbance and the effect on nearby homes. There are homes (flats) surrounding these premises. This area is already a cause for concern with anti-social behaviour in the bus station and will "severely impact" on residents' rights to live peacefully. Granting this license would encourage 'partying' throughout the night with an endless supply of alcohol readily available in close proximity.

Hopefully objections will be made by West Yorkshire Police, environmental health and my two fellow local councillors.

I worry that a congregation of people will happen outside the shop whilst using it, as well as socialising outside the premises, would add to the detrimental impact on local homes including disturbance and prevention of sleep and impact on the town centre footfall. We want people to feel safe in our town centre not in fear when accessing the bus station or surrounding shops.

I ask that panel refuse the application on the grounds of preventing public nuisance, the likely impact on local residents and the likelihood of disturbance through the night due to the proximity of housing.

Please kindly attach my comments to the Committee report and I am more than happy to attend this meeting.

Regards  
Cathy



Part 2 to Appendix B

## Planning application search

### Application details

**Application number**  
2023/44/90162/E

**Last updated**  
02 February 2023

**Applicant**

**Location**  
30, Church Street, Dewsbury, WF13 1LB  
[View application 2023/90162 on a map](#)

**Ward**  
Dewsbury East

**Description / Development**  
Discharge conditions 4 (bin storage), 5 (cycle storage), 6 (noise) on previous permission 2022/92724 for prior notification for change of use of upper floors to 15 residential apartments

### Planning department details

**Case officer**

**Received**  
17 January 2023

**Validated**  
17 January 2023

**Initial target date**  
14 March 2023

**Decision date**

-

**Decision**

-

**Appealed**

No



# 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.



## **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.*