

# Public Document Pack



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

**Julie Muscroft**

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Tuesday 10 January 2023

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **11.00 am** on **Wednesday 18 January 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".

**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

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**Pages**

**1: Site Visit**

Site visit in respect of Moll Springs Brewery, Netherton, HD4 7DN to be undertaken.

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**2: Minutes of Previous Meeting**

1 - 4

To approve the minutes of the meeting of the Panel held on 5<sup>th</sup> December 2022.

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**3: Interests**

5 - 6

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

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**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.

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**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.

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Application for the Grant of a Premise Licence, Moll Springs Brewery, Moll Springs, Netherton, Huddersfield HD4 7DN**

7 - 60

To consider the application at 11:00am.

**Contact:** Jordan Barrett, Licensing Officer, Tel: 01484 221000.

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**8: Application for the Grant of a Premises Licence: Sun News, 178 Healey Lane, Batley, WF17 8BN**

61 - 106

To consider the application at 11:50am.

**Contact:** Philip Asquith, Licensing Officer, Tel: 01484 221000.

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Contact Officer: Jenny Bryce-Chan

## KIRKLEES COUNCIL

### LICENSING PANEL

**Monday 5th December 2022**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Michael Watson  
Councillor Paola Antonia Davies

In attendance: David Stickley (Legal Advisor to the Panel)  
Craig Heywood, Licensing Officer  
Steve Mycroft, Licensing Officer  
Jordan Barrett, Licensing Officer  
Mike Skelton, Senior Licensing Officer

**1 Site Visit**

Site visit undertaken by Cllr Watson.

**2 Minutes of Previous Meeting**

That the minutes of the meeting held on the 21<sup>st</sup> September 2022, be approved as a correct record.

**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 the Grant of a Premises License, Londis, 28-30 Leeds Road, Birstall, WF17 0EW**

The Panel considered a report which outlined an application for the grant of a premises licence, Londis 28-30 Leeds Road, Birstall, WF17 0EW. The Licensing Officer outlined the application, advising the Panel that, on the 12 October 2022, the Licensing Department received an application for the new grant of a premises licence for Londis. The Licensing activities applied for were as follows:

## Licensing Panel - 5 December 2022

Sale of Alcohol (off the premises), Monday – Sunday 07:00 – 00:00.

Prior to the application, a licence was held which ceased trading under McColl's. The licence was cancelled at the request of the premises licence holder on the 11 April 2022. A further application was submitted on the 8 August 2022; however, this was subsequently withdrawn on the 14 September 2022.

In response to the application, representations were received from Cllr Elizabeth Smaje ward councillor, and six local residents stating that should the licence be granted, the licensing objectives in respect of the prevention of crime and disorder, public safety and the prevention of public nuisance would not be achieved.

The Panel was informed that prior to the hearing, the applicant had proposed to reduce the closing time from 00:00 to 23:00.

Using images on Google Maps, the Panel was shown the premises in relation to residential properties.

A representative acting on behalf of the applicant advised the Panel that Londis have over 2000 members across the UK, and while members receive support from the organisation, they are independent operators. The applicant currently has five petrol stations with Londis and has a wealth of experience running licenced premises. The premises was previously licenced under grandfather rights and there were no conditions on it, however the applicant has offered a number of conditions.

The representative informed the Panel that when an application is submitted, a copy of the application goes to the Police, Trading Standards, the Planning Department, Home Office, a body in respect of the protection of children, and no objections have been received from any of the bodies consulted.

Responding to the concerns raised by the objectors, the representative informed the Panel that the shop held a licence for many years and the shop was never reviewed or revoked as a result of complaints raised by residents. In response to the concerns raised regarding crime and disorder and drivers blocking resident's driveways, it was explained that this is a commercial premises and there will be people pulling up outside the shop. The concerns regarding early morning deliveries can be alleviated as there will be no deliveries before 8:00am and after 5:00pm.

The Panel was advised that in 2008, the High Court emphasised that the principles laid down by the Licensing Act 2003, Section 182, is that there should be a light touch bureaucracy applied to licensing applications and that restriction should only be attached to the premises licence if they are necessary to promote the licensing objectives. It also highlights that decisions on applications should be made on evidence and not based on speculation.

The applicant offered to further reduce the proposed closing time from 23:00 to 22:00.

The objectors were invited to put forward their representations and they advised the Panel of the following:

## Licensing Panel - 5 December 2022

- The reduced opening times will make little difference because it is the alcohol licence and the sale of alcohol which attracts the anti-social behaviour and the cause of issues previously
- Drivers blocking residents driveways and become argumentative when asked to move their vehicles
- Opportunist burglaries to nearby properties
- Increased volumes of traffic on an already busy junction
- The hours being applied for will mean a nuisance for local residents with vehicles coming and going from the shop at unreasonable hours
- Disturbance from deliveries at 6:00am
- Unruly teenagers congregating on the garden walls of residents and the potential for underage drinking
- There will be a potential for noise pollution, litter, additional traffic, and parking disruption

After considering the information presented the Panel voted two to one to grant the application with additional conditions.

### **RESOLVED:**

that the application for the grant of new premises licence in respect of Londis, 28-30 Leeds Road, Birstall, WF17 0EW be approved with additional conditions:

- That the licensing activities in respect of the sale of alcohol be reduced to Monday – Sunday - 07:00 hrs – 22:00 hrs
- External CCTV to be installed

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

The Panel considered a report which outlined an application for the grant of a premises licence, Morrisons Store and Petrol Filling Station, 17 Union Street, Beck Lane, Heckmondwike.

The Licensing Officer outlined the application, advising the Panel that on the 5<sup>th</sup> October 2022, the Licensing Department received an application for the new grant of a premises licence in respect of Morrison Store, and filling station, 17 Union Street, Beck Lane, Heckmondwike.

The licensing activities applied for by the applicant are as follows:

Sale of alcohol (off the premises) Monday – Sunday 06:00 – 00:00

Late night refreshments (off premises) Monday – Sunday 23:00 – 00:00

The licensing activities on the underlying licence are as follows:

Sale of alcohol (off the premises) everyday 06:00 – 00:00

## Licensing Panel - 5 December 2022

In response to the application, representation was received from Cllr Viv Kendrick Heckmondwike ward councillor. The representation considered that should the licence be granted, the licensing objectives in respect of prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm would not be achieved.

The Panel was informed that there had been no matters arising from any of the Responsible Authorities, however, Public Health had made recommendations, Morrisons has those same recommendations embedded in their licensing policy. The Licensing Officer informed the Panel that he had spoken to the police, who advised that while there are anti-social behaviour issues in the area, there are no direct links to Morrisons.

A legal representative acting on behalf of Morrisons, advised the Panel that this is an application for a new premises licence, and is almost identical to the current licence held by Morrisons, with the difference being, that the plan for the application incorporates the petrol filling station.

Promoting the licensing objectives in respect of the petrol filling station will be as follows:

- The petrol station is covered by Morrison's CCTV
- Small kiosk, all alcohol will be behind the counter
- Challenge 25
- Panic buttons and direct links to the main store
- All staff will be fully trained
- Electronic refusal log
- Independent test purchases
- No single cans or bottles sold

None of the Responsible Authorities have raised any concerns and it is not a cumulative impact area.

The Chair read the concerns raised by the local ward councillor, which expressed concerns particularly with the sale of alcohol because of the amount of anti-social behaviour nearby. Groups appear to gather at certain times, often groups of young people where drinking alcohol appears to be the main activity.

### **RESOLVED:**

That the application be granted as requested.

### **9 Application for the Grant of a Premises License, Moll Springs Brewery, Moll Springs, Netherton, Huddersfield, HD4 7DN**

#### **RESOLVED:**

That consideration of the application be deferred until the 18 January 2023.



<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 18<sup>th</sup> January 2023

**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 <a href="#">portfolio</a>	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 10<sup>th</sup> 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](mailto: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](mailto: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 <b>MOLL SPRINGS BREWERY</b> <b>MOLL SPRINGS</b> <b>NETHERTON</b>			
<b>Post town</b>	HUDDERSFIELD	<b>Postcode</b>	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 appropriate**

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

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or **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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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)					

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**Second individual applicant** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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.**

<b>Name</b> MOLL SPRINGS BREWERY LTD
<b>Address</b> 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)	

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

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	.....	.....	<b>Please give further details here</b> (please read guidance note 4)		
Tue	.....	.....			
Wed	.....	.....	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b>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</b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

**C**

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



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon	.....	.....	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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></b> (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	.....	.....	<b>Please give further details here</b> (please read guidance note 4)		
Tue	.....	.....			
Wed	.....	.....	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b>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</b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

**F**

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

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	.....	.....	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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></b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon	.....	.....		Outdoors	
				Both	
Tue	.....	.....	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed	.....	.....			
Thur	.....	.....	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri	.....	.....			
Sat	.....	.....	<b><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></b> (please read guidance note 6)		
Sun	.....	.....			

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	.....	.....	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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></b> (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 <b>consumption – please tick</b> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon	12:00	22:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue	12:00	22:30			
Wed	12:00	22:30			
Thur	12:00	22:30	<b>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</b> (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)		██████████

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).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:00	
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
			<b>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</b> (please read guidance note 6)



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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
Signature	<input type="text"/>
Date	10 <sup>th</sup> October 2022
Capacity	<input type="text"/>

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 type="text"/>
Date	<input type="text"/>
Capacity	<input 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.

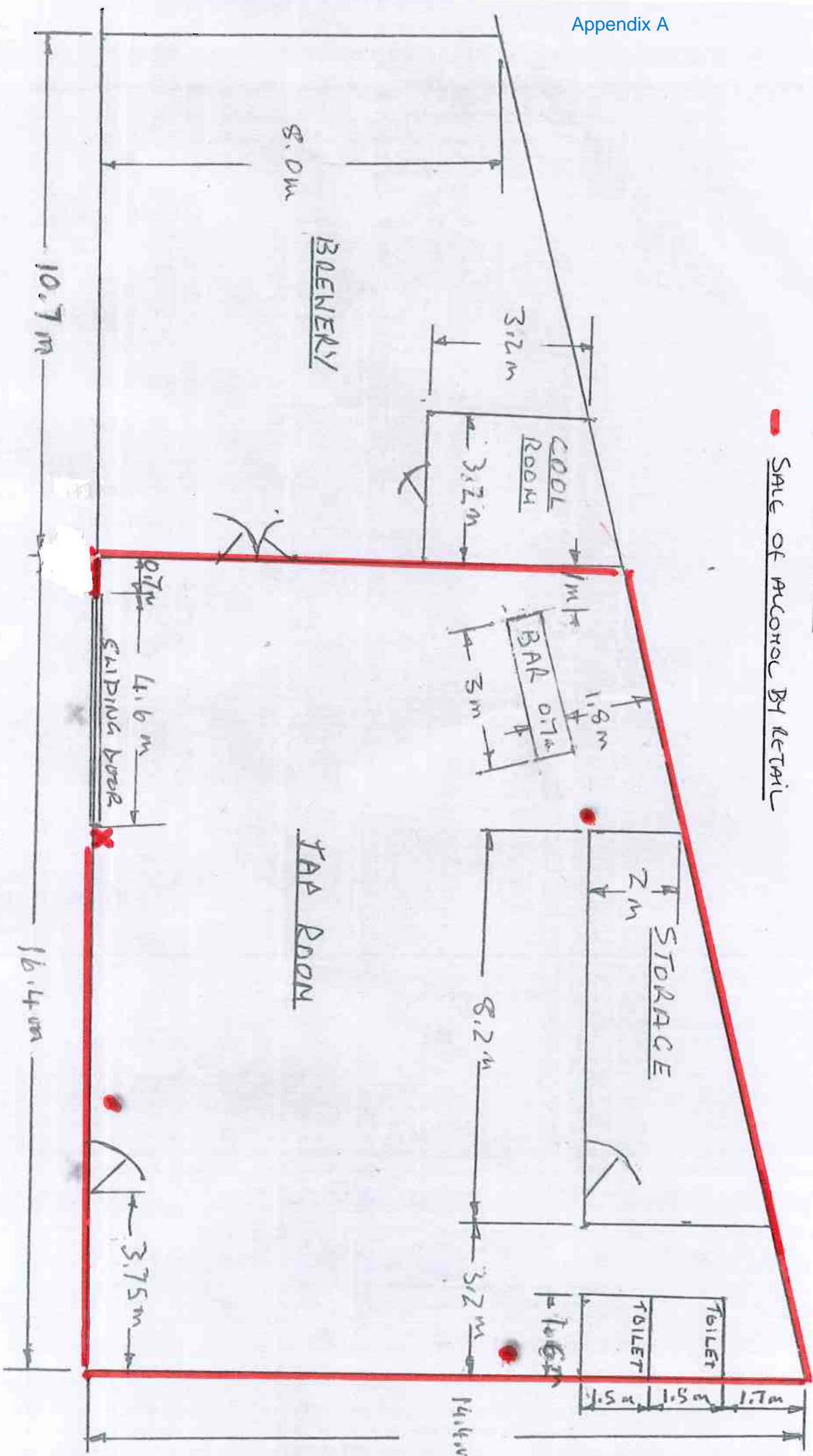
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. 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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LEGEND

- FIRE EXTINGUISHER
- ✗ FIRE EXIT
- SALE OF ALCOHOL BY RETAIL



SCALE 1:100

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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**

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

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

<b>OBSERVATIONS</b>			
<b>Public Safety</b>		No observations	
<b>Date:</b>	28 October 2022	<b>Officer/Ext:</b>	Mark Chapman 01484 221000
<b>Prevention of Public Nuisance</b>		<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><b>LC4</b> 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><b>LC5</b> 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><b>LC6</b> 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><b>LC7</b> 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><b>LC10</b> 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><b>LC12</b> 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><b>These conditions are proportionate and reasonable and are requested to prevent public nuisance being caused at noise sensitive properties nearby.</b></p>		
<p><b>Date:</b></p>	<p>10 January 2023</p>	<p><b>Officer/Ext:</b></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: 08/11/2022.....

Print Name: 

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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  
HD9 7LN.

I live at Moll Springs and have done for  
many years and am very concerned about  
this application and so is my neighbour, 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 <sup>give space</sup> 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 Moll 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 Moll Road, here here and Sedgely has become increasingly busy with, especially traffic between Netterton and Monley. In certain places - a rather a Licensed Premises, would only increase the problem around Moss Springs - a danger to children, adults, dog owners and walkers/pedestrians alike.

Please remember: these premises would/could be licenced 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.*



**Name of meeting:** Licensing Panel

**Date:** Wednesday 18<sup>th</sup> January 2023

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: Sun News, 178 Healey Lane, Batley, WF17 8BN

**Purpose of report:** To determine the application

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change)</b>
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Will Simpson</b>

**Electoral wards affected:** Batley West

**Ward councillors consulted:** Cllr Yusra Hussain  
 Cllr Gwen Lowe  
 Cllr Shabir Pandor

**Public or private:** **Public**

**GDPR Implications:**

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

## 1 Summary

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

## 2 Information required to take a decision

### 2.1 Application

2.1.1 On 2<sup>nd</sup> December 2022 the Licensing department received an application for the grant of a premises licence for Sun News, 178 Healey Lane, Batley WF17 8BN. The application was made on behalf of the applicant by Greenhill Licenses, 20 Craighill Road, Leicester, LE2 3FB. A copy of this application may be seen at **Appendix A**.

2.1.2 A plan of the location of the premises can be found at **Appendix B**, there has been no licence at this premises previously,

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

Sale of Alcohol for consumption off the premises  
Monday - Sunday 07:00 – 22:00

2.1.4 In total, 3 representations from Batley West Ward Councillors have been received relating to this application. The application was also served on responsible authorities to which no representations were received.

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

- Public Nuisance
- Prevention of Crime and Disorder

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

### 2.2 Licensing Policy

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

#### **1.0 – Executive Summary**

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

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

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing

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

### **Licensing Objectives.**

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

### **2.3 Secretary of State Guidance**

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to two of the licensing objectives, namely, Public Nuisance and Prevention of Crime and Disorder. 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**

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

### **3.7 Other (e.g. 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 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

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

## **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 the application

## **6 Cabinet portfolio holder's recommendations**

Not applicable

## **7 Contact officer**

Phil Asquith, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 77841  
Email: [Philip.asquith@kirklees.gov.uk](mailto:Philip.asquith@kirklees.gov.uk)

## **8 Background Papers and History of Decisions**

8.1 Appendix A – Application for the Grant of a Premise Licence for Sun News.

8.2 Appendix B – Location Plan

8.3 Appendix C – Objections from Batley West Ward Councillors

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](mailto:katherine.armitage@kirklees.gov.uk)

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## 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 [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			
178 HEALEY LANE			
Post town	BATLEY	Postcode	WF17 8BN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 3550

### Part 2 - Applicant details

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

a)	an individual or individuals *	X	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 X
- 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	X	Ms	Other Title (for example, Rev)	
<b>Surname</b> [REDACTED]				<b>First names</b> [REDACTED]		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over		X		
<b>Nationality</b> <b>BRITISH</b>						
Current residential address if different from premises address		176 HEALEY LANE				
<b>Post town</b>	<b>BATLEY</b>			<b>Postcode</b>	<b>WF17 8BN</b>	
<b>Daytime contact telephone number</b>			[REDACTED]			
<b>E-mail address (optional)</b>						
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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2 9	1 2	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)

THIS A GROCERY CONVENIENCE STORE WITH NEWSAGENT. PROPOSING TO A SMALL SECTION OF ALCOHOL. TO OPEN 7AM TO 10PM, MONDAY TO SUNDAY.

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)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	X

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

**C**

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

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri			<b><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></b> (please read guidance note 6)			
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					



**F**

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

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

# H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	X
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	07:00	22:00			
Tue	07:00	22:00			
Wed	07:00	22:00			
Thur	07:00	22:00			
Fri	07:00	22:00			
Sat	07:00	22:00			
Sun	07:00	22:00			
			<b>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</b> (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):**

<b>Name</b> ██████████ ██████████	
<b>Date of birth</b> ██████████	
<b>Address</b>  176 HEALEY LANE , BATLEY ,	
<b>Postcode</b>	WF17 8BN
<b>Personal licence number (if known)</b> APPLYING FOR	

Issuing licensing authority (if known) KIRKLEES COUNCIL

**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**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	22:00	
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	
Fri	07:00	22:00	
			<b>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</b> (please read guidance note 6)

Sat	07:00	22:00	
Sun	07:00	22:00	

## 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 DUTIES TO BE A RESPONSIBLE WILL BE CONDUCTED IN A MANNER SUTIABLE NOT TO UNDERMINE THE OBJECTIVES OF THE LICENCE ACT 2003. ALL STAFF EMPLOYED WILL GO THROUGH IN HOUSE ALCOHOL RETAIL TRAINING .

**b) The prevention of crime and disorder**

The premises shall install and maintain a digital CCTV system  
The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.  
All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.  
An incident log will be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;  
(a) All crimes reported to the premises (where relevant to the licensing objectives)  
(b) Any incidents of disorder  
When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.  
All spirits will be stored and behind the counter.  
Premises will not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

**c) Public safety**

All areas within the store will be kept clear from obstruction. Litter bins will be placed outside if necessary.

**d) The prevention of public nuisance**

Prominent, clear and legible signage shall be displayed at exit to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. ( Quiet Notice )  
All employees will be vigilant and monitor the area immediately outside the shop and will use their best endeavours to disperse groups of 3 or more persons that appear to be loitering.  
Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time that will not lead to any public nuisance.

**e) The protection of children from harm**

A Register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person'.  
All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person'  
Proxy signs will be on display warning adults about the law surrounding buying alcohol for children .  
Staff will monitor the outside area to identify any potential proxy purchasing concerns  
The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises.  
Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated. No ID No sale posters.

**Checklist:**

**Please tick to indicate agreement**

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
Signature	██████████
Date	01/12/2022
Capacity	AUTHORISED LICENSING AGENT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)			
██████████ C/O GREENHILL LICENCES 20 CRAIGHILL ROAD ,LEICESTER			

Post town	<b>LEICESTER</b>	Postcode	<b>LE23FB</b>
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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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SUN NEWS OFF LICENCE

178 HEALEY LANE, BATLEY WF17 8BN

SCALE 1:100

1CM = 1METRE

□ - Licenable Area

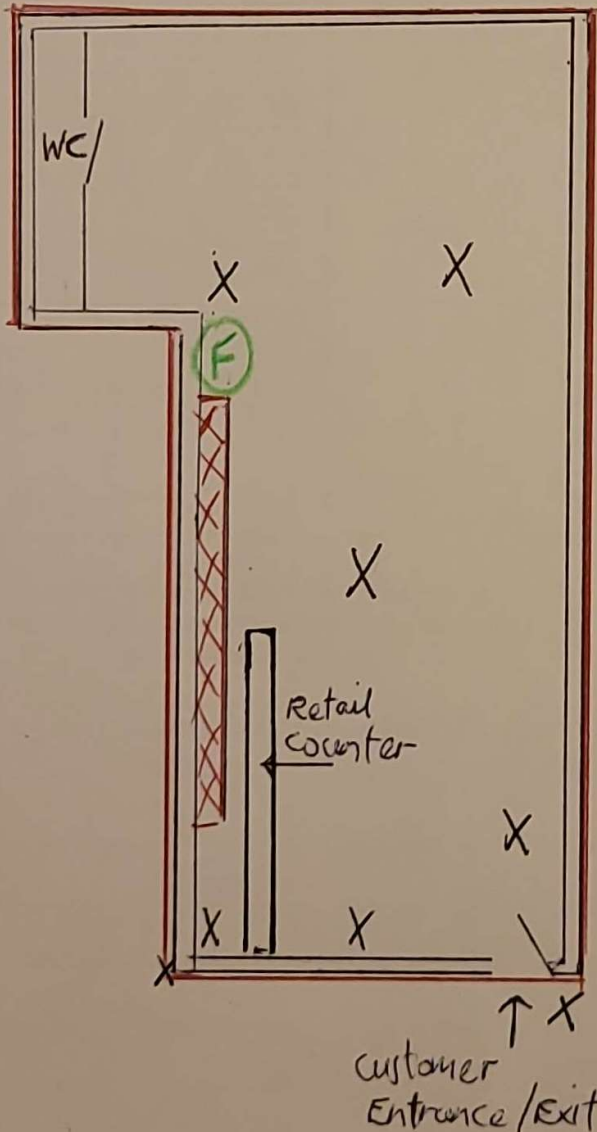
⊠ - Display of Alcohol Area

ⓕ - Fire Extinguisher

X - CCTV cameras

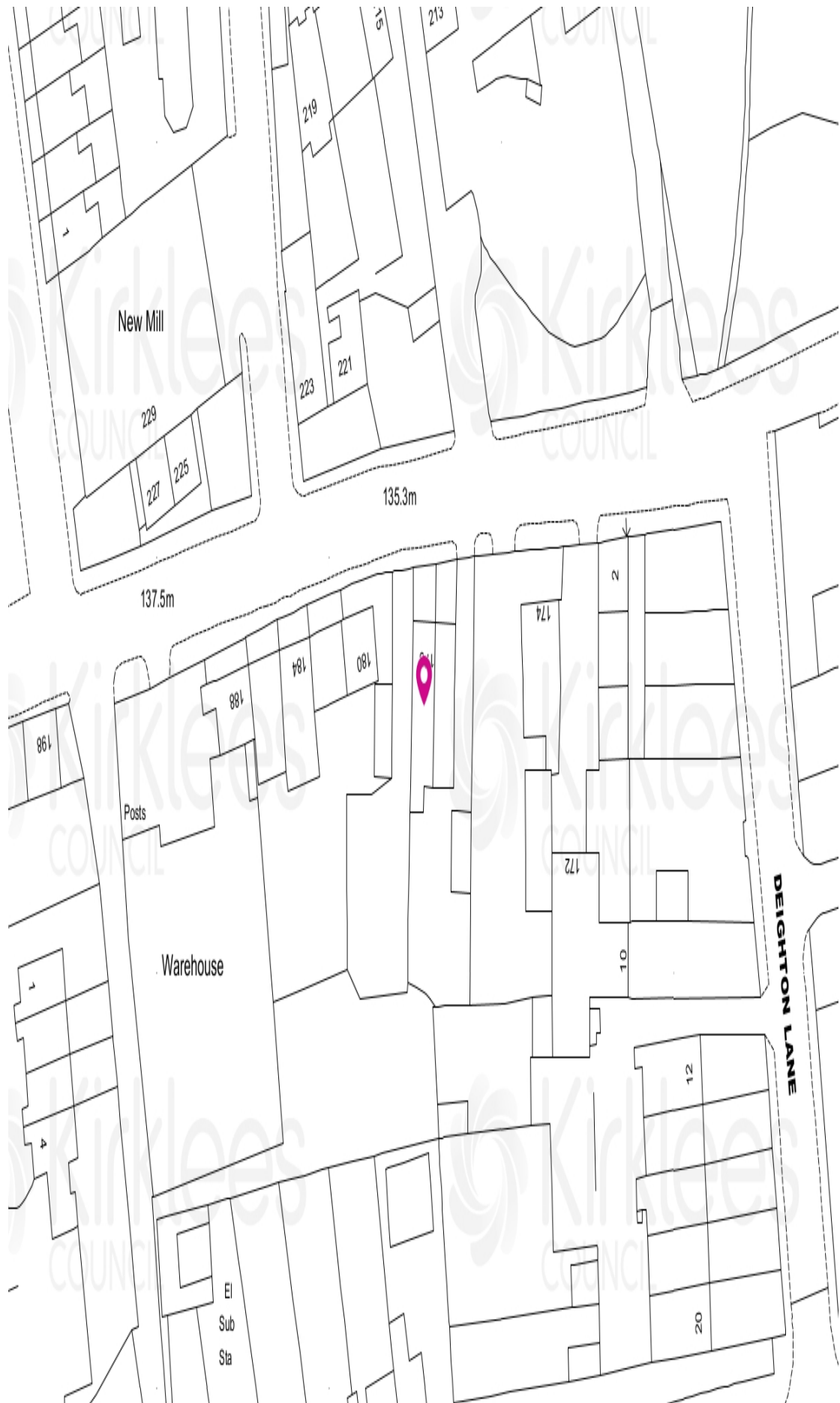
6/11/2022

Greenhill Licences  
07766003951



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## **Objection 1**

Hello Philip,

Thanks for sharing this information.

Declaration of interest from me as I live quite close to this shop. There already is an off licence only several yards away further across the road, junction of Mortimer Avenue. Alcohol bought from here is sometimes consumed on the steps of the old warehouse across the road - bottles and cans just left. So, I don't feel there's a need for another one.

We also suffer from intermittent ASB from youths in this. Evidence of them congregating and drinking is on the nearby snicket where frequently empty cans and bottles (particularly Budweiser) are found.

I've also witnessed males on this snicket in the middle of the morning drinking alcohol here. Walking the dog doesn't feel safe.....

Many thanks,  
Gwen - Councillor Lowe  
Labour & Cooperative Councillor for Batley West  
Mobile [REDACTED]

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## **Objection 2**

There has been many instances when there has been drinking and drug abuse in Jessops park. I have copied in our local sergeant (Sgt Maloney) who will be able to provide further details. This caused major upset to local residents and took a lot of time and resource to sort out.

Kind regards Shabir

Councillor Shabir Pandor  
Leader of Kirklees Council  
*(Labour & Co-operative - Batley West Ward)*  
Phone: [REDACTED]

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### **Objection 3**

Dear Philip,

Hope all is well

Given the issues that have been raised in case work- around Jessop Park- ASB, drug and alcohol abuse, crime and disorder. Coupled with the fact there is another off licence nearby. It would not be wise to approve this.

Thanks, and regards

Yusra Hussain

Labour Party Councillor for Batley West Ward

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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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online 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, light pollution, noxious smells and litter.*

### 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 early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.*

## 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); 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 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.*