

Public Document Pack



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

Julie Muscroft

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HD1 9EL

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Please ask for: Jenny Bryce-Chan

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

Tuesday 15 August 2023

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Meeting Room 3 Huddersfield Town Hall** at **1.00 pm** on **Wednesday 23 August 2023**.

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

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

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Licensing Panel members are:-

Member

Councillor Amanda Pinnock (Chair)

Councillor Ammar Anwar

Councillor Zarina Amin

Agenda

Reports or Explanatory Notes Attached

Pages

1: Site Visit

Site Visit in respect of Bankgate Mills, Bankgate, Slaithwaite, Huddersfield, HD7 5DL to be undertaken.

2: Minutes of Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Panel held on the 5th June 2023.

3: Declaration of Interests

5 - 6

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

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Panel.

5: Deputations/Petitions

The Panel will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

Please note that in line with pre-election rules, questions relating to the Batley East Ward and By-Election issues will not be heard.

7: Licensing Act 2003 - Application for the Grant of a Premises Licence: Bankgate Mills, Bankgate, Slaithwaite, Huddersfield, HD7 5DL

7 - 60

To consider the application at 13:00pm.

Contact: Mike Skelton, Senior Licensing Officer. Tel: 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 5th June 2023

Present: Councillor Amanda Pinnock (Chair)
Councillor Ammar Anwar
Councillor Adam Gregg

In attendance: Councillor Charles Greaves
Tahir Hanif, Legal Advisor to the Panel
Craig Heywood, Licensing Officer
Stephanie Mashiter, Senior Licensing Officer
Mark Chapman, Environmental Health Officer

Observers: Councillor Zarina Amin
Councillor Aafaq Butt

1 Site Visit

The site visit was undertaken by Councillors A Pinnock, A Gregg and A Anwar.

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 26th April 2023 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were asked.

7 Licensing Act 2003 - Application for the Grant of a Premises Licence, 20 Holmfirth Road Meltham HD9 4ES

The Panel considered a report which outlined an application for the grant of a premises licence, T'Wine Bar, 20 Holmfirth Road, Meltham, HD9 4ES.

The Licensing Officer informed the Panel that on 6 April 2023, the Licensing Department received an application for the grant of a new premises licence. The licensable activities applied for were as follows: -

Licensing Panel - 5 June 2023

Sale of Alcohol (both on and off the premises)

Monday – Sunday 11:00 – 23:00

Live music (indoors)

Monday – Sunday 11:00 – 23:00

Recorded music (both indoors and outdoors)

Monday – Sunday 11:00 – 23:00

The applicant also applied by means of a seasonal variation, to extend the sale of alcohol hours on Bank Holidays to 24:00 hours.

In response to this application, a total of four representations were received from Environmental Health's Noise Pollution, two local ward Members and Public Health. The representations expressed their concern in relation to noise and public nuisance and anti-social behaviour.

Prior to the hearing, the applicant supplied the Panel with updated information which included an amendment to the requested hours as follows: -

Sale of Alcohol

Wednesday to Thursday 16:00 – 21:00

Friday to Saturday 16:00 – 23:00

The applicant advised the Panel that T'Wine Bar had previously had the benefit of nine Temporary Event Notices (TEN) for the sale of alcohol, and during these periods no complaints had been received. Details of the TEN's were appended to the considered report.

The applicant informed the Panel that there was no intention to open the bar from 11:00 hours to 23:00 hours seven days a week, as he had another job and intended to open the bar on the updated limited days and times when it would be the busiest to ensure profitability.

Responding to concerns raised by the representations, the applicant advised the Panel that he understood the concerns in relation to noise emanating from the property and would do his utmost to ensure this was kept to a minimum. In relation to anti-social behaviour, the applicant explained that the premises was a different type of establishment and had a different clientele, being a smaller premises than those already in the town and therefore less likely to attract anti-social behaviour.

RESOLVED: That the application for the Grant of a Premises License, T'Wine Bar, 20 Holmfirth Road, Meltham, HD9 4ES be approved with additional conditions as follows:

- 1) The sale of alcohol hours, Wednesday – Thursday 16:00hrs – 21:00hrs and Friday - Saturday 16:00hrs - 23:00hrs.
- 2) Live music indoors, Wednesday – Saturday 16:00hrs – 21:00hrs.
- 3) Recorded music indoors, Wednesday - Thursday 16:00hrs – 21:00hrs. Friday - Saturday 16:00hrs – 23:00hrs.

Licensing Panel - 5 June 2023

- 4) No recorded or live music to be played outdoors.
- 5) No amplified music to be played indoors.
- 6) No alcohol to be consumed outdoors Wednesday – Saturday after 21:00hrs.
- 7) CCTV recording to cover indoors and outdoors and be kept for a minimum of 28 days and be available upon request from any responsible authority.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Licensing Panel

Date: Wednesday 23rd August 2023

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Bankgate Mills, Bankgate, Slaithwaite, Huddersfield, HD7 5DL

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall - Strategic Director, Corporate Strategy, Commissioning & Public Health
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: Colne Valley

Ward councillors consulted: Cllr Beverley Addy
 Cllr Harry McCarthy
 Cllr Matthew McLoughlin

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 for sale of alcohol both on and off the premises, 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 4th July 2023 the Licensing department received an application for the grant of a premises licence for Bankgate Mills. 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 (on and off premises)
Monday - Sunday 12:00 – 23:00

2.1.3 In total, 18 representations from members of the public have been received relating to this application. The application was also served on responsible authorities to which no representations were received. 1 objection was received from the Colne Valley Ward Councillors.

2.1.4 The representation that was 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 B**

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 C**.

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 Improving outcomes for children

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

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

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

or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

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

5 Next steps and timelines

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

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

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

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

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

6 Officer recommendations and reasons

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

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Jordan Barrett, Licensing Officer, Licensing Service

Tel: 01484 221000 ext. 71665

Email: Jordan.barrett@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence for Bankgate Mills

9.2 Appendix B – Objections from members of the public + Colne Valley ward Councillors

9.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Service Director responsible

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

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Appendix A

New Premises Licence

Premises Details

Premises Address *

BANKGATE MILLS BANK GATE SLAITHWAITE
HUDDERSFIELD KIRKLEES HD7 5DL

Telephone number at premises (if any)

[REDACTED]

Non-domestic value of premises. *

[REDACTED]

Applicant Details

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

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

an individual or individuals

Applicant Details

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

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

Individual Applicant

Title *

[REDACTED]

First name *

[REDACTED]

Surname *

[REDACTED]

Street address *

[REDACTED]

[REDACTED]

[REDACTED]

Individual Applicant

Town/City *

County

Postcode *

Date of Birth *

I am 18 years old or over

Nationality *

Daytime Contact Telephone Number *

Email *

Operating Schedule

When do you want the premises licence to start? *

01/08/2023

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

Please give a general description of the premises. *

Bankgate Mill is a 2 storey Mill with a basement. We would like to make the ground floor into a Bar and kitchen

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

Operating Schedule

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

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

Plays

Films

Operating Schedule

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

Supply of Alcohol Standard Times

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

Day *	<input type="text" value="Every Day"/>
	<input type="text" value="12:00"/>
	<input type="text" value="23:00"/>

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) *	<input type="text" value="Both"/>
Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? *	<input type="text" value="Yes"/>
State any seasonal variations for the supply of alcohol. (please read guidance note 5)	<input type="text"/>

Supply of Alcohol

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

Designated Premises Supervisor

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

Title *

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Personal Licence Number (if known)

Issuing Licensing Authority (if known)

Opening Hours Standard Times

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

Day *

Licensing Objectives

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)

We shall ensure that at all times when the premises are for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Use of security for large events The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID . Not selling alcohol to drunk or intoxicated guests.

c) Public safety

We will stick to the maximum capacity allowed at the taproom A full fire risk assessment will be carried out We will have trained first aiders on site All equipment we use will be fit for purpose and well maintained at all times

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours. Deliveries to be timed to be in normal working hours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT' 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE

Declarations

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

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

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name *

Date *

Capacity *

Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

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

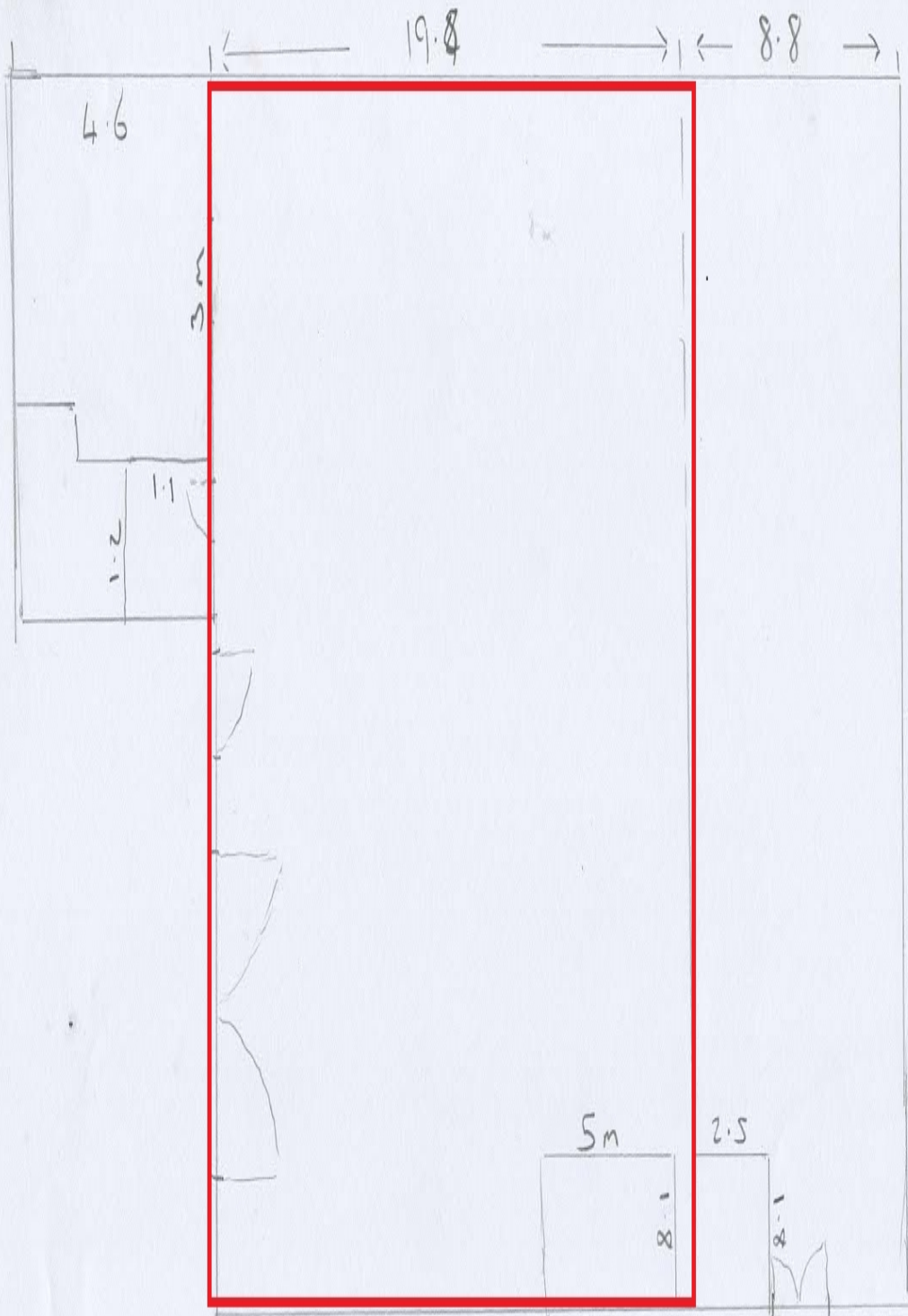
Forename

Surname /Company Name

Email *

Telephone

Ground floor



Appendix A

Ceiling height 3m

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From:

Sent: Saturday, July 15, 2023 4:36 PM

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

Subject: Application for Premises Licence at Bankgate Mills, Slaithwaite, HD7 5DL. Ref. PR00384

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

Regarding the above application for a Premises Licence at Bankgate, Slaithwaite we wish to object on the following grounds:

1. This is a quiet residential area. The sale and consumption of alcohol on these premises may encourage disorder. There are already many public houses down the hill in Slaithwaite village, and licenced premises on Bankgate will draw "Ale Trail" followers and other alcohol consumers into a now peaceful area. It is also likely to create noise and a litter problem in the area.

2. The establishment of licensed premises at Bankgate Mills will threaten public safety. There is no pavement and very limited parking outside the mill, and more parked cars would be obstructive to passing traffic, and make crossing the busy road very hazardous. There is a quiet scenic walk and wildlife haven next to the mill, and the possibility of drunk customers using this could disturb the idyllic natural peace of the area, and deter other members of the public from enjoying the healing tranquillity of the pathway.

3. A licensed premises at Bankgate Mills would be a public nuisance. It is likely to cause noise, disturbance, and litter. There is very limited parking outside the mill and visitors would inevitably park on nearby roads. This would cause obstruction to traffic, pedestrians, and deprive residents of limited roadside parking outside their houses..

4. The sale and consumption of alcohol indoor and outdoors at Bankgate Mills would cause a potential threat to child safety. The mill is adjacent to a crossing point for children going to and from school across the reservoir path, and is not a suitable place to have a licensed premises.

Yours sincerely

From:

Sent: Tuesday, July 25, 2023 9:01 PM

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

Subject: - OBJECTION to Licensing application, Bank Gate Mills, Slaithwaite, Huddersfield HD7 5DL

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

Good Evening,

I am emailing in connection with the above licensing application.

We are residents of [REDACTED] and strongly oppose the license application as it does not meet the 4 licensing objectives for the following reasons:

- The Prevention of Public Nuisance:

The license applied for is between the hours of 12 noon to 11pm, 7 days a week.

Because of the nature of the venture and what is planned, it is inevitable that noise will emanate from the premises. This will increase considerably with the planned live music and large events.

Even when the venue closes at 23.00 hours, there will still be noise after this time as customers and staff clear up and leave.

[REDACTED]
Our family's sleep will be adversely affected due to evening noise disturbance. Ale trailer's will add to this with the possible added problems of urinating in gardens and driveways on the way back to Slaithwaite train station, which incidentally does not have a toilet.

- Public Safety:

The on site car park is only large enough for approximately 6 cars.

Inevitably this would mean that vehicles would potentially park the length of Bank Gate with parking on both sides of the road and possibly on the pavement.

Bank Gate affectively could become single track in its entirety making it very difficult and dangerous for pedestrians and other road users.

Emergency service vehicles regularly use Bank Gate, especially fire appliances for moorland fires etc and ambulances as a fast route to the local hospital .

Bank Gate has a pavement but only on one side of the road. Driving in and out of properties will be hazardous.

- The Prevention of Crime & Disorder

Inevitably with a venture of this kind alcohol will be consumed, in some cases, a considerable amount. This can only increase public disorder with shouting, fighting, broken glasses & bottles and general littering of the neighbourhood.

There could also be an increase in the number of drivers in the area who are under the influence of alcohol or drugs.

- The Protection of Children from Harm:

Children walk up & down Bank Gate to and from school. The local after school club also walk several children home in a "caterpillar" style. As the licensing application is from mid day onwards, this could be a safety issue if there are more cars parked and cars driving out of the car park.

The children living on Bank Gate, as well as the local children have an increased likelihood of witnessing bad language and drunken behaviour.

It will also be disruptive to children's sleep and their mental health and well being.

Other reasons for objecting:

- Quality of life / mental health:

[REDACTED]

Driver visibility is poor in both directions when leaving the car park, this will only become worse if there are parked cars on the road. It will also result in revving of engines as the road is steep.

Residents of Bank Gate will be unable to sleep with the windows open on warm summer nights as they do now.

There will inevitably be litter not only in the car park but on the roadside and in domestic gardens, especially if food is sold.

The above points I know will cause us increased anxieties as we all need to be up early for work.

[REDACTED]

- WILDLIFE:

We feel the venture would have a negative impact on the prolific wildlife in the woods behind Bank Gate Mills, particularly birds. In fact a family of tawny owls breed and nest in the trees and surely would be affected by the incessant noise. We would no longer be able to hear them on a winters evening. We as a community on Bank Gate have the pleasure of listening to them.

FINALLY:

We all like to enjoy an evening out, and are entitled to return to our nice peaceful homes.

[REDACTED]

From:
Sent: Thursday, July 27, 2023 9:08 AM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Objection Bankgate Mills license

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

Dear Mr Barrett,

I am writing to express my serious concern about the above license application to sell alcohol every day 12:00 - 23:00 on the premises:

BANKGATE MILLS BANK GATE SLAITHWAITE HUDDERSFIELD KIRKLEES HD7 5DL

It is with regret that we are objecting to this license application as we are generally supporters of the brewery and business and have attended their events and enjoyed their quality beer on multiple occasions. We would love for them to find a suitable location in Slaithwaite as the business would definitely be an asset to the village. We do, however, feel that the location of this application is unsuitable for a number of reasons listed below. We also think that Slaithwaite village centre should remain the hub for entertainment, music and alcohol sales rather than establishments sprawling to new residential areas. There are several empty properties that could be used rather than the address above. For example, the decaying Swan pub, the huge empty space within Globe Mill or the empty bank on the high street.

1) THE PREVENTION OF CRIME AND DISORDER

- Litter – the road from the train station to the village as well as the village centre is already experiencing a big litter and broken glass problem because of ale trailers and pub customers. This application would no doubt extend this problem to Bank Gate
- Vandalism – most vandalism in the village is related to drunkenness and this would extend to Bank Gate if the license application was approved.

2) PUBLIC SAFETY

- Parking – Bank Gate and the bottom of the hill by Rumpus and the community centre is already treacherous because of parking issues. This application would increase parking demand, traffic and cause further problems potentially leading to danger, especially for vulnerable pedestrians at the Merrydale nursery, Slaithwaite After School Club and Scouts Group.

3) THE PREVENTION OF PUBLIC NUISANCE

- Disturbance and noise – if the license application was approved it would cause increase of noise and disturbance. We already struggle to windows open at night with noise from drunk people walking up and down Bank Gate. This application would increase this as people walk to and from the pub.

4) THE PROTECTION OF CHILDREN FROM HARM

- Community Centre/After School Club/Nursery/School walking route – Bank Gate is used heavily by kids walking to and from schools as well as the community centre hosting a nursery and after school club till 18:00 during the week and Scouts and Rainbows using the community centre on an evening and kids' birthday parties on a weekend. The pavement is very narrow on Bank Gate especially by the community center and kids that have to pass drunk customers walking to and from the pub may feel intimidated.

Kind regards,

From:
Sent: Thursday, July 27, 2023 12:01 PM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Planned alcohol licence for Bank Gate Mills

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

Dear Sir/Madam,

I would like to object to the proposed Alcohol licence for Bank Gate mills, Slaithwaite [REDACTED]
[REDACTED] object to this Bar/music venue in a rural, quiet and residential area.

Not to mention the risk to public safety as the location is on a road with no parking and the proposed parking area is not fit for purpose. I am worried about an increase in crime and disorder to local residents and their property - the proposed area is some walking distance from the village centre.

Local residents have young children and the area is a popular route for returning children from 2 Gates primary school - they would have to walk past this venue late afternoon on their return from school - i feel this is in direct opposition to the protection of children from harm.

As well as these points above the venues location for local residents would be a violation of their human rights, with no respite from the noise pollution and public nuisance that comes with such a venue.

I hope you take this objection and my concerns seriously.

With thanks,




28th July 2023

Licensing Department
Kirklees Council
Flint Street
Huddersfield HD1 6LG

Dear Licensing Department

RE: OPPOSITION TO THE ALCOHOL LICENCE APPLICATION MADE BY THE THREE FIENDS FOR BANK GATE MILLS, BANK GATE, SLAITHWAITE, HD7 5DL.

We are residents of Bank Gate  We strongly object to the alcohol licence application for Bank Gate Mills and are submitting these objections to you during the 28-day consultation period. We object on the grounds that this alcohol licence application does not meet the four licensing objectives set out in the Licensing Act 2003.

Bank Gate and Bank Gate Mills in context:

Bank Gate Mills is not, nor has it been, licensed premises. Residents have chosen to live in an area with no licensed premises. There are no licensed premises on Bank Gate and other roads in the vicinity.

Bank Gate is a steep road with one pavement. This is on the opposite side of the road to Bank Gate Mills where there is no pavement. The pavement is reduced to single file towards the bottom of Bank Gate where there are safety barriers next to the Community Centre and Nursery exits. The side of the road to Bank Gate Mills is lined with a dry-stone wall that continues past this property.

Bank Gate is a single lane road from the bottom of the hill to after the viaduct due to the priority of uphill traffic passing under the viaduct. At peak times bottle necks often form at the bottom of the hill and half-way up, in front of houses and Bank Gate Mills. Many people drive up and down Bank Gate on their way in and out of Slaithwaite and to the motorway.

Fire engines use the road when responding to emergency call outs, for example, when attending moorland fires.

Despite the traffic, Bank Gate is a quiet place to live, particularly in the evening when the traffic dies down. Residents include those who are elderly, retired as well as young children and teenagers. Some residents work from home.

Bank Gate Mills is a two-storey building with an outside space. There is a large area of protected trees adjacent to the property. These trees are home to a wide variety of birdlife that the residents of the

street and those passing through, enjoy seeing and hearing. Birds include jays, thrushes, nuthatch, and (nesting) tawny owls. Bats are regularly seen flying.

The granting of an alcohol licence enabling Bank Gate Mills to be developed into a taproom with indoor and outdoor drinking, food and live and recorded music, will have a huge negative impact not only on the residents of Bank Gate but also those in many other residential streets in Slaithwaite.

THE PREVENTION OF CRIME AND DISORDER

If the alcohol licence is granted, Bank Gate will see an increase in vehicular traffic as well as pedestrians (see Public safety). An increase in vehicular traffic is likely to result in:

- illegal parking on pavements and in front of drives
- speeding and other driving offences.

If this alcohol licence is granted, it is likely that there will be:

- intoxicated behaviour in the streets
- public urination in the streets and on residents' property. Kirklees Council is already aware that such behaviour is an issue due to the Ale Trail as there is a Public Space Protection Order 2023 (Public Urination and Defecation) in place for the Marsden and Slaithwaite Ale Trail until 2026 (see Kirklees Council website). The onus would, however, be on residents to report offences to the authorities and this will leave residents open to intimidation from perpetrators.

PUBLIC SAFETY

Road safety, parking and pedestrian safety:

Bank Gate is not a wide road but is a main route in and out of Slaithwaite. At one point under and either side of the viaduct, it is a single lane.

Granting the alcohol licence will result in road safety and parking issues that will affect not only Bank Gate residents but residents in surrounding streets:

- Fire engines responding to emergencies could face obstruction due to an increase in pedestrians, parked cars and traffic.

- Additional parking on Bank Gate and surrounding streets will restrict the flow of traffic and endanger pedestrians, as it is likely that cars will park on the pavement.

- Parking on the road where there is no pavement will narrow the road and impact on traffic flow. Some cars will perform three-point turns and/or drive onto residents' properties when vacating the area. Others will leave via nearby streets. Either way there will be an increase in traffic and a greater risk of accidents during the day and late at night.

- As there is no pavement on the Bank Gate Mills side of the road, those leaving the property will walk directly onto the road. This alone is hazardous but with additional parking on the street, will be even more so. NB: Judgement is impaired after drinking alcohol, even when not intoxicated.

- An increase in parking will result in poorer visibility for those seeking to cross the road. For example, cars parked opposite the footpath exit from Slaithwaite Reservoir will impact on

vehicles turning down the road and be hazardous for pedestrians coming out of the footpath. This footpath is used by many, including Slaithwaite Primary School pupils and parents. The pavement is in places, only wide enough for one person. Pedestrians, such as children and the elderly, may choose to step into the road rather than share the restricted pavement with groups of people, particularly groups of men or those who appear intoxicated. In Marsden, when Ale Trail participants are making their way between pubs and the station, it can be difficult to navigate a car due to groups of people walking in the roadway; not crossing the road but walking in the road, as if it were a pavement. We experience this regularly, most recently on 15th July 2023. This behaviour can be intimidating, is certainly hazardous and is likely to be replicated on Bank Gate, should the alcohol licence be granted, as a taproom will attract those on the Ale Trail.

THE PREVENTION OF PUBLIC NUISANCE

Noise:

No matter how well a licensed venue is run, an increase in noise is inevitable. Even without an outside drinking area, people coming and going to Bank Gate Mills and socialising inside the building will create noise that will permeate into the street and into residents' homes and the area of protected trees. The volume of noise will increase:

- as people come and go from the venue
- when Ale Trail participants are in the area
- with an outside drinking area (particularly on weekends, sunny days, dry evenings and bank holidays)
- with recorded or live music
- with amplified voices, such as during a quiz
- with an increase in traffic and cars trying to park and depart (see Public safety)
- with an increase in cars revving their engines and using horns
- as taxis collect customers late at night.

The applicant has stated to the Licensing department that they wish to replicate an environment similar to their taproom in Meltham, The Fourth Fiend, with an indoor and outdoor space, live and recorded music and food.

On Friday 21st July at 10.20pm, we went to Meltham to ascertain the volume of the music coming from The Fourth Fiend on a live music night and to establish how far the noise travelled. The Fourth Fiend is in the centre of Meltham and there are at least three other pubs close to this venue. We stood on the opposite side of the road to The Fourth Fiend, by the church (a similar distance to Bank Gate homes from Bank Gate Mills) and made some videos, recording the sounds emanating from the taproom. We did not film people, as this would have invaded their privacy, so the films are unclear but at times indicate visually how far we were from the venue. It is the audio that is important in these recordings. We walked away from the venue in two directions and noted the point at which the sound became inaudible. NB: We did not walk down the hill towards The Victoria, thus avoiding sounds coming from this venue. An example of the recordings can be submitted to the panel. The music and the sound of the customers both inside and outside of the building was very loud and carried for some distance, even

over the traffic, which is heavier in Meltham than on Bank Gate. There was a group of people outside the Fourth Fiend and the noise from this group, who were merely enjoying a drink and socialising, was very loud and, if on Bank Gate, would have been audible from within our homes.

We marked the distance that the sound carried in the two directions on a map of Meltham. This has enabled us to estimate the distance the sound was likely to have covered in a circle around the venue (see attached document).

On a map of Slaithwaite (same scale as Meltham) we marked the location of Bank Gate Mills and noted the same size circle with Bank Gate Mills in the centre (see the same attached document). This indicates that the noise coming from Bank Gate Mills, should the alcohol licence be granted, during a live music event will not only affect Bank Gate residences but also, at the very least, homes and businesses on:

- Ivy Mount
- Nabbs Lane
- Holme Lane
- Union Street
- Grove Street
- Royd Street
- Pretoria Street
- Netherend Road

The granting of an alcohol licence for Bank Gate Mills will therefore have a huge negative impact, with regards to noise, on a large number of local residents' lives, mental health and wellbeing. Bank Gate, and all of the streets listed above, with the exception of Nabbs Lane have no licensed premises and the residents of these streets, when they bought or rented their homes will have done so knowing there are no licensed premises on their street. The residents on streets other than Bank Gate are unlikely to have seen the two notices as many people use transport to go up or down Bank Gate or go in and out of the village centre via Royd Street.

In addition to the streets listed above, the noise will travel over the entire area of protected trees adjacent to Bank Gate Mills. Noise, be it human, music, vehicular or from bottles and glasses, from a taproom such as that proposed, will negatively impact on the host of animals living there.

Odours:

The granting of an alcohol licence enables the venue to prepare and serve food. No matter how well a licensed premise is run and how effective the ventilation systems are, food and cooking odours will carry on the wind towards our homes. We chose to live away from food outlets as we did not want to be exposed to such odours.

In addition to this, neither of us smoke or vape and we find the smell unpleasant. Odours from smoking and vaping customers using the outside area or walking to the venue will, like cooking odours, carry on the wind towards our homes.

Light:

The alcohol licence application states that the opening hours of the planned venue will be 12 to 11pm seven days per week. Currently on Bank Gate, there is very little light seen from homes after dark. Many of us go to bed long before 11pm. There will inevitably be increased lighting from:

- inside Bank Gate Mills
- outside the building
- customers' cars coming and going

Increased lighting will negatively impact, not only on residents, but on local wildlife, such as birds and bats.

The Ale Trail:

It is very likely, that a taproom like this will attract Ale Trail participants. Issues in Marsden from the Ale Trail have been well documented over the years (see The Yorkshire Post).

Ale Trail participants are currently only interested in a small part of Slaithwaite and this is an area that has a long history of licensed premises. Encouraging them up Bank Gate, and in all likelihood along Royd Street and Hill Top Road (on the way to the station) will cause problems similar to those evident in Marsden with relation to additional noise, litter and anti-social behaviour (including public urination – see Prevention of crime and disorder).

We are particularly concerned for the safety of young children and the elderly who could feel intimidated by large numbers on the single pavement, outside homes and outside the venue. We can foresee groups (Ale Trail or regular customers) sitting on and leaning against residents' walls.

THE PROTECTION OF CHILDREN FROM HARM

Residents of Bank Gate and those in neighbouring streets have chosen to raise their children in an area with no licensed premises.

Kirklees Children and Young People's Plan 2020-2023, states, "Our vision: All children and young people in Kirklees have the best start in life and are nurtured and supported to achieve their potential."

Granting the alcohol licence will lead to a conflict with three of the four ambitions of this plan:

- To be healthy and valued in our community
- To aspire, to achieve and to enjoy childhood
- To feel safe – in a loving, secure family and a strong, cohesive community

Such a conflict will arise by exposing children to tobacco, vaping, alcohol use and intoxication, noise day and at night as well as personal and road safety issues.

Children living on Bank Gate have bedrooms facing the street. The NHS states that, "A healthy adult usually needs around 7 to 9 hours of sleep.....Teenagers, children and babies need more sleep because they are still growing, but that varies, too, with a newborn sleeping anywhere between 8 to 16 hours. (www.nhs.uk/every-mind-matters/mental-health-issues/sleep/#hours)

Sleep Foundation (www.sleepfoundation.org) states that, "Sleepiness can also affect your child's ability to pay attention, with ramifications for their performance in school. Even minimal sleep restriction can have effects on your child's day-to-day life."

Customers drinking and socialising inside and outside Bank Gate Mills, should the licence be granted will:

- negatively impact on children's sleep
- negatively impact on children's ability to study
- negatively impact on opportunities to rest and play
- expose children to inappropriate language and topics of conversation
- expose children to behaviours caused by intoxication from alcohol
- expose children to vaping and tobacco use.

Noise from outside the venue as well as recorded and live music will also interfere with the sleep of children living on other streets near Bank Gate (see Prevention of public nuisance).

The impact of groups of drinkers participating in the Ale Trail (see all other sections relating to the licensing objectives) will also impact on children in the locality. Many children walk on Bank Gate over the weekend. Ale Trail participants will also be walking on Bank Gate on the one pavement, or if the behaviour seen regularly in Marsden is repeated, in the road. Children will have to decide whether to walk through these drinkers or try to avoid them, possibly by stepping into the road. At the bottom of the road, where there is a barrier, children will be unable to avoid Ale Trail participants when walking on the pavement.

We appreciate your careful consideration of the above information and hope that it demonstrates to you that:

Bank Gate Mills is an inappropriate location for a licensed premise
and that this alcohol licence application does not meet the four licensing objectives set out in the Licensing Act 2003.

Yours sincerely



-----Original Message-----

From:

Sent: Thursday, July 27, 2023 6:55 PM

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

Subject: Objection to alcohol license application for Bankgate mills Slaithwaite

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

Dear Sir/Madam

I wish to object to the alcohol license application for Bank gate Mills, Bank gate, Slaithwaite.

My reasons for objecting are as follows:

1. Slaithwaite village pubs & bars are already busy at evenings & weekends, with sporadic antisocial & nuisance disorder from groups on the "real ale trail" & other large groups of drinkers. A further drinking venue fairly near the village centre would add to the existing situation & potentially increase the risk of crime & disorder & public nuisance. I therefore object to the application on the basis of prevention of crime, disorder & public nuisance.

2. Bankgate is a narrow steep road, where parking roadside is unsafe & restricts two way traffic. Parking half on the pavement is already a problem by people visiting the gym slightly further up Bankgate. The car park at Bankgate mills is small with visual restriction to traffic coming up Bankgate. The availability of alcohol at a VENUE would create more demand for parking. On the basis of public safety & prevention of public nuisance I therefore object to the alcohol license application.

3. The owners of residential properties across the road from Bankgate mills & those living further up the hill (Hilltop) would be impacted on by increased noise which inevitably comes with people drinking alcohol at an indoor/outdoor venue, also increased traffic noise late into the evening. On the basis of preventing noise nuisance, public nuisance & promoting public safety I therefore object to the alcohol license application.

I hope you will take these major concerns & objections into consideration when considering the above alcohol license application.

Yours Sincerely

From:
Sent: Thursday, July 27, 2023 6:59 PM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Alcohol licence application ref PR 00384

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

I would like to object strongly to the above application for bankgate mills, Slaithwaite to be developed as a taproom with live and recorded cause cause music. This is totally inappropriate for where is a residential area with many children, I feel it would cause both public nuisance, and possibility of crime and disorder.

From:
Sent: Friday, July 28, 2023 10:46 AM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: PR00384 Bank Gate Mills

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

Dear Sirs

I am writing to register my objection to the application from [REDACTED] for an alcohol licence at Bank Gate Mills, HD7 5DL .

My objection is based on my concern that this new licence may increase the possibility of public nuisance for the many dwellings nearby, including my own. Granting a licence would provide yet another source of alcohol close to an area already heavily populated with licenced establishments. These establishments are all located within the village centre which is predominantly a commercial area with few residential properties, any issues caused by these establishments are contained to within the village centre, granting a license at the proposed site would bring the possibility of crime / disorder / public nuisance / anti-social behaviour in to an area populated by families with young children and elderly people. I feel it is also unacceptable to expect local residents to endure noise disturbance from live bands / recorded music in what is currently a very quiet area.

Furthermore, granting a licence at this site would increase the possibility of parking issues. There are already issues with parking on this stretch of road due to the nearby gym, another establishment opening will only bring more vehicles and exacerbate this problem, particularly for the dwellings with driveways on Bank Gate. Parking on the surrounding roads (including Longlands Road, Royd Street, Netherend Road and Church Street) is already at its limits, there a daily problems caused by parking on these roads.

As stated above the village centre is heavily populated with many licensed establishments, I cannot see the need for another especially in a residential area.

In view of the above I would urge the Licensing department to refuse the application.

Kind Regards

From:
Sent: Friday, July 28, 2023 12:26 PM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Licence application for Bank Gate Mills Slaithwaite

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

I am emailing to object to the application of an alcohol licence for Bank Gate Mills as a resident whose home overlooks these premises.

Several things are of a concern to me and family regarding this licensing application.

THE PREVENTION OF PUBLIC NUISANCE Awarding the license will mean the potential for the disturbance from loud music, not just during the day on weekends but late into the evening too. We already hear music from venues in the village further away from our home so are sure this would be have even more of an impact on us. There is also potential for increased noise with people leaving the premises late at night from vehicles as well as noisy patrons. There could potentially be the added nuisance during the day on weekends with visitors from the Ale Trail. Some of whom cause a great deal of anxiety for residents living on the Ale Trail route.

PUBLIC SAFETY

We do not believe there is sufficient room for off road parking. Bank Gate is an extremely busy road. As there is only a pavement on one side of the road people will be getting into and exiting vehicles directly into the road. As the entrance to Bank Gate Mills is just over the brow of the hill where the road narrows to one lane this could be extremely dangerous. Increased parking will also create a bottleneck which could result in the greater potential for accidents.

THE PREVENTION OF CRIME AND DISORDER

We are also concerned about the fact that there could be an increase in antisocial behaviour and crime. Alcohol fuels rowdy behaviour and bad language. I've even witnessed men on a Saturday afternoon urinating in the street when they've been drinking in the village. Excessive noise is not something we want to hear when we're sat outside in our garden or in bed at night

THE PROTECTION OF CHILDREN FROM HARM

Granting this licence gives the risk of children being disturbed at night by increased noise. From loud music, extra traffic noise and people leaving the venue. There is also the chance of them witnessing drunken behaviour.

My family strongly agree this is not the right place for a venue of this kind. It will have an impact not just on the residents of Bank Gate but Holme Lane and Netherend Road too.

Sent from [Outlook for Android](#)

From:
Sent: Sunday, July 30, 2023 10:58 AM
To: Jordan Barrett <Jordan.Barrett@kirklees.gov.uk>
Subject: Bank Gate Mills HD7 5DI

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

We wish to oppose the granting of an alcohol licence for the above premises, if granted it would affect the four licencing objectives as follows:

1. The prevention of crime and disorder: drunken behaviour leading to public disorder such as fighting, shouting and general nuisance.
2. Public safety: The premises are situated on a busy road, the venue has limited parking space available and on street parking would cause a hazard.
3. Prevention of public nuisance: Noise would be created from both cars and people attending and leaving the venue, also there is the potential for loud music and noise pollution.
4. The protection of children from harm: Local residents with children may have their children witness drunken behaviour hear inappropriate language and be traumatized.

From:

Sent: Sunday, July 30, 2023 12:31 PM

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

Subject: Objection to alcohol licence application - Bank Gate Mills, Slaithwaite

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

Dear Mr Barrett,

I am a resident at [REDACTED] and I wish to object to the alcohol licence application at the following address:

Bank Gate Mills
Bank Gate
Slaithwaite
HD7 5DL

[REDACTED] and I believe that the application does not meet the following key objections:

- **Prevention of Crime and Disorder**

As with any business with a licence to sell alcohol until late in the evening, drunken behaviour leading to potential fights and other alcohol-related disorder is a high possibility. Likewise, litter and broken glass on a residential street is likely.

- **Prevention of Public Nuisance**

There will be a substantial amount of noise from people drinking inside and outside at the business but also from cars, including slamming of doors outside of residential properties. There is only one footpath on Bank Gate and this runs alongside the houses on one side. People visiting the business will need to walk along this footpath leading to noise for the residents in the houses, especially if the clientele are in an inebriated state. The business is approximately 20 metres from my property so noise from clientele and any live music will be significant. Residents on Bank Gate will no longer be able to open their windows during warm weather due to the noise, leading to a lack of sleep and a negative effect on residents' mental health.

- **Protection of Children from Harm**

As a parent of two young children, there is a concern that they will be kept awake by the noise coming from the business. This will in turn affect their sleep and their mental wellbeing as well as their ability to concentrate at school. They would also be able to witness and hear any inappropriate behaviour from their bedroom windows. Children walk up and down Bank Gate daily and is well used by children attending a local nursery and after school/holiday club at the bottom of the road. As the licence is for 12noon-11pm, 7 days a week, it is likely that these children could witness inappropriate behaviour and hear bad language whilst walking past.

- Public Safety

There is a lack of parking at the property which would lead to clientele parking on Bank Gate. Many cars may park on the only footpath which is outside the houses. This would cause problems for pedestrians and would also make it dangerous for residents being able to access their driveways. As mentioned above, the footpath is well used by children including those in prams and pushchairs. If cars are parked on the footpath, it will be difficult for parents to use the footpath and it would not be safe to walk on the road with small children. Bank Gate is a busy road due to it leading to access to the M62 for residents in Slaithwaite and the surrounding Colne Valley. Many drivers drive at speed, particularly down the hill and this poses a dangerous situation if there are many parked cars and pedestrians crossing the road to and from the business. Part of Bank Gate (under the railway bridge) is a single carriage way and there can be queues up the road and at the bottom of the hill. Extra cars parked on Bank Gate will exacerbate this problem.

I expect that my concerns are taken into account when this alcohol licence application is considered. I look forward to hearing from you.

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

30th July 2023

Licensing Department,
Kirklees Council,
Flint Street,
Huddersfield,
HD1 6LG.

RE: OBJECTION TO THE ALCOHOL LICENCE APPLICATION (REF: PR00384) MADE BY THE THREE FIENDS FOR BANK GATE MILLS, BANK GATE, SLAITHWAITE, HD7 5DL.

Dear Licensing Department,

We are residents of Bank Gate in Slaithwaite [REDACTED], where Three Fiends Brewery has applied for an alcohol licence, 12-11pm. We would like to object to this proposal as it does not meet the four licensing objectives set out in the Licensing Act 2003.

The site has previously been used for industrial purposes during sociable business hours of around 8am-5pm, Monday to Friday. This is, therefore, a dramatic change of usage that will make the area a very different place to live than the one that residents moved into. From the point of view of our family, we would not have decided to raise three children and lead busy working lives opposite a pub that serves until 11pm every night.

We detail below our objections against the four licensing objectives:

Protection of Children from Harm

- [REDACTED] They will be able to hear alcohol-fueled adult language and see drunken behaviour until 11pm each night. [REDACTED] face this disruption to their study time, play, rest and sleep every day of their lives. This will damage their education and wellbeing.
- Because only one side of Bank Gate has a pavement, [REDACTED]. If they feel uncomfortable or intimidated, their options are to step out into the road or take their chances amongst drunk people.
- Along with the disruption and threat posed to our own children, Bank Gate Mills is around 100 yards away from Slaithwaite Community Centre, used by a range of children's groups throughout the day, during the hours when the proposed pub would be open. These groups

include Slaithwaite After School Club and Holiday Club, 33rd Slaithwaite Scout Group, Slaithwaite Community Baby & Toddler group and Merrydale Private Day Nursery. Ad hoc community events aimed at children are also hosted at the centre at Christmas, Halloween and during Moonraking. The main entrance to the community centre is via the same narrow path that is the only route to Bank Gate Mills. Children will have to squeeze past drinkers as they arrive and leave or step into the road to avoid them, with no path on the opposite side.

- The proposed pub is also in close proximity to St James Parish Church that stands alongside the community centre. St James has close links to Slaithwaite Church of England Junior and Infant School and hosts events such as nativities, carol concerts and end of year celebrations put on by the school. These young children arrive at the venue via the same single pathway that runs along one side of Bank Gate and is the only route to the pub meaning that, again, children will be mixing with drinkers.
- No evidence has been made available to residents to suggest the applicant has consulted with these children's groups and that the applicant has plans in place to protect children from harm.
- In all of these cases, the proximity of the pub to children's centres and the homes of children, on a road that is only paved on one side, will expose children to alcohol-related activities, inappropriate behaviour and potentially harmful situations.

Public Safety

- There is no pavement outside the proposed venue and therefore no safe way for customers on foot to enter and exit the site. People will leave the premises after drinking alcohol and walk straight out onto a road.
- Increased car parking in the area will also lead to more bottlenecks on a stretch of road that already gets congested at the lower end, making it harder for drivers to safely navigate the road, more dangerous for pedestrians and creating additional hazards for emergency vehicles that use Bank Gate.
- Inadequate parking facilities for patrons (there are currently about six spaces on site) can also result in cars blocking residential driveways or streets, causing inconvenience and risks to residents.

Public Nuisance

- Opening an alcohol drinking establishment in a residential area leads to increased noise, smells, disturbance, and unruly behavior, especially during late-night hours. This will negatively impact on our quality of life, seven days a week. This is inconsiderate and contrasts with the business owners' licence at their own premises at Brookfield Farm in Meltham that runs to 9pm.

- The effects of the Real Ale Trail on Colne Valley residents are well known and spreading its reach can only increase the scale of the problem. Drinkers urinating and vomiting in the streets or on private property, stag and hen parties behaving in lewd ways and constant swearing, are the tip of the iceberg. We already avoid using trains at the weekend because of the intimidating and offensive behaviour of drunk people on the trail.

Prevention of crime and disorder

- The proposed licensed premises is in a residential area where children live and is close to both a community centre used daily by children and a place of worship in St James Parish Church. Sanctioning a seven-day-a-week alcohol drinking venue in this area is likely to lead to higher instances of public disorder and crime.
- Evidence of the connection between alcohol and crime is plentiful. Parliament's 'Alcohol Harm Commission' reported in 2020 that "links between alcohol, violent crime and anti-social behaviour are strong. Alcohol fuels almost 40% of violent crimes and half of domestic violence. Drunk-driving causes almost 9,000 casualties and 260 deaths a year."
- The offences related to alcohol identified by the parliamentary report are the most common crimes in Huddersfield. In the last year, there have been 8,226 violent and sexual offences, 2,477 incidents of public disorder and 1,446 instances of criminal anti-social behaviour (<https://www.police.uk/your-area/west-yorkshire-police/huddersfield/?tab=Statistics> viewed 30/7/23).
- Drink-driving is pertinent in this case as well, given the proposed pub opens straight onto a road with no footpath and is in a residential area away from the town centre, making it inevitable that some drinkers will arrive by car.

Many thanks for your time and consideration. Please keep us informed about the progress of the application and note that we are keen to attend the Kirklees Licensing Panel when this application is considered.

Yours sincerely,

From:

Sent: Sunday, July 30, 2023 9:01 PM

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

Subject: Re: Objection to the pending application & granting of alcohol license to venue situated in Bank gate mills Bank gate Slaithwaite

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

To whom it may concern.

I am Resident living [REDACTED] Slaithwaite, after being advised of the intended application for an alcohol licence for the premises which was formally known as Manor House fire places, situated in the Bank gate Mills complex, Bank gate, Slaithwaite. My objections are listed as listed below.

1. Slaithwaite is already a very vibrant and busy village with many public houses, wine bars, and restaurants & eateries most with a license to sell alcohol in addition to serving the local residents and neighbouring villages most weekends we also get various ale trail trains bringing in people from further afield ie; Manchester, Wakefield Leeds etc, sporadically this in itself brings antisocial & disorder from large groups of people walking in the road carrying glasses, bottles etc disrupting traffic and often leaving them scattered about on grass verges, windowsills curbs etc.

My point is we already have enough thriving licensed premises in the centre of Slaithwaite without another one up Bank Gate also on Road Street the road that runs at the back of Netherend road there is the long established Cricket club which in itself does not cause too many issues however the do have quite a number of private functions & parties throughout the year which quite often can continue up until around 01:00hrs and can be quite noisy at times so then to have another venue half way up Bank Gate could then mean potentially we would have a noisy venue either side of residents in Royd street, Netherend Road & Bank Gate with large groups of people and would further add to potentially increase the risk of public disorder, crime & public nuisance. I therefore put my objections forward to the application & granting of the alcohol license on the basis of the reasons given above.

2, Although I understand this application in principle is only for the license to sell alcohol and not planning permissions I would just like to point out as you will be already probably aware Bank gate is a very busy road in and out of Slaithwaite quite often with heavy traffic an good vehicles often vehicles park on bank gate in front of the houses opposite the Bank gate mill complex some also parking on the pavement, also approximately two years ago part of the Bank gate mill complex planing permissions were given to open a gym this venue is on the road side and has no parking for people who visit the gym so inevitably most of them end up parking on Bank gate and Netherend road which at time has become a real nuisance for residents especially since the gym has become busier.

This in itself has also caused problems and potential risks in that when it is busy they park there cars right down to the end of Netherend road on the junction of Bank gate and causes blind spots for cars pulling out into Bank gate so at times in my opinion potentially causing a higher risk of accidents to both road users and pedestrians.

Again my point is the current off road parking area for this venue is not very big, so again probability would be the visitors to this venue would also be seeking to park on Bank gate

and Netherend road also further down past the railway viaduct where bank gate meets Church street since the Rumpus burger venue opened, the vehicles park both sides of the road leaving only a single throughfare for traffic travelling both ways this in itself causes traffic jams so having another venue further up Bank gate with potential parking issues would cause further issues and also add to the risk of accidents.

Finally please note I have no objection for people to open potential business to make a living for themselves and people they employ however there has to be so common sense as to were the can operate dependant on the type of business and consideration to the health & safety aspects of operating the said business and also in this case the residential area

I hope you will take my concerns & objections into consideration when considering the granting the alcohol license in this application thank you.

Yours Sincerely



31st July 2023

Your Ref: PR00384

Objection to the Alcohol Licence Application for Bank Gate Mills, HD7 5DL

Please accept this letter, sent by email on 31st July, as my formal objection to the application for an alcohol license for the former Manor House Places building in Slaithwaite.

I object on the grounds of:

Need:

The village is already more than amply served with drinking outlets. Within 500 meters of Bank Gate we have:

3 Pubs (Silent Woman, Shoulder of Mutton, Commercial) and the Hideaway Craft House.

3 Wine Bars (Little Bridge, Wine, Nobles)

Numerous eateries that serve alcohol, including: Northern Soul Café (with music), Vanilla Bean, Om.

Adding a further outlet adds nothing in terms of utility or benefit to the residents of the village. It is bad enough that the 'Ale Trail' comes through here already without encouraging them to walk up the slope to yet another drinking hole. There is enough public nuisance and disorder for one small area to put up with.

Access:

The site is on a steep slope, with the entrance at a sharp angle pointing downhill. This is obscured for traffic passing uphill. It is also at the point where downhill traffic has to stop to give priority, as passage under the railway bridge is restricted to a single lane.

Any cars wishing to access the site from Hill Top direction will have to perform a shuffle to be able to turn right (it is too sharp an angle to make in one turn). That puts cars sideways across the road right in the path of up-bound traffic.

Parking on site is limited and unlikely to be sufficient for a thriving business. We do not want to encourage more people to park across pavements and on the corner of junctions. The road past the Community Centre and Church is semi-permanently restricted to one-way traffic due to the number of cars parked on the pavement (this also affects pedestrians, and I've often had to run around parked cars, onto the road, if someone else is on what's left of the pavement). There is very limited proper parking facilities close to Bank Gate. Adding a venue just up from there is bound to make things even worse both in terms of nuisance and public safety. {Note that the Community Centre and Church mean that this corner is busy for pedestrians crossing with children}. Four photographs are attached to my email to illustrate the point.

Sound:

[REDACTED]. Other than a few trees there is nothing to baffle or deflect sound generated from there.

The narrow valley and the bowl-shape of the dam serve to channel sound across to Blakeholme. I can easily hear when the cricket is being played at Hill Top (which is fine) and that Ground is further on from me than Bank Gate.

The Kirklees Planning website states that the application is available to view on-line. I seems that only the Summary is reachable. That seems an odd omission. It means that I have not been able to check whether the Application includes allowing for music (and in particular; outdoors) or live events. If it does, that would very clearly adversely impact upon me. The Applicants' current Taphouse hosts live music events indoors.

In Summary, putting a new taproom or wine bar in to Bank Gate Mill is unwanted, unnecessary, in the wrong place and delivers no benefit to the residents of Slaithwaite.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

From: Cllr Matthew McLoughlin
Sent: Monday, July 31, 2023 7:19 PM
To: Licensing <Licensing@kirklees.gov.uk>; Jordan Barrett <Jordan.Barrett@kirklees.gov.uk>
Cc: Cllr Harry McCarthy Cllr Beverley Addy
Subject: Premise Licence Application - Fiends Ground Floor Bankfield Mills HD7 5DL - PR00384

Dear Jordan

Thank you for taking my call the other day and for the work you do as part of the Licensing team.

We are writing this representation to formally object to the application by Three Fiends Brewery to sell Alcohol both on and off the premises at Bank Gate Mill, Bank Gate, Slaithwaite, HD7 5DL from Monday to Sunday 12:00-23:00. We are doing so for the following reasons.

Public safety.

We are particularly concerned about the lack of parking for the site. Despite being a main route into Slaithwaite, Bank Gate is not a wide road and only has a pavement on one side, the side opposite the venue. There are already bottlenecks where the road narrows as it passes under the railway viaduct and at the bottom where it joins Nabbs Lane. Any increase in the number of cars parking on this road can only exacerbate these problems by significantly narrowing the road space available, restricting the flow of traffic and leading to more congestion.

This in turn is likely to cause customers of the new tap room to park partially on the pavement. This would create a risk to public safety as pedestrians would be forced to walk onto the road to get around these cars, especially if they were pushing a pram or in a wheelchair. This would be especially dangerous as late as 23:00 when it is dark.

The lack of pavement on the Mill side of the road would also mean that customers of the tap room would be forced to walk from the venue, potentially whilst drunk and also potentially as late as or later than 23:00, straight onto the road in order to cross to the pavement. This presents a danger to both the customers and road users.

Prevention of crime and disorder.

There is already a problem in our ward with alcohol related anti-social behaviour. In particular around the Silent Women Pub on Nabbs Lane in Slaithwaite and the Colne Valley Ale Trail.

At the moment these issues are largely contained to the centre of Slaithwaite and where there are longstanding licensed premises. Granting this Licence and creating a new tap room in a residential area, where there has never been a licensed premises, is therefore likely to see such alcohol related anti-social behaviour spread into a different part of the village.

The prevention of Public nuisance.

We are also concerned about the impact that granting this Licence would have on the levels of noise in the area, particularly late at night.

This is currently a relatively quiet residential area with no history of licensed premises and there are properties very close to the venue with bedroom windows overlooking the Mill.

The sale of alcohol will inevitably lead to more noise from increased traffic, loud conversations and unruly behaviour. This will have a significant impact on the quality of life for those living on Bank Gate, especially given that the sale of alcohol will be until 23:00 on every night of the week. The noise is also likely to carry on past this time as patrons drink up and leave and staff clear away and close the building.

It is for these reasons that we cannot support this license application, until the points above are adequately addressed.

Thank you again for the information you have provided.

Kind regards,

Cllr Matthew McLoughlin
Cllr Harry McCarthy
Cllr Beverly Addy

From:

Sent: Monday, July 31, 2023 7:27 PM

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

Subject: Objection to the alcohol licence application for Bank Gate Mills, Bank Gate, Slaithwaite, HD7 5DL

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

Dear Sir or Madam,

We are residents [REDACTED]

We strongly object to the alcohol licence application for Bank Gate Mills on the grounds that this alcohol licence application does not meet the four licensing objectives set out in the Licensing Act 2003.

[REDACTED] knowing that there were no licensed premises in the area. Bank Gate is a quiet street, especially after 6pm when the traffic dies down. The idea that 11pm is a reasonable cut-off time for such a venue sharply contrasts with the current situation, where people are quietly within their homes much earlier in the evening. [REDACTED]

[REDACTED] Serving alcohol on a daily basis and the additional noise that would accompany it would significantly affect my working conditions and endanger my main income.

[REDACTED] His rest periods and therefore his performance at work would also be negatively affected by the considerably increased noise level and would therefore have a significant impact on his health.

The Prevention of crime and disorder:

Granting an alcohol licence and the creation of a taproom with indoor/outdoor drinking areas, food, live and recorded music will lead to an increase in traffic in an area with very little space to park. This will lead to:

- Illegal and dangerous parking
- an increase in other traffic offences, such as dangerous driving, speeding and driving under the influence of alcohol and/or drugs.

A taproom such as the one proposed, will attract Ale Trail participants. Anti-social behaviour from some Ale Trail participants is well documented with incidents of public urination, not only in the streets, but on private property.

A licensed premise on Bank Gate will inevitably lead to an increase in drunken behaviour in this residential street and others.

Public safety:

Bank Gate is not a wide road but is a main route in and out of Slaithwaite. At one point under the viaduct, it is a single lane.

Fire engines use the road when responding to emergencies and could face obstruction if such a

venue is established, due to an increase in pedestrians, parked cars and traffic.

Parking on this road would restrict the flow of traffic and endanger pedestrians, as it is likely that cars will park on the pavement or against the wall.

There is only one pavement and this is on the opposite side of the road to Bank Gate Mills. The pavement is in places, only wide enough for one person, particularly at the bottom of the hill, as at this point, there are safety barriers next to the Community Centre and Nursery exits.

Prevention of public nuisance:

There will be an increase in noise at all times of the day but in particular after 6pm and earlier at the weekends, in fine weather, and on bank holidays. Noise will not just be due to vehicles and music but from customers as well. This will impact on all residents, including those who work from home and those who are retired.

Outdoor sales, consumption and events will mean additional lighting and additional noise. NB: the building is next to a protected, wooded area full of birds, including nesting tawny owls. Bats are also regularly seen.

Food odours and smoking/vaping odours will pervade.

The business may pledge to collect litter from the venue grounds, but Bank Gate is a windy area, much of the litter will have blown away into gardens, the area of protected trees and beyond, by the time staff are able to collect it.

The Ale Trail: It is very likely, that a taproom like this will attract Ale Trail participants. Ale Trail participants currently only venture into pubs in a small part of Slaithwaite. Walking up Bank Gate, and possibly along Royd Street and Hill Top (on the way to the station) will cause problems similar to those experienced by Marsden residents, with regards to anti-social behaviour. Large groups of Ale Trail participants can be intimidating, even when they mean not to be.

Protection of children from harm:

Residents of Bank Gate and other streets in the locality have chosen to raise their children in an area where there are no licensed premises.

An increase in traffic, day and night, will create more hazards for children out and about.

An increase in noise both day and night and an increase in light at night will affect children's ability to study, rest, play and sleep.

A licensed premise will expose children to alcohol, intoxication, smoking and vaping, inappropriate behaviour and inappropriate language in an area that their parents have chosen for them as a safe place in which to live and thrive.

We strongly oppose the granting of the alcohol licence for Bank Gate Mills as it does not meet the four licensing objectives set in the Licensing Act 2003 and it will have a huge detrimental effect on our lives, our neighbours' lives and the lives of others in the community. We appreciate your consideration of the points above.

Yours sincerely

From:

Sent: Monday, July 31, 2023 11:38 PM

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

Subject: Objection: Alcohol licence application - Bank Gate Mills

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

Dear Sir / Madam,

I am writing to raise an objection to the alcohol licence application for a taproom with live and recorded music, food and indoor / outdoor facilities at Bank Gate Mill in Slaithwaite.

I believe the granting of such a licence will have a detrimental effect on the local area. These kinds of venues are very much welcomed in the town area but I feel that the location of this venue in a residential area will cause a public nuisance, particularly for the residential properties opposite the proposed site. I am concerned that public safety will be compromised and the potential for alcohol-related crime and disorder increased.

I am all for these kinds of social establishments in the town centre but they should not encroach on the residential areas which are the most peaceful I have ever lived in. Slaithwaite is a wonderful place to live because it is both peaceful and interesting and diverse. The separation between the town and residential areas as it exists at the moment is a significant positive and I feel that the character of the town will be unpleasantly and unnecessarily compromised if this licence is granted.

I do hope you will take these objections into account when considering this application.

With warm regards,

From:
Sent: Monday, July 31, 2023 10:29 PM
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Objection to Licensing Application PR00384

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

Hello,

I am emailing in relation to the licensing application at Bank Gate Mills, Bank Gate, Slaithwaite PR00384.

I would like to raise my concerns about the location of the potential new venue, which I believe could breach the four licensing objectives.

The location of the venue will draw large groups of visitors from the centre of the village to a largely residential area, with potential for noise pollution, anti-social behaviour, littering etc. This is especially true given Slaithwaite is a popular stop on the Ale Trail and attracts stag dos etc.

I have also heard that there are plans for regular live music - again, this would create noise issue for residents, particularly those with young families. If the planned development of the mill further up the road goes ahead then this will also impact these properties and their residents.

The parking situation would create issues both for drivers and the safety of pedestrians trying to cross the road, as there doesn't currently appear to be a big enough car park for customers. This is already apparent at the bottom of the hill since Rumpus opened, where cars now park on both sides of the road to visit (despite one side being double yellow lines), creating a chaotic one way system and making it more dangerous for pedestrians. The new venue, if popular, has the potential to replicate this issue all the way up to the top of Bank Gate and surrounding roads. For a street lined with housing - and therefore families and pets - it could be a public safety issue.

Thank you for taking my comments into consideration.

Kind regards,

-----Original Message-----

From:

Sent: Tuesday, August 1, 2023 4:40 PM

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

Subject: Reference PR00384 - alcohol licence request for Bank Gate Mills

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

I am writing in relation to the recent application for an alcohol licence for Bank Gate Mills. I am a resident of Slaithwaite and feel that such a development would not be in the best interests of the village, or the existing businesses. There are already numerous places selling alcohol in the village whose income would be impacted by yet another bar/pub.

In particular, attempting to open a new business in such close proximity to a residential area whose owners didn't choose to live opposite a venue with outdoor drinking areas and live and recorded music, and all the antisocial noise and disruption this would cause, seems like a very poor decision. It is also located on a narrow road and people attempting to drive to and park at the venue would add further problems to an already difficult road.

I feel sure there are better-suited premises where drunken customers leaving late at night when locals are trying to sleep would cause much less disruption. I would ask that this application be denied.

Best wishes,

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.