

# Public Document Pack



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Tuesday 10 December 2024

## Notice of Meeting

Dear Member

### Licensing and Safety Committee

The **Licensing and Safety Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 18 December 2024**.

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 "S Lawton".

**Samantha Lawton**

**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 and Safety Committee members are:-**

### **Member**

Councillor Eric Firth (Chair)  
Councillor Zarina Amin  
Councillor Aafaq Butt  
Councillor Jane Rylah  
Councillor Mohan Sokhal  
Councillor Timothy Bamford  
Councillor Donna Bellamy  
Councillor Vivien Lees-Hamilton  
Councillor Paola Antonia Davies  
Councillor Andrew Marchington  
Councillor Ali Arshad  
Councillor Alex Vickers  
Councillor Yusra Hussain  
Councillor Ammar Anwar  
Councillor Amanda Pinnock

When a Member of the Licensing and Safety Committee member cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provisions of Council Procedure Rule 35(7).

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Hall  
C Holt  
J Taylor  
M Thompson

#### **Green**

K Allison  
A Cooper  
S Lee-  
Richards

#### **Labour**

J Homewood  
S Ullah  
B Addy  
M Crook  
A Sewell  
H McCarthy

#### **Liberal**

**Democrat**  
C Burke  
D Longstaff  
A Munro  
A Pinnock  
A Robinson  
A Smith  
J Lawson

#### **Community**

**Alliance**  
C Scott  
A Zaman

#### **Kirklees**

**Community  
Independents**  
JD Lawson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

To receive apologies for absence from those Members who are unable to attend the meeting and details of substitutions and for whom they are attending to the Committee membership.

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**2: Minutes of Previous Meeting**

1 - 6

To approve the minutes of the meeting of the Panel held on the 14 February 2024.

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**3: Declaration of Interests**

7 - 8

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.

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**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 Board.

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**5: Deputations/Petitions**

The Committee 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.

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## **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.

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## **7: Proposed Revision to Statement of Licensing Policy 2025 - 2030**

9 - 80

The purpose of this report is for Members to consider the review of the Statement of Licensing Policy, as required by the Licensing Act 2003.

Contact: Fiona Goldsmith, Public Protection Group Leader,  
Licensing – 01484 221000

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## **8: Cumulative Impact Assessment - Consultation Results**

81 - 126

The purpose of this report is for Members to consider the results of the consultation for Cumulative Impact Assessments in Huddersfield and Dewsbury Town Centres in relation to premises licensed to sell alcohol with off sales.

Contact: Fiona Goldsmith, Public Protection Group Leader,  
Licensing – 01484 221000

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## **9: Licensing Services - Update Report**

127 -  
144

The purpose of the report is to inform Members of the activities undertaken to discharge the Council's licensing functions from 1<sup>st</sup> October 2023 to 31<sup>st</sup> March 2024.

Contact: Fiona Goldsmith, Public Protection Group Leader,  
Licensing – 01484 221000

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Contact Officer: Nicola Sylvester

## KIRKLEES COUNCIL

### LICENSING AND SAFETY COMMITTEE

**Wednesday 14th February 2024**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Zarina Amin  
Councillor Aafaq Butt  
Councillor Carole Pattison  
Councillor Mohan Sokhal  
Councillor Timothy Bamford  
Councillor Adam Gregg  
Councillor Donna Bellamy  
Councillor Karen Allison

In attendance: Fiona Goldsmith, Public Protection Group Leader  
Russell Williams, Operational Manager, Public Protection  
Martin Wood, Head of Public Protection  
Tahir Lanif, Legal Advisor to the Committee

Apologies: Councillor Adam Zaman  
Councillor Andrew Marchington

**1 Membership of the Committee**

Apologies were received on behalf of Councillor A Marchington and Councillor A Zaman.

Councillor P Davies substitutes on behalf of Councillor A Marchington

**2 Minutes of Previous Meeting**

**RESOLVED:** That the minutes of the meeting held on 19<sup>th</sup> July 2023 be approved as a correct record.

**3 Declaration of Interests**

No interests were declared.

**4 Admission of the Public**

All agenda items were considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Hackney Carriage Demand Survey**

The Committee received a report on the outcomes of a survey conducted to measure demand for hackney carriages within the district.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that Kirklees Council currently restricted the number of hackney carriage vehicle licenses to 224 for the whole of the district. In accordance with the Department for Transport's Best Practice Guidance issued in December 2023, those authorities who restricted the number of hackney carriage vehicles should complete a survey at least every 5 years in relation to whether there was any significant unmet demand for hackney carriage vehicles. The previous survey was carried out in 2020.

Ian Millership, Licensed Vehicle Surveys and Assessment (LVSA) carried out the survey. The Committee received a presentation on Mr Millership's findings, which suggested that there was no unmet demand for hackney carriages within Kirklees.

During discussion, the Committee raised concerns regarding the length of time the next survey would be carried out as there would be more of a demand for hackney carriages once the town centre had been regenerated.

**RESOLVED:**

- (i) That the Hackney Carriage Demand Survey be noted,
- (ii) That hackney carriage vehicle licences continue to be limited to 224.

**8 Licensing Services - Update report**

The Committee received a report which provided an update on the activities undertaken by the Council's Licensing Service from 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 2023, along with a general service update.

Fiona Goldsmith, Public Protection Group Leader, advised the Committee that the number of hackney carriage and private hire licences in force as of 29<sup>th</sup> December 2023, was 5,987, with the number of applications processed by the service between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, being 2,145.

Members were informed that vehicle testing between 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 2023, had been carried out between George Street testing station and Vine Street testing station, with reasons for the failures. It was noted that service standards figures had dropped quite considerably between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, due to staff absences and resource issues, measures had been put in place, with figures from 15<sup>th</sup> January 2024 to 14<sup>th</sup> February 2024 saw an improvement in the target for service delivery.

Information was presented to the Committee outlining the decisions and licensing activities that had taken place between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 as follows:

- There was a total of 15 decisions taken by the Group Leader for Licensing.
- The total number of licensing Act and general licencing licenses in force as of 23<sup>rd</sup> January 2024 was 2,461.



## Licensing and Safety Committee - 14 February 2024

- The number of Licensing Act applications processed by the service between was 415, with four applications been considered by the Licensing Panel.
- The service received a total of 3,057 applications. In the previous 6 months period between 1<sup>st</sup> October 2022 and 31<sup>st</sup> March 2023, the service received a total of 2,854 applications.
- Licensing Officers undertook proactive enforcement activities outside normal working hours which varied from licensed vehicle checks, licensed operator-based checks, licensed driver checks, premises licence compliance checks and gambling premises compliance checks.
- Officers carried out 31 proactive enforcement duties, as part of the service role to keep the public safe.

Members were informed that in the previous licensing services update report, hackney carriage/private hire fees in Kirklees had not been reviewed since 2015. Following consultation in line with the requirements as set out in the Local Government (Miscellaneous provisions) Act 1976, and following consideration of the representations received, a decision was taken under delegation by the Strategic Director for Corporate Strategy, Commissioning and Public Health, to maintain the current fees level pending further investigations. It was anticipated that the review would be completed by 30<sup>th</sup> April 2024 and the service would again be able to consult with the trade on the proposed fees. Following the consultation, a report would be brought to this committee for a decision.

Ms Goldsmith advised the Committee that in November 2023 the Department for Transport had issued its updated best practice guidance in relation to taxi and private hire vehicle licensing. The previous guidance to local authorities was issued in 2010. A further report in relation to the Best Practice Guidance and any changes was to be brought to members in due course.

Members were informed that an alcohol toolkit had been designed as a one-stop resource with links to various data sources to provide supportive evidence linked to alcohol related harm, the results for the tool could be used as a part of representation to licensing applicants and would assist members with decision making at hearings, members were to be invited to training sessions to see the toolkit, learn how it worked and find out what benefits it would provide when they were making representations in relation to Licensing Act applications and when sitting on a panel determining applications.

**RESOLVED:** That the Licensing Services update report be noted.

### 9 **Decision Making - Hackney Carriage and Private Hire**

The Committee received a report regarding the decision-making process for hackney carriage and private hire licensing services.

Fiona Goldsmith, Public Protection Group Leader advised that guidance issued by the Department of Transport in July 2020 recommended that decision making

## Licensing and Safety Committee - 14 February 2024

should be the responsibility of a panel of suitable trained elected members. A formal consultation took place which showed that many respondents agreed that decision making should not be the sole responsibility of one person.

At the meeting of Licensing and Safety Committee on 6<sup>th</sup> July 2022, members instructed officer to investigate possible options relation to decision making and the implications for the options and to present a more detailed report.

At a meeting of Licensing and Safety Committee on 5<sup>th</sup> October 2022, several other options for decision making were present to members. Members resolved that decisions should remain with the Group Leader for Licensing and instructed officers to undertake further work to investigate other possible options that could incorporate members into the decision making. Members were asked to consider the following options:

- Members Panel
- Officer Panel
- Group Leader
- Hybrid Panel

The Committee was advised that if they were minded to deviate from the statutory guidance issued by the Department for Transport, members would be required to provide full reasons for the decision.

During discussion of this item, the Committee suggested that the following should be taken into consideration:

- Results from the consultation
- Timeliness of decision making
- Consistency of decisions
- Consideration of other West Yorkshires Authorities decision making process
- Oversight of decisions
- Cost to Kirklees Council
- Cost to the trade

Trade representatives explained to the Committee that the trade had been paying for a committee panel since 2015. Ms Goldsmith explained that a review of the license costs was ongoing, with an expected completion date being approximately April 2024.

**RESOLVED:** That the decision-making process relating to the hackney carriage and private hire licensing service to remain with the Group Leader.

The reason for deviating from the statutory guidance issued by the Department for Transport was that there was a robust decision-making process already in place. The Committee was confident with the quality of decisions made by the Group Leader which were consistent and made in a timely manner. The Licensing and Safety Committee had overview of those decisions in the Licensing and Safety Committees, and the process fell in line with other West Yorkshire Authorities. Changing the current process would incur costs to the Council and to the trade.

**10 Officer Delegation for minor policy and process changes - Hackney Carriage and Private Hire Licensing**

The Committee received a report regarding Officer delegation for minor policy and process changes – Hackney Carriage and Private Hire Licensing.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that currently for all policy and procedure changes that were written into the hackney carriage and private hire licensing policy, changes required member approval in accordance with the constitution. Where a change was minor, the process to consult and take a report to members was time consuming and costly for the Council. It was requested that minor changes to policies and procedures be delegated to the Head of Service, in conjunction with the Chair of the Licensing and Safety Committee. Where the Chair of Licensing and Safety Committee deemed the proposed change to be major, rather than minor, it would follow the existing process and be taken to member for consideration, and where required full consultation.

**RESOLVED:**

- (i) That the Officer Delegation for minor policy and process changes report be noted,
- (iii) That Members agree to delegate minor changes to hackney carriage and private hire policies and procedures to the Head of Service in conjunction with the Chair of the Licensing and Safety Committee.

**11 Hackney Carriage and Private Hire Vehicle specification policy review**

The Committee received a report regarding the Hackney Carriage and Private Hire Vehicle Specification Policy.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that the current vehicle specification policy had not been reviewed/amended since July 2008.

At the meeting on 19<sup>th</sup> July 2023, the Committee resolved that officers be given authority to commence a twelve-week consultation regarding the proposed changes to the existing vehicle specification.

Following discussions with the Hackney Carriage and Private Hire associations and engagement meeting with hackney carriage and private hire licensed trade, several matters were raised regarding the existing vehicle specification policy.

A breakdown of questions and response topics in the survey were provided to the Committee which included:

- Vehicle Colour
- Wheelchair accessible vehicles
- Door Signs
- Age Limits
- Vehicle Testing Frequency
- CCTV
- Window Tints

## Licensing and Safety Committee - 14 February 2024

- Blackout/Privacy Glass and Self Applied Material/Film
- Multi-purpose Vehicles and Sports Utility Vehicles
- Trailers

**RESOLVED:** That the draft vehicle specification policy with the following amendments be adopted:

- (i) That all licensed vehicles, regardless of age be subject to annual testing,
- (ii) That multi-purpose vehicles continue to be licensed, and sports utility vehicles remain to be barred,
- (iii) That Officers provide further information relating to sports utility vehicles not being licenced at a future committee meeting,
- (iv) That licensed vehicles be allowed to tow trailers.

<b>KIRKLEES COUNCIL</b>				
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>				
<b>DECLARATION OF INTERESTS</b>				
Licensing and Safety Committee				
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.



**REPORT TITLE:** Proposed Revision to Statement of Licensing Policy 2025 - 2030

<b>Meeting:</b>	Licensing and Safety Committee
<b>Date:</b>	Wednesday 18 <sup>th</sup> December 2024
<b>Cabinet Member</b> (if applicable)	Cllr Tyler Hawkins
<b>Key Decision Eligible for Call In</b>	No No
<p><b>Purpose of Report</b> To submit for members consideration, the review of the Statement of Licensing Policy, as required by the Licensing Act 2003</p>	
<p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>Members are asked to consider the revised policy and recommend it to Full Council for adoption.</li> </ul> <p><b>Reasons for Recommendations</b></p> <ul style="list-style-type: none"> <li>Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The previous review of the policy occurred in 2019 and was adopted by the Council in January 2020.</li> </ul>	
<p><b>Resource Implications:</b></p> <p>There are no resource implications relating to this report.</p>	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>	David Shepherd – 24 <sup>th</sup> November 2024
<b>Is it also signed off by the Service Director for Finance?</b>	Kevin Mulvaney – 2 <sup>nd</sup> December 2024
<b>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</b>	Samantha Lawton – 25 <sup>th</sup> November 2024

**Electoral wards affected:** All

**Ward councillors consulted:** All (as part of the formal consultation)

**Public or private:** Public

**Has GDPR been considered?** Yes, any personal data has been redacted for the purposes of this report.

## 1. Executive Summary

1.1 There is a statutory requirement for the Licensing Authority to prepare and publish a Statement of Licensing Policy at least every five years.

1.2 The Statement of Licensing Policy was previously approved and adopted by the Council in January 2020.

## 2. Information required to take a decision

2.1 The Licensing Act 2003 requires each Authority to carry out its various licensing functions and whilst doing so must promote the following four licensing objectives: -

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

2.2 The authority is required to publish a Statement of Licensing Policy every five years. The policy is applied to aid in the promotion of the four licensing objectives when considering applications applied for under the Licensing Act 2003.

2.3 The Statement of Licensing Policy provides guidance for all parties, from applicants, people wishing to submit a representation and the Councillors who sit on the panel and consider applications.

2.4 The revised policy must be considered and endorsed by the Licensing and Safety Committee before being referred to Full Council for adoption.

2.5 A copy of the Revised Statement of Licensing Policy can be seen at **Appendix 1**, the proposed additions/amendments are shown in red and deletions in blue.

2.6 The proposed amendments to the policy reflect the amendments to the Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 as amended in December 2023.

2.7 In addition, Section 18 - Enforcement of the revised policy has been updated and the licensing authority has taken the opportunity to include further additional sections, namely:

- Section 8 - Alcohol Toolkit
- Section 14 - Spiking Prevention
- Section 15 - Sustainable Event Management
- Section 16 - Martyn's Law
- Section 17 - Safer Night-time Economy

2.8 Prior to carrying out the consultation, the licensing service engaged with key stakeholders via online drop-in sessions. Further details can be seen at section 5 of this report.



2.8 Before determining its policy, the Licensing Authority must consult the persons listed in Section 3(5) of the 2003 Act, these are:

- The chief officer for the police for the area
- The fire and rescue authority for the area
- Each local authority's Director of Public Health
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders and
- Persons/bodies representative of businesses and residents in its area.

2.9 The formal statutory consultation took place for 8-weeks commencing on Thursday 18<sup>th</sup> July and ending at midnight Wednesday 11<sup>th</sup> September. The consultation results and the Council's response to comments can be seen at **Appendix 2**.

2.9 The Licensing Authority is required to give appropriate weight to the views of those consulted in respect of the revised policy.

2.10 Statements of policy should make clear that:

- Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003, and
- Condition attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

2.11 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

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

#### **3.1 Council Plan**

The issuing of licenses supports the Council's vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

#### **3.2 Financial Implications**

The fees charged under the Licensing Act 2003 are statutory, and as such are not set by the Local Authority, and the fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, which is based on the statutory requirements. Where Licensing Authorities exceed these requirements, they will be required to absorb those costs themselves.

#### **3.3 Legal Implications**

There is a legal requirement for the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years, in January 2025 it will be five years since the previous revised policy was adopted.

When reviewing responses to the consultation, due weight and consideration must be given to all representations including, where appropriate, why some (if any) have been disregarded. This is so in the event the policy is challenged, the Authority can evidence to a Court the rationale for the decision.

### 3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

An Integrated Impact Assessment has been completed and can be accessed on the Councils Website here [Integrated Impact Assessments - IntegratedImpactAssessment](#)

## 4 Consultation

4.1 Consultation has been carried out in accordance with the requirements as set out in the Licensing Act 2003. The consultation period was 8-weeks from Thursday 18<sup>th</sup> July 2024 to Wednesday 11<sup>th</sup> September 2024. Those consulted are follows: -

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
  - West Yorkshire Police
  - West Yorkshire Fire Service
  - Environmental Health and Health and Safety at Work
  - Planning
  - Public Health
  - West Yorkshire Joint Services (Trading Standards)
  - Secretary of State (Immigration Enforcement)
  - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

4.2 In total 9 responses were received to the consultation; those responses were received from: -

- 4 Members of the public
- 4 Existing Licence holders or representatives
- 1 Other (On behalf of a Parish Council)

4.3 The responses to the consultation, along with officer's comments can be seen at **Appendix 2.**

## 5 Engagement

5.1 Prior to the commencement of the statutory consultation engagement sessions were held with the following, which involved input into the proposed revisions within the policy. Those involved in the engagement process were as follows: -

- Police / Counter Terrorism Officers
- Environmental Health
- Public Health
- Emergency Planning
- Climate Team
- Safer Kirklees Council
- West Yorkshire Joint Services – Trading Standards

## 6 Options

### 6.1 Options considered

Members are asked to consider the proposed revised licensing policy statement and all responses to the consultation and make a formal recommendation to Full Council that the proposed revised policy attached at **Appendix 1** be adopted as the Councils Statement of Licensing Policy for the period 2025 to 2030, either:

- i. As proposed following consideration of the consultation responses; or
- ii. With amendments following consideration of the consultation responses.

### 6.2 Reasons for recommended option

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The previous review of the policy occurred in 2019 and was adopted by the Council in January 2020.

## 7 Next steps and timelines

7.1 Members are asked to consider the proposed revised Statement of Licensing policy, following consideration of the responses to the consultation and any proposed amendments that result from the consultation.

7.2 Members are asked to make a formal recommendation to Full Council on Wednesday 15<sup>th</sup> January 2024 that the proposed revised policy be adopted as the Council's Statement of Licensing Policy for the period 2025 to 2030.

## 8 Contact officer

Fiona Goldsmith  
Group Leader – Licensing  
Tel: 01484 221000  
Email: [Fiona.goldsmith@kirklees.gov.uk](mailto:Fiona.goldsmith@kirklees.gov.uk)

## 9 Background Papers and History of Decisions

## 10 Appendices

**Appendix 1** – Revised Statement of Licensing Policy 2025 – 2030

**Appendix 2** – Consultation Responses and Council Comments

## 11 Service Director responsible

Katherine Armitage

Service Director – Environmental Strategy and Climate Change

Tel: 01484 221000

Email: [Katherine.armitage@kirklees.gov.uk](mailto:Katherine.armitage@kirklees.gov.uk)



## **Licensing Policy 2025-2030**

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## 1 Executive Summary

- 1.1 Under the provisions of the Licensing Act 2003 ('the 2003 Act'), Kirklees Council ('the Council') is the Licensing Authority for the administration and enforcement of the 2003 Act, associated orders and regulations within its administrative district.
- 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 must have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.
- 1.3 **The Council's Corporate Plan (2024/2025) sets out our strategic vision, which is for Kirklees to be a district that combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity, and low inequality where people enjoy better health throughout their lives.**

The plan also set out our nine shared outcomes, these are:

- Shaped by people – We make our places what they are.
- Best Start – Children have the best start in life.
- Well – People in Kirklees are as well as possible for as long as possible.
- Independent – People in Kirklees live independently and have control over their lives.
- Aspire and Achieve – People in Kirklees have aspiration to achieve their ambitions through education, training, employment, and lifelong learning.
- Sustainable Economy – Kirklees has sustainable economic growth and provides good employment for and with communities and businesses.
- Safe and Cohesive – People in Kirklees live in cohesive communities, feel safe and are protected from harm.
- Clean and Green – People in Kirklees experience a high quality, clean, sustainable, and green environment.
- Efficient and Effective – Kirklees Council works smart and delivers efficiently and effectively.

~~The Council's Corporate Plan (2018-2020) is a two-year document which sets out our shared outcomes, aims and impact measures. It includes our strategic vision, which is for Kirklees is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing business, high prosperity and low inequality where people enjoy better health throughout their lives.~~

~~It also sets out our seven shared outcomes, plus a cross-cutting one, which have been developed with partners, and describes what we are all working to achieve for the people of Kirklees. The outcomes are set out below;~~

- ~~• Children have the best start in life.~~
- ~~• People in Kirklees are as well as possible for as long as possible.~~
- ~~• People in Kirklees have aspiration and achieve their ambition through education, training, employment and lifelong learning.~~
- ~~• People in Kirklees live in cohesive communities feel safe and are safe/protected from harm.~~
- ~~• People in Kirklees experience a high quality, clean, sustainable and green environment.~~
- ~~• Kirklees has sustainable economic growth and provides good employments for and with communities and businesses.~~
- ~~• People in Kirklees live independently and have control over their lives.~~
- ~~• Cross-cutting outcomes — Kirklees works smart and delivers efficiently and effectively.~~

- 1.4 This policy sets out how the Licensing Authority will deal with applications made under the Act. It sets out in detail who can make a representation under the Act. The policy contains a clear commitment not to use licensing provisions to duplicate other legislation.
- 1.5 This policy refers to the impact of licensing on cultural strategies. The policy also sets out the Licensing Authority's approach to integrating licensing with respect to other local plans and strategies, and to cumulative impact and special policies.
- 1.6 The Licensing Authority's approach to licensing hours and the presence of children on licensed premises is set out. ~~The policy states that standard operating conditions will not be applied to licences.~~ The policy considers the process of reviewing a premises licence or club premises certificate and sets out the approach to enforcement. The policy also sets out the Licensing Authority's commitment to a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children and vulnerable adults in the local area.
- 1.7 The Licensing Act 2003 gives the council additional opportunities to further its corporate priorities. The powers and duties contained within the Act will complement and reinforce the council priorities. The Council will be able to build on its existing excellent record of working with and consulting with partners to help to achieve the objectives of the Act.

## 2 Purpose

- 2.1 The Policy is prepared to meet the requirements of the Licensing Act 2003 and is done so in accordance with Section 5 of the same Act. It will be kept under review and as a minimum will be reviewed no later than 2025~~30~~.
- 2.2 In preparing this policy, the council has consulted with and considered the views of a wide range of people and organisations including (List to be included following consultation):

- Elected members — ward councillors and local members of parliament
- Representatives of local businesses
- Local residents and their representatives
- Parish and Town councils
- Representatives of existing licence holders
- Kirklees Community Safety Partnership
- Kirklees Drugs Action Team
- Council Services
- The responsible authorities, namely:
  - West Yorkshire Police
  - West Yorkshire Fire and Rescue Service
  - Kirklees Council — Environmental Health
  - Kirklees Council — Planning
  - Kirklees Council — Public Health
  - West Yorkshire Trading Standards
  - Secretary of State (Immigration Enforcement)

~~This policy was reviewed between April 2019 and December 2019, and the revised policy will come into force January 2020.~~

- 2.3 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.

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

- 2.4 The Council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interest of all its residents, it will not tolerate irresponsible licensed activity, **irresponsible licensed activity would be activity which undermines one or more of the licensing**

**objectives.** Following relevant representations, the Licensing Authority will refuse applications, restrict hours and activities, or impose conditions where it is appropriate to do so to promote the licensing objectives and/or use effective enforcement to address premises where there are problems, in partnership with key agencies such as West Yorkshire Police, **Environmental Health**, Trading Standards, Immigration Enforcement and other crime and disorder reduction partnerships.

- 2.5 The Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 2.6 The Licensing Authority will monitor the effect of this Policy throughout the period it covers through licensing liaison meetings with representatives of licence holders, such as Pub Watch meetings and by way of regular meetings with the responsible authorities.
- 2.7 The Policy has four main purposes:
- To provide the basis for elected Members to make decisions on applications.
  - To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
  - To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
  - To inform the Courts how decisions have been made and to support those decisions.
- 2.8 The Policy balances the objective of improving the local economy, tourism, **improving health and wellbeing and tackling health inequalities** and cultural development against noise, nuisance, safeguarding and crime and disorder.
- 2.9 The Policy covers the following licensable activities within the Kirklees district, as defined by the Licensing Act 2003:
- The sale of alcohol.
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
  - The provision of regulated entertainment.
  - The provision of late-night refreshment.
- 2.10 The principles set out within this Policy apply equally to new applications, applications for variations and consideration of any request to review a licence.

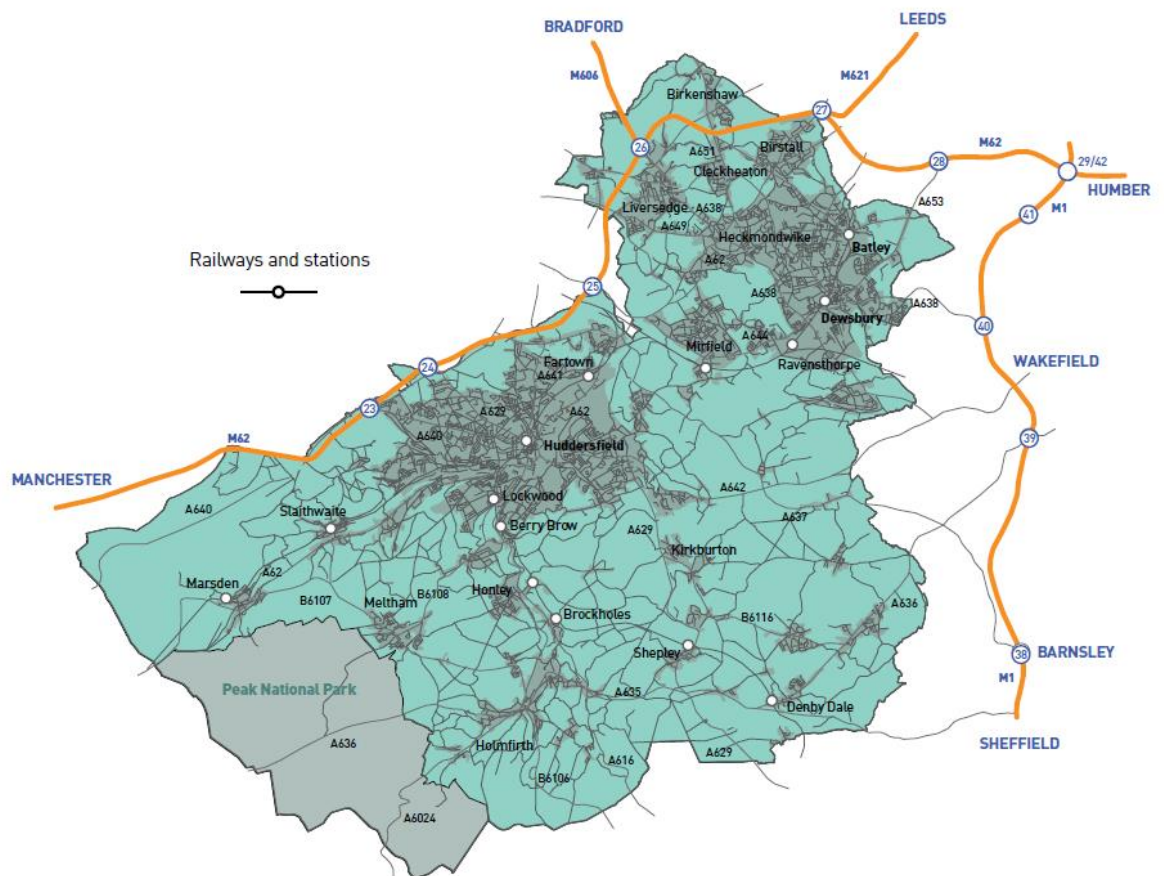
The Licensing Authority recognises that the 2003 Act is not the primary mechanism for a the general control of nuisance, anti-social behaviour and environmental crime by individuals once they are away from the premises and therefore beyond the direct control of the licence holder. The Licensing Authority will not therefore attempt to control such through its exercise of licensing functions. The licensing process can only seek to control those measures within the control of the licensee, and in the 'vicinity' of the premises. Whether or not incidents can be regarded as being in the 'vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of each individual case. The Licensing Authority will focus primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

- 2.11 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 authorities or ~~interested parties~~ other persons, there is no provision for a Licensing Authority to ~~refuse an application, or impose conditions on a licence other than those proposed within an application and those required by law. 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 an application is lawfully made and no relevant representations are made in respect of an application, the Licensing Authority is under a duty to grant the licence on the terms sought. Only if relevant representations are made will the Council's discretion be engaged.
- 2.12 The policy will promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are:
- Personal Licences for individuals – necessary where alcohol is to be sold or provided on premises.
  - Premises Licences and Club Premises Certificate – subject to suitability of premises and measures taken by applicant.
  - Temporary Event Notice – simplified process for events of a smaller scale.
- 2.13 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision, in the interests of promoting the licensing objectives. Full reasons should be given to justify any departure from this policy.

- 2.14 Applicants for premise licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives. Applicants should demonstrate knowledge of their local area when describing the steps they propose to take to address these.
- 2.15 Advice on whether a licence is required for premises, or an event can be obtained by contacting Licensing. Contact details can be found at [Apply for a premises licence | Kirklees Council](#)

### 3 Kirklees

3.1 Kirklees Council is situated in West Yorkshire, which contains five metropolitan councils in total. The Council area has a population of approximately 440,000 making it the largest metropolitan district not based on a city in terms of population. In terms of area, it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around the large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map below:



3.2 Licensed premises are located across the district of Kirklees, offering a diverse selection of leisure and entertainment to visitors. It is recognised that these businesses provide social and community spaces, facilities for residents and business, and a vital support infrastructure for related sectors such as retail and tourism.

3.3 Kirklees has a varied population – many ethnicities are represented, speaking a range of languages, and bringing a cultural diversity to the region. A thriving student community based around the University of Huddersfield attracts students from around the world. [Life expectancy and healthy life expectancy \(the number of years lived in good health\) are increasing across Kirklees.](#)



- 3.4 The Kirklees Partnership brings together public, private and voluntary sector representatives along with community members. The Partnership's strategic aims and the most up to date Partnership Plan can be found at [Appendix 1. 2022-2027 Kirklees Communities Partnership Plan FINAL COPY.pdf](#)

#### 4 Other Policies, Objectives and Strategies

- 4.1 In preparing the Policy the Licensing Authority has been driven by the policies, aims and objectives set out under the Council's top-tier plans. These include:
- Kirklees Council Corporate Plan ~~2018-2020~~ 2024 - 2025
  - Joint Health and Wellbeing Strategy for Kirklees
  - Kirklees Economic Strategy
  - Communities Partnership Plan
  - Strategic Intelligence Assessment
  - Drug and Alcohol Strategy for Kirklees
  - Health Care Plan
- 4.2 Details of these, and other relevant plans and strategies which affect and are affected by the Kirklees Licensing Policy can be found at the [Council's website](#)
- 4.3 Wherever possible the Policy is intended to promote other policies and strategies for the wider cultural benefit of communities. The Licensing Authority will monitor the impact of the Policy to ensure that it does not unnecessarily deter or prevent cultural or community events or have a negative impact on other cultural or community activities.
- 4.4 Protocols will be developed to ensure the Policy will take into account the ongoing needs of local tourism, the cultural strategy and regeneration activities in the area.
- 4.5 The effects of licensing activity in the area will be fed into local transport plans so that proper regard can be taken of the need to disperse people away from town centres swiftly and safely at all times of the day and night.
- 4.6 **The policy also supports the health needs of communities by use of the alcohol toolkit which can be found at section 8 of this policy.**
- 4.7 The Licensing Authority is aware of its obligations under equalities legislation and the Public Sector Equality Duty. The impact of this Policy on Kirklees employees, residents and service users has been assessed using the Council's Equality Impact Assessment tool. The Policy aims to ensure that every citizen receives equal opportunity, rights and treatment when applying for licences and making representations.



- 4.8 The Council (through its Licensing **and Safety Committee**) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the Committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives, it may have regard to them when making licensing decisions.
- 4.9 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the Licensing Policy on such policies, strategies and initiatives. Equally, the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the Licensing Policy. This may include recommendations to amend the Licensing Policy itself.

## **5 Promotion of the Licensing Objectives**

- 5.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 5.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.
- 5.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 5.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 5.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes **necessary appropriate and proportionate** measures **to mitigate risks it has identified**.

- 5.6 The Council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities in the Kirklees district are available on the Council's website.

### **Crime and Disorder**

- 5.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it **reasonably** can to prevent crime and disorder, **including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances, re-offending and serious violence.**
- 5.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports local crime reduction strategies.
- 5.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the police for the main source of advice on these matters.
- 5.10 If relevant representations are made in relation to a premises licence or a club premises certificate, the Council will consider whether it is **necessary appropriate** to impose conditions to regulate behaviour of customers accessing or utilising premises in order to adequately promote the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. Conditions will be targeted on deterrence and the prevention of crime and disorder.
- 5.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

5.12 The prevention of crime and disorder includes all crime and disorder, whether or not it relates directly to the consumption of alcohol, for example, the sale of counterfeit vapes, tobacco and alcohol is illegal, avoids tax, causes harm in local communities and can be dangerous for the user. For that reasons licensees should be able to evidence the provenance of products they sell in their premises.

### **Public Safety**

5.13 The public safety objective is concerned with the physical state of people using the premises, including the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. It also includes the ~~Public safety~~ includes safety of performers appearing at any premises.

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

- Fire safety;
- Emergency evacuation or invacuation;
- Counter-terrorism;
- Ensuring appropriate access from 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;
- 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;
- Considering the use of CCTV in and around the premises.

5.15 The licensing authority is committed to reducing drug-related harm in the night-time economy. Applicants and licensees are specifically expected to risk assess such harm and to put in place appropriate measures to reduce harm. This may include:

- Social media messaging.
- Amnesty bins.
- Proper supervision and observation of the queue.
- Entry measures such as searches and, where appropriate, the use of drug dogs.
- The use of spotters in premises.

- Training of security staff.
  - Use of WC (toilet) attendants.
- 5.16 The licensing authority recognises that drugs may still circulate within licensed premises. It is important that those who have taken drugs are not deterred from seeking help. Applicants and licensees are advised to consider:
- The use of welfare personnel within the venues.
  - The use of paramedics.
  - The provision of medical facilities.
- 5.17 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 5.18 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 5.19 Applicants are advised to consult with the Environmental Health department, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules, and also in relation to workplace health and safety matters. On receipt of relevant representations, the Council will have regard to the views of the Environmental Health department **where relevant**.
- 5.20 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on the premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered **necessary appropriate** in light of the evidence on each individual case, these types of conditions may be considered.
- 5.21 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of events is given.

### **Public Nuisance**

- 5.22 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable.

- 5.23 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance, affecting only a few local residents, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of people 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.
- 5.24 Where applicants are completing operating schedules, the Council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 5.25 Applicants are recommended to consult Environmental Health Services for advice on measures that may need to be incorporated into an operating schedule.
- 5.26 If relevant representations are made, the Council will consider whether it is **necessary appropriate** to impose conditions to regulate the behaviour of customers accessing or utilising premises in order to adequately promote the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 5.27 **Further, the Council may consider the applicant's arrangements for dispersal, so as to mitigate the risk of nuisance to local residents from departing customers. Applicants are encouraged to adopt dispersal plans, and to train their staff and security staff in the implementation of the plan.**
- 5.28 The Council will consider whether issues relating to public nuisance can be effectively dealt with by **necessary and** appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 5.29 When considering such matters, the Council will have regard to representations made by Environmental Health Services and by local residents.

- 5.30 The Council recognizes that it is necessary to balance the rights of local residents, businesses and others, with those wishing to provide licensable activities, and those who wish to use such facilities.
- 5.31 Ultimately, if it is **appropriate necessary**, for the prevention of public nuisance where conditions do not adequately address the issues, an application can be refused.

### **Protection of Children from Harm**

- 5.32 The Council recognizes the Kirklees Safeguarding Children Partnership (KSCP) as the responsible authority for the protection of children from harm.
- 5.33 The protection of children from harm includes protection from physical and psychological harm.
- 5.34 The Council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 5.35 Issues about access of children to premises may give rise to concern in some situations, including but not limited to:
- Where adult entertainment is provided on an occasional basis and is not already licensed under other legislation
  - Where there have been convictions of the current management for serving alcohol to minors
  - Where the premises have a reputation for allowing under-age drinking
  - Where requirements of proof of age is not the norm
  - Where premises have a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.
- 5.36 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.

- 5.37 On receipt of relevant representations, the Council will consider whether conditions are necessary. In such cases, representations by Kirklees Safeguarding Children Partnership (KSCP) and the Police will be given considerable weight where they address issues regarding the admission of children.
- 5.38 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. Schemes such as Challenge 25/Check 25 volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application **following the receipt of representations**.
- 5.39 No condition will be imposed by the Council requiring the admission of children to any licensed premises except in the case of exhibition of film, where a mandatory condition is applied to all licences with this activity.

### **Online Sales of Alcohol and Delivery of Alcohol**

- 5.40 The Licensing Authority recognises offering online sales of alcohol is a legitimate way in which to operate a business. However, applicants wishing to provide online ordering and deliver of alcohol should pay particular attention to how they will verify a person ordering alcohol online or accepting a delivery of alcohol, is over the age of 18. Applicants should ensure they have a robust age-verification policy in place both at the point of order and in particular at the point of delivery.
- 5.41 Guidance suggests that your couriers or delivery drivers should be instructed to ensure that age verification has taken place, and that photo ID has been checked if the person appears to be less than 18 years of age. **Kirklees Council recommends that premises operate a challenge 25 policy for alcohol delivery services, and that alcohol should only be delivered to buildings rather than parks or open spaces.**
- 5.42 **Persons who run premises providing 'alcohol delivery services' should notify the licensing authority that they are operating such a service in their operating schedule.**
- 5.43 **It is advised that premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, contact the licensing authority to ask its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.**

## **6 General Principles**



- 6.1 In determining a licensing application, the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and considering this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy, the Council will give clear and cogent reasons for doing so. **The alcohol toolkit at section 8 of this policy provides local data which may support both applicants, interested parties and the licensing authority.**
- 6.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act **and have them determined in accordance with the Licensing Act 2003.**

### **Human Rights**

- 6.3 The European Convention on Human Rights makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Licensing Authority will have regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 - that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - Article 8 - that everyone has the right to respect for his home and private life.
  - Article 1 - of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

### **Protection of Privacy and Data**

- 6.4 In line with General Data Protection Regulation and Data Protection Act 2018, the Council are Data Controllers of the information you provide as part of your licence application. The Council have a duty to process and maintain licences and permissions and conduct enforcement activities in accordance with the Licensing Act 2003. This means the Council are duty bound to serve information on responsible authorities. This is part of a legal obligation to meet the requirements for the licensing of the sale of alcohol, regulated entertainment and late-night refreshment.



- 6.5 We may, if necessary, share certain information pertaining to licensed premises or individuals with third parties. These may include other services within the Council (e.g. the Greenspace Action Team), or external third parties including, but not limited to, the Information Commissioner's Office, the Health and Safety Executive, West Yorkshire Joint Services and West Yorkshire Fire and Rescue Service. This information will be shared to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.
- 6.6 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: [How we use your data](#).

### **Equality Act 2010**

- 6.7 The Council is committed to eliminating unlawful discrimination, harassment and victimization, advancing equality of opportunity and fostering good relations within and between our communities. **When determining licence applications following receipt of relevant representations, the Council will have due regard to the need to achieve these goals, in accordance with its public sector equality duty. Applicants are therefore advised to consider these goals in making their application.**
- 6.8 It is **also** recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:
- Age
  - Being or becoming a transsexual person
  - Being married or in a civil partnership
  - Being pregnant or on maternity leave
  - Disability
  - Race including colour, nationality, ethnic or national origin
  - Religion, belief or lack of religion/belief
  - Sex
  - Sexual orientation
- Further guidance is available at [GOV.UK Guidance on the Equality Act](#)
- 6.9 The Council cannot enforce **individual claims under** the Act, but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the Council, we advise the complainant of their rights under the Equalities Act.

### **Other Regulatory Regimes**

6.10 The Policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators.

6.11 Conditions in respect of public safety will only be attached to licences if they are appropriate for the promotion of that licensing objective.

### **Safeguarding**

6.12 The licensing authority is committed to a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children and vulnerable adults in the local area.

6.13 The Licensing Authority worked with the Council's Children's Services and Adult Services during the development of this policy where the protection of vulnerable individuals is concerned. Intelligence sharing and the exchange of current strategy developed by the Kirklees Safeguarding Children Partnership ensure that the protection of children from harm remains key.

6.14 The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

6.15 See sections 14, 15 and 18 for safeguarding information relating to, spiking prevention, Martyn's Law, and safer night-time economies.

### **Exploitation**

6.16 Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement (Jay, 2014).

6.17 Kirklees Safeguarding Children Partnership (KSCP) works with other statutory authorities (Local Authority, Police and Public Health) and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The KSCP can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe, and businesses operate responsibly.

- 6.18 The Licensing Authority encourages license holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
  - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

- 6.19 [The Kirklees Safeguarding Children Partnership](#) webpage dedicated to providing local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

~~The licensing authority has though taken account of the view of the Government that the use of licensed premises by children should be encouraged.~~

- 6.20 The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. However, the Licensing Authority strongly recommends that applicants address the access of children in the operating schedule.

- 6.21 The Licensing Authority will also not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

- 6.22 Areas that will give rise to particular concern in respect of children include the following premises, the list is not exhaustive:

- Where entertainment of a sexual or adult nature is commonly provided.
- Where there have been convictions of members of staff for serving alcohol to minors or there is a reputation for underage drinking.
- Where there is a known problem with sales of alcohol for consumption off the premises by underage persons.
- Where there is a known association with drug taking or dealing.
- Where there is a strong element of gambling (not the simple presence of a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided.

6.23 The Licensing Authority welcomes and supports any campaign aimed at preventing underage consumption of alcohol

6.24 In these circumstances the conditions which are likely to be attached to any licence are:

- Limitations on the hours when children will be permitted.
- Stating a minimum age for access by children.
- Limiting or prohibiting access when certain activities are taking place.
- Permitting access only when the child is accompanied by an individual aged 18 years or over.
- A combination of the above.
- A full exclusion of all individuals aged under 18 years.

~~The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place the Licensing Authority will expect the Code of Practice to be fully implemented.~~

6.25 In the case of premises giving film exhibitions the Licensing Authority will expect licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the Licensing Authority itself.

6.26 The Licensing Authority expects that employers will make careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Criminal Records Bureau check to the appropriate standard.

6.27 The licensing authority expects licensees to put in place clear measures to prevent consumption of alcohol by children, including:

- Challenge 25, or a similar age-checking scheme, supported by clear signage, till prompts where appropriate and refusal logs.
- Use of independent age verification checks.
- Risk assessment of proxy purchasing and mitigation measures to prevent it.
- Employment of personal licensees where appropriate.
- Appropriate staff training and refresher training.

- 6.28 The licensing authority will carry out its own checks, both notified and un-notified, to ensure that licensees are complying with their obligations, and reserves the right to apply for review of premises licences where children are not adequately protected.
- 6.29 Where there is evidence of alcohol being stolen from premises, street drinking or consumption by children, licensees should consider:
- Displaying alcohol away from the entrance to the premises.
  - Ceasing advertising alcohol in the window or on A boards.
  - Stopping end of aisle promotions.
  - Storing alcohol behind the counter or within the sight of the counter.
  - Prevention of sale of high strength beer, lager and cider.
  - Prevention of sale of single bottles of beer, lager and cider.
  - Removal of multi-purchase offers.
- 6.30 Where such measures have been ineffective and an application for review is made, the licensing authority will consider what further measures, up to and including revocation, is appropriate.

### **Impact of Licensing Activity**

- 6.31 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives including how it may support other key aims, strategies, and objectives.
- 6.32 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):
- The type of use, the numbers and type of customers likely to attend the premises;
  - The proposed hours **and number of days** of operation;
  - The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
  - The adequacy and impact of car parking on local residents or businesses;
  - The scope for mitigating any impact;
  - How often the activity occurs;
  - **Late night use of external areas.**
- 6.33 In considering any application for a variation the Licensing Authority may also take into account:
- Historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses.

- Where adverse impact has been caused, **whether** appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

## Representations

- 6.34 In relation to premises licences and club premises certificates, the Licensing Authority must consider relevant representations as part of its determination. Relevant representations can only be made by ~~interested parties or~~ responsible authorities **or other persons** within prescribed time periods. Where the Licensing Authority is of the opinion that representations are frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.
- 6.35 Relevant representations relate to:
- matters about the likely effect of the grant of a premises licence or club premises certificate on the promotion of the licensing objectives; or
  - a proposed designated premises supervisor if made by the Chief Constable.
- 6.36 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do.
- 6.37 Responsible authority means any of the following:
- The Chief Officer of Police
  - The local Fire & Rescue Authority
  - The local enforcement authority for the Health & Safety at Work etc. Act 1974
  - The local authority with responsibility for environmental health
  - The local planning authority
  - A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm
  - The local weights & measures authority (trading standards); and
  - The relevant Licensing Authority, and any other Licensing Authority in whose area part of the premises is situated.
  - Each local authority's Director of Public Health (DPH)
  - **The Home Office Immigration Enforcement on behalf of the Secretary of State. (Home office immigration are not a responsible authority in relation to Club Premises Certificates).**
- 6.38 In relation to a vessel:
- A navigation authority having functions in relation to waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities.

- The Environment Agency
- The British Waterways Board
- The Secretary of State for Transport, acting through the Maritime and Coastguard Agency.

6.39 In promoting the licensing objectives, the Licensing Authority will, for reasons of appropriateness and efficiency, refer complaints about licensed premises/club premises/temporary events or licensed individuals to its own appropriate service team (e.g. Health & Safety, Pollution & Noise Control) or to another agency (e.g. West Yorkshire Police, West Yorkshire Fire & Rescue Service) for their consideration, in accordance with any enforcement protocols.

6.40 As well as responsible authorities mentioned above, any other person can make representations to licensing authorities. A person may also request that a representative makes the representation to the licensing authority on their behalf. For example, a legal representative, a friend, a Member of Parliament, a member of the National Assembly for Wales, or a local ward or parish councillor could all act in such a capacity.

6.41 Nothing in this policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

### **Delegation**

6.42 The Licensing Authority will appoint a Licensing Committee. Licensing decisions will generally be delegated to a licensing subcommittee of 3 Councillors or, in appropriate cases, to officers of the Licensing Authority.

6.43 Many of the decisions will be purely administrative in nature and the Licensing Authority will operate the delegations in line with the Council's 'Scheme of Delegation' which is published on the [Council's website](#).

6.44 If no relevant representations are received and the operating plan sufficiently demonstrates steps to promote the licensing objectives, the application will be granted.

6.45 During the licensing process where representations are received and the issues raised are relevant and cannot be resolved by mediation, the application will be heard by Elected Members.

6.46 Every decision made whether by the Licensing Committee, the Sub-Committee or by officers shall be accompanied by clear reasons for that decision.



6.47 Where a Councillor who is a member of the Licensing Committee or Sub-Committee has a **prejudicial personal** interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process in respect of that application.

## 7 Personal Licences

7.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.

7.2 The council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 8.34 to 8.36 on the role of the 'Designated Premises Supervisor'.

7.3 The Licensing Authority recognises that it has no discretion regarding the granting of personal licenses where the applicant:

- is 18 years or over;
- **if subject to immigration control, has permission to work in a licensable activity.**
- possesses a licensing qualification;
- has not been convicted of a relevant offence;
- has not forfeited a licence in the last five years;
- **has paid the appropriate fee to the licensing authority; and**
- **has an unspent conviction for a relevant offence or a foreign offence where the police have not objected to the grant of the application on crime and prevention grounds, or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime and prevention objective.**

7.4 An application must be made in the form specified by regulation and must be accompanied by the requisite fee together with evidence of the relevant licensing qualification.



- 7.5 Applicants must also produce one of the following:
- from the DBS (Disclosure and Barring Service) a criminal conviction certificate issued under S.112 of the Police Act 1997
  - from the DBS, a criminal record certificate issued under S.113 of the Police Act 1997
  - the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the national Identification Service and,

In any case such a certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

7.6 Where the application discloses relevant unspent convictions the Licensing Authority will notify the police of that application and the convictions. The police may then make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held.

7.7 The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

7.8 All personal licence holders should note that on their first appearance in any court, when charged with a relevant offence (see Annex C of Guidance under section 182 of the Licensing Act 2003); they must declare their status as a holder of a personal licence to that court. Where subsequently convicted they must declare that conviction to the Licensing Authority.

7.9 Individuals applying for a personal licence must be entitled to work in the UK. A person is disqualified from applying for a personal licence or premises licence by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it or
- The person's leave to enter or remain in the UK:
  - Is invalid,
  - Has ceased to have effect, or
  - Is subject to a condition preventing the person from doing work of any kind.

## 8 Premises Licences and Club Premises Certificates

## Application Process

- 8.1 When processing applications the Licensing Authority will not be influenced by the question of need. Need for any particular premise is a commercial matter or it may be part of a Planning consideration.
- 8.2 An application for a premises licence or a club premises certificate must be made in the form specified by regulation. The form must be accompanied by the requisite fee and a floor plan indicating the safety features of the premises such as alarm systems, access and egress points, fire doors, fire extinguishers, etc.
- 8.3 The applicant must also send copies of completed application forms and operating schedules to the responsible authorities ~~named in~~ [Appendix A](#) and advertise the application on or near the premises **and in a local newspaper** in accordance with the relevant regulations.
- 8.4 **“Responsible Authorities” are public bodies that must be fully notified of application and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. For all premises, responsible authorities include:**
- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
  - The chief officer of police;
  - The local fire and rescue authority
  - The relevant enforcing authority under the Health and Safety at Work etc Act 1974;
  - The local authority with the responsibility for Environmental Health;
  - The local Planning Authority;
  - The body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
  - Each local authority’s Director of Public Health;
  - The local weights and measures authority (Trading Standards);  
and
  - The Home Office Immigration Enforcement (on behalf of the Secretary of State). (Home office immigration are not a responsible authority in relation to club premises certificate).
- 8.5 Applicants must provide an operating ~~plan~~ **schedule** with the application. The plan must include those matters that are prescribed by the Act.

- 8.6 One section of the operating schedule asks the applicant about the steps it will take to promote the four licensing objectives. While it is up to the applicant to decide on the content of this section the licensing authority expects the applicant to state ~~The plan is crucial as it demonstrates to the Licensing Authority~~ how ~~it the applicant~~ will meet the four licensing objectives. It ~~must should~~ therefore contain sufficient information to allow the Licensing Authority to determine the licence and ought to include an assessment of the risks associated with the application. **If the applicant does not do so, it is more likely that there will be relevant representations, which will lead to a hearing before the Licensing Sub-Committee.**
- 8.7 The Licensing Authority strongly recommends that applicants seek advice from the appropriate agencies, for example West Yorkshire Police and West Yorkshire Fire Service prior submitting the ~~operating plan~~ **application.**
- 8.8 The applicant ~~must is expected to~~ conduct an assessment of issues based upon the potential for crime and disorder and it is strongly recommended this is carried out in consultation with local police. Where any crime prevention measures are agreed, they should be implemented in accordance with the West Yorkshire Police Licensing Policy - Crime Prevention Measures. Failure to involve the local police at an early stage may result in them making representations against the application.
- 8.9 Guidance on what the Licensing Authority expects and on the completion of operating ~~plans~~ **schedules** is provided in Appendix B. Notwithstanding this, ~~it is expected that schedules will~~ ~~plans must~~ be completed in a manner specific to an application rather than in general terms.
- 8.10 The Licensing Authority requests that holders of a premises licence ~~are requested to~~ make timely applications for variation of the designated premises supervisors. Applicants should note that the legislation allows West Yorkshire Police to object to the designation in order to promote the crime prevention objective.
- 8.11 Any application not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the application correctly before it is accepted by the Licensing Authority.
- 8.12 The council may use the information submitted in any application form for any licence and/or permission provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.

8.13 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council services.

### **Full Variation Process**

8.14 Any changes to an existing licence will require an application to vary the licence, under sections 34 for full variations or section 41A for minor variations.

8.15 However, a section 34 application cannot be used to vary a licence so as to:

- Extend a time limited licence;
- Vary substantially the premises to which the licence relates;
- Transfer the licence from one holder to another; or
- Transfer the licence from one premises to another.

8.16 If an applicant wishes to make these types of changes to the premises licence, then an applicant should make a new premises licence application or transfer the existing premises licence to another holder.

8.17 Variations to Club premises are dealt with under section 84 for full variation and section 86A for minor variations.

### **Planning and Building Regulations**

8.18 The use of premises for sale or provision of alcohol, provision of entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for the establishment of a new premises or change of use of premises.

8.19 In general, all premises that are the subject of an application under the Licensing Act may also need to seek the appropriate planning permission, or be deemed permitted development. The grant of a Premises Licence or Club Premises Certificate does not negate the need to seek and be granted any required planning consent.

8.20 In addition, it is also the responsibility of the applicant to ensure that any necessary building control approval has been obtained where structural alterations have taken place.

- 8.21 A hearing on any licence application will not consider whether any decision to grant or refuse planning permission was lawful and correct. The licensing process is not a re-run of the planning process.
- 8.22 In order to ensure proper integration, reports on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder may be taken to the Planning committee.
- 8.23 The Licensing and Safety Committee and officers may have discussions with the planning service and applicants prior to the determination of an application with the aim of agreeing mutually acceptable operating hours and scheme designs. In circumstances where, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes differs from the licensing hours, the applicant must observe the earlier closing time.
- 8.24 Where the operation of an existing business/community facility could have a significant adverse effect on new planning development, including changes of use, in its vicinity, the applicant applying for the new planning development should be required by the local planning authority to provide suitable mitigation before the development has been completed. Further advice on this topic is given in the National Planning Policy Framework, paragraph 193.

### Licensing Hours

- 8.25 ~~The Government~~ Guidance under section 182 of the Licensing Act 2003 states that flexible licensing hours may reduce the level of conflict / anti-social behaviour / disorder caused by concentrations of young drinkers, allowing a more gradual dispersal of customers from premises. However, the Guidance also states that in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 8.26 The Council accepts that use of more flexible hours can provide customers and businesses with a greater choice and may help to promote the evening economy in Kirklees, particularly in our town centres. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount.

8.27 **The Following receipt of relevant representations the** Licensing Authority will consider supporting longer hours where:

- There is likely to be no significant effect on crime and disorder or public nuisance.
- The operating schedule clearly demonstrates that the applicant is taking appropriate measures to minimise any adverse effects on residents and businesses in the vicinity. Measures to reduce the impact of customers using external facilities in and around premises (e.g. beer gardens, car parks, and pavements) are increasingly important, since the introduction of the Health Act 2006 (smoke free premises)
- Transport facilities are available to take customers away from the venue.
- **Where the hours don't exceed existing hours permitted by the planning permission.**

8.28 Shops, stores, and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open unless there are **very** good reasons for restricting those hours.

### **Operating Schedules**

8.29 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote these.

8.30 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

8.31 Whilst applicants are not required to seek the views of the responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimize the scope for disputes to arise.

- 8.32 Although not a licensing objective, matters relating to public health and alcohol are an important factor to consider, and applicants may find it useful to contact Kirklees Public Health team for advice on how to reduce potential negative impact alcohol can have on the residents of Kirklees and for support on operating responsibly.
- 8.33 Applicants may find contacting their local ward Councillor helpful. Councillors provide a voice to the people living in the ward they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services, to help bring about improvements to services and the environment for their local community.
- 8.34 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on, rather than in general or standard terms. Information should be given to demonstrate how the individual applicant proposes to address and promote the licensing objectives. **Such conditions should emerge initially from the risk assessment carried out by the applicant.**
- 8.35 **The licence may not simply replicate the wording from an applicant's operating schedule, conditions will be interpreted with the applicant's intention and will be appropriate and proportionate for the promotion of the licensing objectives.**
- 8.36 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by the Council.
- 8.37 **The Council will provide a list of example standard conditions for applicants which can be accessed via the Council's website {LINK TO BE INCLUDED}. The Council expects our applicants to consider the standard conditions in relation to their application prior to the submission of an application.**

### **Conditions**

- 8.38 The Licensing Authority will only impose conditions on a licence (other than the statutory mandatory conditions) which are appropriate for the promotion of the licensing objectives, following scrutiny of the applicants operating plan and any relevant representations.

- 8.39 Where conditions are imposed, they will be tailored to the individual style and characteristics of the premises and events concerned.
- 8.40 The Licensing Authority may also impose conditions other than those set out in the guidance, in circumstances where this is appropriate to properly promote the licensing objectives.
- 8.41 More stringent conditions will usually be considered on new or variation applications or when reviewing a licence where applicants have a previously documented failure to comply with licence conditions.
- 8.42 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

### **Premises Supervisors**

- 8.43 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late-night refreshment.
- 8.44 The Licensing Authority accepts that not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be authorised by such a licence holder. The Licensing Authority would normally expect that personal licence holders give specific written authorisation to individuals that they are authorising to sell alcohol on their behalf. This would assist personal licence holders in demonstrating due diligence. Although the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales made.
- 8.45 The requirements relating to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises where a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the Licensing Act 2003.



## **Live Music, Dancing and Theatre**

8.46 The Live Music Act 2012 extends the range of live music performances that can take place without a licence under the 2003 Licensing Act. Where live music performances and other regulated entertainment impacted by the Live Music Act 2012 are licensable, the Council, when determining which conditions should be attached to licences and certificates are aware of the need to avoid measures which deter live music and dancing and theatre etc. by imposing indirect costs of a disproportionate nature. The Licensing Authority is aware that the absence of cultural provision can itself lead to young people being diverted into anti-social behaviour.

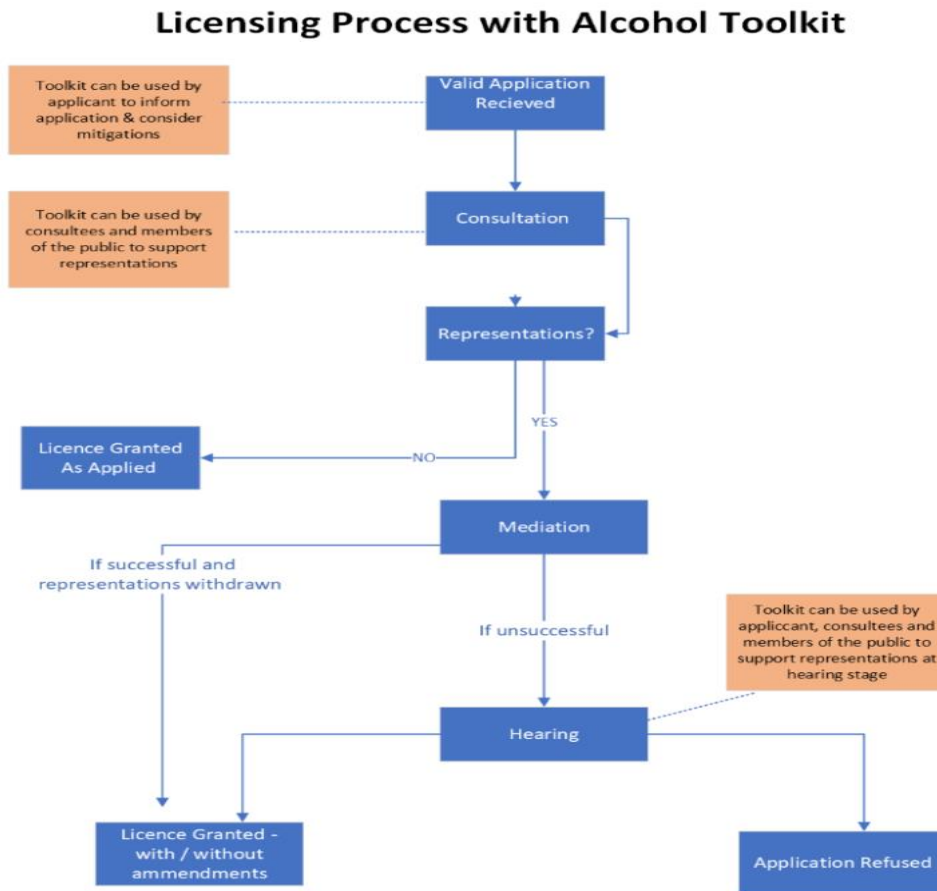
## **Alcohol Toolkit**

8.47 In 2012, the Police and Social Responsibility Act 2011 introduced Public Health as a responsible authority under the Licensing Act 2003, however, there is no licensing objective linked to public health.

8.48 The Licensing Authority and Public Health have worked together to establish a way the data Public Health have access to can be utilised to:

- Shape and strengthen this policy
- Assist responsible authorities and other persons, to determine if an application in a specific area would impact on the licensing objectives
- Provide data and evidence to assess if the concentration of premises in a particular area impacts the Council's duties to promote the licensing objectives, and therefore warrant the introduction of a 'cumulative impact policy'.

8.49 The table, below, shows how the toolkit can assist applicants and other persons during the licensing application process:



8.50 The Alcohol Toolkit uses data on alcohol-related outcomes to give a picture of the current health and wellbeing of a local area in relation to alcohol. It is intended to be used by both applicants and consultees to help inform their input into the licensing process, all that is required is the postcode for the premises to access relevant data for this postcode.

8.51 Any representations submitted to the licensing authority from data gained from the toolkit will be required to be linked to one of the four licensing objectives:

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

8.52 The toolkit can be found on the council's website (LINK TO BE ADDED WHEN TOOLKIT GOES LIVE)

## **9 Early Morning Alcohol Restrictions Orders (EMARO)**

- 9.1 The power conferred on licensing authorities to make, vary or revoke an EMARO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31<sup>st</sup> October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 9.2 The power enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it satisfied that this would be appropriate for the promotion of the licensing objectives.
- 9.3 EMARO's are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 9.4 Further information on the process of requesting and implementing EMAROs can be found within the Government's Section 182 Guidance to Licensing Authorities.
- 9.5 There are currently no EMARO's in place in Kirklees.

## **10 The Late Night Levy**

- 10.1 The late-night levy is a power, conferred on licensing authorities by provision in Chapter 2 of part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy, and the reduction or prevention of crime and disorder.
- 10.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate, in relation to premises in the authority's area, which authorises the sale or supply of alcohol on any days during the period beginning at or after midnight and ending at or before 6am (late night supply period).
- 10.3 Currently Kirklees Licensing Authority area does not have a late-night levy.

## 11 Cumulative Impact Assessments

- 11.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.
- 11.2 The licensing policy is not the only means of addressing such problems. Other controls include:
- Planning and Environmental controls.
  - Positive measures to create cleaner greener and safer environment.
  - Provision of CCTV.
  - Provision of transport facilities including taxi ranks
  - Police enforcement and closure powers
  - Joint agency action to address under-age and binge drinking.
- 11.3 The Policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour, and environmental crime once consumers are away from the vicinity of the premises.
- 11.4 There are places in the area which on occasion raise concerns in relation to numbers of people congregating in and moving around certain confined locations and the effect of this on crime and disorder, public safety, and public nuisance. This is particularly so at night-time when large numbers of ~~alcohol-fuelled revellers~~ **people who have been drinking alcohol** are present **in public areas**.
- 11.5 The Licensing Authority, in consultation with the police and other relevant parties, will regularly review the issue of cumulative impact in light of the practical experience of the operation of the Licensing Act 2003 and of the demand for premises licences. Such reviews will be conducted as part of regular liaison meetings.
- 11.6 **As part of the current review of this statement of licensing policy the council is also consulting on the need for a Cumulative Impact Policy and this section will be updated accordingly following the consultation.**  
~~Any imposition of special provisions to combat the effect of cumulative impact will only be introduced after widespread consultation, including those bodies/persons indicated in section 5(3) of the Act, and the establishment of clear evidence of a problem and its links with licensed activities. Any special policy, once adopted, will be the subject of regular reviews.~~

- 11.7 Should special provisions be introduced they will not be applied universally or override the right of each application to be dealt with on its merits. Where licences are unlikely to add significantly to the cumulative impact, the presumption is that they will be granted.

## 12 Temporary Events

- 12.1 The system of permitted temporary activities is intended as a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the 'premise user') gives notice to the Licensing Authority of the event (a 'temporary event notice' or TEN).
- 12.2 Temporary Event Notices make provision for small scale, one-off events. This could be in a situation where a venue does not benefit from a premises licence, or where the premises licence does not meet the need of a particular function on a particular night.
- 12.3 Temporary event notices are subject to various limitations. These are concerned with:
- The number of times a premise user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people);
  - The number of times a TEN may be given for any particular premises (~~42~~15 times in a calendar year);
  - **The number of times a premises user may give a late TEN (10 times in a calendar year for personal licence holders, twice for anyone else), a late TEN is a notice that is given less than 10 working days before an event, when a premises user has given the permitted number of late TENs that calendar year the notice will be returned as void and the activities described in it will be void.**
  - The maximum duration of an event authorised by a TEN is 168 hours (7 days);
  - The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year)
  - The maximum number of people attending at any one time (fewer than 500); and
  - The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

- 12.4 The most important aspect of the system of temporary event notices is that no permission is required for these events from the Council. In general, only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
- 12.5 Many premise users giving temporary event notices will not have commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.
- 12.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. The notice periods do not include the day the authority receives the notice or the day of the event.
- 12.7 Where an objection from the Police or Environmental Health is received to a TEN, a hearing will be held. There is no scope for hearings (or appeals) in respect of late TENs and if objections are raised by the Police or Environmental Health in relation to a late TEN, the notice will be invalid, and the event will not go ahead.
- 12.8 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 12.9 The council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

## **Police or Environmental Health intervention in relation to TENs**

12.10 The Act provides that in exceptional circumstances, the police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The Police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN, then the TEN is cancelled and licensable activities are not authorised.

12.11 The ability of Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.

## **Additional limitations**

12.12 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.

12.13 The Act defines an associate as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person; or
- an agent or employee of that person;
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

12.14 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## **13 Review of a Premises Licence or Club Premises Certificate**

13.1 The Licensing Authority recognises the importance of its ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance and the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives. Responsible Authorities are encouraged to give licensees early warning of any concerns identified at a premise.

13.2 Responsible Authorities and other persons can apply for the review of a premise licence or club premises certificate. At a Licensing Panel hearing, reasons should be given for any decisions, and details recorded of any conditions to be attached to the licence. A copy of the decision notice will be kept on the relevant premises file.

13.3 The Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

13.4 For cases which are being considered as a result of a review or potential enforcement action, the council will take into account all relevant circumstances, but will view the following matters particularly seriously:

- Failure to promptly respond to a warning properly given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

13.5 In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, such as the supply of drugs and money laundering, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

13.6 Where there has been a request for a review, the Licensing Authority must advertise that an application for a review has been made. Further representations may then be made within 28 days from the original application for review. A hearing must be held within 20 working days of the end of the 28-day period. Anyone who has made a representation and who wants to attend the hearing must inform the Licensing Authority at least 5 working days before the day of the hearing.

13.7 Appeals against licensing decisions will be heard by Magistrates Court



## Closure Notices

- 13.8 Section 19 of the Criminal Justice and Police Act 2001 gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised or not in accordance with the conditions of the authorisation. The notice informs the person with control of, or responsibility for, the activities carried out at the premises that if unauthorised alcohol sales continue, an application may be made to the court for an order to close the premises.

## Closure Orders

- 13.9 Where a Magistrates Court makes a Closure Order under ~~Part 8 of the Licensing Act 2003 on the grounds of disorder~~ the **Anti-Social Behaviour, Crime and Policing Act 2014**, the Council must carry out a review of the licence.

~~Where a Magistrates Court makes a Closure Order under Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014, the police or the Council's Public Protection section may request a review of the licence.~~

## Expedited Reviews

- 13.10 The provisions in the Licensing Act 2003, inserted by Section 21 of the Violent Crime Reduction Act 2006, allow for a quick process to attach interim conditions to a licence and to fast track a licence review when a senior police officer submits a certificate alongside a review application stating that, in their opinion, the premises concerned is associated with serious crime or serious disorder (or both).
- 13.11 On receipt of an application for an expedited review of a premises, the Licensing Authority shall, within 48 hours, supply a copy of the review and certificate to the premises licence holder and consider whether it is necessary to take any interim steps pending the completion of the review process. These steps may include:
- The modification of the conditions of the premises licence
  - The exclusion of the sale of alcohol by retail from the scope of the licence
  - The removal of the Designated Premises Supervisor from the licence; and
  - The suspension of the licence

## 14 Spiking Prevention

- 14.1 Drink Spiking is when someone puts drugs or alcohol into a person's drink without their consent, since 2021 there has been an increase in reports of spiking throughout the Country, including a new trend of allegations of substances being administered by needles rather than through drinks.
- 14.2 The Council takes a zero-tolerance approach to spiking, and thankfully in Kirklees there have been very few reports of spiking.
- 14.3 Preventative measures that the Council expects from licensed premises to take are:
- Ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police.
  - Ensure the health and safety of the customer, which could be calling the emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and provide a safe space for the customer.
  - Ensure that appropriate training is provided to relevant members of staff.
  - Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected. Premises should also review the functionality of any CCTV and ensure it is not obscured.
  - Consider providing information (such as posters) regarding drink spiking in the premises.
  - Consider if it would be useful to provide anti-spiking bottle stopper and protective drink covers.

## 15 Sustainable Event Management

- 15.1 The Council has a top tier "Environment Strategy; Everyday Life", which has a vision of: "Making the environment a priority in all decision-making, whether big or small. We want to harness the power of the natural environment to enhance the lives of the people who live, work and study in Kirklees, fostering healthy, happy, and better-connected communities".
- 15.2 The Council also declared a Climate Emergency in 2019, with a district-wide target of achieving a 'Net Zero and Climate Ready Kirklees by 2038'.
- 15.3 Sustainable event management, what is it?  
It is integrating socially, environmentally, and economically responsible decision-making into the planning, organisation, implementation, and participation in events.

#### 15.4 How do you organise a sustainable event?

Integrating sustainability into event management is now seen as the best-practice approach. It promotes the efficient and responsible use of natural resources, can help reduce the negative impact of events on the environment and create a more positive social and economic impact. Below are a series of actions that event organisers can take to reduce and mitigate the negative impacts associated with event delivery:

##### **Transport and Travel:**

- Find Green Transport options for your event – public transport options, encourage car-pooling, highlight local bike or scooter sharing programs.
- Keep it Local – when sourcing what you need for your event try to do so as locally as possible to reduce the environmental effects of transportation.

##### **Waste and Material Management:**

- Re-use, re-purpose and recycle rather than putting things in the bin – single use items can produce a vast amount of waste and damage the planet.
- Toilets – Consider some of the newer greener toilet options which use sawdust to eliminate smells. Once the waste is composted it can be spread on fields to feed the land. Don't forget the recycled toilet paper.
- Work on a zero or minimal waste policy – encourage event staff, vendors and participants to avoid disposable event supplies.

##### **Energy Use:**

- Go renewable – If your event requires sound and staging, consider ways to reduce energy consumption, such as low-energy lights, bike-powered coffee makers to charger stations, re-using heat from the premises, and using the dance floor or walkway to create kinetic energy.

##### **Food and Beverage Merchandising:**

- Create a green catering plan – food is a major driver of climate change and over-catering is common at many events, so accurately estimate the amount of food required for the number of attendees.

##### **Event Management and Workforce:**

- Work with sustainable event suppliers
- Choose a venue that is LEED-certified (Leadership in Energy and Environmental Design).

- Develop unique sustainability goals – Assess what you currently use and promote and once you have calculated your environmental impact you can start to develop actionable goals to work towards.
- Use eco-friendly event merchandise

### **Communication and Marketing**

- Save trees, send a digital invitation or a digital ticket
- Purchase Carbon Credits. A carbon credit is a token representing your events carbon impact and it provides money to projects that remove greenhouse gasses, such as forest reclamation projects.
- Encourage sustainable lodging for attendees – for events attracting out-of-town guests, partner with hotels with proven sustainability commitments.
- Partner with local conservation efforts – connect your event with local environmental or conservation projects.
- Educate attendees about sustainability – offer workshops, keynote speeches or information booths.
- Give back on Earth Day – celebrate the planet on or around April 22<sup>nd</sup> with a green Earth Day event.

## **16 Martyn’s Law**

- 16.1 The Terrorism (Protection of Premises) draft bill, also known as Martyn’s Law, is named after Martyn Hett who was among 22 people killed in the 2017 Manchester Arena attack. The purpose of the new law will be to keep people safe, enhance national security and reduce the risk to the public from terrorism by the protection of public venues.
- 16.2 At the time of writing this policy Martyn’s Law has not yet commenced, however, the Council encourages all existing and future licence holders to take responsibility in the fight against terrorism. It is advised that all licensed premises complete a site security plan and require all management and staff to undertake the online ACT Awareness Training. The training can be found here [ACT Awareness e-Learning | ProtectUK](#)
- 16.3 Further information and guidance can be found at [Welcome to ProtectUK | ProtectUK](#)

## 17 Safer Nighttime Economy

17.1 The Council acknowledges its role in preventing serious violence and in line with the Serious Violence Duty, [Serious Violence Duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/serious-violence-duty) continues to work closely with duty holders to prevent serious violence in Kirklees, particularly in the night-time economy. The Council and its partners continue to look at ways of securing additional funding to support the safety of individuals and communities within our night-time economy. This includes working closely with the combined authority and violence reduction partnership on initiatives such as the night safety mobile wellness bus and street marshals within Huddersfield town centre and rural villages.

### Purple Flag

17.2 Vibrant night-time economies do not happen by accident. Innovation, creation, planning and partnership are all key elements to creating a destination that can delight users after dark.

17.3 Purple Flag is an international accreditation programme that aims to reward those who achieve this in their destinations after dark. It strives to help create safe and thriving locations at night for all users.

17.4 Purple flag accreditation can bring real benefits which include: -

- A raised profile and an improved public image for the location
- A wider patronage, increased expenditure
- Lower crime and anti-social behaviour
- A more successful mixed-use economy in the longer term

17.5 The Council will strive to be in a position to apply for Purple Flag status in the future.

### “Ask for Angela”

17.6 “Ask for Angela” is a simple, yet effective scheme to reduce or prevent sexual violence and vulnerability. Anyone who feels threatened, unsafe or finds themselves in a frightening situation can approach staff within a licensed premises and ask for ‘Angela’. This code-word signals to the member of staff that they need help to get out of a situation.

17.7 The ‘Ask for Angela’ campaign is supported by the Council and promoted by the licensing authority in partnership with Safer Kirklees, West Yorkshire Police (The Community Safety Partnership), National Pub Watch and across the other West Yorkshire Authorities.

- 17.8 Applicants and licensees are encouraged to adopt the Ask for Angela scheme in their premises.

### **Kirklees Publicly Accessible Trauma (PACT) First Aid Kits**

- 17.9 A trauma kit is designed to treat major injuries or control bleeding until professional medical attention can be received. Where there are known PACT first aid kits present, the below sticker has been offered for public window display to indicate that a kit is available on site. A list of all known locations can be found here [Known-Locations-of-Publicly-Accessible-Trauma-Kits.pdf \(kirklees.gov.uk\)](#)



### **The Welfare and Vulnerability Engagement (WAVE) Initiative**

- 17.10 The WAVE initiative is a free tool that aims to increase the skills and knowledge of those working in licensed premises to identify vulnerability and make appropriate interventions to keep people safe. The free tool can be found here [Welfare and Vulnerability Engagement \(WAVE\) Resources \(nbcc.police.uk\)](#)
- 17.11 Applicants and licensees are encouraged to consider how they can protect their customers from predators, including by training staff and door staff to recognise signs of vulnerability and by encouraging an active bystander approach.
- 17.12 Critically, applicants and licensees are expected to record, investigate and notify Police of all allegations of sexual assault and similar offences and to take appropriate steps to detain the alleged offender. The licensing authority will take seriously any evidence that there is a level of tolerance of sexual offences within any night-time venue.

## 18 Enforcement

- 18.1 The Licensing Authority has adopted the Kirklees Guide to Enforcement, which sets out the Council's general approach to enforcement in the district. The policy includes restorative practice and justice (where available) and the aim is to encourage the development of the use of education and behaviour change where appropriate. This will allow for greater attention to high-risk premises and lighter touch approach to those which are well maintained and managed and represent a lower risk. This can be found on the Council website – [Kirklees Guide to Enforcement 2019](#)
- 18.2 Where appropriate the Licensing Authority will work in partnership with other agencies in enforcement around the licensing objectives.
- 18.3 Enforcement activity will be directed using intelligence from many sources including other services, and agencies.
- 18.4 Risk is linked to many issues but one of these will be premises encouraging excessive drinking via aggressive drinks promotions leading to nuisance and disorder. **Where this is the case, then a review may result, at which the licensing authority will consider taking enforcement measures to prevent a repeat of such practice.**
- 18.5 The Licensing Authority will consider whether other direct powers should be used to address a problem for example Police, Fire and Environmental Services have their own powers.
- 18.6 The Kirklees Guide to Enforcement is intended to protect the public, the environment, consumers and workers through:
- Providing clear advice and guidance to help businesses and residents meet their responsibilities
  - Enforcing the law in a fair, equitable and consistent manner
  - Assisting broadly compliant businesses to meet their legal obligations
  - Taking firm action where it is necessary and appropriate to do so
  - Trained professional officers who monitor compliance
- 18.7 **Where the Licensing authority receives complaints regarding specific licensed premises, in relation to a licensed premises undermining one or more of the licensing objectives, it will first work to ascertain whether those complaints are substantiated.**

- 18.8 Where a complaint is substantiated, the Licensing Authority will work with the licence holder to address the concerns raised and to find a solution, this may be in the form of an action plan, subject to the agreement of the holder of the licence.
- 18.9 Where matters cannot be resolved to the satisfaction of all parties, and one or more of the licensing objectives are not being upheld, the Licensing Authority will, as a responsible authority, seek a review of the licence.
- 18.10 The Licensing Authority will maintain an online register of licences and licence applications which can be accessed via the Council's website.
- 18.11 Where Responsible Authorities or other parties make representations in connection with the licensing objectives, in order to seek a review of a licence, provided the representations are not frivolous, vexatious or repetitious, the Licensing Authority will review the licence.



## 19 Appendix A – Contact Information

### 19.1 Contact Information – Licensing Authority, responsible authorities/useful contacts

#### 19.1.1 Licensing Authority

Kirklees Council – Licensing Department  
PO Box 1720  
Huddersfield  
HD1 9EL  
Tel: 01484 456868  
[licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

#### 19.1.2 Responsible Authorities

Public Health Directorate  
Kirklees Council  
PO Box 1720  
Huddersfield  
HD1 9EL  
[publichealthlicensing@kirklees.gov.uk](mailto:publichealthlicensing@kirklees.gov.uk)

Kirklees Environmental Health  
Pollution & Noise Control / Health &  
Safety  
Kirklees Council  
PO Box 1720  
Huddersfield  
HD1 9EL  
Tel: 01484 221000  
[Environmental.health@kirklees.gov.uk](mailto:Environmental.health@kirklees.gov.uk)

Kirklees Safeguarding Children Partnership  
Kirklees Council  
PO Box 1720  
Huddersfield  
HD1 9EL  
Tel: 01484 221000  
[KSCB.Admin@kirklees.gov.uk](mailto:KSCB.Admin@kirklees.gov.uk)

West Yorkshire Trading Standards  
PO Box 5  
Nepshaw Lane South  
Morley  
Leeds  
LS27 0QP  
Tel: 0113 5353000  
[licensing@wyjs.org.uk](mailto:licensing@wyjs.org.uk)

West Yorkshire Police Licensing Office  
Flint Street Depot  
Fartown  
Huddersfield  
HD1 6LG  
Tel: 01484 456868  
[richard.woodhead1@westyorkshire.police.uk](mailto:richard.woodhead1@westyorkshire.police.uk)

Kirklees Council Planning Services  
Development Control  
PO Box B93  
Civic Centre III  
Huddersfield  
Tel: 01484 221000  
[planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

Home Office – Immigration  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
[alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

Fire Protection Department  
Oakroyd Hall  
Birkenshaw  
BD11 2DY  
Tel: 0113 3875738  
[Fire.safety@westyorksfire.gov.uk](mailto:Fire.safety@westyorksfire.gov.uk)

#### 19.1.3 Useful Contacts

British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley

Security Industry Authority (SIA)  
PO Box 1293  
Liverpool  
L69 1AX

Surrey  
GU15 3PT  
Tel: 01276 684449

Tel: 0844 8921025  
[www.the-sia.org.uk/register](http://www.the-sia.org.uk/register)

NCFE  
Q6 Quorum Business Park  
Benton Lane  
Newcastle Upon Tyne  
Tel: 0191 2398000

Disclosure & Barring Service  
PO Box 110  
Liverpool  
L69 3EF  
Tel: 0870 9090822

City and Guilds  
1 Giltspur Street  
London  
EC1A 9DD  
Tel: 020 7294 2468

Huddersfield Magistrates Court  
PO Box B37  
The Court House  
Civic Centre  
Huddersfield  
Tel: 01484 423552

## 20 Appendix B - Operating Plan Schedule Considerations

The operating plan schedule is a key document in the licensing process. It is one of the primary means by which the Licensing Authority and the consultees can assess whether the licensing objectives have been satisfied within a particular application.

The following is a list of matters to which applicants should give consideration, if relevant to the premises in question. Applicants should note the outcome within the operating plan. Please note the matters are not exhaustive and it is recognised that some may fall outside the remit of the Act. Notwithstanding this, if all the matters have been addressed, they are more likely to lead to a successful, safe well managed premise.

The matters are listed under each of the four licensing objectives.

### Crime and Disorder

- Within the trading hours requested, consideration of the times within which alcohol is to be sold or supplied, other times at which the premises are to be open to the public, drinking-up time, last entry policies etc.
- Crime prevention through application of 'secure by design' principles to the premises e.g. all areas visible from the bar. The use of CCTV systems, both within and outside the premises, installed and operated under West Yorkshire Police guidelines.
- Regular participation in the local 'Pubwatch' group run in partnership by a volunteer group of licence holders, and attended by invited representatives of West Yorkshire Police, other local authority services and sister agencies. These informal meetings present an opportunity for two-way dialogue on local issues.
- Applicants are encouraged to consider whether the designated premises supervisor is expected to be on the premises at all times when the sale or supply is taking place. Where this will not be the case, then arrangements should be put in place to ensure proper management of the venue and licensable activities.
- Whether door supervisors (licensed under the Security Industry Authority) and other security measures are required in respect of the venue and the licensable activities proposed. Supervision inside and outside the premises by properly trained staff can have a significant impact on crime and disorder, and therefore public safety in and around the premises, by for example: the non-admission of persons who are drunk, screening for weapons and drugs, dealing with disorderly behaviour. Premises may operate an incident book to log events involving crime and disorder. **The Security Industry Authority runs a "gold standard" scheme named "Approved Contractor Scheme". Applicants should consider whether their security staff are drawn from providers who are members of the scheme.**

- Measures to combat drug dealing and the use of drugs in the premises. The Licensing Authority and West Yorkshire Police support the guidance detailed in the Safer Clubbing Guide produced by the Home Office – this guide can be viewed at [www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)
- Participating in the retail radio scheme in the town centre areas covered by the Council's CCTV centre and the police can help to minimise disorder occurring within the vicinity of premises.
- Operating 'proof of age checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or photo driving licence.
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods.
- Any policies for the use of toughened, shatterproof or polycarbonate/plastic glasses and the refusal to serve drinks in glass bottles. Preventing the removal of glasses and bottles from premises and timely clearing of empties from internal/external drinking areas can also prevent them being used as weapons.
- Measures to exclude known troublemakers and those identified under local banning schemes or anti-social behaviour orders.
- Security in premises seeking to sell alcohol for consumption off the premises.
- Displayed stock may be sited to be in view of staff at all times and/or covered by CCTV and spirits may be kept behind the counter.
- Level of transport facilities available to aid customers in leaving premises quickly and quietly.

### **Public Safety**

- Demonstrate that proposed occupancy levels are safe, and that sufficient management control exists to prevent the levels being exceeded. Where the premise is split into different parts it would be prudent to identify the occupancy for each individual part.
- Provision of adequate sanitary accommodation – for advice contact Kirklees Environmental Health, Health and Safety Section (see Appendix A)
- Reasonable access and facilities for people with disabilities including the safe evacuation of disabled persons, identifying the staff trained to implement emergency egress plans, sanitary accommodation, etc.
- Details of the management arrangements put in place to ensure adequate installation, testing, maintenance and certification of the following.

- fire detection and alarm systems
- firefighting equipment/fire suppression systems
- emergency lighting system
- electrical installation to the premises
- portable electrical appliances
- music cut-out systems
- fire retardant treatments for materials used in drapes, furnishings and decorations, include for frequency of treatment.
- heating systems and cooking appliances e.g. gas boilers/pressure systems
- hot and cold-water systems e.g. certain air con units re: Legionella.

And make general fire precautions. Fire safety features should be denoted on the floor plans accompanying the licence application.

- Details of the regime for regular inspection and maintenance of structural elements such as walls, floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings etc. It is similarly important to ensure that the integrity of materials providing fire resistance to these elements of structure is also maintained.
- Written procedures for the inspection and maintenance of items of general housekeeping e.g.
  - escape routes are kept clear with escape doors being easily operable without the use of key, card, code or similar means
  - fire doors and the door operating furniture
  - fire safety signs are adequately illuminated
  - removable security fastenings are removed from exit doors whenever the premises are open to the public or occupied by staff
  - damage to furnishings and fabrics
  - guarding to stairs, balconies, landings and ramps
  - general condition of floor surfaces (e.g. trip hazards, non-slip surfaces)
  - provision of safety glazing and manifestation in critical locations
  - suspended decorations, lights and amplification systems
  - guarding to fires, candles and open flames
  - edges of treads to steps and stairways are kept conspicuous
  - systems for the collection of glass and bottles
- Controls exercised by management of premises, regarding any drink's promotions
- Safety measures when hot food and drink is prepared in close proximity to the public
- Number of first aid trained staff with suitable equipment to provide first aid on the premises. Training may include treatment to those persons affected by drugs or alcohol, including the policy of providing free drinking water.

- Transport facilities serving premises do not provide a safety hazard at points where customers leave the premises.
- Means for controlling noise levels to prevent damage to the hearing of employees and to the public visiting premises.
- A number of the above issues may be contained within Health and Safety Policies, which will form any part of any Operating Plan (for guidance on H & S Policies contact Kirklees Environmental Health, Health and Safety Section – see Appendix A)
- **Welfare provision in larger venues and festivals, including chill-out areas and professional welfare staff. Smaller venues may designate and train a staff member to act as a welfare officer within the venue.**

## Public Nuisance

- With reference to the proposed hours of operation and audibility at noise sensitive premises in the vicinity, the measures taken to prevent noise and vibration emanating from within premises and from external sources (under the control of the applicant) causing nuisance or disturbance, such as: -
  - amplified and non-amplified music levels
  - singing and speech
  - disposal to waste and bottle bins
  - plant and machinery (including extract systems)
  - food preparation, the cleaning of premises and equipment
  - noise associated with vehicles arriving at and departing from the premises  
e.g. car doors, horns, stereos, engine noise etc
  - firework displays, **for example restrictions on number of days and times that fireworks can be used, or a total ban if appropriate** etc

Measures may include: -

- the installation/adoption of soundproofing
- air conditioning to allow windows to be kept closed
- sound limitation devices
- use of lobby doors
- cooling down period with reduced music levels at the end of the night
- adopting hours of operation appropriate to the activities in question and the location
- adopting a schedule for the delivery of goods and collection of waste at times appropriate for the locality
- advice notices and announcements requesting customers and staff to behave with 'good conduct' to neighbouring premises.
- controls exercised by management over excessive drinking encouraged by drinks promotions.
- arrangements to prevent disturbance by customers leaving the premises or congregating or queuing outside premises, this being of most

importance between the hours of 11pm to 7am.

- identifying good transport facilities that serve the venue.
- **Regular meetings with residents to identify and resolve issues.**
- **Dedicated phone lines to the premises to enable residents to register complaints.**

In considering applications from pubs, clubs, concert venues and similar premises and activities, the Licensing Authority expects licensees to have regard to any guidance published, such as Good Practice Guide on the Control of Noise from Pubs and Clubs published by the Institute of Acoustics, the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council, and to other local, regional or national standards.

Particular care must be taken where the noise source is in the open air, e.g. beer garden, car park, access roads, or queues.

Other potential causes of nuisance to which consideration should be given: -

- Light is a category of statutory nuisance. Exterior lighting should be carefully sited, directed and operated so as not to cause disturbance to occupiers of nearby premises.
- Arrangements to prevent the release of noxious odours affecting the occupiers of adjacent premises.
- Steps taken to prevent any impact of inadequate refuse storage or littering on the surrounding area, including the responsible use of flyers or promotional materials.

*Fly posting should not be used to promote events.*

For further information relating to public nuisance please contact Kirklees Environmental Health, Pollution and Noise Control Section – see Appendix A

### **Protection of Children from Harm**

- Times within which children, whether accompanied or not, will be allowed access to whole or any part of the premises – will restrictions be specified by a notice at the entrance
- At premises or events where entertainment is specifically targeted towards children employers take steps to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity e.g. Disclosure and Barring Services check to the appropriate standard.
- In the case of 'children only' events, for example, an under 18 disco, production of a play, a pantomime or similar event, provision of a suitable number of adult supervisors to children on the premises
- The normal minimum ratio will be one supervisor per 50 children plus one supervisor for each floor and supervisor for each exit e.g. this would mean at an event where 300 children are expected, which take place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event
- Supervisors should receive instruction on fire procedures and be made aware of all dangerous equipment particularly 'backstage' to ensure supervision of children performing at such premises.



- Arrangements for safe entry and departure from the premises
- Precautions to avoid unsupervised children being seated in the front row of a balcony or box
- Arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the Licensing Authority itself. NB licensees should note that this is a mandatory condition required by s20 Licensing Act 2003
- Limiting use of special effects which can trigger adverse reactions, especially with regard to children
- Operating 'proof of age' checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or phot driving licences.
- Compliance with the Portman Group Code of Practice on the naming packaging and promotion of alcoholic drinks to be fully implemented
- Steps taken to ensure the safety of play areas and equipment
- Any arrangements to supply children's drinks in safety glasses or bottles
- Provision of safe child seating for young children in premises selling meals
- Any provision of smoke free areas
- Provision of child friendly lavatories, family toilet and nappy changing facilities

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**Consultation Responses and Council Comments**

**In total 9 responses were received to the Consultation:**

Members of the Public – 4  
Existing Licence Holder or Representative – 4  
Other – 1 (On behalf of Parish Council)  
Responsible Authority – 0  
Ward Councillor – 0  
Representative for local business – 0

1. Please use this space for any comments regarding Section 1 of the revised policy –  
**Executive Summary**

No comments received

2. Please use this space for any comments regarding Section 2 of the revised policy –  
**Purpose**

No comments received

3. Please use this space for any comments regarding Section 3 of the revised policy –  
**Kirklees**

No comments received

4. Please use this space for any comments regarding Section 4 of the revised policy –  
**Other Policies, Objectives and Strategies**

No comments received

5. Please use this space for any comments regarding Section 5 of the revised policy –  
**Promotion of the Licensing Objectives**

Comment 1 – Live music establishments should finish by 11pm and all windows and doors closed as not to upset residents.

Council Response – The Licensing Act allows for applicants to apply for the hours they wish to and can be up to 24 hours .Should responsible authorities, members of the public, or any other interested parties wish to submit a representation to an application, for example if they have concerns regarding public nuisance, this will result in the matter being taken to a hearing and a decision is taken by the panel regarding the application and this is where additional conditions such as closing windows / doors can be added or any amendments to hours applied for be actioned. The authority has no authority to require that all applications be barred from applying for music post 11pm.

Comment 2 – The Parish Council would like to comment favourably on the use of measures to promote a safer night-time economy, particularly in relation to the safety of women and girls.

**Council Response – Comment noted.**

6. Please use this space for any comments regarding Section 6 of the revised policy –  
**General Principles**

No comments Received

7. Please use this space for any comments regarding Section 7 of the revised policy –  
**Personal Licences**

No comments received

8. Please use this space for any comments regarding Section 8 of the revised policy –  
**Premises Licences and Club Premises Certificates**

No comments received

9. Please use this space for any comments regarding Section 9 of the revised policy –  
**Early Morning Alcohol Restriction Orders (EMARO)**

No comments received

10. Please use this space for any comments regarding Section 10 of the revised policy –  
**The Late-Night Levy**

No comments received

11. Question 11 related to the Cumulative Impact Assessment and had a link to the consultation.

12. Please use this space for any comments regarding Section 12 of the revised policy –  
**Temporary Events**

Comment 1 – Live music outside

**Council Response – Comment noted but unsure what is being stated.**

13. Please use this space for any comments regarding Section 13 of the revised policy –  
**Review of a Premises Licence or Club Premises Certificate**

No comments received

14. Please use this space for any comments regarding Section 14 of the revised policy –  
**Spiking Prevention**

Comment 1 - The Parish Council welcomes this addition to tackle drink spiking  
**Council Response – Comment noted**

15. Please use this space for any comments regarding Section 15 of the revised policy –  
**Sustainable Event Management**

Comment 1 – The Parish Council welcomes the introduction of additional measures to tackle the climate emergency and other sustainable event management consideration into licensing policy.  
**Council Response – Comment noted.**

16. Please use this space for any comments regarding Section 16 of the revised policy –  
**Martyn’s Law**

No comments received

17. Please use this space for any comments regarding Section 17 of the revised policy –  
**Safer Night-time Economy**

Comment 1 – Additional considerations to the safer night-time economy are very much welcomed by the Parish Council as it has been of concern for many of our residents for some time.  
**Council Response – Comment noted.**

18. Please use this space for any comments regarding Section 18 of the revised policy –  
**Enforcement**

Comment 1 – Legal implications for excessive noise to residents.  
**Council Response – The policy cannot go above and beyond what the law states. Should complaints regarding public nuisance against an individual, club or business holding a licence, certificate or authorisation then this will be dealt with in accordance with the law.**

19. Please use this space for any comments regarding Section 19 of the revised policy –  
**Appendix A Contact Information**

No comments.

20. Please use this space for any comments regarding Section 20 of the revised policy –  
**Appendix B Operating Schedule Considerations**

No comments.

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**REPORT TITLE:** Cumulative Impact Assessment – Consultation Results

<b>Meeting:</b>	Licensing and Safety Committee
<b>Date:</b>	Wednesday 18 <sup>th</sup> December 2024
<b>Cabinet Member</b> (if applicable)	Cllr Tyler Hawkins
<b>Key Decision Eligible for Call In</b>	No No
<p><b>Purpose of Report</b> To submit for members consideration the results of the consultation for Cumulative Impact Assessments in Huddersfield and Dewsbury Town Centres in relation to premises licensed to sell alcohol with off sales.</p>	
<p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>Members are asked to consider the introduction of a Cumulative Impact Assessment for both Huddersfield and Dewsbury Town Centres and recommend it to Full Council for adoption.</li> </ul> <p><b>Reasons for Recommendations</b></p> <ul style="list-style-type: none"> <li>The Licensing Act 2003 says that the Licensing Authority can produce an assessment of cumulative impact of licensing premises in appropriate circumstances in its area where there is sufficient evidence to support the impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The assessment must set out evidence to support the Authorities opinion and must be consulted upon before it is published.</li> </ul>	
<p><b>Resource Implications:</b> There are no resource implications relating to this report.</p>	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>	David Shepherd – 24 <sup>th</sup> November 2024
<b>Is it also signed off by the Service Director for Finance?</b>	Kevin Mulvaney – 2 <sup>nd</sup> December 2024
<b>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</b>	Samantha Lawton – 25 <sup>th</sup> November 2024

**Electoral wards affected:** Newsome and Dewsbury East

**Ward councillors consulted:** All (as part of the formal consultation of the policy)

**Public or private:** Public

**Has GDPR been considered?** Yes, any personal data has been redacted for the purposes of this report.

## **1. Executive Summary**

1.1 At the meeting of the Licensing and Safety Committee on Wednesday 19<sup>th</sup> July 2023 members were asked to consider the information in their report and whether there was sufficient indicative evidence to consult on proposals to introduce a 'cumulative impact assessment for both Huddersfield and Dewsbury Town Centres.

1.2 Members resolved to authorise officers to commence a formal consultation, with results of the consultation being presented to a future Licensing and Safety Committee meeting.

## **2. Information required to take a decision**

2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

2.2 In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment ('the Assessment'), placing Assessments on a statutory footing.

2.3 Cumulative impact is the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area.

2.4 The Assessment must set out the evidence to support the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years, with any review having to be consulted upon and any revisions published along with the evidence.

2.5 By publishing an Assessment, a Local Authority sets down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in a specific area(s). The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits; and it is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

2.6 An applicant wishing to obtain a new licence or vary a licence for premises, within a cumulative impact area, will be expected to demonstrate through their operating schedule, the steps they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

2.7 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact.

### Evidence to Support CIA



2.8 Working with colleagues in Public Health and with data provided by West Yorkshire Police, there is indicative evidence to suggest that offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre, this evidence can be seen at **Appendix 1**.

2.9 The evidence presented at **Appendix 1**, is based on previous five years data. The police data is an accumulated total for each offence over those five years.

2.10 It can be seen even with the pandemic; alcohol related crime is causing issues. In addition, in the case of Huddersfield Town Centre, in particular LSOA E0101107 (majority of town centre out to Leeds Road) the levels of offending are significantly above the Kirklees average.

2.11 Having considered the police data and the views expressed by those who responded to the consultation, it is felt that there is sufficient evidence for the authority to consider publishing a cumulative impact assessment for both Huddersfield and Dewsbury town centres.

### Consultation

2.12 Before a cumulative impact assessment can be introduced the Council, in its capacity as Licensing Authority, are duty bound to consult with the following –

- West Yorkshire Police,
- West Yorkshire Fire and Rescue,
- Local Health Board,
- Public Health,
- Representatives for the licensed trade,
- Representatives for personal licence holders,
- Such other persons as the licensing authority considers to be representatives of business and residents,

2.13 As part of this consultation the Council must provide those mentioned in paragraph 2.16 above, the following information –

- The reasons why consideration is being given to publishing a CIA,
- A general indication of the part or parts of the area that will form part of the CIA,
- Whether the CIA will apply to all types of licensed premises or only a specified type for example those premises authorised for off sales only,

2.14 The purpose of this consultation is to seek a wider view on the impact the number of premises is having and whether those consulted agree there is a need to publish a cumulative impact assessment.

2.15 The decision to introduce a Cumulative Impact Assessment isn't purely based on hard data, such as the police data, it can be based on perception and public views. As you will see from the comments in the consultation response at **Appendix 2** there are strong views from the respondents relating to the Cumulative Impact of premises with off-sales within Huddersfield and Dewsbury Town Centres.

2.16 The consultation was carried out for 8-weeks between Thursday 18<sup>th</sup> July 2024 and Wednesday 11<sup>th</sup> September 2024. The consultation results and the Council's response to comments can be seen at **Appendix 2**.

2.17 The draft Cumulative Impact Assessment can be seen at **Appendix 3**.

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

#### **3.1 Council Plan**

The issuing of licenses supports the Council's vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

#### **3.2 Financial Implications**

The fees charged under the Licensing Act 2003 are statutory and therefore, and as such are not set by the Local Authority, the fee levels are intended to provide full cost recovery of all licensing functions. Where Licensing Authorities exceed these requirements, they are required to absorb those costs themselves. The cost of the consultations are met by the service, however, if these costs exceed the income generation this will result in the service being required to cover the costs from external funding.

#### **3.3 Legal Implications**

The introduction of any policy opens the Council to risk of Judicial Review.

As the introduction of a cumulative impact assessment will not impact existing operators, only new applications or applications to vary a premises licence, officers consider the risk of judicial review to be low.

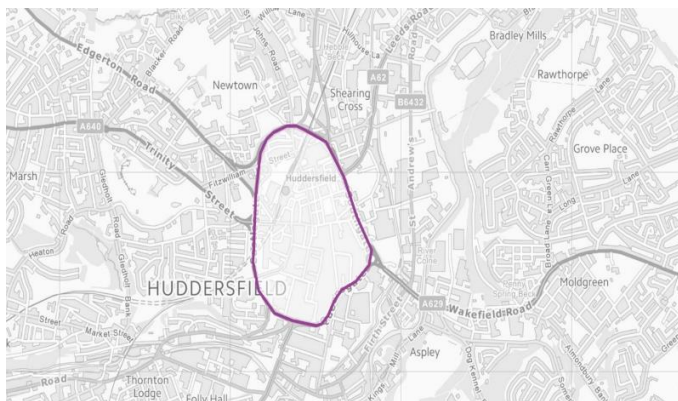
#### **3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)**

An integrated Impact Assessment has been completed and can be accessed on the Council's website here [Integrated Impact Assessments - IntegratedImpactAssessment](#)

### **4 Consultation**

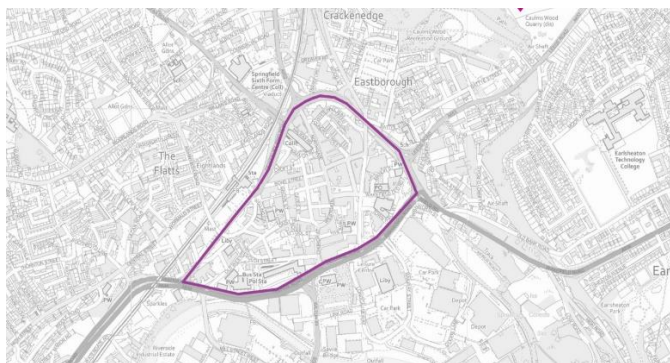
4.1 The purpose of the consultation was to seek a wider view on the impact the number of premises licensed to sell alcohol is having (relating to off-sales only), within Huddersfield Town Centre and Dewsbury Town Centre, and whether those consulted feel that there is a need to publish a Cumulative Impact assessment for the areas shown below: -

## **Huddersfield Town Centre**



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## **Dewsbury Town Centre**



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4.2 Consultation has been carried out in accordance with the requirements as set out in the Licensing Act 2003. The consultation period was 8-weeks long from Thursday 18<sup>th</sup> July 2024 to Wednesday 11<sup>th</sup> September 2024. Those consulted are as follows:

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
  - West Yorkshire Police
  - West Yorkshire Fire Service
  - Environmental Health and Health and Safety at Work
  - Planning
  - Public Health
  - West Yorkshire Joint Services (Trading Standards)
  - Secretary of State (Immigration Enforcement)
  - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

- Letters hand delivered to local businesses in both Huddersfield and Dewsbury Town Centre.

4.2 In total 135 respondents completed the questionnaire (please note that the below is 146 but people may have fallen into more than one category making it 146); those responses were received from: -

- 92 Residents of Kirklees living outside the boundary of both Town Centres
- 26 Residents of Huddersfield Town Centre
- 9 Residents of Dewsbury Town Centre
- 7 Representatives for personal licence holders
- 3 Representatives for the licensed trade
- 3 representatives for a local business in Dewsbury Town Centre
- 1 Representative for a local business in Huddersfield Town Centre
- 1 Ward Councillor
- 1 West Yorkshire Police
- 0 West Yorkshire Fire and Rescue
- 0 Local Health Board
- 3 Other (1 Lives in Kirklees & works for NHS, 1 Kirklees Resident, 1 Parish Council)

4.3 The responses to the consultation, along with officer's comments can be seen at **Appendix 2.**

## 5 Engagement

Prior to consultation the licensing service engaged with colleagues in public health and with data provided by West Yorkshire Police found there was indicative evidence to support the theory that there are links between crime and the sale of alcohol in both Huddersfield and Dewsbury Town Centres.

## 6 Options

### 6.1 Options considered

Having considered the supporting data and the consultation results and responses, members are asked to consider the introduction of Cumulative Impact Assessments in both Huddersfield and Dewsbury Town Centres and recommend it to Full Council for adoption.

Members can resolve to: -

- Introduce Cumulative Impact Assessments in both Dewsbury and Huddersfield Town Centres, for premises with off-sales only.
- Introduce a Cumulative Impact Assessment in Huddersfield Town Centre only, for premises with off-sales only.
- Introduce a Cumulative Impact Assessment in Dewsbury Town Centre only for premises with off-sales only.
- Not introduce Cumulative Impact Assessments in Kirklees.

## 6.2 Reasons for recommended option

The Licensing Act 2003 says that the Licensing Authority can produce an assessment of cumulative impact of licensing premises in appropriate circumstances in its area where there is sufficient evidence to support the impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

## 7 Next steps and timelines

7.1 Members are asked to consider the proposed Options and agree the Cumulative Impact Assessment shown at **Appendix 3**.

7.2 Members are asked to make a formal recommendation to Full Council on Wednesday 15<sup>th</sup> January 2024 that the proposed Cumulative Impact Assessment be adopted for the next three years.

## 8 Contact officer

Fiona Goldsmith  
Group Leader – Licensing  
Tel: 01484 221000  
[Fiona.goldsmith@kirklees.gov.uk](mailto:Fiona.goldsmith@kirklees.gov.uk)

## 9 Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Wednesday 19th July 2023, 10.00 am | Kirklees Council](#)

## 10 Appendices

- **Appendix 1** – West Yorkshire Police Data
- **Appendix 2** – Consultation Responses
- **Appendix 3** – Cumulative Impact Assessment – Huddersfield and Dewsbury Town Centres

## 11 Service Director responsible

Katherine Armitage  
Service Director – Environmental Strategy and Climate Change  
Tel: 01484 221000  
Email: [Katherine.armitage@kirklees.gov.uk](mailto:Katherine.armitage@kirklees.gov.uk)

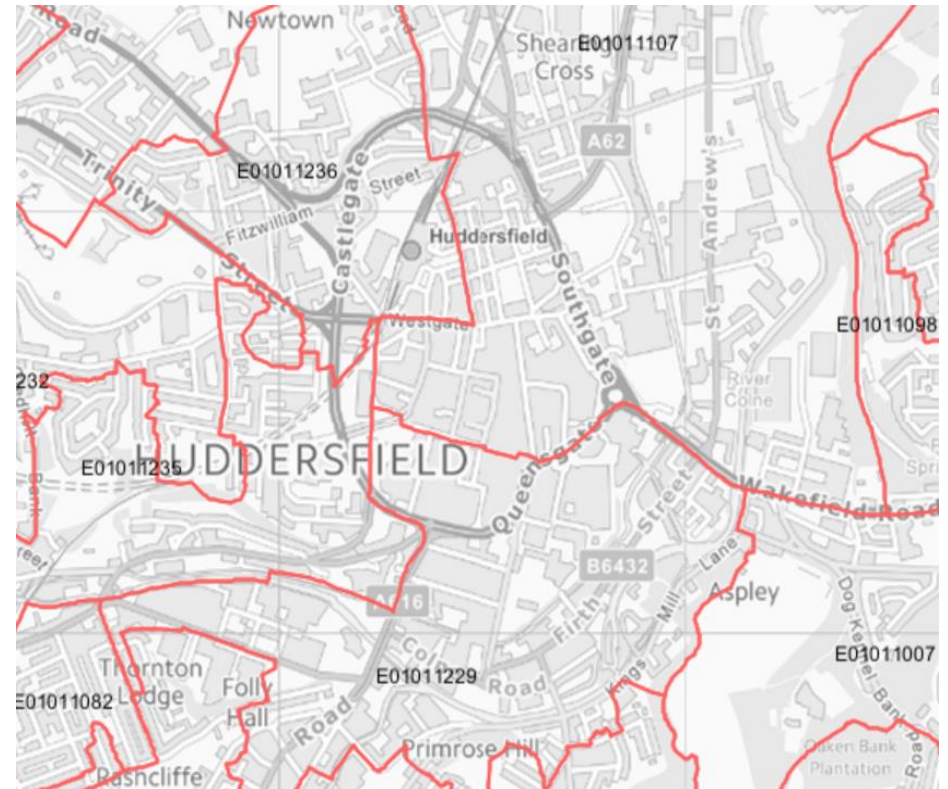
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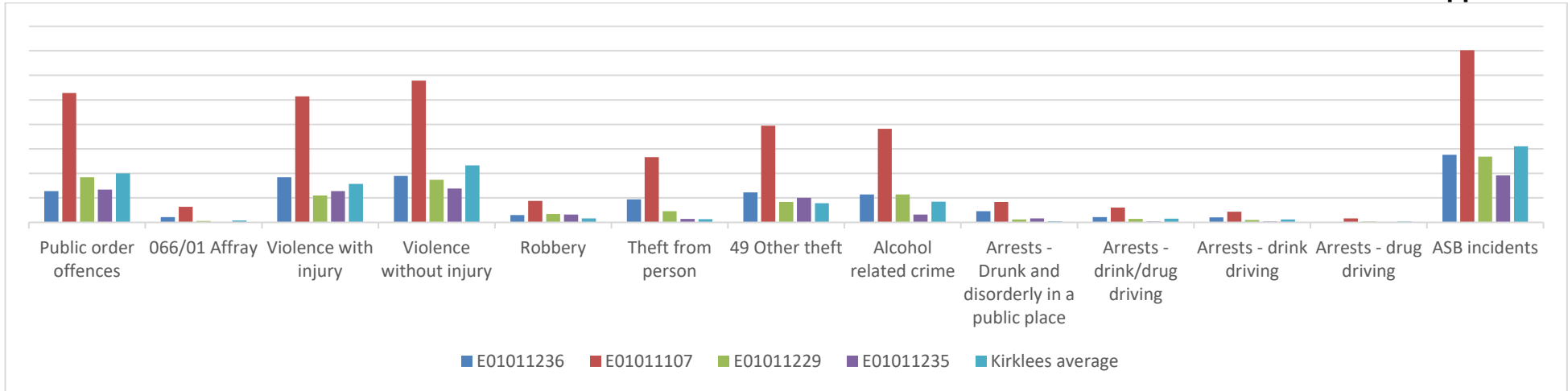
**Huddersfield Centre**

- E01011236 Top of ring road - Trinity Street across to St John's Road
- E01011107 Majority of town centre and out Leeds Road
- E01011229 Bottom of centre - Queensgate to Lockwood Road
  
- E01011235 Leisure centre, bus station over to Manchester Road

- Value less than 50

Offence	LSOA				Kirklees Average
	E01011236	E01011107	E01011229	E01011235	
Public order offences	64	264	92	67	100
066/01 Affray					
Violence with injury	92	257	55	64	78
Violence without injury	95	289	87	69	116
Robbery					
Theft from person		133			
49 Other theft	61	197		50	
Alcohol related crime	57	191	57		
Arrests - Drunk and disorderly in a public place					
Arrests - drink/drug driving					
Arrests - drink driving					
Arrests - drug driving					
ASB incidents	138	351	134	96	155
Total crime	563	2301	850	483	810

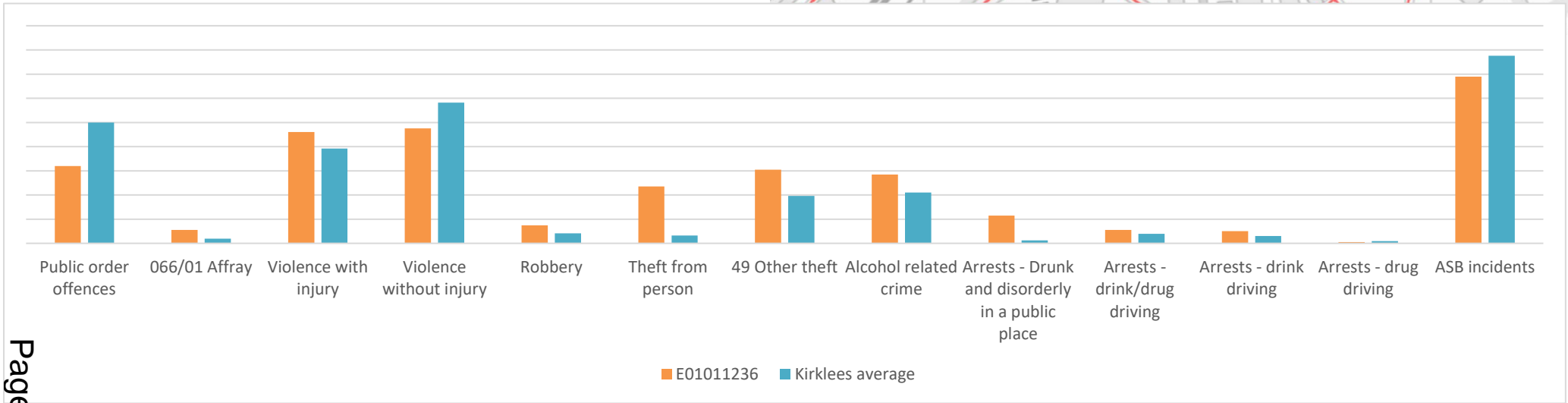
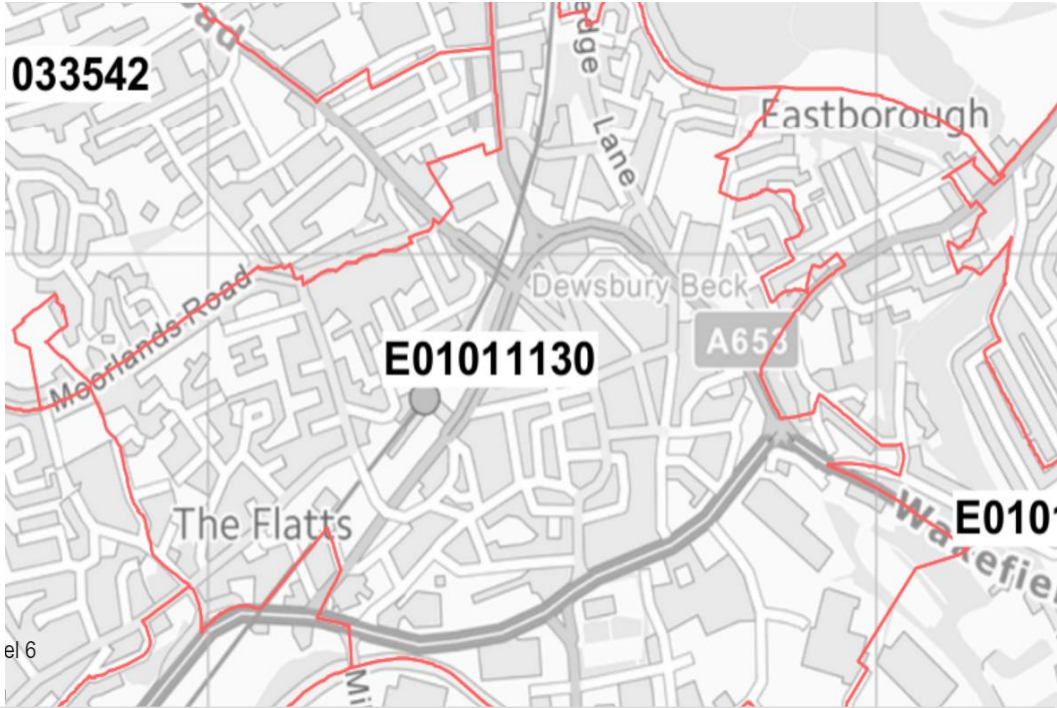






# Dewsbury Centre

Offence	LSOA	Kirklees average
	E01011236	
Public order offences	64	100
066/01 Affray		
Violence with injury	92	78
Violence without injury	95	116
Robbery		
Theft from person		
49 Other theft	61	
Alcohol related crime	57	
Arrests - Drunk and disorderly in a public place		
Arrests - drink/drug driving		
Arrests - drink driving		
Arrests - drug driving		
ASB incidents	138	155
Total crime	563	810



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**Cumulative Impact Assessment Consultation Responses**

**Huddersfield Town Centre**

Question 1

To what extent do you agree with the following statement:

There are too many licensed premises selling alcohol (with off-sales only) in Huddersfield Town Centre.

Agree – 82 (64%)  
 Disagree – 27 (21%)  
 Not sure / Don't know – 19 (15%)

Question 2

To what extent do you agree with the following statement:

There needs to be a Cumulative Impact Assessment in Huddersfield Town Centre relating to licensed premises selling alcohol (with off-sales) only.

Agree – 86 (68%)  
 Disagree – 23 (18%)  
 Not sure / Don't know – 17 (14%)

Comments and Responses

Comments	Council Response
I would like to see more premises open	Comment noted

<b>Far too many street drinkers with access to cheap alcohol.</b>	Comment noted
<b>Way too many people displaying inappropriate behaviour in Huddersfield town centre. Its bad enough at night time. During the day should feel safe for shoppers and workers.</b>	Comment noted
<b>It's not so much the amount of shops selling alcohol it's the low price of the high % alcohol that's the issue, you can get drunk on a couple of £</b>	Comment noted
<b>Most of these so called off licences are obvious fronts for proceeds of crime large gangs often congregate outside there needs tighter controls on these shops everyone knows where the cheap cigs are if needed but no one seems to care</b>	Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police and Trading Standards. Any evidence of illegal activity should be report to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police
<b>Too many off licence not needed.</b>	Comment noted
<b>The overall feel of the town centre would benefit from general improvements and whilst the blue print project is ongoing something needs to be done to address poor quality shop fronts selling tat and also those that sell cheap food and alcohol. If Huddersfield is to attract the right clientele then the offer available needs to be reviewed as a priority</b>	The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.
<b>Encourages those with an alcohol problem. Gather in town centre as alcohol easily available</b>	Comment noted
<b>It's not only licensed premises but also under the counter vape shops</b>	The Licensing Act 2003 does not extend to controlling the sale of vapes.

<p><b>Surely something can be done about the extremely suspicious shops that have been popping up (which all look the same - black plastic sign with blue white or red lettering and many people assume are money laundering fronts). No issue with genuine retailers but these shops are everywhere and given that very few people are seen going into them seems very odd.</b></p>	<p>Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police and Trading Standards. Any evidence of illegal activity should be reported to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police</p>
<p><b>Alcohol is available in a multitude of outlets. Closing the off license shops will have little impact. From what I'm hearing it would seem that certain groups object to Alcohol being sold anywhere. I have not heard of other towns considering this. Please be honest.</b></p>	<p>Comment noted</p>
<p><b>Too many people sitting about drunk and then all the cans and bottles are discarded or left without being put in bins. Just makes the town look even more run down than it already is becoming</b></p>	<p>Comment noted</p>
<p><b>Too many drunks round in the day round the town centre</b></p>	<p>Comment noted</p>
<p><b>Stop granting licenses if you guys are worried, and when you do, put restrictions regarding the tacky neon shops</b></p>	<p>The purpose of the survey is to ascertain whether there is evidence and need to introduce a cumulative impact assessment which will result in new applicants for premises licences for off sales only having to evidence they can uphold the licensing objectives. The only way a licensing authority can refuse an application is for the matter to go to a hearing for a decision currently is due to representations being received when applications are submitted.</p>
<p><b>They are too many in the town centre and it's where the local drunks will go to and then sit around and leave</b></p>	<p>Comment noted.</p>

<b>rubbish everywhere, fight, swear in front of young kids and just cause havoc in the town centre</b>	
<b>There are far too many, in most they are renowned for selling other stuff illegal or otherwise they tend to attract gatherings around their shops. Drinkers etc congregating in town centre parks etc. It then attracts shoplifters, drug users and young people. in</b>	Comment noted
<b>too many drunks about ruining the town</b>	Comment noted
<b>The sooner the council gets rid of them the better</b>	Comment noted
<b>If you consider the number of off licences in the town centre and also in the immediate area to the town centre , places like fartown, Marsh, aspley, Lockwood.. You have to ask the question, how is it possible for all these to function and make a profit legally.??.....they all seem to be able to achieve profit margins even tho there are far cheaper option in the immediate area to them.... Seem a little</b>	Comment noted
<b>The evidence is visible enough as you travel through the town centre</b>	Comment noted
<b>It's actually quite limited due to the minority shops We need more restaurants as we only really have nandos if a pizza express could join that would be a real boost. Not everyone likes to deal with Wetherspoons/lloyds</b>	Comment noted
<b>Don't mind premises selling alcohol it's the state of the frontage of these shops thats needs sorting.</b>	The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.

<p><b>Sort out the frontage of these shops. No problem with selling alcohol .</b></p>	<p>The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.</p>
<p><b>Shop keepers.need to show the same responsibility as landlords and bar owners, stop the selling of very small bottles of liqueur. Stop shops selling glass bottles as this can be a form of antisocial behavior by smashing bottles.stop shops having cheap tacky signage and dont allow posters showing alcohol and remove all pictures from shop windows promoting the selling of alcoholic drinks.</b></p>	<p>Comment noted.</p>
<p><b>Too many sell to anyone. Whether they are clearly intoxicated already or underage</b></p>	<p>Comment noted.</p>
<p><b>The issue is not the number of premises selling alcohol, it's the fact that the police do nothing to combat antisocial behaviour of any kind in Huddersfield and Kirklees. The priority should be to have a robust and effective policing system and response to any form of antisocial behaviour and not blame and punish the shop keepers for trying to make a living and driving cash into the economy!!!</b></p>	<p>Comment noted – Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police and Trading Standards. Any evidence of illegal activity should be report to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police</p>
<p><b>Well it depends on the times???</b></p>	<p>Comment noted.</p>
<p><b>Huddersfield town centre after 6pm is rowdy and behaviour frequently uncouth and slightly (and sometimes) threatening. I strongly suspect the behaviour to be alcohol-fuelled. So I stay away after 5pm. I have been to 2 concerts at the Town Hall, and got out of town as soon as the concerts finished. Alcohol sellers are only supplying a demand but the consumers have so little self-control etc</b></p>	<p>Comment noted.</p>

<b>Far too many seedy booze shops and selling cheap alcohol and snide tobacco</b>	Comment noted.
<b>Increases anti social behaviour</b>	Comment noted.
<b>I have seen children who are obviously still at school ealking round the town centre drunk. The supermarkets are very hot on verifying under age attempts to buy alcohol and I suspect that they are obtaining alcohol from the independent small shops.</b>	Comment noted - Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>Stop selling alcohol to under 18s</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>The selling of underaged customer and intoxicated persons is not challenged</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>I agree with proposals.i also think u should look at the amount of poor takeaways in the town centre.vape shops also.not much more than vape shops chicken shops and poor asian shops that arnt run properly.alcohol related crime should b looked at too</b>	Comment noted – The Licensing Authority can only regulate those premises which hold a premises licence.



<b>They can't all be running at a profit unless income is coming from another source</b>	Comment noted.
<b>Many new ones have opened but vape shops are the worst has many sell to under 16yo girls over boys, we only need to look at the ring near natwest to see how many are drunk at 8am</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>People visibly drunk makes Huddersfield town centre feel threatening and it puts us off going into town for shopping and leisure</b>	Comment noted.
<b>There has been at least 4 off licences opened in the vicinity of market place... where all the drunks hang out. Why was this allowed</b>	When applications for premises licences are received, they are granted unless representations are received, which are relevant, at which time the application would be taken to a licensing hearing for a decision to be made about whether an application is refused or granted. There is no facility in law to just refuse an application.
<b>Far too many off-licence premises selling Cheap alcohol to the Town Centre drinkers.</b>	Comment noted.
<b>Far too many little shops popping up selling alcohol along side newspapers sweets and heaps of other spurious products including drugs paraphernalia</b>	Comment noted.
<b>There is no published definition on the content/structure/measurements of a CIA other than vague 'council-speak' phrases</b>	The survey is to gain evidence / comments from stakeholders to establish whether there is a need for a CIA to be introduced in relation to premises with off sales only in both Huddersfield and Dewsbury Town Centres. There is no definitive definition of what

evidence is required to implement a CIA, however, the police statistics and the responses to this survey will provide the authority with the evidence it feels is required to make a decision about whether a CIA is required or not.

**Dewsbury Town Centre****Question 1**

To what extent do you agree with the following statement:

There are too many licensed premises selling alcohol (with off-sales only) in Dewsbury Town Centre.

Agree – 52 (42%)  
 Disagree – 14 (11%)  
 Not sure / Don't know – 57 (46%)

**Question 2**

To what extent do you agree with the following statement:

There needs to be a Cumulative Impact Assessment in Dewsbury Town Centre relating to licensed premises selling alcohol (with off-sales) only.

Agree – 56 (45%)  
 Disagree – 14 (11%)  
 Not sure / Don't know – 54 (44%)

**Comments and Responses**

<b>Comments</b>	<b>Council Response</b>
<b>Too easy to buy. Son lives in Belfast &amp; large areas you can not buy it, especially in family areas</b>	Comment noted
<b>Too many in the area, the people sat drinking day/night in certain areas of the town makes the town a no go area. The</b>	Comment noted

<b>shops selling are eastern European shops who sell to anyone at anytime.</b>	
<b>Why especially in dewsbury town centre do we need approximately 5 off locences selling alcohol its just not needed shouldnt be snymore then 1</b>	Comment noted
<b>The sale of alcohol in Dewsbury Town Centre is causing the problem with street drinkng during the day. I think that If alcohol was not so readily available, there would not be as many drinkers and people would feel safe to shop in the town.</b>	Comment noted
<b>Again under the counter shops</b>	Comment noted
<b>Criminality, asb fear to use town.</b>	Comment noted
<b>Sorry I can not comment here fairly as I have not been to the town centre in Dewsbury for many years - but have been to Huddersfield centre weekly</b>	Comment noted
<b>Dewsbury town has died not a safe place day or night</b>	Comment noted
<b>Not familiar with the area</b>	Comment noted
<b>It attracts congregation, other illegal activities, young people. It puts off people going around shopping , dsy to day business, it puts people off makes you feel unsafe.</b>	Comment noted
<b>Worse than huddersfield. Needs to be a serious shake up as they are too many licence premises selling alcohol and creating these groups of drunks who have no place in</b>	Comment noted

society	
Can't comment on Dewsbury	Comment noted
I don't live in Dewsbury but have not noticed lots of alcohol selling shops.	Comment noted
<b>Stop the shops promoting the selling of alcohol, stop shops selling small bottles of liqueur and selling beer in glass bottles. Scrutinising shop keepers with the same rules as landlords and bar owners. Dont allow posters and signage that promotes alcohol.</b>	Comment noted – regulation of licensed premises is carried out in accordance with the law, the licensing service cannot place additional conditions onto premises unless representations are received to applications which results in the matter being heard at a Licensing Hearing.
<b>Far too many in the Town Center. Kirklees seem to licenses to anyone</b>	Comment noted – Licences are issued to those to apply and when there are no representations received from responsible authorities or interested parties stating that the application would undermine one or more of the licensing objectives.
<b>There are not too many premises in either area they are just not policed well enough in terms of underage drinking and there is little to no police presence for anti social behaviour whilst drinking. Also kirklees consists of more than just Dewsbury and Huddersfield would be good to gain feedback on other areas too</b>	Comment noted.
<b>The trouble in the town centres caused by alcohol is nothing to do with number of premises selling it. It's cultural. The town centres are dying on their feet. The last thing we need is small businesses who rely on alcohol sales from responsible residents being unable to operate their businesses, whilst alcohol sales then move to the multinational monopolies that are Tesco's and Sainsburys!!</b>	Comment noted.

<p><b>not drinking and hanging about in groups is the bigger issue in Dewsbury, the shops need to be enforcing the dont sell to people under the influence of alcohol and turning away trade, sadly as kirklees have killed off dewsbury the shopkeepers left have no choice but to sell to anyone to make some money</b></p>	<p>Comment noted.</p>
<p><b>The issue is not the number of premises selling alcohol, it's the fact that the police do nothing to combat antisocial behaviour of any kind in Dewsbury and Kirklees. The priority should be to have a robust and effective policing system and response to any form of antisocial behaviour and not blame and punish the shop keepers for trying to make a living and driving cash into the economy!!!</b></p>	<p>Comment noted.</p>
<p><b>There is constanty groups of people in the town centre drinking causing anti social behaviour people arguing fighting urinating deficating and been sick in turn this causes people to be scared to walk around town or even just visit for that matter I don't think the amount of shops selling alcohol is the problem in a whole it's more that there isn't enough police in town to move them on</b></p>	<p>Comment noted.</p>
<p><b>The purchasing of alcohol isnt the problem. Its always going to be available. The problem in dewsbury is a lack of policing.</b></p>	<p>Comment noted.</p>
<p><b>Myself and many others have stopped entering the town due to the number of people found drinking on the streets. Many social issues have arisen due to this. More needs to be done to support these vulnerable individuals.</b></p>	<p>Comment noted.</p>

<p><b>I'm disappointed that there is no more reflection on the hours... times etc of course these matter???? If alcohol is not available late night/early morning.... I'd expect less offences....but so few questions in this survey.... With so few answers.... I feel I've missed a few buttons?????</b></p>	<p>Comment noted – The consultation does not relate to specific times licensed premises are open, when each premises applies for a licence, it is at this point they apply for the hours for which they wish to trade and if no representations against those applications are received the application is granted as applied for.</p>
<p><b>Some of the councillors in Leeds have limited the number of gambling shops and offlicences due to the social challenges that were occurring. Unfortunately the same has happened in Dewsbury. We all do not want younger generations to do the same. A lot of addiction related mental health issues are on the rise. We all demand you to cancel all the licensed premises selling alcohol in Dewsbury.</b></p>	<p>Comment noted – there is no legal way for the Council to cancel all licensed premises in an area. This consultation is about whether there is a need for a Cumulative Impact Assessment due to there being a significant number of licensed premises concentrated in one area.</p>
<p><b>Groups of men are standing or sitting just outside these licensed shops and drinking resulting in an intimidating atmosphere for shoppers. The police are rarely seen.</b></p>	<p>Comment noted – the Council has no control over policing.</p>
<p><b>I own a shop in Dewsbury and I am losing customers due to them being put off by street drinkers they see in town on a daily basis. Particularly on market place and bottom of Daisy hill</b></p>	<p>Comment noted.</p>
<p><b>To many shops in dewsbury sell alcohol already leading to anti social behaviour</b></p>	<p>Comment noted.</p>
<p><b>Increases anti social behaviour</b></p>	<p>Comment noted.</p>
<p><b>I suspect that their are the same issues in Dewsbury being</b></p>	<p>Comment noted – Issues regarding shops selling alcohol to</p>

<p><b>caused by independent shops selling alcohol to people under the age of 18.</b></p>	<p>underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police</p>
<p><b>Stop selling to under 18s</b></p>	<p>Comment noted – Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police</p>
<p><b>Refer to the Huddersfield comment - also I anecdotally don't believe there are that many off-premise shops in Dewsbury centre</b></p>	<p>Comment noted.</p>
<p><b>Too many people drinking Alcohol on the streets and making it unsafe for those visiting the town.</b></p>	<p>Comment noted.</p>





**LICENSING ACT 2003 (THE ACT)**  
**CUMULATIVE IMPACT ASSESSMENT**

**2025 – 2028**

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## Introduction

The Licensing Act 2003 regulates the sale of alcohol, provision of regulated entertainment and provision of late-night refreshment (sale of hot food or drink after 11pm).

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a Cumulative Impact Assessment ('the Assessment'), placing Assessments on a statutory footing.

Cumulative Impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The Assessment must set out the evidence to support the authority's opinion, it must be consulted upon before it is published, it must be reviewed every three (3) years, with any review having to be consulted upon and any revisions published along with the evidence.

In publishing a Cumulative Impact Assessment, the Council is setting down a strong statement of intent about the approach to considering the grant or variation of premises licence in the areas described where they are applying for or applying to vary a premises licence with off-sales only. The Council must have regard to the assessment when determining or revising its statement of licensing policy and must have regard to the policy and the statutory guidance issued under Section 182 of the Licensing Act 2003 when making determinations. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits; and it is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

An applicant wishing to obtain a new licence or vary a licence for premises, within a cumulative impact area, will be expected to demonstrate through their operating schedule, the steps they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

The onus is on the applicant to demonstrate how their proposal will not add to the cumulative impact.

As described in the 2012 judgement (*BrewDog Bars Limited v Leeds City Council*), a cumulative impact assessment does not lead to an automatic blanket ban on the grant of a licence and all applications are considered on their own merits and on a case-by-case basis.

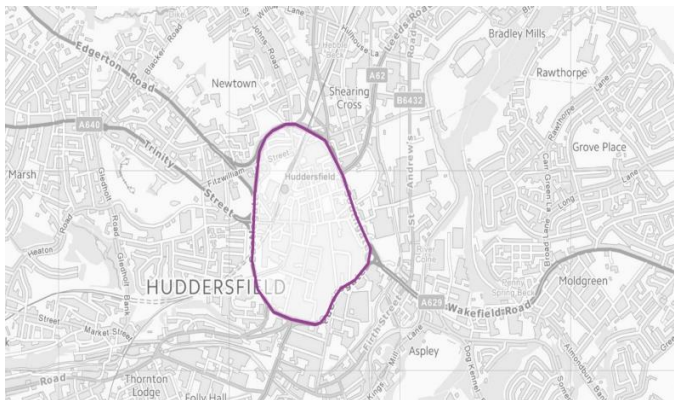
A cumulative impact assessment does not relieve responsible authorities, residents or any interested parties of the need to make representations if deemed necessary. The Council can only consider using a cumulative impact assessment to refuse an application if relevant representations are received. Where no representations are submitted to an application the Council must grant the licence.

Anyone making a representation can base it on the information provided in this assessment, and on the fact that an assessment has been published. It remains the responsibility of anyone making a representation to ensure that it demonstrates how the application shall impact on one or more of the licensing objectives, and it can withstand the scrutiny to which it will be subject to at a hearing and any subsequent appeal.

## Cumulative Impact Areas

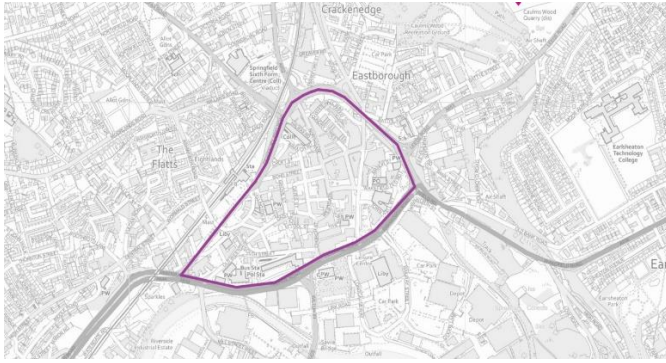
The Cumulative Impact Areas relate to both Huddersfield and Dewsbury Town Centres, specifically in relation to alcohol licensed premises with off-sales only.

### *Huddersfield Town Centre Map*



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### *Dewsbury Town Centre Map*



## Evidence to Support Cumulative Impact Assessment

### Police Statistics

Data provided by West Yorkshire Police shows that there is evidence to suggest that offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre.

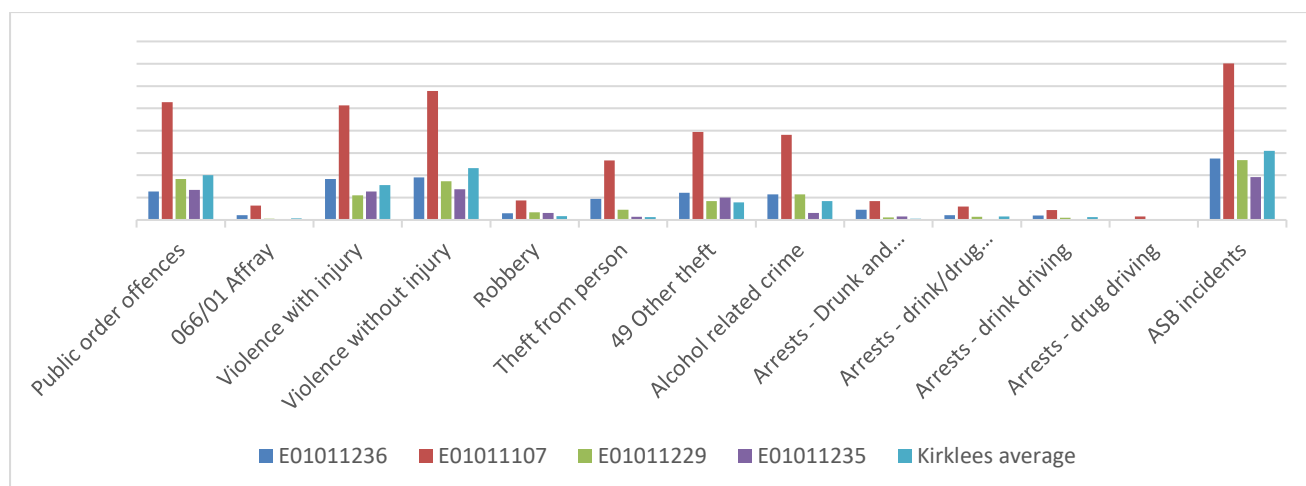
The information below is based on data collected between 2018 and 2023

### Huddersfield Town Centre Statistics

- E01011236 Top of ring road - Trinity Street across to St John's Road
- E01011107 Majority of town centre and out Leeds Road
- E01011229 Bottom of centre - Queensgate to Lockwood Road
- E01011235 Leisure centre, bus station over to Manchester Road

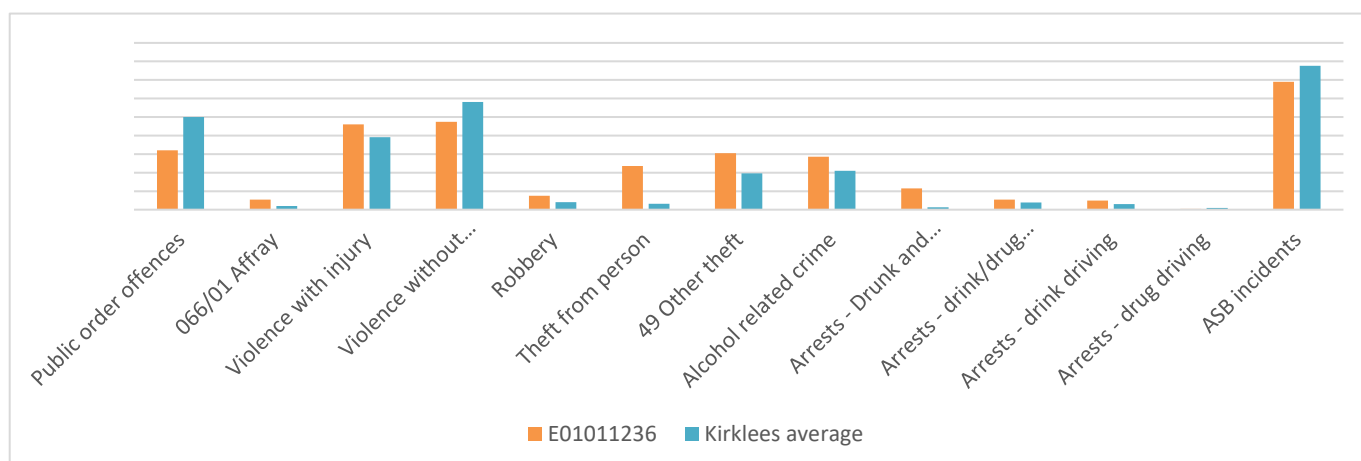
	- Value less than 50				
	LSOA				
Offence	E01011236	E01011107	E01011229	E01011235	Kirklees Average
Public order offences	64	264	92	67	100
066/01 Affray					
Violence with injury	92	257	55	64	78
Violence without injury	95	289	87	69	116
Robbery					
Theft from person		133			
49 Other theft	61	197		50	
Alcohol related crime	57	191	57		
Arrests - Drunk and disorderly in a public place					
Arrests - drink/drug					

driving					
Arrests - drink driving					
Arrests - drug driving					
ASB incidents	138	351	134	96	155
Total crime	563	2301	850	483	810



### Dewsbury Town Centre Statistics

Offence	LSOA	
	E01011236	Kirklees average
Public order offences	64	100
066/01 Affray		
Violence with injury	92	78
Violence without injury	95	116
Robbery		
Theft from person		
49 Other theft	61	
Alcohol related crime	57	
Arrests - Drunk and disorderly in a public place		
Arrests - drink/drug driving		
Arrests - drink driving		
Arrests - drug driving		
ASB incidents	138	155
Total crime	563	810



Even with the pandemic in 2020/2021; alcohol related crime was and is causing issues within the two town centres. In the case of Huddersfield town centre, in particular LSOA E0101107 (majority of the town centre out to Leeds Road) the levels of alcohol related crime are significantly above the Kirklees average.

### ***Consultation***

Public consultation is a statutory requirement of the Licensing Act 2003, the consultation was carried out between 18<sup>th</sup> July 2024 and 11<sup>th</sup> September 2024.

Those consulted were as follows:

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
  - West Yorkshire Police
  - West Yorkshire Fire Service
  - Environmental Health and Health and Safety at Work
  - Planning
  - Public Health
  - West Yorkshire Joint Services (Trading Standards)
  - Secretary of State (Immigration Enforcement)
  - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

- Letters hand delivered to local businesses in both Huddersfield and Dewsbury Town Centre.

In total 135 respondents completed the questionnaire (please note that the below is 146 but people may have fallen into more than one category); those responses were received from: -

- 92 Residents of Kirklees living outside the boundary of both Town Centres
- 26 Residents of Huddersfield Town Centre
- 9 Residents of Dewsbury Town Centre
- 7 Representatives for personal licence holders
- 3 Representatives for the licensed trade
- 3 representatives for a local business in Dewsbury Town Centre
- 1 Representative for a local business in Huddersfield Town Centre
- 1 Ward Councillor
- 1 West Yorkshire Police
- 0 West Yorkshire Fire and Rescue
- 0 Local Health Board
- 3 Other (1 Lives in Kirklees & works for NHS, 1 Kirklees Resident, 1 Parish Council)

### **Huddersfield Town Centre Consultation Responses**

#### Question 1

To what extent do you agree with the following statement:

There are too many licensed premises selling alcohol (with off-sales only) in Huddersfield Town Centre.

Agree – 82 (64%)

Disagree – 27 (21%)

Not sure / Don't know – 19 (15%)

#### Question 2

To what extent do you agree with the following statement:

There needs to be a Cumulative Impact Assessment in Huddersfield Town Centre relating to licensed premises selling alcohol (with off-sales) only.

Agree – 86 (68%)

Disagree – 23 (18%)

Not sure / Don't know – 17 (14%)



Comments and Responses

Comments	Council Response
<b>I would like to see more premises open</b>	Comment noted
<b>Far too many street drinkers with access to cheap alcohol.</b>	Comment noted
<b>Way too many people displaying inappropriate behaviour in Huddersfield town centre. Its bad enough at night time. During the day should feel safe for shoppers and workers.</b>	Comment noted
<b>It's not so much the amount of shops selling alcohol it's the low price of the high % alcohol that's the issue, you can get drunk on a couple of £</b>	Comment noted
<b>Most of these so called off licences are obvious fronts for proceeds of crime large gangs often congregate outside there needs tighter controls on these shops everyone knows where the cheap cigs are if needed but no one seems to care</b>	Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police and Trading Standards. Any evidence of illegal activity should be report to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police
<b>Too many off licence not needed.</b>	Comment noted
<b>The overall feel of the town centre would benefit from general improvements and whilst the blue print project is ongoing something needs to be done to address poor quality shop fronts selling tat and also those that sell cheap food and alcohol. If Huddersfield is to attract the right clientele then the offer available needs to be reviewed as a priority</b>	The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.
<b>Encourages those with an alcohol problem. Gather in town centre as alcohol easily available</b>	Comment noted
<b>It's not only licensed premises but also under the counter vape shops</b>	The Licensing Act 2003 does not extend to controlling the sale of vapes.
<b>Surely something can be done about the extremely suspicious shops they have been popping up (which all look the same - black plastic sign woth blue white</b>	Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police

<p><b>or red lettering and many people assume are money laundering fronts). No issue with genuine retailers but these shops are everywhere and given that very few people are seen going into them seems very odd.</b></p>	<p>and Trading Standards. Any evidence of illegal activity should be report to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police</p>
<p><b>Alcohol is available in a multitude of outlets. Closing the off license shops will have little impact. From what I'm hearing it would seem that certain groups object to Alcohol being sold anywhere. I have not heard of other towns considering this. Please be honest.</b></p>	<p>Comment noted</p>
<p><b>Too many people sitting about drunk and then all the cans and bottles are discarded or left without being put in bins. Just makes the town look even more run down than it already is becoming</b></p>	<p>Comment noted</p>
<p><b>Too many drunks round in the day round the town centre</b></p>	<p>Comment noted</p>
<p><b>Stop granting licenses if you guys are worried, and when you do, put restrictions regarding the tacky neon shops</b></p>	<p>The purpose of the survey is to ascertain whether there is evidence and need to introduce a cumulative impact assessment which will result in new applicants for premises licences for off sales only having to evidence they can uphold the licensing objectives. The only way a licensing authority can refuse an application is for the matter to go to a hearing for a decision currently is due to representations being received when applications are submitted.</p>
<p><b>They are too many in the town centre and its where the local drunks will go to and then sit around and leave rubbish everywhere, fight, swear infront of young kids and just cause havoc in the town centre</b></p>	<p>Comment noted.</p>
<p><b>There are far too many, in most they are renowned for selling other stuff illegal or otherwise they tend to attract gatherings around their shops. Drinkers</b></p>	<p>Comment noted</p>

<b>etc congregating in town centre parks etc. It then attracts shoplifters, drug users and young people. in</b>	
<b>too many drunks about ruining the town</b>	Comment noted
<b>The sooner the council gets rid of them the better</b>	Comment noted
<b>If you consider the number of off licences in the town centre and also in the immediate area to the town centre , places like fartown, Marsh, aspley,Lockwood.. You have to ask the question, how is it possible for all these to function and make a profit legally.??.....they all seem to be able to achieve profit margins even tho there are far cheaper option in the immediate area to them.... Seem a little</b>	Comment noted
<b>The evidence is visible enough as you travel through the town centre</b>	Comment noted
<b>It's actually quite limited due to the minority shops We need more restaurants as we only really have nandos if a pizza express could join that would be a real boost. Not everyone likes to deal with Wetherspoons/lloyds</b>	Comment noted
<b>Don't mind premises selling alcohol it's the state of the frontage of these shops thats needs sorting.</b>	The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.
<b>Sort out the frontage of these shops. No problem with selling alcohol .</b>	The powers to introduce a Cumulative Impact Assessment do not extend to addressing issues relating to shop frontages.
<b>Shop keepers.need to show the same responsibility as landlords and bar owners, stop the selling of very small bottles of liqueur. Stop shops selling glass bottles as this ican be a form of antisocial behavior by smashing bottles.stop shops having cheap tacky signage and dont allow posters showing alcohol and remove all pictures from shop windows promoting the selling of alcoholic drinks.</b>	Comment noted.

<b>Too many sell to anyone. Whether they are clearly intoxicated already or underage</b>	Comment noted.
<b>The issue is not the number of premises selling alcohol, it's the fact that the police do nothing to combat antisocial behaviour of any kind in Huddersfield and Kirklees. The priority should be to have a robust and effective policing system and response to any form of antisocial behaviour and not blame and punish the shop keepers for trying to make a living and driving cash into the economy!!!</b>	Comment noted – Comment noted - Issues around illegal activity in licensed premises is taken seriously and the licensing service work closely with the Police and Trading Standards. Any evidence of illegal activity should be report to the licensing service via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> or West Yorkshire Police
<b>Well it depends on the times???</b>	Comment noted.
<b>Huddersfield town centre after 6pm is rowdy and behaviour frequently uncouth and slightly (and sometimes) threatening. I strongly suspect the behaviour to be alcohol-fuelled. So I stay away after 5pm. I have been to 2 concerts at the Town Hall, and got out of town as soon as the concerts finished. Alcohol sellers are only supplying a demand but the consumers have so little self-control etc</b>	Comment noted.
<b>Far too many seedy booze shops and selling cheap alcohol and snide tobacco</b>	Comment noted.
<b>Increases anti social behaviour</b>	Comment noted.
<b>I have seen children who are obviously still at school ealking round the town centre drunk. The supermarkets are very hot on verifying under age attempts to buy alcohol and I suspect that they are obtaining alcohol from the independent small shops.</b>	Comment noted - Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>Stop selling alcohol to under 18s</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and

	Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>The selling of underage customer and intoxicated persons is not challenged</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>I agree with proposals.i also think u should look at the amount of poor takeaways in the town centre.vape shops also.not much more than vape shops chicken shops and poor asian shops that arnt run properly.alcohol related crime should b looked at too</b>	Comment noted – The Licensing Authority can only regulate those premises which hold a premises licence.
<b>They can't all be running at a profit unless income is coming from another source</b>	Comment noted.
<b>Many new ones have opened but vape shops are the worst has many sell to under 16yo girls over boys, we only need to look at the ring near natwest to see how many are drunk at 8am</b>	Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police
<b>People visibly drunk makes Huddersfield town centre feel threatening and it puts us off going into town for shopping and leisure</b>	Comment noted.
<b>There has been at least 4 off licences opened in the vicinity of market place... where all the drunks hang out. Why was this allowed</b>	When applications for premises licences are received, they are granted unless representations are received, which are relevant, at which time the application would be taken to a licensing hearing for a decision to be made about whether an

	application is refused or granted. There is no facility in law to just refuse an application.
<b>Far too many off-licence premises selling Cheap alcohol to the Town Centre drinkers.</b>	Comment noted.
<b>Far too many little shops popping up selling alcohol along side newspapers sweets and heaps of other spurious products including drugs paraphernalia</b>	Comment noted.
<b>There is no published definition on the content/structure/measurements of a CIA other than vague 'council-speak' phrases</b>	The survey is to gain evidence / comments from stakeholders to establish whether there is a need for a CIA to be introduced in relation to premises with off sales only in both Huddersfield and Dewsbury Town Centres. There is no definitive definition of what evidence is required to implement a CIA, however, the police statistics and the responses to this survey will provide the authority with the evidence it feels is required to make a decision about whether a CIA is required or not.

## Dewsbury Town Centre Consultation Responses

### Question 1

To what extent do you agree with the following statement:

There are too many licensed premises selling alcohol (with off-sales only) in Dewsbury Town Centre.

Agree – 52 (42%)

Disagree – 14 (11%)

Not sure / Don't know – 57 (46%)

### Question 2

To what extent do you agree with the following statement:

There needs to be a Cumulative Impact Assessment in Dewsbury Town Centre relating to licensed premises selling alcohol (with off-sales) only.

Agree – 56 (45%)  
 Disagree – 14 (11%)  
 Not sure / Don't know – 54 (44%)

Comments and Responses

Comments	Council Response
<b>Too easy to buy. Son lives in Belfast &amp; large areas you can not buy it, especually in family areas</b>	Comment noted
<b>Too many in the area, the people sat drinking day/night in certain areas of the town makes the town a no go area. The shops selling are eastern European shops who sell to anyone at anytime.</b>	Comment noted
<b>Why especially in dewsbury town centre do we need approximately 5 off locences selling alcohol its just not needed shouldnt be sny more then 1</b>	Comment noted
<b>The sale of alcohol in Dewsbury Town Centre is causing the problem with street drinkng during the day. I think that If alcohol was not so readily available, there would not be as many drinkers and people would feel safe to shop in the town.</b>	Comment noted
<b>Again under the counter shops</b>	Comment noted
<b>Criminality, asb fear to use town.</b>	Comment noted
<b>Sorry I can not comment here fairly as I have not been to the town centre in Dewsbury for many years - but have been to Huddersfield centre weekly</b>	Comment noted
<b>Dewsbury town has died not a safe place day or night</b>	Comment noted
<b>Not familiar with the area</b>	Comment noted
<b>It attracts congregation, other illegal activities, young people. It puts off people going around</b>	Comment noted

shopping , dsy to day business, it puts people off makes you feel unsafe.	
<b>Worse than huddersfield. Needs to be a serious shake up as they are too many licence premises selling alcohol and creating these groups of drunks who have no place in society</b>	Comment noted
Can't comment on Dewsbury	Comment noted
I don't live in Dewsbury but have not noticed lots of alcohol selling shops.	Comment noted
<b>Stop the shops promoting the selling of alcohol, stop shops selling small bottles of liqueur and selling beer in glass bottles. Scrutinising shop keepers with the same rules as landlords and bar owners. Dont allow posters and signage that promotes alcohol.</b>	Comment noted – regulation of licensed premises is carried out in accordance with the law, the licensing service cannot place additional conditions onto premises unless representations are received to applications which results in the matter being heard at a Licensing Hearing.
<b>Far too many in the Town Center. Kirklees seem to licenses to anyone</b>	Comment noted – Licences are issued to those to apply and when there are no representations received from responsible authorities or interested parties stating that the application would undermine one or more of the licensing objectives.
<b>There are not too many premises in either area they are just not policed well enough in terms of underage drinking and there is little to no police presence for anti social behaviour whilst drinking. Also kirklees consists of more than just Dewsbury and Huddersfield would be good to gain feedback on other areas too</b>	Comment noted.
<b>The trouble in the town centres caused by alcohol is nothing to do with number of premises selling it. It's cultural. The town centres are dying on their feet. The last thing we need is small businesses who</b>	Comment noted.



<p><b>rely on alcohol sales from responsible residents being unable to operate their businesses, whilst alcohol sales then move to the multinational monopolies that are Tescos and Sainsburys!!</b></p>	
<p><b>not drinking and hanging about in groups is the bigger issue in Dewsbury, the shops need to be enforcing the dont sell to people under the influence of alcohol and turning away trade, sadly as kirklees have killed off dewsbury the shopkeepers left have no choice but to sell to anyone to make some money</b></p>	<p>Comment noted.</p>
<p><b>The issue is not the number of premises selling alcohol, it's the fact that the police do nothing to combat antisocial behaviour of any kind in Dewsbury and Kirklees. The priority should be to have a robust and effective policing system and response to any form of antisocial behaviour and not blame and punish the shop keepers for trying to make a living and driving cash into the economy!!!</b></p>	<p>Comment noted.</p>
<p><b>There is constanty groups of people in the town centre drinking causing anti social behaviour people arguing fighting urinating deficating and been sick in turn this causes people to be scared to walk around town or even just visit for that matter I don't think the amount of shops selling alcohol is the problem in a whole it's more that there isn't enough police in town to move them on</b></p>	<p>Comment noted.</p>
<p><b>The purchasing of alcohol isnt the problem. Its always going to be available. The problem in dewsbury is a lack of policing.</b></p>	<p>Comment noted.</p>
<p><b>Myself and many others have</b></p>	<p>Comment noted.</p>

<p><b>stopped entering the town due to the number of people found drinking on the streets. Many social issues have arisen due to this. More needs to be done to support these vulnerable individuals.</b></p>	
<p><b>I'm disappointed that there is no more reflection on the hours... times etc of course these matter???? If alcohol is not available late night/early morning.... I'd expect less offences....but so few questions in this survey.... With so few answers.... I feel I've missed a few buttons?????</b></p>	<p>Comment noted – The consultation does not relate to specific times licensed premises are open, when each premises applies for a licence, it is at this point they apply for the hours for which they wish to trade and if no representations against those applications are received the application is granted as applied for.</p>
<p><b>Some of the councillors in Leeds have limited the number of gambling shops and offences due to the social challenges that were occurring. Unfortunately the same has happened in Dewsbury. We all do not want younger generations to do the same. A lot of addiction related mental health issues are on the rise. We all demand you to cancel all the licensed premises selling alcohol in Dewsbury.</b></p>	<p>Comment noted – there is no legal way for the Council to cancel all licensed premises in an area. This consultation is about whether there is a need for a Cumulative Impact Assessment due to there being a significant number of licensed premises concentrated in one area.</p>
<p><b>Groups of men are standing or sitting just outside these licensed shops and drinking resulting in an intimidating atmosphere for shoppers. The police are rarely seen.</b></p>	<p>Comment noted – the Council has no control over policing.</p>
<p><b>I own a shop in Dewsbury and I am losing customers due to them being put off by street drinkers they see in town on a daily basis. Particularly on market place and bottom of Daisy hill</b></p>	<p>Comment noted.</p>
<p><b>To many shops in dewsbury sell alcohol already leading to anti social behaviour</b></p>	<p>Comment noted.</p>
<p><b>Increases anti social behaviour</b></p>	<p>Comment noted.</p>

<p><b>I suspect that their are the same issues in Dewsbury being caused by independent shops selling alcohol to people under the age of 18.</b></p>	<p>Comment noted – Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police</p>
<p><b>Stop selling to under 18s</b></p>	<p>Comment noted – Issues regarding shops selling alcohol to underage persons are taken seriously, and the licensing service work closely with the Police and Trading Standards. Members of the public should report their concerns to licensing via email to <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a> Or West Yorkshire Police</p>
<p><b>Refer to the Huddersfield comment - also I anecdotally don't believe there are that many off-premise shops in Dewsbury centre</b></p>	<p>Comment noted.</p>
<p><b>Too many people drinking Alcohol on the streets and making it unsafe for those visiting the town.</b></p>	<p>Comment noted.</p>

## Conclusion

This cumulative impact assessment has been carried out in accordance with Section 5A of the Licensing Act 2003. This cumulative impact assessment is published because it considers that the number of premises with off-sales only within Huddersfield and Town Centre and Dewsbury Town Centre are impacting on the promotion of the licensing objectives.

This assessment is formed due to analysis of the crime statistics provided by West Yorkshire Police between the period 2018 to 2023. In addition, following consideration of the comments received following the requisite statutory consultation that has been carried out, which by large support the decision for the introduction of the assessment. It confirms that it would be inconsistent with the Council's duty to promote the licensing objectives to grant new and variation applications for premises licences with off-sales in both Huddersfield and Dewsbury Town Centres.

The assessment is designed as a guide for the Licensing Authority, the Police Licensing Team and Environmental Health when making representations to

applications within the areas of both Huddersfield and Dewsbury Town Centres as shown on the maps within this assessment.

It acts as a guide for applicants who wish to apply for a new or vary an existing premises licence within the defined areas for them to clearly outline within their operating schedule how they will uphold the licensing objectives.

Finally, it will assist the Licensing Authority in its decision-making process when representations are received for new and variation applications for premises with off-sales only.



**REPORT TITLE:** Licensing Services – Update Report

<b>Meeting:</b>	Licensing and Safety Committee
<b>Date:</b>	Wednesday 18 <sup>th</sup> December 2024
<b>Cabinet Member</b> (if applicable)	Cllr Tyler Hawkins
<b>Key Decision Eligible for Call In</b>	<b>No</b> <b>No</b>
<b>Purpose of Report</b> The purpose of the report is to inform members of the activities undertaken to discharge the Council’s licensing functions from 1 <sup>st</sup> October 2023 to 31 <sup>st</sup> March 2024	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>Members are asked to note the report.</li> </ul> <b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>The report is for information only.</li> </ul>	
<b>Resource Implications:</b> There are no resource implications relating to this report.	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>	David Shepherd – 24 <sup>th</sup> November 2024
<b>Is it also signed off by the Service Director for Finance?</b>	Kevin Mulvaney – 02 <sup>nd</sup> December 2024
<b>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</b>	Samantha Lawton - 25 <sup>th</sup> November 2024

**Electoral wards affected:** All

**Ward councillors consulted:** None

**Public or private:** Public

**Has GDPR been considered?** Yes, any personal data has been redacted for the purposes of this report.

## 1. Executive Summary

1.1 This report is to provide members of the Licensing and Safety Committee with an update on the activities undertaken by the Council's licensing services between the period of 1<sup>st</sup> October 2023 to 31<sup>st</sup> March 2024.

## 2. Information required to take a decision

### Hackney Carriage and Private Hire Licensing

2.1 The overriding aim of the licensing service, when carrying out its functions relating to the licensing of hackney carriage and private hire drivers, vehicle proprietors and operators is the safety of the travelling public and others who use (or can be affected by) hackney carriage and private hire services.

#### Current Licence Numbers

2.2 The number of current hackney carriage and private hire licenses in forces as of 21<sup>st</sup> October 2024 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	212
Dual Drivers Licence	3,180
Private Hire Operators	197
Private Hire Vehicles	2,231
Total	5,820

2.3 The following table sets out the number of private hire / hackney carriage applications received by the service between 1<sup>st</sup> October 2023 to 31<sup>st</sup> March 2024 and the number comparable during the same months in previous years: -

Licence Type	Application Type	2023/2024	2022/2023	2021/2022
Hackney Carriage Vehicle	New/Renewal	129	115	132
Dual Drivers Licence	New	178	188	80
	Renewal	585	654	806
Private Hire Operator	New	24	24	22
	Renewal	44	42	40
Private Hire Vehicle	New	435	274	327
	Renewal	841	758	801
	Transfer	68	63	81
Total		<b>2,304</b>	<b>2,118</b>	<b>2,289</b>

2.4 Members will note that the number of driver renewal applications is less than the previous two years, the reasons for this are we moved from issuing annual licences to issuing 3-year licenses, in addition during the pandemic the authority were not accepting new driver applications (2020 to 2021) which means there were less renewals during this period.

### Vehicle Testing

2.5 The tables below show the numbers of compliance tests carried out by Transport Services between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024.

<b>George Street Testing Station</b>						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Number of Tests	60	133	78	148	127	112
Passed Initial Test	43	94	50	129	77	72
Failed Initial Test	17	39	28	19	50	40
% Passed	72%	71%	64%	87%	61%	64%
% Failed	28%	29%	36%	13%	39%	36%

<b>Vine Street Testing Station</b>						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Number of Tests	81	133	56	68	61	86
Passed Initial Test	58	94	44	52	50	68
Failed Initial Test	23	39	12	16	11	18
% Passed	72%	71%	79%	76%	22%	79%
% Failed	28%	29%	21%	24%	18%	21%

<b>Vine Street &amp; George Street Combined</b>						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Total No. Tests	141	208	134	216	188	198
Total Passed	101	146	94	181	127	140
Total Failed	40	62	40	35	61	58
Total % Passed	72%	70%	70%	84%	52%	59%
Total % Failed	28%	30%	30%	16%	48%	41%

2.6 Further details regarding the reasons for failure of tests and numbers of vehicles that have failed in each category in the 6 months between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024 are shown in the table below: -

(Please note that vehicles may have failed on more than one item which will account for the numbers being higher than the failure rates above).

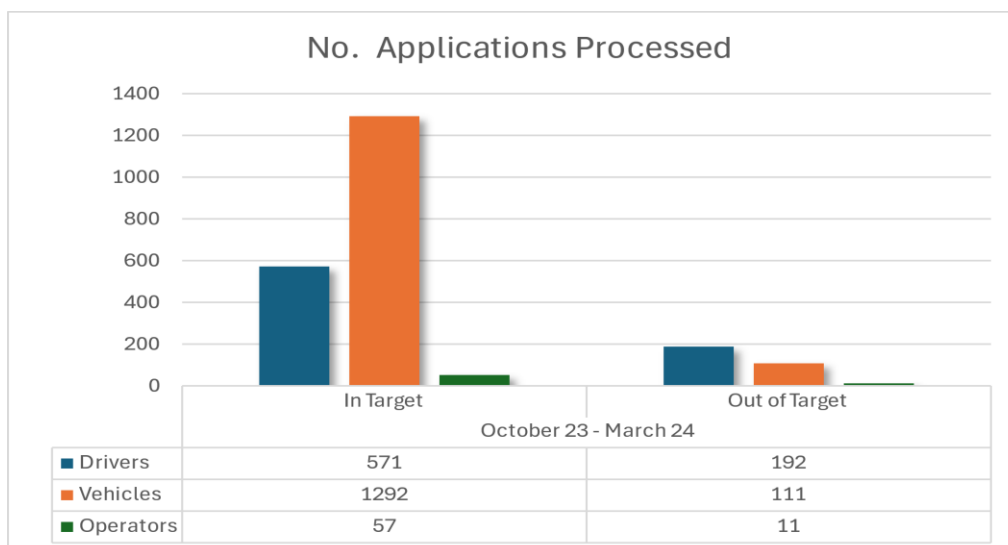
Reason for Failure	Vine Street	George Street	Total	Percentage of total failures (296)	Percentage (Total number of tests 1,085)
Lighting	36	78	114	39%	11%
Steering/Suspension	21	41	62	21%	6%
Brakes	14	31	45	15%	4%
Wheels/Tyres	52	72	124	42%	11%
Emissions Diesel	9	22	31	10%	3%
Emissions Catalyst	0	1	1	0%	0%
Meter Tests	0	0	0	0%	0%
Body Work	0	2	2	1%	0%
Fire Extinguisher	11	2	13	4%	1%
Interior	10	7	17	6%	2%
Other	24	26	50	17%	5%

### Service Standards

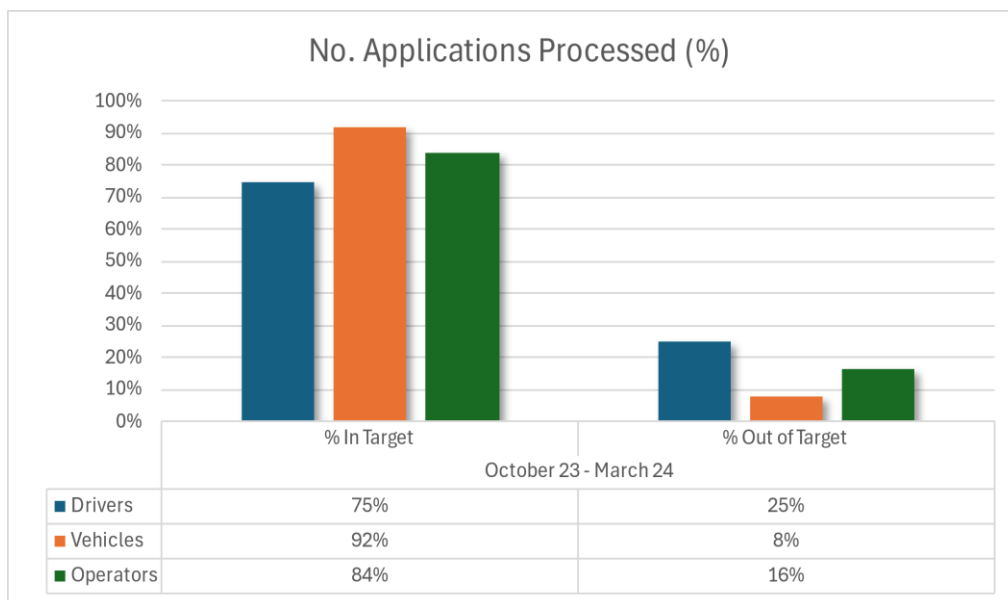
2.7 In August 2021, the Licensing Service introduced its service standards. The service standards are what we aim to achieve in relation to how quickly we will process valid and complete applications that have been submitted. For example, our aim is to process vehicle applications within 5 working days, drivers and operator applications within 10 working days following receipt of the completed application.

2.8 The following tables show how the service performed against the service standards between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024:

	October 2023 - March 2024				
	No. Processed	In Target	% In Target	Out of Target	% Out of Target
Drivers	763	571	75%	192	25%
Vehicles	1403	1292	92%	111	8%
Operators	68	57	84%	11	16%







2.9 Below are the previous 6 months performance figures in relation to the service standards for comparison:

	April 2023 - September 2023				
	No. Processed	In Target	% In Target	Out of Target	% Out of Target
Drivers	891	288	32%	603	68%
Vehicles	1622	1386	85%	236	15%
Operators	83	40	48%	43	52%

#### Delegated Decisions

2.9 The table below shows the decisions taken by the Group Leader for licensing regarding new and existing hackney carriage / private hire drivers' fitness and suitability between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024.

TABLE A

<u>Offence/Issue</u>	<u>Decisions and Reasons</u>
1. Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	N/A
2. Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or	N/A

<p>treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.</p>	
<p>3. Offences involving violence (including arson, riot, terrorism offences, harassment, common assault &amp; criminal damage) or connected with any offence of violence.</p>	<p>1. New Driver Caution – Assault occasioning actual bodily harm conviction date October 2014. Policy is ten years, caution was issued 9 years ago, account by applicant corresponded with police account, and due to length of time Decision Grant with Warning</p> <p>2. New Driver Caution – threats to kill (2011) Conviction – Harassment (2013) Caution outside policy and due to length of time since the harassment conviction. Decision Grant with warning</p> <p>3. New Driver 2 Cautions – Criminal Damage (2021) Consideration of the incidents which led to the cautions being issued. Decision Grant with warning</p>
<p>4. Possession of a weapon or any other weapon related offence.</p>	<p>N/A</p>
<p>5. Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.</p>	<p>1. Existing Driver Arrested for alleged sexual assault of under 13-year-old girl by touching Decision Suspend with immediate effect</p> <p>2. New Driver Conviction – Sexual Assault – Intentionally touch female – no penetration (2016) Decision Application Refused</p>
<p>6. Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.</p>	<p>1. New Driver Conviction for tax evasion (2022) No exceptional circumstances to deviate from policy. Decision Application Refused</p>

7. Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	N/A
8. Drugs use – any conviction for possession of drugs or related to possession of drugs.	N/A
9. Discrimination – any conviction involving or connected with discrimination in any form.	N/A
10. Drink driving/driving under the influence of drugs.	N/A
11. Driving whilst using a hand-held telephone or other device.	<p>1. New Driver – CU80 use of handheld device and SP30 – no exceptional circumstances demonstrated – Decision Application Refused.</p> <p>2. Existing Driver – CU80 use of handheld device - no exceptional circumstances demonstrated – Decision Licence Revoked</p> <p>3. Existing Driver - CU80 use of handheld device – no exceptional circumstances demonstrated – Decision Licence Revoked (Appeal to court – ongoing)</p> <p>4. New Driver – CU80 use of handheld device and TT99 (totting up) Exceptional Circumstances evidenced for the reason for use of mobile phone (emergency situation was evidenced) Decision Grant with warning</p> <p>5. New Driver CU80 use of handheld device Applicant appealed points/motoring conviction and court upheld appeal.</p>

	<p>Decision Grant with warning</p> <p>6. Existing Driver CU80 use of handheld device Failure to notify the licensing service in accordance with the conditions of licence. No exceptional circumstances provided. Decision Licence Revoked</p> <p>7. Existing Driver CU80 use of handheld device No exceptional circumstances to consider. Decision Licence Revoked (appealed to Court, Appeal dismissed)</p>
<p>12. Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.</p>	<p>1. New Driver – IN10 (insurance) motoring conviction – 28-day DVLA driving licence ban Revoked by 2 other licensing authorities – Application Refused.</p> <p>2. New Driver – IN10 (insurance) motoring conviction – driving whilst uninsured. AC20 motoring conviction – failing to report accident. Failure to declare on application - Application Refused.</p> <p>3. Existing Driver – CD10 motoring conviction – causing endangerment to public and other road users. Complaint – inappropriate communications with female passenger. Licence Revoked</p> <p>4. New Driver IN14 motoring conviction – allowing someone to drive a vehicle uninsured. Consideration taken surrounding circumstances. Decision Grant with warning</p>
<p>13. Hackney carriage and private hire offences.</p>	<p>N/A</p>
<p>14. Vehicle use offences, for example being carried in vehicle without the owner's consent.</p>	<p>N/A</p>

<p>15. General standard of behaviour/repeat complaints regarding attitude/driving standard and any other reason they may be deemed not 'fit and proper' to hold/continue to hold a hackney carriage/private hire driver's licence and not resulting in conviction.</p>	<p>1. Existing Driver Complaint – inappropriate conversation with vulnerable female passenger. Warning letter issued.</p> <p>2. Existing Driver Complaint received – driver reversed into elderly lady, man handled her, took her to supermarket, took payment, failed to call emergency services or any assistance. Supermarket called ambulance. CCTV footage of incident viewed. Decision Suspend with immediate effect</p> <p>3. Existing Driver Complaint about conduct of driver – evidence supplied to prove complainant was not truthful. Decision No further action</p> <p>4. Existing Driver Complaint about inappropriate sexual behaviour towards female passenger. Decision Suspend with immediate effect</p>
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TABLE B

<b><u>Minor Traffic Offences</u></b>	<b><u>Decisions and Reasons</u></b>
<p>Minor traffic or vehicle related offences – offences which do not include offences involving: -</p> <ul style="list-style-type: none"> <li>• loss of life,</li> <li>• driving under the influence of drink or drugs,</li> <li>• driving whilst using a handheld telephone or other device</li> <li>• No Insurance</li> <li>• Offences which have resulted in injury to any person or damage to any property (including vehicles)</li> </ul>	<p>1. Existing Driver – 9 points for minor motoring convictions, decision – Requirement to undertake driven test and receive written warning.</p> <p>2. Existing Driver – 9 points for minor motoring convictions, decision - Requirement to undertake driven test and receive written warning.</p>

## Restricted Licences

2.10 On Wednesday 17<sup>th</sup> April 2024, the Head of Public Protection and the Chair of the Licensing and Safety Committee, considered a report under delegated authority in relation to a new process/procedure to issue a licence to drivers which is restricted to carrying out school contract work, but will not be permitted to carry out normal / everyday hackney carriage or private hire work.

2.11 It was recommended that the Head of Public Protection and the Chair of the Licensing and Safety committee, in line with delegated authority from the Licensing and Safety Committee to make minor amendments to Licensing Policy, to relax aspects of the new driver application requirements, and agree amended conditions to reflect the restrictions on the licence to carry out school transport contract work only.

2.12 The decision taken by the Head of Public Protection and the Chair of the Licensing and Safety Committee was to agree the proposed new licence type and amendments to policy / process.

2.13 The introduction of a restricted licence is to work with local and national companies who want to undertake school contracts only or want to expand into this area of work. It should be noted that any requirements related to safeguarding have not been relaxed.

## Licensing Act 2003 and General Licensing

2.14 The total number of Licensing Act and general licensing licences in force as of 27<sup>th</sup> September 2024 are set out in the table below:

Type	No.
Premises Licences	1,063
Club Premises Certificate	171
Gambling Licences	626
Sexual Entertainment Venue/Sex Shop	2
Scrap Metal Dealer / Collector	28
Pavement Licence	14
Other General licences/permits	98
Total	2,002

2.15 The following table sets out the number of Licensing Act applications processed by the service between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024, and the other columns are a comparison from the same period for the previous 2 years.

Application Type	2023/2024	2022/2023	2021/2022
New	26	29	31

Full Variation	5	6	11
Minor Variation	4	7	10
Transfer	36	42	43
Temporary Event Notices	211	282	272
Total	282	366	367

2.16 The following applications were considered by the Licensing Panel between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024.

Application Type	Premises	Outcome
Grant of Premises Licence	Le Sorelle, 5 Pickford Street Milnsbridge Huddersfield	Granted with Conditions
Transfer of Premises Licence	Ravensthorpe Off Licence 618 Huddersfield Road Ravensthorpe	Refused
Grant of Premises Licence	Mirfield Market, 156 Huddersfield Road	Application withdrawn prior to hearing
Grant of Premises Licence	Gourmet Hub, Shop 1 53 Wakefield Road Moldgreen Huddersfield	1 <sup>st</sup> Hearing Deferred to Dec 2023  2 <sup>nd</sup> Hearing Granted with Reduction of Hours
S51 Review of Premises Licence	Buccovina Off Licence 644 Huddersfield Road Ravensthorpe	Licence Revoked
Grant of a Personal Licence	N/A	Refused
Grant of Adult Gaming Premises Licence (Gambling Act 2005)	Royal Amusements 23 Northgate Dewsbury	Granted with Conditions
Grant of Premises Licence	Ravensthorpe Off Licence 618 Huddersfield Road Ravensthorpe Dewsbury	Granted with Conditions

### Total Number of Applications

2.17 The licensing service deals with a wide range of applications:

- Licensing Act 2003
- Gambling Act 2005
- Hackney Carriage and Private Hire
- Street Trading
- Street Activities
- Charitable Collections
- Sex Shops and Sexual Entertainment Venues
- Hypnotists

- Scrap Metal Site and Collections
- Pavement Licences
- Literature Distribution

2.18 In the period between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024, the service received a total of 2,934 applications. In the previous 6-month period between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 the service received a total of 3,057 applications.

#### Alcohol Toolkit

2.19 In 2016, Public Health England developed and piloted an Analytical Software Package (ASP) to aid public health teams in their role as a responsible authority, with support from the Home Office and the Department of Health, versions of this ASP are used by local authorities in Cornwall, Wigan, Leeds, and Somerset. Public health colleagues in Kirklees have reviewed this ASP and other local authority variants and, with the support of the Licensing service, have developed a toolkit specifically tailored for Kirklees.

2.20 The Kirklees toolkit is designed as a straightforward one-stop resource with links to various data sources to provide supportive evidence linked to alcohol related harm, and the results from the tool can be used as part of representations to licensing applications and will assist members with decision making at hearings.

2.21 The toolkit is now available on the Council's website and training will be offered to members in due course.

#### Business and Planning Act 2020 as amended by the Levelling Up and Regeneration Act 2023

2.22 On Tuesday 2<sup>nd</sup> April 2024, all Local Authorities in England received a letter from the Department for Levelling Up, Housing and Communities. This was to inform licensing authorities that on 31<sup>st</sup> March 2024 the pavement licensing provisions laid out in the Levelling up and Regeneration Act 2023 had commenced. This is a permanent replacement for both the temporary provisions introduced by the Business and Planning Act 2020 and the former provisions under the Highways Act 1980.

2.23 In order to comply with the requirements decisions were required to be taken regarding the conditions which would be attached to the licences. These decisions were taken under delegated authority by the Strategic Director for Corporate Strategy, Commissioning and Public Health. The reason this was not brought to members of the Licensing and Safety Committee for a decision was due to the timing of the introduction of the new law which came into effect without prior notice and the need for the decisions to be taken without delay.

2.24 The agreed conditions can be seen at **Appendix 1**.

#### West Yorkshire Joint Services – Trading Standards

2.25 The licensing team and the co-located licensing police officers work closely with Trading Standards. Visits to premises are conducted when intelligence has been gathered by Trading Standards.



2.26 While not every premises that is visited is licenced, it is important to note that trading standards work in partnership with the licensing service and the police and where required enforcement action is taken.

2.27 On 10<sup>th</sup> October 2023, four premises in South Kirklees were visited:

- Premises 1 – Nothing was found
- Premises 2 – The search of the premises found 182 x 20 packets of cigarettes, 20 x 50g pouches of hand rolling tobacco and 88 oversized vapes.
- Premises 3 – The search of the premises found 178 x 20 packets of cigarettes, 24 x 50g pouches of hand rolling tobacco and 95 oversized vapes.
- Premises 4 – The search of the premises found 211 x 20 packets of cigarettes, 42 x 50g pouches of hand rolling tobacco and 38 oversized vapes.

2.28 On 23<sup>rd</sup> October 2023, three premises in North Kirklees were visited:

- Premises 1 – The search of the premises found 55 x 20 packets of cigarettes, 4 x 50g pouches of hand rolling tobacco and 50 oversized vapes.
- Premises 2 – Nothing was found.
- Premises 3 – Nothing was found.

2.29 On 6<sup>th</sup> February 2024, four premises in North Kirklees were visited:

- Premises 1 – The search of the premises found 65 x 20 packets of cigarettes, 7 x 50g pouches of hand rolling tobacco, 130 oversized vapes and 30 pouches of shisha tobacco.
- Premises 2 – The search of the premises found 240 x 20 packets of cigarettes, 52 x 50g pouches of hand rolling tobacco, 129 oversized vapes and 11 pouches of shisha tobacco.
- Premises 3 – The search of the premises found 2,449 packets of tobacco, 155 x 50g pouches of hand rolling tobacco and 2 oversized vapes.
- Premises 4 – The search of the premises found 235 x 20 packets of cigarettes and 22 x 50g pouches of hand rolling tobacco.

### **The Licensing Service Enforcement Activity**

2.30 Licensing Officers undertake proactive enforcement activity outside normal working hours. This can vary from, licensed vehicle checks, licensed operator base checks, licensed driver checks, premises licence compliance checks, gambling licence compliance checks and so on.

2.31 Between 1<sup>st</sup> October 2023 and 31<sup>st</sup> March 2024 officers carried out 17 proactive enforcement operations including evenings/weekends which is an average of 3 per month. The following table provides a brief overview of the enforcement activities undertaken in the 6-month period.

<b>Type of Enforcement Activity Undertaken</b>	
<b>1.</b>	Private hire operator base checks and premises licence invoice checks

2.	Premises licence invoice checks
3.	Licensing Act premises inspections
4.	Private hire operator base checks
5.	Joint visits to Licensing Act premises for inspections with West Yorkshire Police
6.	Premises licence and gambling premises inspections
7.	Hackney carriage and private hire vehicle checks
8.	Private hire operator base checks
9.	Joint visits to Licensing Act premises for inspections with West Yorkshire Police
10.	Joint operator with West Yorkshire Police and VOSA carrying out licensed vehicle inspections
11.	Private hire operator base checks
12.	Premises licence invoice checks
13.	Premises licence invoice checks
14.	Private hire operator base checks
15.	General licensing visits
16.	Joint operator with West Yorkshire Police and VOSA carrying out licensed vehicle inspections
17	Adult gaming centre (gambling) Inspections

### 3. Implications for the Council

#### 3.1 Council Plan

The issuing of licenses supports the Councils vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

#### 3.2 Financial Implications

There are no financial implications contained in this report.

#### 3.3 Legal Implications

There are no legal implications.

#### 3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

There are no other implications for the Council.

### 4 Consultation

4.1 This is an information only report, and no consultation has been undertaken.

### 5 Engagement

5.1 This is an information only report, and no consultation has been undertaken.

### 6 Options

#### 6.1 Options considered

Members are asked to note the report.

## 6.2 **Reasons for recommended option**

This is an information only report.

## 7 **Next steps and timelines**

7.1 Not applicable – information only report.

## 8 **Contact officer**

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

[Agenda for Licensing and Safety Committee on Wednesday 14th February 2024, 10.00 am | Kirklees Council](#)

## 10 **Appendices**

Not Applicable

## 11 **Service Director responsible**

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Service Director – Environmental Strategy and Climate Change  
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## Pavement Café Licence Conditions

### ***Business and Planning Act 2020 as amended by S229 of & Schedule 22 to the Levelling Up and Regeneration Act 2023***

1. Outside drinking to be restricted to the area covered by the pavement licence.
2. Tables, chairs and other furniture covered by this licence must be removed from the highway, and securely stored, outside of the times stated on the licence. Securely stored means off the highway and away from any area accessible by the public.
3. Sufficient management controls and monitoring should be in place for the collection of glasses, bottles, plates etc. at regular intervals, removal of discarded food wrappers etc. to prevent litter from blowing onto the adjacent highway, including regular sweeping of the area throughout the trading day.
4. At the end of each trading period following the removal of the tables, chairs and other furniture covered by this licence, you must ensure the area covered by this licence, and the area in the immediate vicinity (i.e. to the side and/or front) are clear of any waste/debris.
5. Any spillages onto the Highway must be cleaned immediately, the tables and chairs to be kept tidy, at all times.
6. The premises shall be responsible for the cost of making good any damage to the highway caused by street furniture or usage area.
7. Music must not be played outside the premises at any time. Additionally, windows and doors should not be kept open to facilitate the passage of sound to customers using the external tables and chairs.
8. Sufficient controls should be in place to manage any incidents of disorder.
9. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footways widths and distances required for access by mobility impaired and visually impaired people as set out in section 3 of the [Inclusive Mobility. A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure) guidance.
10. During the hours of operation, the pavement café area authorised by this licence must remain enclosed with adequate openings to permit access. The function of this enclosure is to demarcate and contain the café but also to give a clear warning particularly to people with visual impairments.
11. Reasonable provisions need to be made for seating where smoking is not permitted. This means that where businesses provide for smokers, they are also required to provide an option for customers to sit in a non-smoking area.
  - There should be clear 'smoking' and non-smoking' areas, with 'no-smoking' signage displayed in your designated 'smoke-free' zones in accordance with the smoke-free (signs Regulations) 2012.

- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
  - You should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.
12. You must temporarily remove your tables, chairs and any other furniture authorised by this licence upon the request of a statutory undertaker (i.e. utility / communications companies) to allow them to access their equipment / services, or an authorised officer of the Council or West Yorkshire Police. Where possible you will be given prior notice of this.
  13. You are required to carry out a health and safety risk assessment to take reasonable steps to mitigate the risks identified. This risk assessment shall be made available to authorised officers of the Council or West Yorkshire Police upon request.
  14. Advertisement boards and furniture that is not removable are not permitted by this pavement café licence.
  15. You must complete a site security plan which is available inspection at any time by authorised officers of the Council, West Yorkshire Police Officers, and Counter Terrorism Officers (working with, for or on behalf of the Police).
  16. All management and staff employed are required to undertake the online ACT Awareness Training and evidence of completion of this by management and staff should be kept with the site security plan and be available for inspection by authorised officers of the Council, West Yorkshire Police Officers, and Counter Terrorism Officers (working with, for or on behalf of the Police).

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