

Public Document Pack



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

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Please ask for: Nicola Sylvester

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Wednesday 14 August 2024

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Thursday 22 August 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 Panel members are:-

Member

Councillor Zarina Amin

Councillor Donna Bellamy

Councillor Alex Vickers

Agenda

Reports or Explanatory Notes Attached

Pages

1: Appointment of Chair

To appoint a Chair for the meeting.

2: Site Visit

Site visit to be undertaken.

3: Membership of the Panel

To receive apologies for absence from those Members who are unable to attend the meeting.

4: Minutes of Previous Meeting

1 - 10

To approve the Minutes of the meeting of the Panel held on the 30th January 2024, 3rd July 2024 and 15th July 2024.

5: Declaration of Interests

11 - 12

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.

6: Admission of the Public

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

7: Deputations/Petitions

The Panel will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

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

8: 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.

9: Licensing Act 2003 - Application for the Grant of a New Premises Licence: Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield HD7 5AU

13 - 72

To consider the application at 10:00am

Contact: Anwar Butt, Licensing Officer. Tel: 01484 221000.

Contact Officer: Nicola Sylvester

KIRKLEES COUNCIL

LICENSING PANEL

Tuesday 30th January 2024

Present: Councillor Amanda Pinnock (Chair)
Councillor Mohan Sokhal
Councillor Donna Bellamy

In attendance: Fiona Goldsmith
Rox Javaid, Licensing Officer
Jordan Barrett, Licensing Officer
Leigh Rushworth, Licensing Officer
David Stickley, Senior Legal Officer

1 Declaration of Interests

No interests were declared.

2 Admission of the Public

All agenda items were considered in public session.

3 Deputations/Petitions

No deputations or petitions were received.

4 Public Question Time

No public questions were asked.

5 Application of the Grant of an Adult Gaming Premises Licence under the Gambling Act 2005 - Royal Amusements, 23 Northgate, Dewsbury, WF13 1DS

The Panel considered a report which outlined the application for the grant of an adult gaming premises licence, Royal Amusements 23 Northgate, Dewsbury, WF13 1DS.

The Licensing Officer informed the Panel that on the 13th December 2023, the Licensing Department received an application for the grant of an adult gaming premises licence, Royal Amusements, 23 Northgate, Dewsbury WF13 1DS.

Attached with the application was:

- A local area risk assessment.
- A local area site profile.
- Details of how the three licensing objectives would be addressed.

Licensing Panel - 30 January 2024

In response to the application, three representations were received from local ward Councillors, however following the submission of additional proposed conditions by the applicant, one of the objections was withdrawn.

In response to the representations received, the applicant's representative advised the Panel that additional information had been submitted which included a witness statement from the applicant, a detailed local area risk assessment, operational policies and extracts from the applicant's compliance manuals, as well as a robust list of proposed conditions in an attempt to deal with the representations.

The applicant's representative also advised the Panel that:

The applicant and his management team had operated Adult Gaming Centres (AGC's) for over 40 years. The applicant had 9 other venues (for which he held AGC licenses) within West Yorkshire and Greater Manchester.

The applicant was a competent operator and had held an operator's licence for 20 years. He had established policies, procedures and systems in place and all venues ran to a standard of excellence, with quality management teams and trained staff in place.

There had been no representations received from responsible authorities and there had been no reviews or licences revoked for any of the gambling establishments within the Dewsbury locality. The AGC's rarely generated crime and disorder, however the applicant would work with the responsible authorities to resolve any issues if required.

The business subjected itself to regular field based audits and compliance officer audits and engaged in independent test purchase / mystery shopper exercises to ensure there were no issues.

RESOLVED:

That the grant of an Adult Gaming Premises Licence in respect of Royal Amusements, 23 Northgate, Dewsbury, WF13 1DS be granted with the following conditions:

- Prominent signage and notices advertising that Under 18's not to be allowed on the premises.
- A "think 25" proof of age scheme to be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry.
- Acceptable forms of identification to be recognised, such as a driving licence, passport or proof of age card with the PASS Hologram.
- Appropriate staffing levels to be assessed by way of risk assessment and cognisance and advice to be taken from the Licensing Department.
- Individuals who are deemed to be under the influence of alcohol not to be allowed to enter the premises.
- The licensee to take reasonable steps to prevent nuisance directly outside the premises.

Licensing Panel - 30 January 2024

In response to the application, a total of three representations were received from Ward Councillors relating to public nuisance, and that if the licence was granted, the following licensing objective would not be met:

- Prevention of Public Nuisance.

The licensing officer advised the Panel that the Responsible Authorities had been consulted and that no concerns or objections had been received.

Responding to the concerns raised by the objectors, the applicant's representative explained to the Panel that the proposed conditions for dealing with their concerns were robust, legally enforceable and sufficiently in line with the main principles of the Councils Statement of Licensing Policy (SOLP) and provided clarity on how the premises would support all four of the licensing objectives. The proposed conditions were also tailored to the individual type, location and characteristics of the premises to reduce all risks of crime and disorder and harm to children as reasonably possible.

The applicant had held four temporary licences and there had been no complaints reported in relation to loitering, to the applicant or the police. There had also been no failed test purchases, no selling of alcohol to children or drunken persons and no selling of e-cigarettes to children. A refusal book had been completed and was available for responsible persons to see.

RESOLVED:

That the grant of a premises licence in respect of Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL be approved with the following conditions:

- That 3 CCTV cameras internally and 3 CCTV cameras externally be operational during licensing hours.
- That training of the applicant and staff in dealing with difficult customers in relation to crime and antisocial behaviour be undertaken.
- That the applicant works with the Licensing Departments and the Police to resolve any issues.

Contact Officer: Nicola Sylvester

KIRKLEES COUNCIL

LICENSING PANEL

Wednesday 3rd July 2024

Present: Councillor Amanda Pinnock (Chair)
Councillor Zarina Amin
Councillor Ali Arshad

In attendance: David Stickley, Principal Lawyer
Mike Skelton, Senior Licensing Officer
Craig Heywood, Licensing Officer

1 Declaration of Interests

No Interests were declared.

2 Admission of the Public

All agenda items were considered in public.

3 Deputations/Petitions

No deputations or petitions were received.

4 Licensing Act 2023 - Application for the Grant of a New Premises Licence: Oi Dumplings, 9 Peel Street, Marsden, Huddersfield, HD7 6BR

The Panel considered a report which outlined an application for the grant of a new premises licence, Oi Dumplings, 9 Peel Street, Marsden, Huddersfield, HD7 6BR. The Licensing Officer advised the Panel that on the 14th May 2024, the Licensing Department received an application for the grant of a new premises licence for Oi Dumplings. In response to the application, four representations were received from members of the public. A petition opposing the grant of the license had also been received. However, after the consultation period had ended, one of the representations was withdrawn.

The submitted representation indicated that the licensing objectives in respect of the prevention of crime and disorder and the prevention of public nuisance would not be achieved if the licence was granted.

The licensable activities applied for were:

- Retail sale of Alcohol (on premises) – 10:00 – 23:00 Monday to Sunday.

A total of 141 emails had also been received along with 5 letters, all from members of the public supporting the application. The applicant had also set up an online petition on change.org inviting comments of support. At the end of the consultation period, there were over 1500 supporters.

Licensing Panel - 3 July 2024

The Panel invited the representative of the application to outline the application. The Panel was informed that since 2007, the premises had been a food establishment, initially as an ice cream parlour and latterly a diner. Oi Dumplings would operate as a brunch café from morning until afternoon and then transition into a restaurant in the evening with home working facilities being available on the first floor. It was noted that the proprietors had previously operated from a cabin in the village, which was completely outdoors, and unlicensed, but had applied for several Temporary Event Notices (TENS). No complaints from the community or responsible authorities had been received at these events. The applicant advised that they wanted to work with residents and work in harmony with neighbours.

The Panel was further advised that the councils planning department had confirmed that there were planning restrictions on the opening hours at the premises, with current trading times restricted to 8:30 to 18:00 Monday to Saturday and 12 noon until 17:00 on Sundays. The applicant had indicated they would seek to have the timings amended with planning in due course.

Local residents in support of the application stated that the new owners would contribute to the economic trend of making the village an attractive destination for visitors and locals, whilst creating much needed employment in the village.

The Panel invited representations from those who had objected to the application. One objector stated that they did not object to the overall application, the concern was the affect that having an alcohol license after 18:00 would have on their lifestyle through noise nuisance and disturbance, along with crime and disorder.

Having considered all the information presented both verbally and in writing, the Panel determined as follows:

RESOLVED –

That the Grant of a New Premises Licence in respect of Oi Dumplings, 9 Peel Street, Marsden, Huddersfield, HD7 6BR be granted with the following condition:

- Retail sales of alcohol for consumption on the premises be limited to Monday – Sundays 10:00– 18:00.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 15th July 2024

Present: Councillor Amanda Pinnock (Chair)
Councillor Jane Rylah
Councillor Paola Antonia Davies

In attendance: Tahir Hanif, Legal Advisor to the Panel
Anwar Butt, Licensing Officer
Stephanie Mashiter, Senior Licensing Officer
Alexander Garry, Environmental Health

1 Site Visit

Site visit undertaken.

2 Membership of the Panel

All Panel members were in attendance.

3 Minutes of Previous Meeting

That the minutes of the meeting held on the 25th June 2024, be approved as a correct record.

4 Declaration of Interests

No interests were declared.

5 Admission of the Public

All agenda items were considered in public.

6 Deputations/Petitions

No deputations or petitions were received.

7 Public Question Time

No public questions were asked.

**8 Licensing Act 2003 – Application for the Grant of a New Premises Licence:
Mapplewell Bottle Shop Ltd, 337 - 339 Wakefield Road, Denby Dale,
Huddersfield HD8 8RT**

The Panel considered a report which outlined an application for the grant of a premises licence, Mapplewell Bottle Shop Ltd, 337-339 Wakefield Road, Denby Dale, Huddersfield HD8 8RT. The Licensing Officer advised the Panel that on the 24th April 2024, the Licensing Department received an application for the grant of a new premises licence for the Mapplewell Bottle Shop Ltd. In response to the application, five representations were received, one from Environmental Health and the remaining from local residents.

Licensing Panel - 15 July 2024

The submitted representations indicated that the licensing objectives in respect of the prevention of crime and disorder, public safety and the prevention of public nuisance would not be achieved if the licence was granted.

The licensable activities applied for were as follows:

- Retail sale of Alcohol (on and off) – 00:00 – 23:59.

Regulated entertainment in respect of live and recorded music indoors and outdoors which were included in the original application were subsequently withdrawn from the application.

The Panel invited the representative of the applicant to outline the application. The Panel was informed that the premises will be a real ale pub and would be a replica of the other successful operation in Mapplewell, which has existed for several years and has never come to the attention of any of the Responsible Authorities. It was explained that the original operating schedule contained comment and context as to what was required, much of which could not be included as conditions attached to the grant of any licence and therefore, a revised operating schedule was submitted. The aim was to show that the proposed operation supported by the proposed operating schedule would not undermine the licensing objectives.

The Panel was further advised that since the Live Music Act of 2012, all live, recorded and unamplified music within the confines of a licensable area of a licensed premises, between the hours of 08:00 and 23:00 to audiences of less than 500, are no longer licensable activities. Therefore, all requests for regulated entertainment are to be removed from the application.

The Panel invited representations from those who had objected to the application. The objectors stated that whilst they did not object to the overall application, the concern was the proposed outdoor activities in relation to the outdoor space at the rear of the premises. The Environmental Health Officer explained that it would be difficult to control the noise levels in the rear outdoor space and the potential for intrusive levels of noise emanating particularly when customers consume alcohol. It is a source of noise which cannot be regulated or mitigated to prevent a potential noise nuisance.

Local residents also raised concerns regarding the potential noise nuisance that will emanate from the premises particularly from the rear outdoor space, which backs on to some of the neighbours private gardens. Concerns were also raised with regard to alcohol related crime and disorder, abusive language, food waste attracting vermin and parking nuisance.

Having considered all the information presented both verbally and in writing, the Panel determined as follows:

Licensing Panel - 15 July 2024

RESOLVED

That the application for the Grant of a new premises licence, Mapplewell Bottle Shop Ltd be granted with conditions as follows:

- Sale by retail of alcohol on and off premises from Monday-Sunday 00:00hrs-23:59hrs (24hrs)
- In respect to the rear Beer Garden/rear outdoor space, the use of this area is to be restricted to the hours of 10:00hrs to 20:00hrs only, following consideration of the revised operating schedule and the Noise Management Plan.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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



REPORT TITLE:

Licensing Act 2003 – Application for the Grant of a New Premises Licence: Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield HD7 5AU

Meeting:	Licensing Panel
Date:	22nd August 2024
Cabinet Member (if applicable)	Councillor Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report To determine the application.	
<p>Recommendations</p> <ul style="list-style-type: none"> Members of the panel are requested to determine the application. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision. 	
<p>Resource Implications: There are no resource implications.</p>	
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Fiona Goldsmith – on behalf of David Shepherd Executive Director for Place.</p> <p>Not applicable</p> <p>Not applicable</p>

Electoral wards affected: Colne Valley Ward.

Ward councillors consulted: Cllr Beverley Addy
Cllr Harry McCarthy
Cllr Matthew Mc Loughlin

Public or private: Report to be heard in Public.

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

1. Executive Summary

1.1 The purpose of this report is to inform Members of an application for the Grant of a premises licence, 14 representations have been received, and is therefore referred to this Panel for determination.

2. Information required to take a decision.

2.1 Application

2.1.1 Received on 27.06.2024:

Nabbs Lane,
Slaithwaite
Huddersfield
HD7 5AU

a copy of application and plan shown at **Appendix A**

2.1.2 Details of licensable activities applied for:

Retail Sale of Alcohol	(on/off premises -not stated)
Sunday - Thursday:	11:00- 23:00
Friday – Saturday:	11:00- 00:00

Live Music (Indoors)	
Every day:	12:00 -23:00

Recorded Music (Indoors)	
Every day:	09:00 – 00:00

Late Night Refreshment (Indoors)	
Every day:	09:00 – 23:00

2.1.3 A total of 14 representations have been received in respect of this application.

2.1.4 These representations consider the following licensing objectives would not be met should this licence be granted:

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

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

2.1.5 The application is for the grant of a new Licence, however, members are informed that prior to this application the Silent Woman has previously been licensed, the history of this premise is as follows:

Prior to the 2003 Licensing Act the Silent woman had the benefit of a premises Licence, which was granted under a Justices Licence. On 05.10.2005 the Licence was converted under the Licensing Act 2003. At the same time an application was made to extend the existing licensed hours. In December 2022 the premise Licence was transferred for the final time, under Licence PR(A)1062. The licensing hours and hours of operation are listed below:

Opening hours	
Mon – Thurs 10:00 hrs – 00:30hrs	
Fri- Sat 10:00hrs – 01:30 hrs	
Sunday 10:00 hrs – 23:30 hrs	

	Mon -Thursday	
<ul style="list-style-type: none"> • Sale of Alcohol • Films • In door sport • Live Music 	10:00 hrs	00:00 hrs
	Fri -Sat	
	10:00 hrs	01:00 hrs
<ul style="list-style-type: none"> • Late night refreshment 	Sun	
	10:00 hrs	23:00 hrs
	Mon – Thursday	
	23:00	00:00
	Fri – Sat	
	23:00	01:00

Following a history of noise complaint and management issues, on 11th October 2023, West Yorkshire Police applied under Sec 51 of the licensing Act for a Review of the premises licence PR(A)1062.

Since the review papers were served the premises licence has been surrendered. The Review went before the licensing committee who accepted the request to surrender the licence and resolved to dismiss the review hearing as under the circumstances it was no longer relevant.

A copy of the review papers maybe seen at:

<https://democracy.kirklees.gov.uk/documents/g7558/Public%20reports%20pack%2007th-Dec-2023%2015.00%20Licensing%20Panel.pdf?T=10>

2.1.6 A location plan is attached at **Appendix C**

2.2 Licensing Policy

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

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statement and procedures mentioned

in this policy statement. Notwithstanding this statement, all applications will be treated on their own merits and judged accordingly.

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

2.4 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

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

2.3 Secretary of State Guidance

Members also need to consider the statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all 4 of the licensing objectives, the relevant Sections may be seen at **Appendix D**.

In addition, members are also referred to Section 16 of the Section 182 Guidance which clarifies circumstances in which entertainment activities are no longer licensable, the relevant parts may be found at **Appendix E**

3. **Implications for the Council**

3.1 **Working with People**

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

3.2 **Working with Partners**

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

3.3 Place Based Working

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

3.4 Climate Change and Air Quality

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

3.5 Improving outcomes for children

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

3.6 Financial Implications

There are no financial implications in relation to this report.

3.7 Legal Implications

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

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

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

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

4 Consultation

4.1 Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003. 14 Representations have been received as detailed above.

Environmental Health have recommended conditions to be added to the licence. A copy of these may be seen at **Appendix F**.

5 Engagement

5.1 Engagement is not a requirement as set out in the Licensing Act 2003.

6 Options

6.1 Options considered

Members of the Panel are requested to determine the application.

6.2 Reasons for recommended option

In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision.

7 Next steps and timelines

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

- Grant the application
- Grant the application with appropriate conditions
- Exclude from the scope of the licence any of the licensable activities which relate to this application, or
- Reject the application

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

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

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

8 Contact officer

Anwar Butt, Licensing Officer
01484 221000 ext 70525.
anwar.butt@Kirklees.gov.uk

9 Background Papers and History of Decisions

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Licensing Policy \(kirklees.gov.uk\)](http://kirklees.gov.uk)

10 Appendices

Appendix A – Grant Application.

Appendix B – Representations.

Appendix C – Location Plan.

Appendix D – Section of 182 Guidance – Licensing Objectives.

Appendix E - Section of 182 Guidance – Circumstances in which Entertainment activities are no longer licensable.

Appendix F – Environmental Health Conditions.

11 Service Director responsible

Katherine Armitage

Service Director – Environmental Strategy and Climate Change

Tel: 01484 221000

Email: Katherine.armitage@kirklees.gov.uk

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APPENDIX A

New Premises Licence

Premises Details

Premises Address *

SILENT WOMAN HOTEL NABBS LANE SLAITHWAITE
HUDDERSFIELD KIRKLEES HD7 5AU

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 24000

Applicant Details

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

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

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

Applicant Details

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

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

Other Applicant (Non Individual)

Name *

Nicola Hunter

Registered Address *

Town/City *

York

County

Other Applicant (Non Individual)

Postcode *

Registered Number (where applicable)

Description of applicant (for example partnership, company, unincorporated association, etc) *

I am a limited company under the name of Nickys silent woman ltd My name is Nicola Hunter

Telephone Number

Email *

Operating Schedule

When do you want the premises licence to start? *

19/08/2024

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

Please give a general description of the premises. *

Wet led public house with 4 bedroomed living accommodation first floor No commercial kitchen in place

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

Operating Schedule

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

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

Plays

Films

Indoor Sporting Events

Boxing or Wrestling

Operating Schedule



Live Music



Recorded Music

Performances of Dance

Anything of a similar description falling under Music or Dance



Provision of late night refreshment



Supply of Alcohol

Live Music Standard Times

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

Day *

Every Day

12:00

23:00

Live Music

Will the Performance of Live Music take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Please provide further details. (please read guidance note 4)

Live music to be played within the public house. Live entertainment only to be played at levels that do not cause disturbance or nuisance to neighbouring properties

State any seasonal variations for the Performance of Live Music. (please read guidance note 5)

Christmas Eve to be played until 00:00 New Year's Eve to be played until 00:00 Bank holiday weekends to be played until 00:00

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

Recorded Music Standard Times

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

Day *

Every Day

09:00

00:00

Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Please provide further details.(please read guidance note 4)

Music to be played through speakers from an iPad or jukebox controlled from behind the bar. Music to only be played at a volume audible in the public house not at a level causing nuisance and disturbance to neighbouring properties

State any seasonal variations for the playing of recorded music. (please read guidance note 5)

Christmas Eve 01:00 New Year's Day 01:00 Bank holiday weekend Sunday 00:30

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

Late Night Refreshment Standard Times

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

Day *

Every Day

09:00

23:00

Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Late Night Refreshment

Please provide further details.(please read guidance note 4)

Hot beverages to be served from a coffee machine from behind the bar Food to be served from a commercial kitchen within the public house

State any seasonal variations for the provision of late night refreshment.(please read guidance note 5)

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

Supply of Alcohol Standard Times

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

Day *

Monday

11:00

23:00

Supply of Alcohol Standard Times

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

Day *

Tuesday

11:00

23:00

Supply of Alcohol Standard Times

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

Day *

Wednesday

11:00

Supply of Alcohol Standard Times**Supply of Alcohol Standard Times**

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

Day *

Supply of Alcohol Standard Times

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

Day *

Supply of Alcohol Standard Times

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

Day *

Supply of Alcohol Standard Times

Supply of Alcohol Standard Times

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

Day *

Sunday

11:00

23:00

Supply of Alcohol

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

On the premises

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? *

Yes

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

Christmas opening and New Year's Eve 00:30 Bank holiday weekends 1 hour extra to be given on top of normal licence hours

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

Designated Premises Supervisor

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

Title *

Miss

First name *

nicola

Surname *

hunter

Street address *

Town/City *

York

County

Designated Premises Supervisor

Postcode *

Personal Licence Number (if known)

Cyc-056688

Issuing Licensing Authority (if known)

York

Adult Entertainment

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

Opening Hours Standard Times

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

Day *

Monday

09:00

23:30

Opening Hours Standard Times

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

Day *

Tuesday

09:00

23:30

Opening Hours Standard Times

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

Opening Hours Standard Times

Day *

Wednesday

09:00

23:30

Opening Hours Standard Times

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

Day *

Thursday

09:00

23:00

Opening Hours Standard Times

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

Day *

Friday

09:00

00:30

Opening Hours Standard Times

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

Day *

Saturday

09:00

00:30

Opening Hours Standard Times

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

Day *

Sunday

09:00

23:30

Opening Hours

State any seasonal variations. (please read guidance note 5)

Christmas and new year one hour extra on top of normal hours Bank holiday weekends one hour extra on top of normal hours

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 6)

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives:

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

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

b) The prevention of crime and disorder *

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. Comprehensive CCTV coverage at the premises and it will be operated and maintained at the premises. Cameras will be sited to observe the entrance and exit doors both inside and outside. Be capable of visually confirming the nature of the crime committed. Signage displayed in the customer area to advise that CCTV is in operation. Police will have access to images at any reasonable time.

c) Public safety *

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All

Licensing Objectives

	emergency exits shall be kept free from obstruction at all times.
d) The prevention of public nuisance *	All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
e) The protection of children from harm *	The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

Declarations

Declaration Type *	Sole Applicant - Individual or Other
--------------------	--------------------------------------

Declarations

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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

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

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

Full Name *	nicola hunter
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Declarations

Date *

27/06/2024

Capacity *

Applicant



Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

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

Forename

nicola

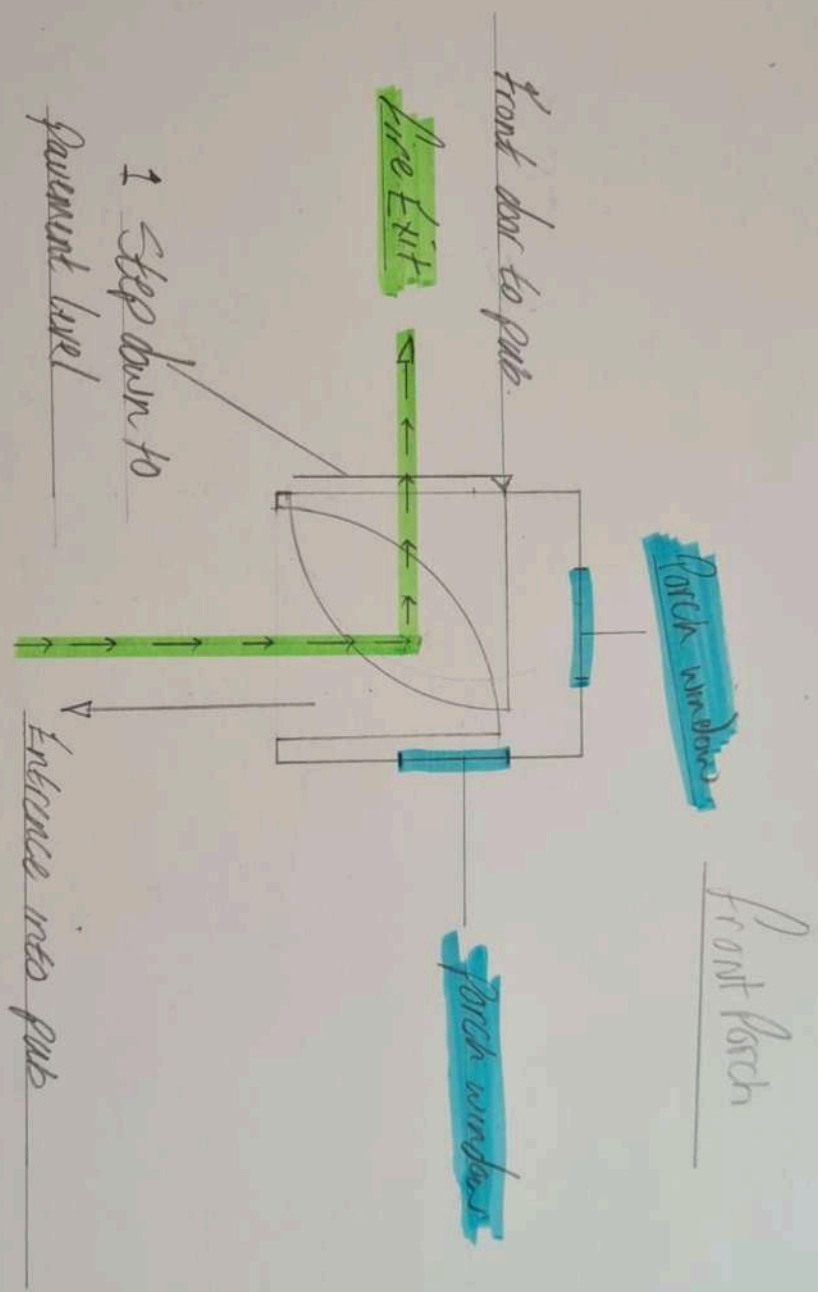
Surname /Company Name

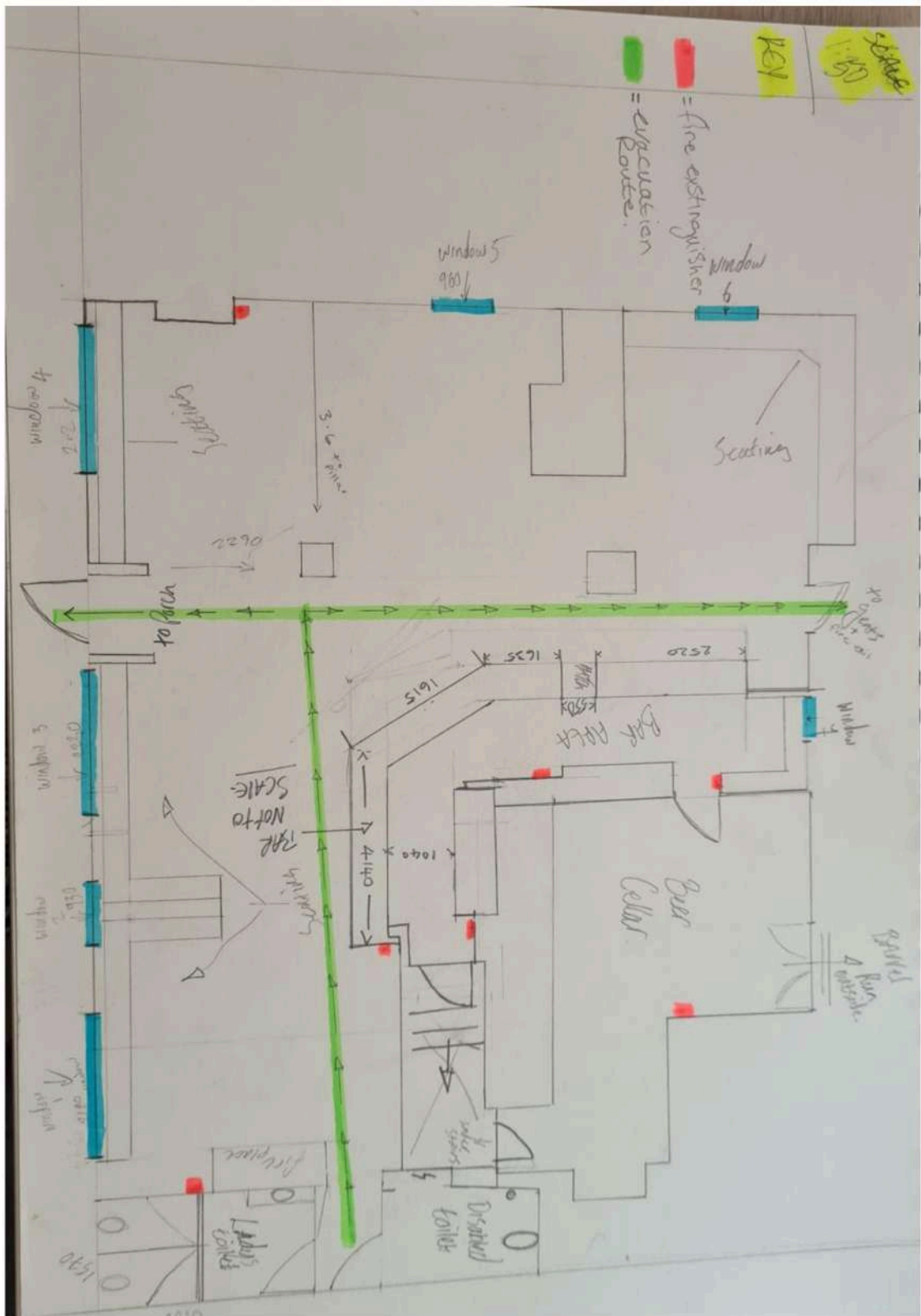
Hunter

Email *

Telephone

Scale
1:2





APPENDIX B

1.

I am a resident of Nabbs Lane and saw and heard the loud and anti-social behaviour in the months before the license was taken from the then managers. The few months that we have had without the Silent Woman have been much more peaceful.

The application summary seen on the notice at the Silent Woman window seems to show that those applying for the license have little understanding of the harm done to local residents when the Silent Woman's clientele were at their most drunk and noisiest. The application contains reference to opening hours from 11.00 until 23.00 each day except Saturday and Sunday when it will close at 00.00. If this license was accepted, live music could be played every day from 12.00 until 23.00. The applicants have showed no moderation in their application. They may have been supported by neighbours of the Silent Woman if the opening hours were reduced to 11.00 at the latest each night, and opening mid afternoon, rather than 11.00, Monday to Thursday. Live Music should only be played at the most on Friday, Saturday and Sunday. There is no compromise in the application, and, as such, it is unreasonable and unacceptable.

In the months since the closure of the Silent Woman there has been a period of relative peace. Nabbs Lane has been a quiet and safe street each evening. The residents that I have spoken to are keen to keep Nabbs Lane peaceful, quiet and safe. The application in its current form threatens that quality of life with unreasonable proposals.

2.

To Kirklees Licensing,

I'm reaching out to share some concerns I have regarding application for a license for: 1 Nabbs Lane, SLAITHWAITE HUDDERSFIELD KIRKLEES HD7 5DL

The application in question seeks permission for the sale of alcohol and the hosting of live music events daily until 23:00. I believe this could impact the character and tranquillity of our area. I personally live at [REDACTED] not far from the pub and have grandchildren that use the community centre and live close to the pub. I work at the [REDACTED] and walk primary school children from their school past the pub to the community centre. The below is my own opinion on the license application. My worry is mainly for the children in the local area. I have listed my concerns and how they relate to the licensing objectives:

1) PUBLIC SAFETY

The area is already really busy with the parking on both sides of Bank Gate and parents and children struggle when crossing the road. It has been less busy and safer since the Silent Woman pub has been closed as it has been less congested.

Drink driving- I know of several cases drunk driving incidents involving customers from the Silent Woman. Opening the pub to the same customers as previous would increase the risk of drink driving in the area.

2) THE PREVENTION OF PUBLIC NUISANCE

Rubbish – walking on Nabbs lane I have noticed that there is a lot less rubbish and glass on the pavements compared to previously.

3) THE PROTECTION OF CHILDREN FROM HARM

Nabbs lane is a main walking route for children coming to after school club and using the community centre for activities. It has been a welcoming change since the pub has not been open. Previously would have to walk past drunk customers outside the pub as there is no path on the opposite side of Nabbs lane. The children have previously heard swearing and inappropriate language as well as seen smoking and drinking and bad behaviour outside the pub when we have walked from school. Slaithwaite already has quite a few pubs with alcohol licences, especially considering its size. Because of this, turning down this new application won't really affect customer choice in the village. In fact, saying no to this licence could be actually good for the wellbeing and safety of the children and the community overall.

3.

Dear Sir/Madam

I very strongly object to the above Application and email as a member of our wonderful community.

The above premises have always been a nuisance to all concerned in Nabbs Lane. To open this establishment again under the above name (who is a close friend of the previous Landlord and also the crowd who frequented the premises), would be absolutely terrible for the neighbourhood, to residents in nearby houses, parents, grandparents and small children passing by on a regular basis.

It was frequented by some extremely undesirable people including drug dealers from Dewsbury, Fartown and closer to home. They were foul mouthed, intimidating and drank very heavily being inebriated most of the time. The same crowd (who I believe are all friends of the Applicant) will undoubtedly be using the premises again from 10.00am in the morning until late at night.

The properties in the near vicinity back onto the beer garden. It is a piece of land that is full of rubbish left there by the previous patrons before the premises were closed. The regulars have also defecated and urinated often in this area. Indeed it has been known that one particular man urinated over the wall into a neighbour's garden which was deeply distressing.

A gay couple were forced to move to another area as they were intimidated by the crowd regularly. In one instance F..k off gays was written on the wall with an arrow pointing at their house. The Silent Woman is well known in Slaithwaite village for its

crowd of regulars who used abusive language, and displayed aggressive and intimidating behaviour

It is a route for school children to attend the Slaithwaite Junior and Infants School at Holme Lane. It is also close to Slaithwaite Church. To subject small children and their parents on their way home from school to these people who sit outside the pub on the roadside is a disgrace.

To have live music blasting out every afternoon and evening would be awful for our community of largely decent hard working people not to mention the drunken loutish behaviour of the individuals frequenting this public house. I have walked past the pub at 10.30 in a morning and they have been drinking already. To walk past at 3.30 in the afternoon is positively intimidating.

I have been resident in Slaithwaite for over thirty years. I have never heard a good word said about these premises over the last twenty five years, on the contrary everyone I know in Slaithwaite and beyond despise the place and the behaviour of most of the people who have frequented it. It is renowned for it.

To finalise, if this application is granted, all of the above will be happening yet again and there will be a great many very stressed, upset and angry people. Best thing would be for it to burn to the ground or at best a decent Landlord to take it on. Which reminds me, there was, I believe a party one night which had the regulars squirting fire extinguishers at each other.

4.

We are writing with regard to the above application for a grant/variation of premises license, in order to set out our objections.

We have lived [REDACTED], Slaithwaite for over 20 years. Our home is on the [REDACTED]. For the whole period that we have lived here, we have suffered from the noise - constant loud music (including karaoke) - outside drinkers shouting/swearing and late night cars/taxis as well as fear of crime from open drug dealing, fighting and property damage. Patrons block the only footpath past the pub to the Community Centre, church and village shops forcing pedestrians to walk in the busy road, close to a junction. This hostile environment has to be endured not only by local residents but parents and after school club children walking past the drinkers to/from Slaithwaite J&I School in the afternoon, and those attending Scouts and youth clubs at the Community Centre later on in the day.

The pub building itself is in very poor condition, devaluing the designated Conservation Area of historic buildings.

Unfortunately, the numerous different landlords have ignored our complaints, those of our neighbours, the Police, Kirklees licensing and environmental health noise team for control of their patrons, who appear to be either 'all day' or underage drinkers. While the pub has been shut in recent times, although the building remains an eyesore, it has at least been quiet and peaceful in our residential street.

Finally, we would point out that there are plenty of pubs/wine bars in the village; there is no community need for this pub.

We strongly object to this application to re-license the Silent Woman.

5.

I am writing to formally object to the renewal of The Silent Woman premises license for The Silent Woman Nabbs Ln, Slaithwaite. My objection is based on several grounds which I believe have significant implications for the local community.

1. Noise Pollution

Over the past year, there has been a consistent issue with excessive noise emanating from [Pub Name], particularly during late-night hours. This noise disturbance severely impacts the quality of life for nearby residents. Despite multiple complaints to the pub management and the council, the problem persists without any effective resolution.

2. Anti-social Behaviour

There have been numerous instances of anti-social behaviour associated with patrons of The Silent Woman premises. These incidents include public urination, and disorderly conduct, which have created an environment of fear and discomfort in our neighbourhood. The pub's inability to manage its clientele responsibly is a serious concern.

3. Public Safety

Emergency services have been called to the location multiple times, which indicates that the pub's management is failing to ensure a safe environment for both patrons and local residents.

4. Traffic and Parking Issues

The influx of visitors to the pub has resulted in severe parking issues and increased traffic congestion in the area. Many patrons park irresponsibly, blocking driveways and restricting access for emergency vehicles. This poses a danger to the community, especially in cases where swift access by emergency services is required.

5. Litter and Cleanliness

The immediate vicinity of [Pub Name] has suffered from increased littering and a general decline in cleanliness. Empty bottles, broken glass, and other debris are often found on the streets and nearby green spaces which not only degrades the aesthetic appeal of our community but also poses physical hazards.

6. Non-compliance with Licensing Conditions

There have been multiple occasions when The silent woman has failed to adhere to the conditions of its previous existing license, such as operating beyond permitted hours and serving alcohol to intoxicated individuals. These breaches demonstrate a disregard for regulatory compliance and the well-being of the local community.

Local school children and parents are forced to walk pass the premises closely as the road narrows and only one side is paved.

I urge the Licensing Committee to consider these points seriously when reviewing the application for the renewal of The Silent Woman's license. The ongoing issues have had a detrimental effect on our community, neighbours health has been affected with stress and anxiety. I believe that non-renewal of the license is a

necessary step to restore peace, safety, and order.

I am willing to provide further evidence and attend any hearings to support my objections. Thank you for considering my concerns.

6.

I would like to make representation to the granting of a new licence to sell alcohol at the Silent Woman, Nabbs Lane, Slaithwaite, HD7 5AU by Nicky's Silent Woman LTD. These premises ceased to be licensed in December 2023 after a catalogue of incidents over the previous few years involving drugs, violence and constant general nuisance to the people living in the neighbouring properties. This is all documented on the Kirklees website. The police requested that they would prefer the license to be revoked but at the least they stipulated that there should be working CCTV, licensed doormen to be on site on Friday and Saturday night. Since this is a request for granting of a brand new license in this residential area I would argue that it should be refused as the premises would have a negative impact on all four licensing objectives that need to be observed. Preventing crime and disorder: The premises have a long history of issues including drugs, noise, intimidation of neighbours and general antisocial behaviour. This is documented by the various police reports. Public Safety: There is no parking at the premises and there is already parking on pavements in the area so any more cars would cause potential danger to pedestrians. Preventing public nuisance: There is a small area at the rear of the premises that could be used for smoking. This is in front of a neighbouring property which would cause nuisance to the residents. In the past customers have congregated around the front of the building on a narrow pavement causing difficulty and nuisance to pedestrians. The premises is very close to neighbouring residential properties and so is not suitable for playing of music. There were multiple noise complaints in the past that are all documented. Protecting children from Harm: Nabbs lane is used for walking to and from Slaithwaite Junior and Infants school. Children walk past the entrance to the premises and it is narrow pavement near the pub that becomes restricted and is not acceptable for parents and children walking to and from school (due to the drinking/smoking at the front of the building). Drug dealing /taking was in evidence in the past and this is not a healthy environment to put young impressionable children in. There is also a nursery at the community centre adjacent to the premises, Children play outside in the area overlooking the premises and a new alcohol license in this location is not suitable. As this is a request for a new license due to an old license expiring I am making representations that this should be refused due to failure on all 4 licensing objectives that the council need to take into consideration.

7

As Residents of Nabbs Lane we live close to the Silent Woman and would like to submit our objections to the licence application and reasons behind these objections.

Name of Applicant: Nicky's Silent Woman Ltd.

Address of Premises: 1 Nabbs Lane, Slaithwaite, HD7 5AU.

In the past the Police have been called to the Pub on numerous occasions. Also the Council Noise Team have been informed of loud music being played until quite late. We are worried that the clientele who used this pub will return and it will revert to how bad it used to be which resulted in it being shutdown. 20 years ago this was a decent pub which over the years has seen a big decline and before it shutdown it got quite awful and is not required on a quiet residential street.

8.

Dear Kirklees Licensing,

On behalf of the local community, I am writing to express my serious concern about the licence application to sell alcohol and play live music every day till 23:00 on the below premises:

1 Nabbs Lane, SLAITHWAITE HUDDERSFIELD KIRKLEES HD7 5DL

The concerns for my family, the community and especially the children in the local area are listed below in relation to the 4 licensing objectives:

1) THE PREVENTION OF CRIME AND DISORDER

- Vandalism – there has been an incident of homophobic graffiti/vandalism carried out by customers from the Silent Woman in the recent past. Children walking to and from after school club will have been exposed to this. There have been no incidents since the pub has been closed. Approving this licence is likely to increase the amount of vandalism in the area and impact the community of Slaithwaite negatively.
- Drugs – the trade of drugs on Nabbs lane by the pub and by the church has disappeared since the Silent Woman lost its licence. An approval of this licensing will bring more drugs and trade with drugs to an area with a church, nursery, scout group, community centre and after school club and negatively impact the community.
- Fighting and disorderly behaviour – there was a significant number of incidents involving violence and antisocial behaviour at the Silent Woman in recent times where police had to be called to deal with it. On a few occasions this spilled into the streets and surrounding area by the church and community centre. Since it has lost its licence there has been no incidents. Approving this licence is likely to increase incidents of violence and disorderly behaviour in an area with a church, families with young children and grandchildren, nursery, scout group, community centre and after school club.
- Breaches of licensing conditions, authorised activities or authorised hours – We saw a significant number of incidents where licensing conditions were breached, and live music was played outside the authorised hours and with the doors open so it disturbed entire neighbourhood. Also, the beer garden was used late at night with drinking (and drug use) after authorised hours.

2) PUBLIC SAFETY

- Parking – Bank Gate and the bottom of the hill by Rumpus burger bar and the community centre is already treacherous because of parking issues. This application would increase parking demand, traffic and cause further problems potentially leading to danger, especially for vulnerable pedestrians at the Merrydale nursery, Slaithwaite After School Club and Scouts Group.
- Drink driving- There has been a significant number of drunk driving incidents related to the Silent Woman in the past. Drink driving is always a public safety hazard, but even more so in an extremely busy area with double parking where parents and children using the community centre facilities must cross the road. Drink driving is a hazard that could result in loss of life and this risk would significantly increase with the approval of this licence application.

3) THE PREVENTION OF PUBLIC NUISANCE

- Disturbance and noise – if the licence application was approved it would cause increase of noise and disturbance to all the neighbours and their children/grandchildren negatively impacting their sleep and wellbeing.
- Litter – there has been significantly less broken glass and litter on Nabbs lane since the Silent Woman has lost has been closed. This has made it safer and cleaner for the community including the children and young people using Nabbs lane as a walking route to school and to the community centre. Approving this licence would likely increase litter and broken glass on the pavements in the surrounding area.

4) THE PROTECTION OF CHILDREN FROM HARM

- Community Centre/After School Club/Nursery/School walking route – Bank Gate and Nabbs lane are used by lots of children walking to and from schools as well as the community centre hosting a nursery and after school club till 18:00 during the week and Scouts and Rainbows using the community centre on an evening and children's birthday parties on a weekend. Approving this licence application will mean that children are forced to pass drunk customers on the pavement by the pub as there is no pavement on the opposite side of Nabbs lane. They may feel intimidated and be subjected to swearing, smoking, drinking and disorderly behaviour outside the pub as this has happened several times when I have walked past the pub with my own children.
- The beer garden is in so close proximity to neighbouring properties that it is causing a significant nuisance to all neighbours. Our two young children have been subjected to drug use, smoking, swearing, inappropriate sexual language, disorderly and violent behaviour while living next to the Silent Woman. Our children have communicated several times that they have felt intimidated because of the behaviour, language and noise from the customers in the beer garden which our garden backs on to. The children have felt unsafe and refused to go outside in our garden and this caused them to get less exercise and enjoy less time outdoors while the beer garden was in use. Furthermore, we have been unable to leave the

children's bedroom windows open in summer because of the beer garden being used until way after midnight and the cigarette and cannabis smoke coming in through their windows, as well as noise and swearing. This application being approved will cause harm to my children as they have enjoyed our garden and the fresh air and had their windows open since the beer garden hasn't been in use.

There is a high number of already established pubs with alcohol licences in the village centre of Slaithwaite compared to its size. This means that there won't be any negative impact on customer choice or the local economy if this application is rejected. A rejection of the alcohol licence will benefit the wellbeing and safety of the children and the community in general for the reasons mentioned above.

Another great concern from our side is the licence applicant's track-record when it comes to consideration for the authorised hours for live music and noise-levels. As shown in Appendix 1 it only takes a few clicks on Companies house to find the establishment she is currently director for in York. A few further clicks on Tripadvisor shows her own customers (in the rooms above the pub) complain about loud music in the "early hours" and "2 am" which is surely a breach of the licence for live music according to the licence on the York council website. This is a real worry as the immediate neighbours to the Silent Woman as we have all had to deal with unreasonably high noise levels and noise outside authorised hours from the pub in the past. This has had a negative impact on our children as well as the neighbours on Nabbs lane who are elderly and suffer from significant health problems.

Thank you in advance for taking your time to read our concerns above and for taking it into consideration when you are processing the licensing application.

Kind regards,

9.

Regarding Licence Application details: Applicant: Nicky's Silent Woman Ltd, Premises Address: 1 Nabbs Lane, Slaithwaite, HD7 5AU. As residents of Nabbs Lane please find below our strong objections regarding this pub reopening. We as residents who live close to the premises fear if reopened it would be a repeat of the way it was before being closed down by the Police in October 2023. Living near to the pub we have witnessed fighting, antisocial behaviour, high drug activity and under aged drinkers, also people who urinate outside the surrounding area both daytime and night. All this causes health issues such as anxiety and stress to us all and is very intimidating when walking past the pub as there is only one pavement on part of Nabbs Lane that runs right past the pub. Two Gates Junior and Infant School Children and also the Nursery Children from the Community Centre near by have to walk past the pub along with Beavers, Brownies, Cubs, Scouts and Guides each week. Parking on Nabbs Lane is limited as a lot of residents do not have driveways or garages and pub customer cars have caused a problem in the past. The very loud music from Disco's, Karaoke and Live Bands causes a noise nuisance both day and night. This is a residential Lane and not appropriate for this kind of pub anymore. Everyone says how peaceful Nabbs Lane is now since the pub closed and has been closed for 8 months now. There are 8 drinking places in the village centre so do we really need another one?.

10.

This is my objection to the granting of a premises license at the Silent Woman, 1 Nabbs Lane, Slaithwaite, HD7 5AU, application number PR00442.

For over 18 months and up until the moment the previous premises were closed by the Police in October/November 2023, I suffered the effects of the activities taken place within this location, as well as from its customers and staff outside it. These activities included very loud noise/music/live music, constant screaming, swearing and drunken anti-social behaviour by customers and staff, criminal activities including drug dealing, drug taking and underage drinking, and towards the end of that period, personal attacks on me, my partner and the house we used to lived in, including criminal damage. These personal attacks were the result of my complaints to Licensing at Kirklees Council and to Police, where staff at the property eventually identify me somehow. **Ultimately, the attacks resulted in me and my partner having to move out of the property to escape the situation. No one should ever have to move out of their home because of a granted application to premises like this one.**

The proposed activities under this application for a license undermine all four Licensing Objectives as set out by the Licensing Act 2003, **which requires Licensing Authorities to uphold four equally important licensing objectives** – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

Prevention of crime and disorder and Public Safety

This public house was closed down by the police in late 2023 and that speaks volumes in itself. It followed reports of drug dealing, drug taking, drunken behaviour, underage drinking and serious mismanagement of the premises by its staff. Myself and all the neighbours knew that drug dealing was going on, in fact it was never hidden. One staff member at the pub told neighbours that 'I know all the drug dealers and I have asked them to go and to their deals by the community centre' (located exactly 55 yards away according to google maps).

From May 2023 onwards the pub started to attract even more problems, with regular brawls taking place inside and outside, which spiralled out onto the road and nearby community, impacting on public and community safety. I have attached a video we took on 24th May 2024 that speaks for itself. In it you can clearly hear references to 'being glassed'. Police had to attend at times, due to the dangerous situation that groups of customers were in and which threatened the neighbours. References to knives were heard.

Granting this license will see a return of the above situations. Previous customers have not been particularly shy in 'notifying' neighbours of how they are simply waiting for the pub to open again, adding to the stress and anxiety that those neighbours are already feeling. Some of the old staff have been telling people how they already have a job for when the license is granted.

I suffered from homophobic abuse and criminal damage from customers of this pub, which were made aware of the complaints regarding noise. The impact of the homophobic graffiti on me and my partner was devastating. They wrote 'gay wankers' with a smiley face and an arrow pointing towards our old house. Of course, their CCTV was not working when police attended to obtain it. Yet they accepted a plan set by council and police several weeks later where CCTV was an essential element. **My partner had never faced homophobia and it was heartbreaking to see them going through that process.** We had eggs thrown at us in our own garden, no doubt by the pub customers and staff. We had to spend money on setting up a CCTV camera that faced the back of our property to secure our boundaries.

As another example of the criminality this place attracted in the past, one evening someone smashed all the front windows and left in a speeding car. Concerned because of the noise, I went outside and saw an older male who used to work at the pub. I asked him if he was ok which he said he was. He said he had called 'her' (I guess the former DPS) about what had just happened. I told him he needed to call Police. He said 'she said not to ring police because she knew who had done it'.

Prevention of public nuisance

Giving the license to this premises will undoubtedly contravene this principle of the Licensing Act. The premises are located in a quiet, residential area with homes for hard working and decent neighbours that will be greatly impacted if this license is granted. I have attached one of many videos that shows the level of noise generated from this pub.

Previous management lied constantly about how they monitored noise levels and music levels. Their actions on this front were poor to say the least. For over 18 months, my partner and I kept handwritten, paper log sheets of incidents that were submitted to Licensing regularly and that, on the whole, generated next to no action. The premises would tell Licensing one thing and then do another. Yet it was us who had to prove they were failing and lying.

We had many, many officers from the council visiting our address at various times of the day and any day of the week, and we always felt the responsibility of monitoring the noise landed on us. We knew the Silent Woman was 'the talk of the office' as we would contact them so often. **We often had to leave the house and go for walks to escape the noise. We stopped having friends coming around due to the noise from music and from people outside the premises who were constantly swearing. Sometimes, we asked friends to leave due to the embarrassment we felt because of the noise from the pub. We had to put the TV very loud to block the sound from the pub. When they had live entertainment, there was nowhere to escape, as it was that bad. We never used our garden for BBQs due to the noise and the smell of weed, as well as swearing. We bought garden furniture which we never used because we were unable to enjoy ourselves on our garden.** Only first thing in the morning we could be outside with the certainty that no noise would come from the pub because it was still close.

The impact of the noise was noticeable on myself and my partner, both physically and mentally. We were tired and could not sleep properly and that had an impact on our employment and our relationship, as we were on edge all the time. We always

feared the weekend coming, as we did not know what it was going to be like. We felt anxious and stressed and we could not enjoy being at home, which anyone should be able to do peacefully.

Last summer, the pub was given an action plan to follow, which we knew would be impossible for them to keep. Indeed, they violated it on day one. One element of this plan was to remove the picnic benches at the front, which were used daily by customers to drink, contributing to the noise element associated with the pub. The pub did remove the benches, only to replace them with stools from the bar on the same day 'because one customer has ME'.

I have numerous videos showing the levels of noise from customers, music, brawls, etc. in case anyone wishes to see them.

Protection of children from harm.

Children from a local school and those accessing services and group activities at the nearby Community Centre were impacted by the activities of the pub in the past. This section of Nabbs Lane has pavement only on one side, the side where the pub is. To avoid walking in front of a group of drunken people, you would have to walk on the tarmac with the danger of oncoming traffic, and with road safety becoming an issue. Children used to walk in front of the pub every weekday and witnessed specific behaviours, particularly colourful language.

Everyone in the village knew that customers at Silent Woman are always, always, always outside. It does not matter the weather – rain or shine or snow, they will be outside, causing more headaches for the neighbours. As they would be drunk shortly after the doors open, they could not care less about anyone else.

Children that attended the pub with their families were left to their own devices. Our old house had an outbuilding in the garden. This was a listed outbuilding next to the wall. It could easily be accessed from Nabbs Lane by jumping the small wall at the edge of the road. Often children from customers from the pub would just jump onto its roof. With this outbuilding being some 200 years old, there was real danger of injury. When we challenged children, we were often told to 'fuck off'. Parents could not be bothered about this, and children were on the road in the way of any potential oncoming traffic. The landlord of our old house eventually placed a sign next to this outbuilding identifying its dangers.

Conclusion

Granting this license will undermine all four of the Licensing Act objectives without a doubt. It will impact greatly on the day to day lives of the neighbours who live close to the pub. The village is a very popular spot and very trendy, with nice bars and cafes in its centre. This premises are located in the wrong place and are not required. It will not add to the offer that the village currently provides and will only contribute more of the same problems and issues that it had before.

This is an inappropriate location for nighttime activities of this nature, and I would strongly urge that the impact on local residents is considered as PARAMOUNT and the application refused.

11.

Dear Licensing Department RE: OPPOSITION TO THE ALCOHOL LICENCE APPLICATION FOR 'THE SILENT WOMAN', 1 NABBS LANE, SLAITHWAITE, HUDDERSFIELD, HD7 5AU We are residents of Slaithwaite [REDACTED] [REDACTED] from the Silent Woman (0.1 miles). We walk past it regularly and know people who live closer to it than we do. We have noticed the positive change to the Nabbs Lane area since the pub has been closed and are concerned that there is now an alcohol licence application in place to not only reopen the venue (albeit with different managers) but, from what we can see, to considerably extend the opening hours. We object on the grounds that this alcohol licence application does not meet the four licensing objectives set out in the Licensing Act 2003.

THE PREVENTION OF CRIME AND DISORDER We are not sure from the application, if sales of alcohol will be on and off the premises. Sales for off the premises, as well as in the building, may increase disorder and littering in the locality. If the alcohol licence is granted, there is likely to be an increase in vehicular traffic and pedestrians (see Public safety). The junction of Nabbs Lane, Bank Gate and Church Street is already a dangerous bottle-neck at various times of the day and more traffic will exacerbate this situation. If this alcohol licence is granted it is likely that there will be: • an increase in intoxicated behaviour in the streets • public urination in the streets and on residents' property. Whilst the council may have a public Space Protection Order 2023 (Public Urination and Defecation) in place for the Marsden and Slaithwaite Ale Trail until 2026 (see Kirklees Council website), it is down to residents to report violations, putting those residents at odds with any perpetrators. A possible repetition of past disturbances that resulted in police involvement may also occur. **PUBLIC SAFETY** As stated above, the junction of Nabbs Lane, Bank Gate and Church Street is often congested. As residents of the area, we have often seen 'near misses' of cars that pull out of, or drive into Nabbs Lane. A venue such as proposed with extremely long opening hours, will make this congested area even more congested. This will be a risk to those in vehicles, pedestrians and also customers of the venue.

THE PREVENTION OF PUBLIC NUISANCE The opening hours as specified on this application are extremely long. We cannot think of any other such venue in Slaithwaite that is open for as long per day and also for 7 days per week. We cannot see how any venue can reasonably expect to be permitted to play music, live or recorded, daily for 15 hours per day. No matter how well a venue is run, noise carries and this will undoubtedly cause additional noise pollution, day and night. This will impact on the daily lives and wellbeing of residents, including children and the elderly. As noise carries, it is likely to also impact on residents and businesses further afield in Slaithwaite. The application states that 'Late Night Refreshment' is intended but the hours specified for this are 9am to 11pm – that is 14 hours per day, 7 days per week. Again, these hours are excessive and will mean that food odours pervade the area, day and night, even if ventilation systems are effective. It is not clear if the 'Late Night Refreshment' (that appears to be all day and night) is in the premises only. If food is permitted to leave the premises or be eaten outdoors, then this will result in an increase in litter, not only on the streets but possibly in the waterways that are very close to the venue, thus impacting on local wildlife.

Previously, drinkers used to gather on the pavement outside the venue. This can impact on those walking past, as pavements are not always on both sides of the road in this area. This is likely to also be an issue, should the venue attract Ale Trail participants. Even if the applicant states that it is not their intention to open for all of the hours on this licence application, if granted, the applicant will be able to do so whenever they wish and this will negatively impact on the wellbeing of residents.

THE PROTECTION OF CHILDREN FROM HARM This venue is surrounded by residential homes, some with children. There is a children's nursery very close to the venue at the bottom of Bank Gate. Granting this application is likely to impact on the wellbeing of children, in the following ways (day and night, 7 days per week):

- noise from customers inside and outside of the venue
- noise from recorded and live music
- exposure to tobacco, vaping, alcohol use and intoxication - day and night
- an increase in people and traffic in the area.

We appreciate your careful consideration of the above information and hope that it demonstrates to you that this alcohol licence application does not meet the four licensing objectives set out in the Licensing Act 2003. Yours sincerely

12 – Objection withdrawn

13.

Dear Kirklees Licensing,

On behalf of the local community, I am writing to express my serious concern about the licence application to sell alcohol and play live music every day till 23:00 on the below premises:

1 Nabbs Lane, SLAITHWAITE HUDDERSFIELD KIRKLEES HD7 5DL

The concerns families, the community and especially the children in the local area are listed below in relation to the 4 licensing objectives:

1) THE PREVENTION OF CRIME AND DISORDER

- Vandalism – there has been an incident of homophobic graffiti/vandalism carried out by customers from the Silent Woman in the recent past. Children walking to and from after school club will have been exposed to this. There have been no incidents since the pub has been closed. Approving this licence is likely to increase the amount of vandalism in the area and impact the community of Slaithwaite negatively.
- Drugs – the trade of drugs on Nabbs lane by the pub and by the church has disappeared since the Silent Woman lost its licence. An approval of this licensing will bring more drugs and trade with drugs to an area with a church, nursery, scout group, community centre and after school club and negatively impact the community.
- Fighting and disorderly behaviour – there was a significant number of incidents involving violence and antisocial behaviour at the Silent Woman in recent times where police had to be called to deal with it. On a few occasions this spilled into the streets and surrounding area by the church and community centre. Since it has lost

its licence there has been no incidents. Approving this licence is likely to increase incidents of violence and disorderly behaviour in an area with a church, families with young children and grandchildren, nursery, scout group, community centre and after school club.

- Breaches of licensing conditions, authorised activities or authorised hours – We saw a significant number of incidents where licensing conditions were breached, and live music was played outside the authorised hours and with the doors open so it disturbed entire neighbourhood. Also, the beer garden was used late at night with drinking (and drug use) after authorised hours.

2) PUBLIC SAFETY

- Parking – Bank Gate and the bottom of the hill by Rumpus burger bar and the community centre is already treacherous because of parking issues. This application would increase parking demand, traffic and cause further problems potentially leading to danger, especially for vulnerable pedestrians at the Merrydale nursery, Slaithwaite After School Club and Scouts Group.
- Drink driving- There has been a significant number of drunk driving incidents related to the Silent Woman in the past. Drink driving is always a public safety hazard, but even more so in an extremely busy area with double parking where parents and children using the community centre facilities must cross the road. Drink driving is a hazard that could result in loss of life and this risk would significantly increase with the approval of this licence application.

3) THE PREVENTION OF PUBLIC NUISANCE

- Disturbance and noise – if the licence application was approved it would cause increase of noise and disturbance to all the neighbours and their children/grandchildren negatively impacting their sleep and wellbeing.
- Litter – there has been significantly less broken glass and litter on Nabbs lane since the Silent Woman has lost has been closed. This has made it safer and cleaner for the community including the children and young people using Nabbs lane as a walking route to school and to the community centre. Approving this licence would likely increase litter and broken glass on the pavements in the surrounding area.

4) THE PROTECTION OF CHILDREN FROM HARM

- Community Centre/After School Club/Nursery/School walking route – Bank Gate and Nabbs lane are used by lots of children walking to and from schools as well as the community centre hosting a nursery and after school club till 18:00 during the week and Scouts and Rainbows using the community centre on an evening and children's birthday parties on a weekend. Approving this licence application will mean that children are forced to pass drunk customers on the pavement by the pub as there is no pavement on the opposite side of Nabbs lane. They may feel intimidated and be subjected to swearing, smoking, drinking and disorderly behaviour outside the pub

as this has happened several times when I have walked past the pub with my own children.

- The beer garden is in so close proximity to neighbouring properties that it is causing a significant nuisance to all neighbours. Our two young children have been subjected to drug use, smoking, swearing, inappropriate sexual language, disorderly and violent behaviour while living next to the Silent Woman. Our children have communicated several times that they have felt intimidated because of the behaviour, language and noise from the customers in the beer garden which our garden backs on to. The children have felt unsafe and refused to go outside in our garden and this caused them to get less exercise and enjoy less time outdoors while the beer garden was in use. Furthermore, we have been unable to leave the children's bedroom windows open in summer because of the beer garden being used until way after midnight and the cigarette and cannabis smoke coming in through their windows, as well as noise and swearing. This application being approved will cause harm to my children as they have enjoyed our garden and the fresh air and had their windows open since the beer garden hasn't been in use.

There is a high number of already established pubs with alcohol licences in the village centre of Slaithwaite compared to its size. This means that there won't be any negative impact on customer choice or the local economy if this application is rejected. A rejection of the alcohol licence will benefit the wellbeing and safety of the children and the community in general for the reasons mentioned above.

Thank you in advance for taking your time to read our concerns above and for taking it into consideration when you are processing the licensing application.

Kindest Regards,

14

I am writing to you to object to the application for the license of the silent woman on Nabbs Lane. I can not believe that this has even been considered, this should have been a flat out no from the start. The application if granted will effect the health and wellbeing of the residents of Nabbs lane. Surely you remember all the complaint regarding noise, violence, anti social behaviour?! The previous landlords could not control the customers last time, what makes you sure that the new ones can control the same customers? Do you remember the action plan? Didnt last a week before they broke it! Nabbs lane, since the pub has been closed has experienced zero anti social behaviour, the residents have not been in fear of being out in their garden in the nice weather. Traffic and parking on Nabbs Lane has not been an issue. Nabbs Lane is a residential area, which both the police and the council have stated to ourselves when we had had to call you out.

Reopening the pub would increase crime (the drug dealers will be back, so would the underage drinkers!) Anti-social behaviour including breaching regulations about noise (fighting, swearing, loud music and noise) Traffic and parking would be increased on the lane. It is bad enough in the area without this adding to it again. The children walking to the school up the road will not be in fear of having to walk past the pub everyday. It would also increase calls and emails to the police and the relevant council departments, putting more pressure on both.

Why does this pub need to open? Slaithwaite has already enough pubs. Im 100% sure that the previous customers from the pub have moved on and found somewhere else to go drinking. Why does this pub want to open 7 days a week from 1100-2300? No other pub does! Are you wanting to create more issues? Promote alcoholism?

I hope you do take notice of this objection and that it does not go unheard

15.

Prevention of crime and disorder

- Previously there has been selling underage alcohol and drug dealing at this site, the applicant should demonstrate that they can address this problem - staff need to be fully trained and vigilant with regard to this
- Homophobic graffiti from some of the customers

Public safety

- There should be fully functional, and upgraded CCTV at the site, as this was one of the 10 action points previously agreed (**not applicable to this application**)
- Previously the pub has 'taken over' the road and benches placed on the public highway – steps should be taken to ensure that this does not happen again

Public nuisance

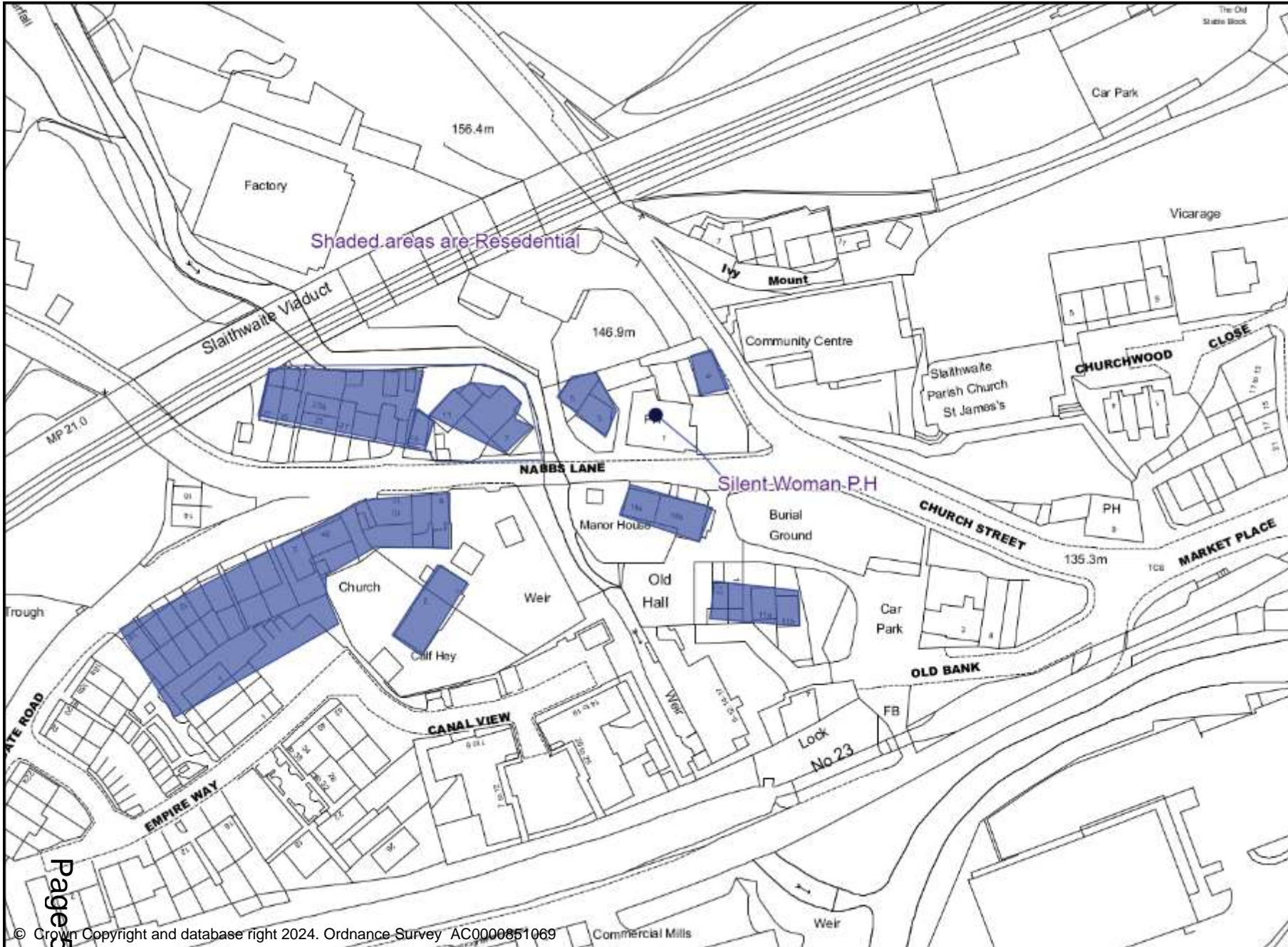
- Playing of loud music and noise (including swearing) which has disturbed the nearby residents – all windows/doors should be closed when regulated entertainment is occurring, and a schedule of noise monitoring should be considered

Protection of children from harm

- Previously there has been underage alcohol selling at this site

APPENDIX C

Silent Woman Location Plan



Scale = 1:1372.140

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Ordnance Survey
AC0000851069

maps@kirklees.gov.uk

APPENDIX D

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

Crime and disorder

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

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

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

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

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public safety

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

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

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

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

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

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

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

Protection of children from harm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX E

16. Regulated entertainment

Types of regulated entertainment

- 16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment took effect on 6 April 2015.
- 16.2 The descriptions of entertainment activities licensable under the 2003 Act are:
- a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment;
 - a performance of live music;
 - any playing of recorded music;
 - a performance of dance; and
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:
- take place in the presence of a public audience, or
 - be provided exclusively for the members of a club or for the club members and their guests, or
 - where that activity takes place in private, be the subject of a charge made with a view to profit.
- 16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

Overview of circumstances in which entertainment activities are not licensable

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:
- activities which involve participation as acts of worship in a religious context;
 - activities in places of public religious worship;
 - education – teaching students to perform music or to dance;
 - the demonstration of a product – for example, a guitar – in a music shop;
 - the rehearsal of a play or performance of music for a private audience where no

¹⁸ The word 'licence' is typically used as a reference to all forms of authorisation

charge is made with a view to making a profit;

- Morris dancing (or similar)¹⁹;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity²⁰;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity²¹;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)²².

16.6 As a result of deregulatory changes that have amended the 2003 Act²³, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500²⁴.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Live music: no licence permission is required for:**
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises,

¹⁹ Including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.

²⁰ See paragraphs 16.57-16.61

²¹ See paragraphs 16.65-16.68

²² This was previously licensable under the 2003 Act until the commencement of the Live Music Act 2012.

²³ The Live Music Act 2012 ("2012 Act") <http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 ("2013 Order") <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>; The Legislative Reform (Entertainment Licensing) Order 2014 ("2014 Order") <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>; and the Deregulation Act 2015 ("2015 Act").

²⁴ But see paragraphs 16.47 -16.48 in relation to dance that is adult entertainment and remains licensable.

provided that the audience does not exceed 500²⁵.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music: no licence permission is required for:**
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁷.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment)

²⁵ Provided that a number of other important conditions are satisfied (see paragraphs 16.326-16.29).

²⁶ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

²⁷ Provided that a number of other important conditions are satisfied, see paragraphs 16.33.

taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely²⁸, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN)²⁹ could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.
- 16.9 The various effects of the changes made to entertainment licensing by the set of deregulatory changes between 2012 and 2015³¹ are described in greater detail in subsequent paragraphs:
- Music entertainment, see in particular paragraphs: 16.20-16.21; 16.26-16.33; and 16.36-16.44;
 - Plays, dance, and indoor sporting events, see in particular paragraphs: 16.34-16.35 and 16.45-16.48;
 - Local authority, hospital and school premises, see in particular paragraphs: 16.16-16.20
 - Community premises, see in particular paragraphs: 16.21-16.24
 - Circuses, see in particular paragraph 16.25
 - Boxing or wrestling entertainment, see in particular paragraphs: 16.49-16.51.

²⁸ See paragraph 16.12

²⁹ See chapter 7

³⁰ See paragraphs 16.70-16.72 in relation to other licensing regimes

³¹ An entertainment activity may meet the conditions of more than one exemption

APPENDIX F

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

Reference:	WK202420778
Premises:	Silent Woman Hotel, Nabbs Lane, Slaithwaite HD7 5AU

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

OBSERVATIONS	
Public Safety	
Prevention of Public Nuisance	<p>LC1 Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the Silent Woman Hotel</p> <p>To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point.</p> <p>Informative Note: Licensees are advised to carry out a simple “sound check” outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.</p> <p>In case of dispute, the applicant can verify inaudibility by demonstrating</p>

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

LC2

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

LC3

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

LC4

All external doors and windows to the room/s where regulated entertainment is provided shall remain closed (other than for normal access and egress) during the course of the entertainment.

LC5

All external doors to the premises (including fire doors and patio doors) shall be kept closed (other than for normal access and egress) during the course of regulated entertainment.

LC6

All noise creating activities that are associated with the regulated entertainment shall only be carried out inside the premises except with the prior written approval of the Licensing Authority.

LC7

No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure.

LC8

All amplified music, singing and speech provided as part of the regulated entertainment shall be played through a sound system that incorporates a sound limiting device that has been installed and set to the satisfaction of the Responsible Authority for the prevention of Public Nuisance. The sound limiting device shall be retained, maintained and no alteration to the approved setting shall be made without the approval of the Responsible Authority.

LC9

All amplified music, singing and speech provided as part of the regulated entertainment (including that provided by a third party) shall only be played through the in-house sound amplification system.

LC10

External areas of the premises shall not be used by customers between the hours of 23:00 and 10:00.

LC11

Any noise that arises from regulated entertainment shall be monitored at least once an hour by the licensee, or their representatives. This monitoring shall take place at positions (accessible by the public) adjacent to noise sensitive properties in the vicinity of the licensed premises. If noise is audible at these monitoring positions action shall be taken by the licensee or their representative shall take action to reduce the level of noise. A written log of this monitoring shall be kept and will include; the date, time and place of the monitoring, the person carrying out the monitoring, a description of any noise and a description of remedial action taken. This log shall be readily available to the Responsible Authority.

LC12

The disposal of waste bottles, glass and other materials into external receptacles shall not take place between 22:00 and 08:00 hours and any such waste receptacle shall not be removed from the premises between those hours.

Odour**LC13**

All odours and fumes produced from the cooking of foodstuffs shall be extracted from the premises via an air extraction system. This system shall be installed to the satisfaction of the Responsible Authority for Public Nuisance.

The extraction system shall be maintained and cleansed to ensure to its effective operation. No alterations shall be made to the extract system without the approval of the Responsible Authority.

LC16

All external doors to the premises (including fire doors and patio doors) shall be kept closed (other than for normal access and egress) during the cooking of food to prevent odours and fumes escaping the premises.

Date:		Officer/Ext:	01484 221000 x71553
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