

# Public Document Pack



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

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Monday 13 January 2025

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 21 January 2025**.

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 Eric Firth (Chair)

Councillor Mohan Sokhal

Councillor Timothy Bamford

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Site Visit**

A site visit is due to be undertaken on 16<sup>th</sup> January 2025 at 11:00am.

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**2: Membership of the Panel**

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

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**3: Minutes of Previous Meeting**

1 - 2

To approve the Minutes of the meeting of the Panel held on the 25<sup>th</sup> November 2024.

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**4: Declaration of Interests**

3 - 4

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

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**5: 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.

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## **6: 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.

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## **7: Public Question Time**

To receive any public questions.

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

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

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## **8: Licensing Act 2003 – Application for the Grant of Premises Licence for Stop and Shop, 293B and 293C Old Wakefield Road, Moldgreen, Huddersfield, HD5 8AG**

5 - 44

To consider the Licensing Application at 10:00am.

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

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Contact Officer: Jenny Bryce-Chan

## KIRKLEES COUNCIL

### LICENSING PANEL

#### Monday 25th November 2024

Present: Councillor Eric Firth (Chair)  
Councillor Mohan Sokhal

In attendance: David Stickley, Legal Advisor to the Panel  
Fiona Goldsmith, Public Protection Group Leader

Observers: Craig Heywood, Licensing Officer  
Claire Gardiner, Democracy Officer

Apologies: No apologies were received

#### 1 **Membership of the Panel**

Councillor Ali Arshad was not present at the meeting.

#### 2 **Minutes of Previous Meeting**

The minutes of the meeting held on 17<sup>th</sup> September 2024 were approved as a correct record by Councillor Zarina Amin and Councillor Jane Rylah.

#### 3 **Declaration of Interests**

No interests were declared.

#### 4 **Admission of the Public**

All agenda items were considered in public.

#### 5 **Deputations/Petitions**

No deputations or petitions were received.

#### 6 **Public Question Time**

No public questions were asked.

#### 7 **Licensing Act 2003 – Application for the Grant of a New Premises Licence: Honley Wine Bar Ltd, 23 Westgate, Honley, Holmfirth, HD9 6AA**

The Panel considered a report which outlined an application for the grant of a new premises licence for Honley Wine Bar, 23 Westgate, Honley, Holmfirth, Huddersfield HD9 6AA, which was received on 30<sup>th</sup> September 2024.

Fiona Goldsmith, Public Protection Group Leader, advised the Panel that just prior to the hearing the objector had submitted written information which expressed a willingness to withdraw their objection if the applicant agreed to an additional condition, not to allow customers to congregate or smoke anywhere outside the rear of the premises. The applicant agreed to this condition.

## Licensing Panel - 25 November 2024

The Panel determined that granting the application with the conditions previously agreed with Environmental Health, and the additional condition agreed in the hearing, would not be inconsistent with the licensing objectives.

**RESOLVED** that the application be approved with the following conditions:

- No congregating at the rear of the premise (including no smoking)
- Conditions previously agreed with Environmental Health

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

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

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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





**REPORT TITLE:**

Licensing Act 2003 – Application for the Grant of Premises Licence for Stop and Shop, 293B and 293C  
Old Wakefield Road, Moldgreen, Huddersfield, HD5 8AG

<b>Meeting:</b>	Licensing Panel
<b>Date:</b>	21 <sup>st</sup> January 2025
<b>Cabinet Member</b> (if applicable)	Councillor Tyler Hawkins
<b>Key Decision Eligible for Call In</b>	No No
<b>Purpose of Report</b> To determine the application.	
<p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>Members of the panel are requested to determine the application.</li> </ul> <p><b>Reasons for Recommendations</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	
<p><b>Resource Implications:</b> There are no resource implications.</p>	
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director for Corporate Strategy, Commissioning and Public Health</b>
<b>Is it also signed off by the Service Director for Finance?</b>	Not applicable
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Not applicable

**Electoral wards affected:** Dalton

**Ward councillors consulted:** Cllr Munir Ahmed  
Cllr Tyler Hawkins  
Cllr Musarrat Khan

**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 a Grant of Premises Licence. 4 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 On 12<sup>th</sup> December 2024 the Licensing Department received an application for the grant of a premises licence for Stop and Shop, 293B and 293C Old Wakefield Road, Huddersfield, HD5 8AG. A copy of this application and plan is shown at **Appendix A**.

2.1.2 The licensable activities applied for are as follows: -

Sale of Alcohol (off the premises): -  
Sunday to Thursday 8am – 2am  
Friday and Saturday 8am – 4am

2.1.3 A total of 4 representations have been received in respect of this application, 1 from Environmental Health, 1 from the local ward councillor and the remaining have been received from members of the public.

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

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

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

2.1.5 The agent proposed a reduction in the hours. The proposal was  
Sunday – Thursday 08:00 – 23:00  
Friday and Saturday 08:00 – 00:00

This was rejected by 3 of the 4 objectors. The 3 objectors rejected the proposal as it would not alleviate their concerns relating to the licensing objectives.

2.1.6 There was previously a premises licence that was valid between 29<sup>th</sup> August 2007 and 14<sup>th</sup> September 2022. The licence was cancelled by the previous premises licence holder. The premises had the following activities:

- Sale of Alcohol – Monday – Sunday 10:00 – 00:00
- Late Night Refreshment – Monday – Sunday 23:00 – 01:00

- Recorded Music – Monday – Sunday 10:00 – 01:00

Licensing did not receive any complaints about this premises.

## 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 related to all 4 of the licensing objectives. Member's attention is drawn to Section 2 of this guidance, the relevant parts may be found at **Appendix C**.

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

### **3.1 Working with People**

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

### **3.2 Working with Partners**

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

### **3.3 Place Based Working**

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

### **3.4 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. 4 Representations have been received as detailed above.

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

Jordan Barrett, Licensing Officer  
01484 221000 ext 71665.  
[jordan.barrett@kirklees.gov.uk](mailto:jordan.barrett@kirklees.gov.uk)

## 9 Background Papers and History of Decisions

[Licensing Policy](#)

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

## 10 Appendices

Appendix A – Grant of Premises Application & Plan

Appendix B - Representations

Appendix C – Section of 182 Guidance – Licensing Objectives

## 11 Service Director responsible

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

## Kirklees Council

Application for a premises licence to be granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

.....  
(Insert name(s) of applicant)

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

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Stop and Shop, 293b & 293 c Old Wakefield Rd, Moldgreen,			
<b>Post town</b>	Huddersfield,	<b>Postcode</b>	HD5 8AG
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		Not rated	

### Part 2 - Applicant details

- |   |   |
|---|---|
| Please state whether you are applying for a premises licence as | Please tick as appropriate                                      |
| a) an individual or individuals *                               | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *                          |   |
| i as a limited company/limited liability partnership            | <input type="checkbox"/> please complete section (B)            |
| ii as a partnership (other than limited liability)              | <input type="checkbox"/> please complete section (B)            |
| iii as an unincorporated association or                         | <input type="checkbox"/> please complete section (B)            |
| iv other (for example a statutory corporation)                  | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club  | <input type="checkbox"/> please complete section (B)            |
| d) a charity  | <input type="checkbox"/> please complete section (B)            |
| e) the proprietor of an educational establishment               | <input type="checkbox"/> please complete section (B)            |
| f) a health service body  | <input type="checkbox"/> please complete section (B)            |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current postal address if different from premises address					



Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	M	YYY
0 8	0 1	2 0 2 4

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

DD	M	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Small European grocery store with OFF Licence</p> <p>Situated in a mixed bank of Retail units in a residential area</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J) X

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

**A**

Plays Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# E

Live music Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises				
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	08.00	02.00						
Tue	08.00	02.00						
Wed	08.00	02.00						
Thur	08.00	02.00				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	08.00	04.00						
Sat	08.00	04.00						
Sun	08.00	02.00						

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

Name [REDACTED]	
Date of birth: [REDACTED]	Place of birth: [REDACTED]
Nationality: [REDACTED]	
Email: [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

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

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08.00		<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
		02.00	
Tue	08.00		
		02.00	
Wed	08.00		
		02.00	
Thur	08.00		
		02.00	
Fri	08.00		
		04.00	
Sat	08.00		
		04.00	
Sun	08.00		
		02.00	

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

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

**1: C C T V**

**1.1** The premise shall operate an effective CCTV system that is to be maintained in good working order to the satisfaction of Humberside Police at all times when the sale of alcohol is taking place.

**1.2** The CCTV system shall be capable of obtaining clear images and a clear head and shoulders image of every person entering or leaving the premises at entrance point, the point of sale and shall be compliant with the relevant provisions of the Data Protection Act 1998.

**1.3** The location of cameras will be recorded on the plan attached to the licence. If any additional cameras are requested/advised by the police will be fitted within a reasonable time.

**1.4** The recording medium (e.g. discs / tapes / hard drive etc.) and associated images shall be retained and securely stored for a minimum period of 31 days and to be made available within a reasonable time to a Police Constable or Authorised Officer of Licensing Authority upon request.

**1.5** The Premises Licence Holder or Designated Premises Supervisor will provide the Police with the contact details of at least one member of staff or other person(s) who are trained and familiar with the operation of the equipment that, at the expense of the Premises Licence Holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours of the time of the request.

**1.6** Copies of recordings shall be provided on request to a person under direction and control of the Chief Constable or an officer of Kirklees Council on DVD/USB at no cost.

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

**As above plus**

**2.1** Roller shutters have been installed at the front of the premises

**2.2** Alcohol will only be displayed for sale behind the sales counter or other approved secure display.

**2.3** Written details of all persons authorised to sell alcohol on the premises will be obtained and kept on the premises. This document will be found at the front of the Training manual and will be produced to a Police Constable or an Officer of the Local Authority upon request.

**INCIDENT LOG**

**2.4** An incident log shall be kept at the premises, and made available on request to a person under the direction and control of the Chief Constable or an officer of Kirklees Council, which will record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service
- any faults in the CCTV system

**2.5** The log records will be made immediately available to a Police constable or an Officer authorized by Licensing Authority and retained on the premises for 12 months.

**2.6.** A night Hatch will be in use from 23:00 until 06:00 every night. All sales shall be made through the night hatch.

**c) Public safety**

No risk has been assessed

**d) The prevention of public nuisance**

**3.1** Prominent, clear and legible signage shall be displayed at the exits to the premises requesting the public to respect the needs of any local residents and to leave the premises and the area quickly and quietly.

**3.2** The Premises Licence holder / Designated Premises Supervisor and staff will monitor and ensure that any litter found outside the premises will be regularly swept away.

**3.3** The Premises Licence Holder will fix a waste bin outside the premises. Regular checks will be carried out throughout the day to ensure the immediate vicinity is clear of litter and the waste bin will be emptied when full.

**3.4** The Premises Licence Holder will ensure that no lighting or air conditioning units will cause any nuisance to any nearby resident.

**3.5** All trade waste will only be removed between the hours of 08.00 and 18.00.

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

4.1 The premises will operate a “Challenge 25” proof of age scheme.

4.2 Challenge 25 shall be implemented, and a proof of age policy is to be applied with the accepted means of proof of age being:

Passport

Photo Driving Licence

A recognised valid photo-id card bearing the PASS hologram any future accredited and accepted proof of age, as defined by Humberside Police.

4.3 Prominent, clear and legible Challenge 25 signage shall be displayed at the entrance to the premises and at the point of sale promoting the Challenge 25 scheme operated.

4.4 The premises is to maintain a refusals book to record the details of refusals of the sale of alcohol. This log book will record the date, time, brief description reason for refusal of sale and name of staff who refused the sale.

4.5 Any staff employed at the premises will be provided with training for Age Restricted Products and under age persons, Challenge 25, checking ID, proxy sales and on preventing the sale of alcohol to somebody who is drunk or appears to be drunk.

4.6 Staff training will be given to all staff working at the premises. Such training shall be documented and recorded in a book or folder kept solely for the purpose. It will record the date and names of those trained and the person providing it. All present shall sign the book. The frequency of the training shall be upon inception and at least once every 6 months thereafter. The training shall cover all aspects of the responsible sale of alcohol and conflict management. The book will be available for inspection on demand by an Authorised Officer of the Council or the Police.

4.7 Alcohol refusals policies will be displayed at the entrance of the premises the point of display and the point of sale.

4.8 Proxy signage will be prominently displayed on the shelves where alcohol is stored to warn customers that it's a criminal offence to buy alcohol for under aged persons.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. **X**
- I have enclosed the plan of the premises. **X**
- I have sent copies of this application and the plan to responsible authorities and others where applicable.   
*Electronic application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. **X**



- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

*It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.*

*It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified*

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>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)</p>	
Signature		
Date		
Capacity		

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

[REDACTED]

Post town

[REDACTED]

Postcode







[REDACTED]

Telephone number (if any)

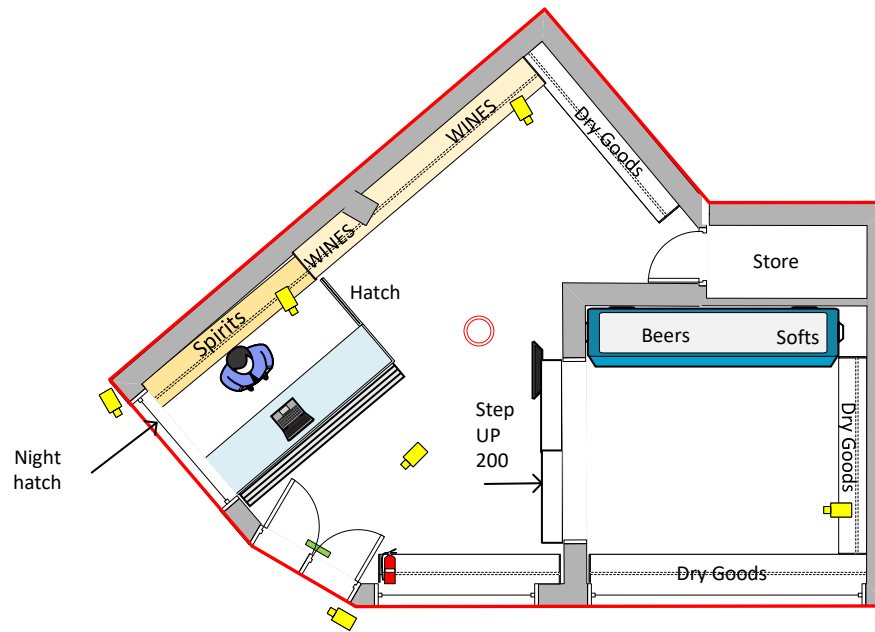
[REDACTED]

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

<b>LEGEND</b>	Smoke Detector 	Licensable Area 	Fire Exit 
Camera 	Fire Ext. Water 	Monitor 	

Appendix A



Page 3

<b>Drawing Purpose</b>	<b>PREMISES LICENCE APPLICATION</b>
<b>Drawing Details</b>	The purpose of this drawing is for the submission of a Premises Licence Application. All Measurements have been drawn in millimetres. This drawing is not be used for the intention of any building, shop fitting or construction purposes.

<b>Name of Premises</b>	Stop and Shop,
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<b>Premises Address</b>	293b & 293c Old Wakefield Rd, Moldgreen, Huddersfield, HD5 8AG
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<b>SCALE</b>	<b>1-100</b>
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**Licensing Act 2003  
Response to Building Control & Licensing Service  
From Environmental Health**

<b>Reference:</b>	WK/202439964
<b>Premises:</b>	Stop and Shop, Canton Take Away, 293C Wakefield Road, Moldgreen, Huddersfield, HD5 8AG

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

<b>OBSERVATIONS</b>
---------------------

<b>Public Safety</b>	
<b>Date:</b>	<b>Officer/Ext:</b>
<b>Prevention of Public Nuisance</b>	<p>I do not support and object to the proposed hours for the sale of alcohol in the application:</p> <p style="text-align: center;">Sale of Alcohol – Sunday - Thursday - 08:00 - 02:00 Friday &amp; Saturday - 08:00 - 04:00,</p> <p>The reason for my objection is as follows:</p> <p>Residents in the vicinity of the proposal on Old Wakefield Road, The Avenue and Elmfield Terrace are likely to have their sleep disturbed after 2300 hours and before 0800 hours by:</p> <ul style="list-style-type: none"> <li>• noise from customers arriving in cars, revving engines, and amplified music playing, in addition to the bass line being audible, and customers sat on their phone in their cars, the car acts as an amplified and makes the phone call audible meters away from</li> </ul>

	<p>the car, including indoors, and</p> <ul style="list-style-type: none"> <li>• noise from customers on their phones outside the shop, congregating on the street in the vicinity of the shop, talking (shouting) on their phones, and to the people that they are visiting the shop with.</li> </ul> <p>Disrupted sleep is a pervasive problem, with numerous contributing factors from lifestyle and environmental factors to psychosocial issues and iatrogenic effects. Sleep is vital to most major physiologic processes, and, as such, sleep disruption has vast potential for adverse short- and long-term health consequences in otherwise healthy individuals as well as those with underlying medical conditions. In healthy individuals, short-term consequences include a heightened stress response; pain; depression; anxiety; and cognition, memory, and performance deficits. In adolescents and children, disrupted sleep can lead to poor school performance and behaviour problems.  <a href="https://pmc.ncbi.nlm.nih.gov/articles/PMC5449130">https://pmc.ncbi.nlm.nih.gov/articles/PMC5449130</a>).</p> <p>I propose that the following hours are conditioned:  0800 hours to 2300 hours Sunday to Saturday, 7 days per week.</p>		
<b>Date:</b>	03 January 2025	<b>Officer/Ext:</b>	Mark Chapman 01484 221000 x70876

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

Dear Licensing,

I am writing to formally object to the application for a late-night off-licence at [address/location] due to its close proximity to Moldgreen Primary School. This proposal raises significant concerns regarding increased traffic, littering, and the potential for anti-social behaviour in an area frequented by young children and families.

#### 1. Increased Traffic

The location of the proposed off-licence is within close vicinity to our school where there is already substantial pedestrian and vehicular traffic during school drop-off and pick-up times. Extending trading hours into the night will likely attract additional vehicles and foot traffic, potentially leading to congestion and safety hazards for children and families during school hours or after-school activities.

#### 2. Littering

Late-night off-licences often contribute to increased littering in surrounding areas due to discarded packaging, bottles, and cans. This poses a health and environmental concern, particularly in an area where children play and walk daily. The presence of such litter undermines the cleanliness and appeal of the community and creates additional work for local authorities to maintain the area.

#### 3. Risk of Anti-Social Behaviour

The sale of alcohol during late-night hours has a known correlation with anti-social behaviour, such as public intoxication, loitering, and noise disturbances. This poses a threat to the safety and well-being of residents, particularly vulnerable groups like children. Allowing such an establishment near a school increases the likelihood of exposing children to inappropriate and unsafe behaviour.

In summary, the approval of this late-night off-licence risks undermining the safety, cleanliness, and community atmosphere of the area surrounding Moldgreen School. I respectfully urge the licensing committee to consider these concerns and reject this application to prioritise the well-being of the local residents, particularly the children who use the space daily.

Best wishes

## Appendix B

Dear licencing,

As a resident within the area I am formally writing to object to the licencing request for the sale of alcohol at premise 293B & C Old Wakefield Road Moldgreen Huddersfield HD5 8AG REF PR00459 and voicing my comments before Thursday 9th January as requested by the public notice.

This building used to be Canton Chinese takeaway under A3 permission for restaurant and cafe, where is the request for alteration to A1 usage? Attached evidence of no request for change of license yet council are in the progress of permitting an alcohol license. This is a clear cut sign of lack of professionalism and competence when dealing with legal and planning concerns.

The sale of alcohol within this area will result in the deterioration of public cleanliness with bottles and cans littering the area, littering the banks, littering the flower beds as they already are on numerous occasions. This will result in frequent crime under The environmental protection act 1990 of littering within this area as well as public disorder with more drunks and alcoholics loitering around the church with a easy supply nearby. It only takes reasonable knowledge to understand that sale of alcohol from this shop will lead to these of crime and public disorder.

The shop is located within 100 METERS of a school, moldgreen primary school. alcoholics/vagrants do not abide by school timetables and care not what time of day they drink alcohol putting the risk of exposing alcoholics to children in this area. This is a matter of public health and protecting children from harm. Being exposed to the sight of drunks and alcoholics is traumatic and could lead to children being influenced or traumatized by this behaviour.

Allowing the licence of sale of alcohol at this premises is outright ignoring the risks and danger it could lead to, putting the council at fault for any public nuisance, harm to children, increase in littering and disorder. Not only this but also ignoring or failing basic council procedure for planning applications with no change if use let allowing the premise to change from a restaurant A3 use, to the sale of alcohol shop A1 use, endangering local children, increasing pollutant and littering, all negatively impacting the community.

I request the application to be denied on behalf of improving the quality of the streets, protecting children and reducing alcoholism.

Kind regards

Appendix B

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

From: Cllr Musarrat Khan <Musarrat.Khan@kirklees.gov.uk>

Sent: 13 December 2024 16:29

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

Subject: RE: Premise Licence Grant Application - Stop and Shop, 293B & C Old Wakefield Road, Moldgreen, Huddersfield, HD5 8AG

Dear Jordan,

I strongly object on a number of grounds and please use the below to submit my objection if this goes to the licencing committee for determination.

I am submitting the below evidence taken from public health data to support my objection to an alcohol license exceeding beyond 11 pm at Stop and Shop, 293B & C, Old WAKEFIELD ROAD, MOLDGREEN, HUDDERSFIELD, HD5 8AG. The below public health data shows a significant higher than average rate of hospital alcohol attributable conditions for this area, higher than the kirklees average for living environment deprivation, higher than average figures involuntarily excluded from the labour market, and the worst 3 deciles for health and crime figures.

The following data provides evidence to Licensing Committee to review and consider when making their decision about this application proposal.

This document refers to the data for the Dalton ward and LOSA area relating to the postcode of the proposed application.

E02002299 is the MSOA which covers the address of the application. E02002299 is part of the Dalton Ward. Some data below is presented at MSOA level and some at ward level.

LOCAL HEALTH: REPORT PART 2 - HOSPITAL ADMISSIONS - HARM AND INJURY

Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021

Indicators Kirklees 029 (msoa 2011) Kirklees

(LTLA 2021) Kirklees

(UTLA 2021) Kirklees 029 (msoa 2011)

Emergency hospital admissions for intentional self harm (SAR)

127.9 86.4 86.4 127.9

Emergency hospital admissions for hip fractures, persons aged 65 years and over (SAR)

91.9 90.3 90.3 91.9

Hospital admissions for alcohol attributable conditions (Broad definition) (SAR)

147.5 93.1 93.1 147.5

Hospital admissions for alcohol attributable conditions, (Narrow definition) (SAR)

158.0 97.7 97.7 158.0

Source: Hospital Episode Statistics (HES) NHS Digital Hospital Standardised Admission Ratios (SARs) Admissions - harm and injury: 2016 to 2017, to 2020 to 2021 Kirklees 029 (msoa



2011) Emergency hospital admissions for intentional self harm  
Emergency hospital admissions for hip fractures, persons aged 65 years and over  
Hospital admissions for alcohol attributable conditions (Broad definition)  
Hospital admissions for alcohol attributable conditions, (Narrow definition)  
0.020.040.060.080.0100.0120.0140.0160.0  
Significantly better / England  
Not significantly different  
Significantly worse / England  
England  
Source: Hospital Episode Statistics (HES) NHS Digital Other Deprivation Measures

50% of Dalton Ward residents are in the worst 3 deciles for living environment deprivation.

42% of Dalton Ward residents are in the worst 3 deciles for being involuntarily excluded from the labour market.

A third of Dalton Ward residents are in the worst 3 deciles for health. Over half of Dalton Ward residents are in the worst 3 deciles for crime.

Best Wishes

Cllr Mus Khan  
Dalton Ward Independent

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

**Crime and disorder**

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

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

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

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

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

*where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.*

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

### **Public safety**

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

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

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

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

## **Public nuisance**

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

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

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

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

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

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

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

### **Protection of children from harm**

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

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

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

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not

*appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.*

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

*2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include: • restrictions on the hours when children may be present; • restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; • restrictions on the parts of the premises to which children may have access; • age restrictions (below 18); • restrictions or exclusions when certain activities are taking place; • requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and • full exclusion of people under 18 from the premises when any licensable activities are taking place.*

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

*2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.*

*2.30 The 2003 Act provides that, where a premises licence or club premises certificate 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.*

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

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