

Public Document Pack



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

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Email: [nicola.sylvester @kirklees.gov.uk](mailto:nicola.sylvester@kirklees.gov.uk)

Monday 17 August 2026

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 25 August 2026**.

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 Michael Howard

Councillor Alex Vickers

Councillor David Ridgway

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

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

2: Minutes of Previous Meeting

1 - 2

To approve the Minutes of the meeting of the Panel held on the 23rd April 2026.

3: 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.

4: Admission of the Public

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

5: Deputations/Petitions

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

In accordance with Council Procedure Rule 10, Members of the

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

6: Public Question Time

To receive any public questions.

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

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

7: Licensing Act 2003 - Application for the Grant of a Premises Licence- The Vinery, 57 The Knowl, Mirfield, WF14 9RW

5 - 108

To consider the Licensing application at 10:00am

Contact – Lee Rushworth, Licensing Officer – 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Thursday 23rd April 2026

Present: Councillor Eric Firth (Chair)
Councillor Zarina Amin
Councillor Alex Vickers

In attendance: Tahir Hanif, Senior Legal Officer
Steve Mycroft, Licensing Officer
Mike Skelton, Senior Licensing Officer
Richard Woodhead, West Yorkshire Police

68 Membership of the Panel
No apologies were received.

69 Minutes of Previous Meeting
RESOLVED - That the minutes of the meeting held on the 17th March 2026 be approved as a correct record.

70 Declaration of Interests
No interests were declared.

71 Admission of the Public
It was noted that the agenda item relating to agenda item 7 (Minute No.74 refers) contained exempt information by virtue of paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A of the Local Government Act 1972.

72 Deputations/Petitions
No deputations or petitions were received.

73 Exclusion of the Public
RESOLVED – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned minute.

74 Licensing Act 2003 - Review of a Personal Licence
The Panel considered a report which outlined an application for the Review of a Personal Licence.

West Yorkshire Police attended the hearing and presented their case in support of the Review, which sought revocation. West Yorkshire Police advised the Panel that

Licensing Panel - 23 April 2026

they had become aware that the Personal Licence Holder had been convicted of a criminal offence that had not been disclosed to the relevant authorities.

The Licence Holder was not in attendance at the hearing, did not provide a written response and had not engaged with Licensing Officers.

Having considered all the information, and in reaching its decision, the Panel had due regard to the provisions of the Licensing Act 2003, the statutory guidance issued under Section 182 of the Act, the Councils Statement of Licensing Policy and the relevant provisions of the Human Rights Act.

The Panel therefore determined that:

The Licence Holder was convicted of a relevant offence within the meaning of Schedule 4 of the Licensing Act 2003, namely a serious offence relating to drugs.

The Panel placed significant weight on the serious nature of the offence, the intentional and organised elements of criminal conduct, and the scale and potential harm associated with the offence which was reflected in the custodial sentence imposed.

The Panel concluded that conduct of such nature was fundamentally incompatible with the responsibilities and expectations placed upon a Personal Licence Holder who occupied a position of responsibility and trust in relation to the control and sale of alcohol.

The Panel noted the lack of engagement from the Licence Holder, together with their failure to notify the Magistrates' Court that they held a Personal Licence, and to inform the Licensing Authority of their conviction. In light of this, the Panel determined that revocation was a necessary and proportionate step to promote the licensing objectives, in particular the Prevention of Crime and Disorder and the Protection of Public Safety.

RESOLVED - that the application for the review of a Personal Licence, which sought revocation, was upheld and that the Personal Licence be revoked.

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 Premises Licence Application for,
The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

Meeting:	Licensing Panel
Date:	10:00am on Tuesday 25 th August 2026
Cabinet Member (if applicable)	Cllr Pip Harvey
Key Decision Eligible for Call In	No No
Purpose of Report To determine the application	
Recommendations - Members of the panel are requested to determine the application Reasons for Recommendations - 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.	
Resource Implications: There are no resource implications.	
Date signed off by <u>Executive Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration Not applicable Not applicable

Electoral wards affected: Mirfield

Ward councillors consulted: Cllr Matthew Maude
Cllr James O'Leary
Cllr Martyn Bolt

Public or private: Report to be heard in Public

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

1. Executive Summary

- 1.1 The purpose of the report is to inform members of an application for the Grant of a premises licence. Representation's has 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 22nd June 2026, the Licensing Department received an application for the Grant of a New premises licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW. This application started it's consultation period however on 13th July 2026 it was brought to our attention that the advertising regulations had not been complied with, resulting in the consultation period having to start again on 13th July 2026
- 2.1.2 A copy of this application, plan and location map can be seen at **Appendix A**.
- 2.1.3 During the first consultation window, 8 representations were received. Due to the consultation period having to re-start, Officer Lee Rushworth contacted those that had submitted a relevant objection to explain and asked if their representation still stands and wished us to include it in the new statutory period.
- 2.1.4 The licensable activities applied for is as follows;
- **Sale of Alcohol (for consumption off the premises) – Every day 09:00 – 00:00**
 - **Sale of Alcohol (for consumption on the premises) – Every day 12:00 – 00:00**
- 2.1.5 During the correct consultation period 9 representations were received.
- 2.1.6 The representation's that were received consider that the following licensing objectives would not be met should this licence be granted:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Public Safety

A copy of the representations can be seen at **Appendix B**.

2.2 Licensing Policy

Members considering the application must 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).

Executive Summary

In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly.

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

Purpose

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

The Policy has four main purposes:

- To provide the basis for elected Members to make decisions on applications.
- To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
- To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
- To inform the Courts how decisions have been made and to support those decisions.

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 representation relates to one (1) of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix C**.

3. Implications for the Council

3.1 Council Plan

The Licensing Service and its Statement of Licensing Policy balance the objective of improving the local economy, improving health and wellbeing and tackling health inequalities and cultural development against noise, nuisance, safeguarding and crime and disorder.

3.2 Financial Implications

There are no financial implications in relation to this report.

3.3 Legal Implications

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

3.4 Climate Change and Air Quality

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

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

Under the provisions of the Licensing Act 2003 there is no requirement for an Integrated Impact Assessment, 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; No representation's were received from any of the Responsible Authority's 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

Stephanie Mashiter, Senior Licensing Officer
Licensing Service
Tel: 01484 221000 ext. 70530
Email: stephanie.mashiter@kirklees.gov.uk

9. Background Papers and History of Decisions

Licensing Act 2003 Statement of Licensing Policy - [Licensing Policy](#)

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK
(www.gov.uk)

10. Appendices

Appendix A – Application, plan and Location Map for the grant of a premises licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

Appendix B – Representations from members of the public

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

11. Service Director responsible

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

Appendix A

Kirklees Council

Kirklees Council, PO Box 1661, Huddersfield, HD1 9SR

T: 01484 221000

E: licensing@kirklees.gov.uk

Ref: DSFX1782114482277

New Premises Licence

Premises Details

Business/Premises Name *

The Vinery

Premises Address *

MAUGHANS CATERERS LTD 57 THE KNOWL MIRFIELD
WF14 9RW

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 18000

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 *

The Vinery Limited

Registered Address *

57 The Knowl,

Address line 2

Address line 3

Other Applicant (Non Individual)

Town/City *

Mirfield,

County

Postcode *

WF14 9RW

Registered Number (where applicable)

17279686

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

Private limited Company

Telephone Number *

01277415799

Email *

Operating Schedule

When do you want the premises licence to start? *

21/07/2026

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. *

Wine Shop & Restaurant. The concept for this premises is a multi-use space which will serve as a dedicated wine shop with an on-sales offering. The space is small which reduces the risk of the licensing objectives being undermined. The applicant is happy to discuss additional conditions with authorities but does not wish to over burden the premises with SIA requirements or alcohol ancillary to food only offerings.

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, late night refreshment or supply of alcohol (please read guidance note 2) *

☐

a) Plays

☐

b) Films

Operating Schedule

- ☐ c) Indoor Sporting Events
- ☐ d) Boxing or Wrestling
- ☐ e) Live Music
- ☐ f) Recorded Music
- ☐ g) Performances of Dance
- ☐ h) Anything of a similar description falling under Music or Dance
- ☐ i) Provision of Late Night Refreshment
- ☒ j) Supply of Alcohol

j) 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 *

Every Day

09:00

00:00

j) Supply of Alcohol

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

Both

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

No

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

j) Supply of Alcohol

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

Designated Premises Supervisor

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

Title *

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Personal Licence Number (if known)

Intend To Apply For

Issuing Licensing Authority (if known)

Kirklees

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). *

N/A

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 *

Every Day

09:00

00:30

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)

As detailed earlier, the applicant will happily discuss additional conditions with authorities which may be deemed necessary. The applicant will continually risk assess the need for security at the premises and will ensure that an internal nuisance policy exists with consideration for dispersal from. Whilst Midnight has been requested every day, it is unlikely that these hours will be utilised on a regular basis. The applicant would be grateful to have the flexibility to open where events or business dictates. The premises is a small area with a limited capacity which lowers the risk of the licensing objectives being undermined. On-sales of alcohol shall only take place from 12:00hrs onwards.

b) The prevention of crime and disorder *

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry. There shall be CCTV in operation at the premises and;

a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. b) if the premises are not open, and subject to the tests set out by virtue of GDPR, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested. c) CCTV shall record continuously and be retained for not less than 31 days.

c) Public safety *

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer. The log will record the following: • All crimes reported to the venue • All ejections of customers • Any incidents of disorder (disturbance caused by either one person or a group

Licensing Objectives

d) The prevention of public nuisance *

of people). •Any faults in the CCTV system or searching equipment or scanning equipment •Any refusal of the sale of alcohol during the hours the premises is licensed to sell it

The premises shall not operate irresponsible alcohol promotions or deep-discount sales designed to encourage excessive purchasing. Staff shall take reasonable steps to discourage anti-social behaviour linked to alcohol sales in or immediately outside the premises. Notices shall be displayed at the premises advising customers to leave quietly and respect neighbours.

e) The protection of children from harm *

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union. Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises. A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall; a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol. b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

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

Declarations

21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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



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



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

Full Name *

Date *

Capacity *



Declaration made

Do you wish to provide alternative correspondence details? *

Alternative Correspondence

Please provide Contact Name and postal address for correspondence associated with this application.

Title

First name

Surname

Street address *

Address line 2

Address line 3

Town/City *

Alternative Correspondence

County	
Postcode *	
Telephone Number *	
Email *	

Email confirmation

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

Forename	
Surname /Company Name	
Email *	
Telephone	

FIRE EXTINGUISHER

CCTV CAMERA

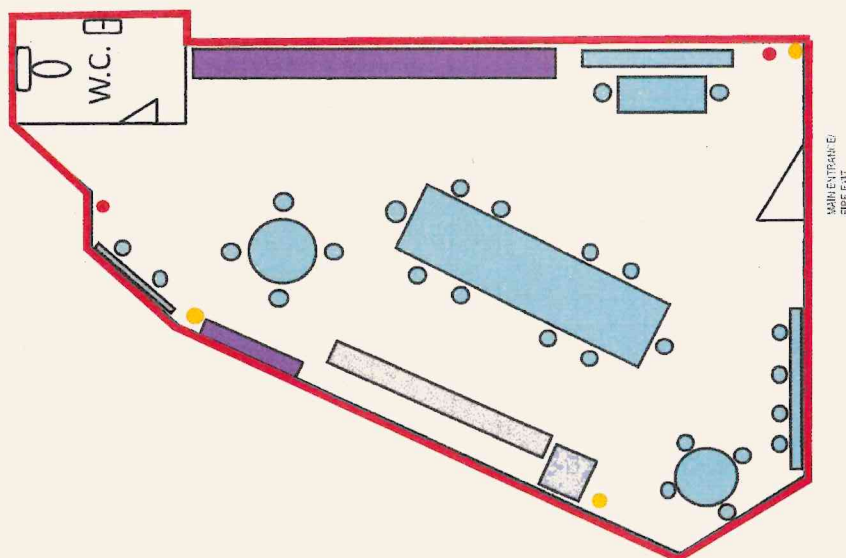
RED LINE DENOTES LICENSABLE AREA

SEATING

WINE RACK

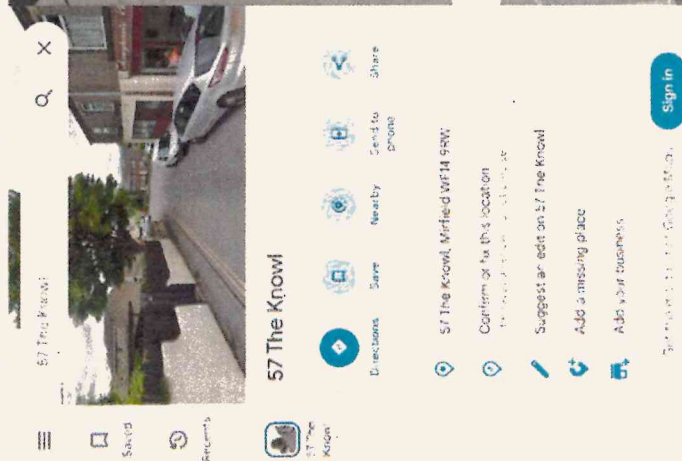
SALES COUNTER

WINE FRIDGE



LA2003 PLANS

DESIGN	ADDRESS	REV	DATE	DESCRIPTION	ISSUED	CHECKED
STAGED PLAN	The Vinery 57 The Knowl, Netherfield, WF14 9RW	1/1				
LICENSING ACT 2003 PLANS		SCALE	1:100			
CLIENT	The Vinery Limited	DRAWING	DATE	APPROVED		



Appendix B

Dear Sir/Madam,

I wish to make a formal representation objecting to the application for a premises licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

I live [REDACTED], meaning I am likely to be directly affected by any additional activity associated with this application.

My representation is based on the licensing objectives of **the prevention of public nuisance, the prevention of crime and disorder, and public safety.**

The premises are owned by Maughans Bakery, whose operations already generate significant noise throughout the night. Activity regularly begins at around 11.00 pm and continues into the early hours of the morning until the bakery opens at approximately 7.00 am. There is frequent noise from staff working, banging trays and equipment, extractor fans and oven timers.

The disturbance is such that my household has to sleep with the bedroom windows closed, even during the summer months, and we often have to wear earplugs simply to get a reasonable night's sleep. This has already had a significant impact on our quality of life.

Granting a licence allowing the sale and consumption of alcohol until midnight is likely to add to the existing disturbance. I am concerned about customers talking outside, vehicle doors slamming, engines starting, and people arriving and leaving late into the evening. Given the close proximity of my home, I believe this would further affect my ability to enjoy my property and obtain adequate rest.

I am also concerned that the application does not appear to identify where customers who smoke will be accommodated. If customers are required to smoke outside the premises, there is a risk that groups may congregate on the narrow pavement [REDACTED]. This could increase noise, litter from cigarette ends and late-night disturbance. There is already antisocial behaviour in the area during the evenings, and I am concerned that this could be exacerbated if appropriate controls are not in place. I respectfully ask the Licensing Authority to consider how any outdoor smoking area will be managed and whether conditions should be attached to any licence to minimise nuisance to nearby residents.

Parking on The Knowl is already extremely limited. There are double yellow lines on the corner, and the road frequently experiences congestion. It is also a bus route, and it is not uncommon for buses to have to sound their horns because vehicles have been parked irresponsibly or are obstructing the road. An additional licensed premises is likely to increase parking pressures and vehicle movements, potentially worsening congestion and creating further disturbance for local residents.

While I appreciate the benefits that local businesses can bring to the community, I believe this application, particularly the proposed licensing hours until midnight, would have an unacceptable impact [REDACTED].

I would also note that the premises most recently operated as a laundrette until a few years ago. It is unclear whether the applicant has obtained the necessary planning permission for a change of use to a drinking establishment.

I respectfully ask the Licensing Authority to confirm whether the appropriate consent has been granted by Kirklees Planning, as this may be relevant to the suitability of the premises for the proposed use.

I respectfully ask the Licensing Authority to carefully consider the impact on local residents when determining this application. If the licence is granted, I ask that the Licensing Sub-Committee considers imposing appropriate conditions, including measures to control outdoor noise, smoking, customer dispersal, and operating hours, to minimise disturbance to neighbouring properties.

Thank you for taking the time to consider my representation.

Yours faithfully,

[REDACTED]

Dear Sir/Madam,

I wish to make a formal representation objecting to the application for a premises licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

I live [REDACTED], meaning I am likely to be directly affected by any additional activity associated with this application.

My representation is based on the licensing objectives of **the prevention of public nuisance, the prevention of crime and disorder, and public safety.**

The premises are owned by Maughans Bakery, whose operations already generate significant noise throughout the night. Activity regularly begins at around 11.00 pm and continues into the early hours of the morning until the bakery opens at approximately 7.00 am. There is frequent noise from staff working, banging trays and equipment, extractor fans and oven timers.

The disturbance is such that my household has to sleep with the bedroom windows closed, even during the summer months, and we often have to wear earplugs simply to get a reasonable night's sleep. This has already had a significant impact on our quality of life.

Granting a licence allowing the sale and consumption of alcohol until midnight is likely to add to the existing disturbance. I am concerned about customers talking outside, vehicle doors slamming, engines starting, and people arriving and leaving late into the evening. Given the close proximity of my home, I believe this would further affect my ability to enjoy my property and obtain adequate rest.

I am also concerned that the application does not appear to identify where customers who smoke will be accommodated. If customers are required to smoke outside the premises, there is a risk that groups may congregate on the narrow pavement [REDACTED]. This could increase noise, litter from cigarette ends and late-night disturbance. There is already antisocial behaviour in the area during the evenings, and I am concerned that this could be exacerbated if appropriate controls are not in place. I respectfully ask the Licensing Authority to consider how any outdoor smoking area will be managed and whether conditions should be attached to any licence to minimise nuisance to nearby residents.

Parking on The Knowl is already extremely limited. There are double yellow lines on the corner, and the road frequently experiences congestion. It is also a bus route, and it is not uncommon for buses to have to sound their horns because vehicles have been parked irresponsibly or are obstructing the road. An additional licensed premises is likely to increase parking pressures and vehicle movements, potentially worsening congestion and creating further disturbance for local residents.

While I appreciate the benefits that local businesses can bring to the community, I believe this application, particularly the proposed licensing hours until midnight, would have an unacceptable impact [REDACTED].

I would also note that the premises most recently operated as a laundrette until a few years ago. It is unclear whether the applicant has obtained the necessary planning permission for a change of use to a drinking establishment.

I respectfully ask the Licensing Authority to confirm whether the appropriate consent has been granted by Kirklees Planning, as this may be relevant to the suitability of the premises for the proposed use.

I respectfully ask the Licensing Authority to carefully consider the impact on local residents when determining this application. If the licence is granted, I ask that the Licensing Sub-Committee considers imposing appropriate conditions, including measures to control outdoor noise, smoking, customer dispersal, and operating hours, to minimise disturbance to neighbouring properties.

Thank you for taking the time to consider my representation.

Yours faithfully,

[REDACTED]

Dear Licensing Department,

I wish to object to the application for a premises licence for The Vinery, 57 The Knowl, Mirfield.

I am completely opposed to this licence being granted because I believe it will have a serious negative impact on local residents and undermine the licensing objective of preventing public nuisance.

I have young children and I am extremely concerned that allowing the sale of alcohol until midnight will inevitably lead to increased noise from customers arriving and leaving the premises, conversations outside, car doors slamming, engines running and general disturbance late into the evening. This will affect my children's ability to sleep, wellbeing and our family's enjoyment of our home.

I am also concerned that a wine bar will encourage people to gather outside, increasing noise, litter and disruption in what is primarily a residential area. Once the premises is open, these impacts are likely to become a regular occurrence and will significantly reduce the quality of life for nearby residents.

I do not believe this location is suitable for a licensed premises operating until midnight and I respectfully ask the Licensing Authority to refuse this application.

Thank you for considering my representation.

Yours faithfully,



Re: Representation Against the Grant of a Premises Licence – The Vinery, 57 The Knowl, Mirfield, WF14 9RW

Dear Sir/Madam,

I wish to make a formal representation objecting to the application for a Premises Licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

I live [REDACTED], my property is in very close proximity to The Vinery and I would be directly affected by any increase in noise, traffic and disturbance.

My objection is based on the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, and public safety.

The Knowl is a very small, narrow road with only two businesses. Parking is already extremely limited and is shared by residents, customers and delivery vehicles. It is not uncommon for buses to struggle to get through because of parked cars. Granting a licence to sell alcohol is likely to increase the number of visitors, placing even more pressure on parking and creating additional traffic and safety concerns.

Although the premises are on The Knowl, the impact would extend well beyond this small street. Residents living on The Brickyard, the top of Nab Lane and surrounding properties would also be affected by increased traffic, parking difficulties, noise and disturbance.

I already experience regular late-night noise from the neighbouring bakery, where work often begins at around 11.00 pm. This existing disturbance can make it difficult to sleep. Allowing alcohol sales until midnight is likely to add to this, with customers arriving and leaving late in the evening, conversations outside, vehicle movements, engines running and car doors slamming. I am concerned this would have a significant impact on the peaceful enjoyment of my home.

I am also concerned that granting this licence could increase the risk of anti-social behaviour. The area already experiences issues with anti-social behaviour, and I do not believe introducing another premises selling alcohol until midnight would improve the situation.

Since Mirfield Stores began selling alcohol, there has been a noticeable increase in discarded beer cans and bottles around The Brickyard. This demonstrates that alcohol-related litter is already a local issue, and I am concerned that another licensed premises will make this problem worse.

While I appreciate and support local businesses, I believe the proposed hours for alcohol sales are inappropriate given the close proximity of residential properties and the existing issues experienced by local residents.

I respectfully ask the Licensing Authority to refuse this application. However, if the Authority is minded to grant the licence, I would ask that serious consideration be given to reducing the permitted hours and imposing strict conditions to protect local residents. These could include an earlier finishing time for alcohol sales, no outdoor drinking late in the evening, clear notices asking customers to leave quietly, and measures to manage litter and minimise disturbance.

Thank you for taking my representation into account.

Yours faithfully,

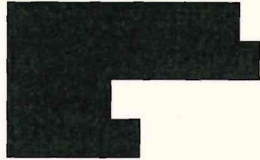
A black rectangular box redacting the signature of the sender.

Dear Sir or Madam,

I am writing in regard to an application submitted by The Vinery, 57 The Knowl Wf14 9RX.

I am objecting to this. The sale of alcohol I presume to be consumed on the premises, until 12.30 am would disturb the neighbours who have bedrooms close by in the senior person's flats and nearby properties on The Knowl. There isn't any parking except a few on the road spaces on an already dangerous bend and bus route. Smoking and vaping outside the property is also concerning as people will obviously converse outside and cause a disturbance late at night. I've no objection to the shop as an outlet to sell alcohol on the premises it's just the disruption that having it opened as a bar for wine tastings and charcuterie and large gatherings.

Thank you for your consideration.



Re: Representation against the grant of a Premises Licence - The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

Dear Sir/Madam

I wish to resubmit a formal representation objecting to the application for a premises licence for The Vinery, 57 The Knowl, Mirfield WF14 9RW.

I live [REDACTED] and I am likely to be directly affected by any additional activity associated with this application.

My representation is based on the licensing objectives of the **prevention of public nuisance, the prevention of crime and disorder, and public safety.**

The granting of a licence allowing the sale and consumption of alcohol until midnight is likely to cause considerable disturbance. I am concerned about customers talking loudly outdoors, car doors slamming, engines starting and people arriving and leaving late into the night.

Furthermore, if customers are required to smoke outside the premises then there is a risk that groups may congregate on the narrow pavement. This would force pedestrians to walk in the road and risk injury from traffic. **It would also be intimidating!** This would certainly increase noise, litter and late-night disturbance. There is already antisocial behaviour in our area during the evenings, and I am worried that this could become much worse.

Parking on the Knowl is already severely limited and the road frequently becomes congested. It is also a bus route, and buses sometimes have to sound their horns because vehicles have been parked irresponsibly thus preventing buses from passing through. An additional licensed premises is likely to increase parking pressure and traffic flow which will create further disturbance for local residents.

Whilst I appreciate the benefits of local businesses, I believe this application, in particular the proposed licensing hours until midnight, would have an unacceptable impact on residents living nearby.

Please note that the premises always operated as a launderette until a several years ago. I question then whether the applicant has obtained planning permission for a change of use to a drinking establishment?

I respectfully ask the Licensing Authority to confirm whether consent has been granted by Kirklees Planning, as this may be relevant to the suitability of the premises for the proposed use.

I also respectfully ask the Licensing Authority to carefully consider the impact on local residents when determining this application. If the license is granted, I ask the Licensing Sub-Committee to consider imposing appropriate conditions, including measures to control outdoor noise, smoking, customer dispersal and operating hours to minimise disturbance to neighbouring residents.

Thank you for taking the time to consider my representation.

Yours faithfully

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

I wish to submit a formal objection to the above application under the Licensing Act 2003.

I am the owner and landlord of [REDACTED]

[REDACTED]. As a nearby property owner with a direct interest in the locality, I believe the application, particularly the proposed sale of alcohol until midnight both on and off the premises would undermine several of the licensing objectives.

1. Prevention of Crime and Disorder

Granting a licence allowing alcohol sales until midnight is likely to increase alcohol-related crime and anti-social behaviour within what is primarily a residential area.

Late-night alcohol sales inevitably increase the likelihood of public intoxication, disorderly conduct, verbal altercations, criminal damage, littering and nuisance behaviour. Customers may congregate outside the premises before and after closing, causing disturbance to neighbouring residents.

The application does not appear to demonstrate how these foreseeable risks will be effectively managed or mitigated. I, especially in a well built up area which consists of families of all ages and mainly vulnerable elderly people living in the vicinity.

2. Public Safety

The Knowl is already a busy road serving residential properties and local businesses. Additional customer traffic throughout the day and into late evening will inevitably increase congestion and parking pressures.

Vehicles stopping, parking, manoeuvring and customers crossing the road late at night create additional safety risks for pedestrians, residents and other road users.

There is also concern that customers consuming alcohol on the premises may subsequently drive away, increasing wider public safety concerns.

3. Prevention of Public Nuisance

This is my principal concern.

The proposed operating hours until midnight are excessive for premises located within close proximity to residential housing.

Residents can reasonably expect to enjoy their homes without repeated disturbance from:

- customers arriving and leaving late at night;
- loud conversations outside the premises;

- car engines idling;
- doors slamming;
- vehicle stereos;
- taxis collecting customers;
- bottles being disposed of;
- litter including cans, bottles and takeaway packaging;
- people congregating outside after consuming alcohol.

These activities are entirely foreseeable and would significantly affect the peaceful enjoyment of nearby residential properties.

The disturbance would be ongoing rather than isolated and would have a detrimental impact upon residents' quality of life, particularly families with young children, elderly residents and those required to work early the following morning.

4. Protection of Children from Harm

The locality contains residential homes occupied by families and children.

The introduction of late-night alcohol sales and consumption increases children's exposure to intoxicated individuals, inappropriate behaviour and anti-social conduct, which is contrary to the licensing objective of protecting children from harm.

Residential Character of the Area

The Knowl is not a town-centre entertainment area but a predominantly residential location.

Granting a licence permitting alcohol sales until midnight would materially alter the character of the area and would adversely affect neighbouring residents and property owners.

Whilst I appreciate businesses should be supported, such support should not come at the expense of residents' legitimate expectation of peace, quiet and safety within their neighbourhood.

Conclusion

For the reasons set out above - I respectfully request that the Licensing Sub-Committee refuses this application.

If, notwithstanding these objections, the Committee is minded to grant a licence, I respectfully request that significantly reduced hours are imposed, with alcohol sales ceasing no later than 10.00 pm together with stringent licence conditions including comprehensive CCTV, no external drinking areas, no congregation outside the premises, Challenge 25, regular litter patrols and measures to minimise noise and disturbance to neighbouring residents.

I respectfully ask that these representations be fully considered when determining this application.

Yours faithfully

[REDACTED]

Re: Representation Against the Grant of a Premises Licence – The Vinery, 57 The Knowl, Mirfield, WF14 9RW

Dear Sir/Madam,

I wish to make a formal representation objecting to the application for a Premises Licence for The Vinery, 57 The Knowl, Mirfield, WF14 9RW.

I live [REDACTED]

[REDACTED], my property is in very close proximity to The Vinery and I would be directly affected by any increase in noise, traffic and disturbance.

My objection is based on the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, and public safety.

The Knowl is a very small, narrow road with only two businesses. Parking is already extremely limited and is shared by residents, customers and delivery vehicles. It is not uncommon for buses to struggle to get through because of parked cars. Granting a licence to sell alcohol is likely to increase the number of visitors, placing even more pressure on parking and creating additional traffic and safety concerns.

Although the premises are on The Knowl, the impact would extend well beyond this small street. Residents living on The Brickyard, the top of Nab Lane and surrounding properties would also be affected by increased traffic, parking difficulties, noise and disturbance.

I already experience regular late-night noise from the neighbouring bakery, where work often begins at around 11.00 pm. This existing disturbance can make it difficult to sleep. Allowing alcohol sales until midnight is likely to add to this, with customers arriving and leaving late in the evening, conversations outside, vehicle movements, engines running and car doors slamming. I am concerned this would have a significant impact on the peaceful enjoyment of my home.

I am also concerned that granting this licence could increase the risk of anti-social behaviour. The area already experiences issues with anti-social behaviour, and I do not believe introducing another premises selling alcohol until midnight would improve the situation.

Since Mirfield Stores began selling alcohol, there has been a noticeable increase in discarded beer cans and bottles around The Brickyard. This demonstrates that alcohol-related litter is already a local issue, and I am concerned that another licensed premises will make this problem worse.

While I appreciate and support local businesses, I believe the proposed hours for alcohol sales are inappropriate given the close proximity of residential properties and the existing issues experienced by local residents.

I respectfully ask the Licensing Authority to refuse this application. However, if the Authority is minded to grant the licence, I would ask that serious consideration be given to reducing the permitted hours and imposing strict conditions to protect local residents. These could include an earlier finishing time for alcohol sales, no outdoor drinking late in the evening, clear notices asking customers to leave quietly, and measures to manage litter and minimise disturbance.

Thank you for taking my representation into account.

Yours faithfully,



Dear Sir/Madam,

I am writing to express my support for the proposed Vinery wine shop in Mirfield.

I believe this would be a fantastic addition to the local area, offering something unique that is currently lacking. It will provide residents with a specialist place to purchase quality wines without having to travel further afield, and I feel it will add positively to the village by giving people another reason to shop locally.

I live on [REDACTED], which is only a short walk from the proposed location. My partner and I enjoy good-quality wines, and at the moment we often have to travel into nearby towns to find the selection we're looking for. Having a specialist wine shop within walking distance would be a real benefit for us.

The option to purchase bottled wines is also a great idea, whether for enjoying at home or buying as gifts for friends and family. I believe the Vinery will be a welcome addition to the community and hope the application is approved.

Thank you for taking the time to consider my comments.

Yours faithfully,

[REDACTED]

Appendix C

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.

