

Name of meeting: Licensing Panel

Date: Wednesday 5th June 2019, at 9.30 am – Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Application for Review Hearing under S51 Licensing Act 2003 – The Cotton Mill, 446 Wakefield Road, Lockwood, Chickenley Dewsbury, WF12 8PX

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams – Group Leader Licensing (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Naheed Mather

Electoral wards affected: Dewsbury East.

Ward councillors consulted: Not Applicable

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been ammended

1 Summary

- 1.1 On 27th March 2019 West Yorkshire Police made an application for the review of the premises licence under Section 51(1) of the Licensing Act 2003. The applicant believes that the Licensing objectives of the prevention Public nuisance, the prevention of crime and disorder and public safety are not being achieved at the premises.
- 1.2 Full details of the grounds for the review are contained in the attached review application at **Appendix A**.

2 Information required to take a decision

Background

- 2.1 The Cotton Mill first granted a licence under the Licensing Act 2003 in February 2007 and at the time operated as The Spinners Arms. Since this time the licence has been transferred on three occasions prior to Clifton Properties Ltd, taking over the licence in January 2011. A Copy of the current Premises Licence PR(A)1139 is attached at **appendix B**.
- 2.2 During the time that this premises has benefited from a Premises Licence there has been a history of complaints from residents on the basis of noise and anti social behaviour, dating back as far as 2014. The frequency of which have compounded of late leading the West Yorkshire Police making an application for review of the Premise Licence section (51) licensing Act 2003. A copy of the review application is attached to this report as **appendix A**

Licensing Policy

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

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

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

Licensing Objectives.

1. Public Safety

2. *Prevention of crime & disorder*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the review relates to prevention of crime and disorder and public safety, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

3 Implications for the Council

3.1 Working with People

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

3.2 Working with Partners

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

3.3 Place Based Working

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

3.4 Improving outcomes for children

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

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

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

4 Consultees and their opinions

- 4.1 Consultation has taken place in accordance with the Act, and a further representation has been received from a local resident. A copy is attached at **appendix D**.

5 Next steps and timelines

5.1 When determining the review application Members, having had regard to the information in the application, may take any of the following steps as they consider appropriate:

- a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b) Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- c) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

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

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

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

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

7.1 Not applicable

8 Contact officer

8.1 Anwar Butt

Licensing Officer

01484 221000

anwar.butt@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Review Application

9.2 Appendix B – Copy of Premises Licence

9.3 Appendix C – Secretary of States Guidance

9.4 Appendix D - Supporting Representation.

10 Strategic Director responsible

Karl Battersby – Strategic Director Economy and Infrastructure

Tel: 01484 221000

Email: karl.battersby@kirklees.gov.uk

Appendix A





RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE 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, (insert name of applicant) PC JAGGER 4346

- Apply for the review of a Premises Licence under Section 51
Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

The Cotton Mill, Wakefield Road

Town/City: Dewsbury

Postcode: WF12 8PX

Name of premises licence holder or club holding club premises certificate (if known):

Clifton Properties (Yorkshire) Ltd, 50 Commercial Street, Batley, WF17 5EP

Number of premises licence or club premises certificate (if known): PR(A) 1139

Part 2 - Applicant details

Please 'check' appropriate box(es)

I am:

27 MAR 2009

- 1. An interested party (please complete A or B below)
(a) a person living in the vicinity of the premises
(b) a body representing persons living in the vicinity of the premises
(c) a person involved in business in the vicinity of the premises
(d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A - Details of individual applicant

Surname:

Forename(s):

I am 18 years old or over:

checkbox

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

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B – Details of other applicant

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Surname: [REDACTED]

Forename(s):

Address:

Licensing Office, Flint Street Depot, Flint Street,

Town/City:

Huddersfield

Postcode: HD1 6LG

Daytime contact telephone number:

E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

(a) The prevention of crime and disorder

(b) Public Safety

(c) The prevention of public nuisance

(d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

The Cotton Mill is owned by Clifton Properties (Yorkshire) Ltd. It is currently without a tenant and is closed due to the [REDACTED] Designated Premises Supervisor (DPS) handing the keys back after [REDACTED] found it impossible to deal with the customers, and to make the business pay. [REDACTED] [REDACTED] had been with [REDACTED] to assist in the day to day running, but as a team they found it extremely difficult to manage. There has been a number of different people who have, over the past years, tried to make this business a success, but all have failed.

Since 2016 West Yorkshire police and Environmental Health have received complaints regarding noise and anti-social behaviour occurring at this Premises. The only respite in complaints have been when the Premises has been closed between tenants.

We are requesting a review on the premises due to the business impacting on the following lice objectives.

- 1) Public Safety.
- 2) Public Nuisance
- 3) Crime and disorder.

Due to the Premises re-opening on the 1st November 2018 there has been a marked increase in complaints from local residents to both West Yorkshire Police and Environmental Health. There has been an increase in crime and disorder at the Premises and complaints of excessive noise.

Please provide as much information as possible to support the application (please read Guidance note 2)

For the benefit of the review West Yorkshire police have only referred to incidents since the new tenant took the business over in November 2018. However to demonstrate the noise issues witnessed by Environmental Health and local residents, we have gone back to 2016.

The following have been reported to West Yorkshire Police

Disorder 2nd November 2018

This was the opening night of the Premises with the new DPS. Loud music and voices was heard coming from the Premises until 02:00hrs.

Disorder 3rd November 2018 02:10hrs

Loud music and voices was heard coming from the Premises until 02:00hrs. Residents of Heath Road reported witnessing a fight on Heath Road between males who had come from the Premises.

Affray 22nd December 2018 at 00:50hrs

A number of males were seen fighting in the ginnel situated at the side of Premises where knives have been involved. The suspects have made off on foot before the police arrive. One male is arrested but was later released without charge due to lack of independent evidence.

Assault 29th December 2018 20:30hrs

Two ex ██████ have a verbal argument in the carpark of the Premises. Resulting in a ██████ punching a ██████ on the side of the forehead. The ██████ leaves the scene before the police arrive and the ██████ later declined to prosecute resulting in no further police action.

Affray 31st December 2018

Approximately 7 males were seen fighting outside the Premises, the police were called. These ██████ had dispersed before the police arrived. No further police action taken due to their being no suspects

or independent witnesses.

Section 47 Assault 9th February 2019 01:30hrs

On leaving the Premises a [REDACTED] customer was punched to the head by an unknown [REDACTED] causing [REDACTED] to fall over, lose consciousness and sustain a cut to his head. Enquiries into this assault are still ongoing, no suspect has been identified as yet.

22nd February 2019 01:30hrs

Customers of the Premises were seen throwing glass bottles at vehicles driving along Wakefield Road. Approximately 30 youths were seen by residents hanging about in the carpark of the Premises shouting and swearing at each other.

Disorder 1st March 2019 10:30pm

Large group of males seen fighting in Health Road. They had come from the Premises. One was seen to hit another over the head with a piece of wood.

Residents who wish to remain anonymous have reported that every time the Premises opens with a new tenant fights, disorder and noise ensue. This has resulted in residents suffering from stress and anxiety and struggling to sleep on a weekend. One resident has lived in Heath Road since [REDACTED] during this time the Premises has re-opened on 3 occasions. On each occasion there has been instances of crime, noise and anti-social behaviour. Another resident moved there in [REDACTED] but now wishes to move away from the area as a result of the issues at The Premises.

Since the 1st November 2018 West Yorkshire police spoke with and met with the Designated Premises Supervisor, [REDACTED] on a number of occasions, to try and assist in reducing crime and disorder linked to the pub. At the last meeting door staff were suggested, but the tenant was not in a financial position to employ them.

Complaints to Environmental Health were received from a number of different complainants. These do stem back over a further time period, but are used to demonstrate the problems local neighbours are encountering when the premises is open.

One of the worst complaints is that the car park adjoining the pub since 1st November 2018 had become a saw mill, with the [REDACTED] of the Designated Premises Supervisor using the facilities to chop up logs with a chain saw and advertise them as fire wood.

28/05/2016 - Night Time Noise Service (NTNS) called re loud music.

31/05/2016 - Complaint received about noise from loud karaoke music.

04/06/2016 - Night Time Noise Service (NTNS) called but the complainant didn't want a visit due to fear of reprisals.

10/06/2016 - Further complaint received using rear area for smoking causing noise from customers and loud music as door is open.

16/01/2017 - Complaint logged advising noise nuisance every weekend. Warning letters sent to DPS on 23 1 2017. No further complaints received.

08/11/2018 - Further complaint received stating pub had reopened and on first weekend noise until 2am. This led to formal letters sending to the DPS. Record sheets were received from the complainant and a meeting was held with Police licensing and DPS. Warnings put in place about further action should they not control the noise and antisocial behaviour.

02/12/2018 - Further complaint received.

02/02/2019 - Complaint received about noise at weekend evenings. The complainant was being woken between 12am and 3am.

25/02/2019 - Complaint received stating loud music continues after midnight.

This pub is no longer in a position to become a successful business without it impacting upon local residents. Geographically it is located in a built up residential area, and over the years, residents have suffered due to a string of different licensees trying to make the pub become successful.

The owners Clifton Properties (Yorkshire) Ltd do not keep the building in a good state of repair and do not maintain the outside of the property to an acceptable standard. Local residents have expressed their concerns about the state of the property to Kirklees Licensing.

Loud music, discos and karaoke may attract a certain customer base but at the detrimental effect to others. The customers this pub has attracted in the past has also lead to an increase in crime and disorder both at the pub or in the immediate area. Therefore West Yorkshire police request serious consideration be given to revoking the licence for the premises.

Have you made an application for review relating to this premises before?

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

No.

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature:..... Date: 27/3/19

Capacity: Police Licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City:

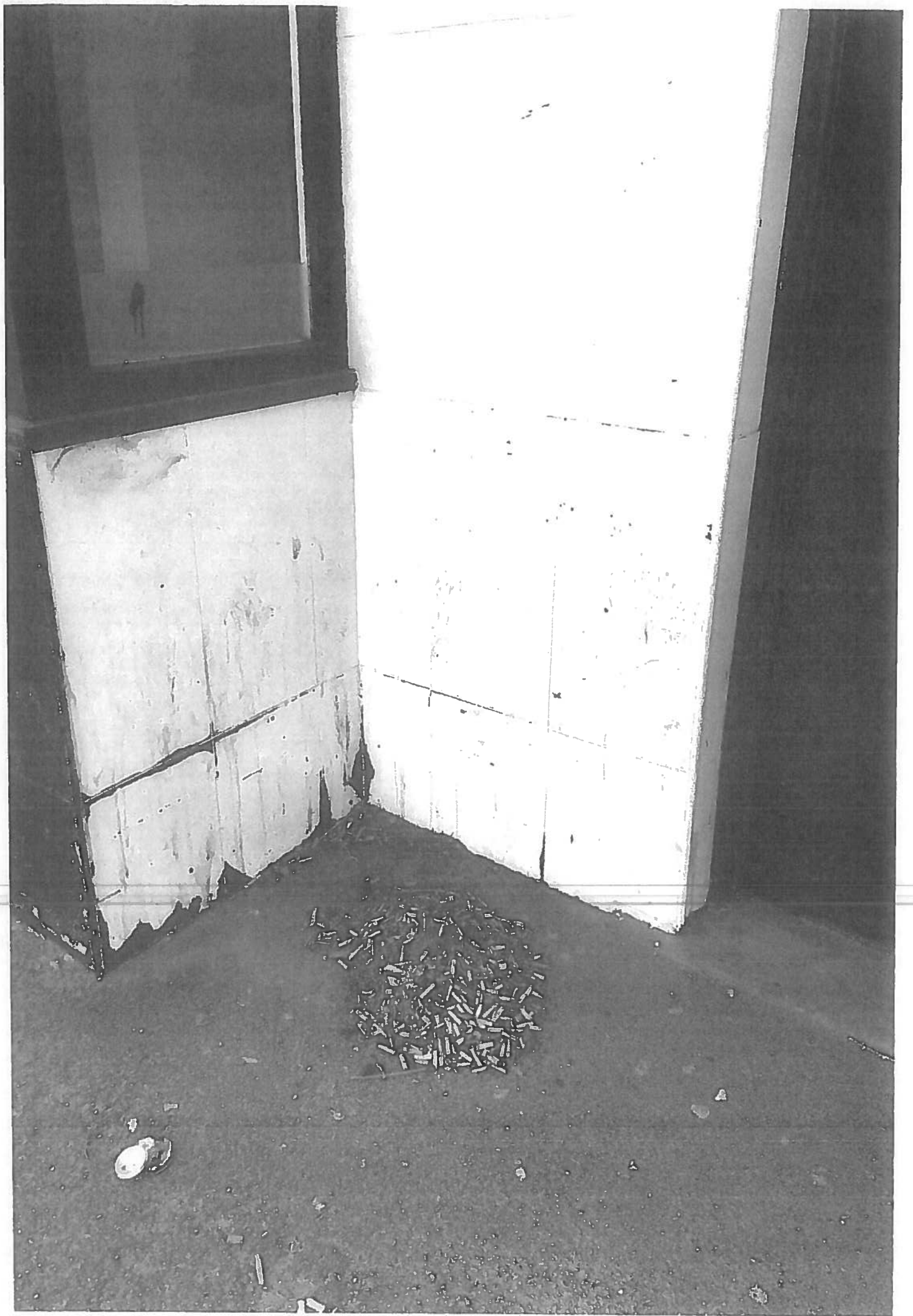
Postcode:

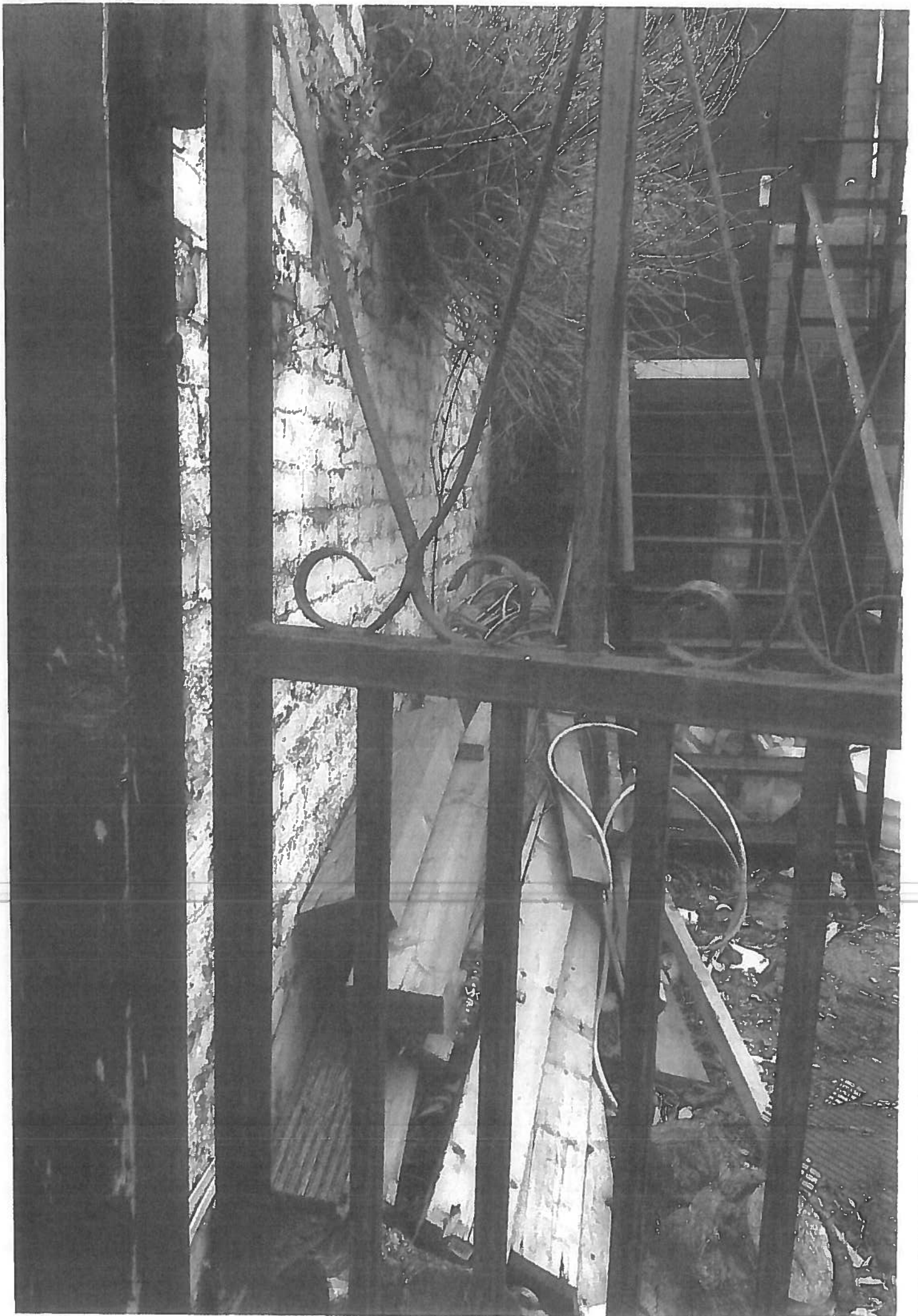
Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

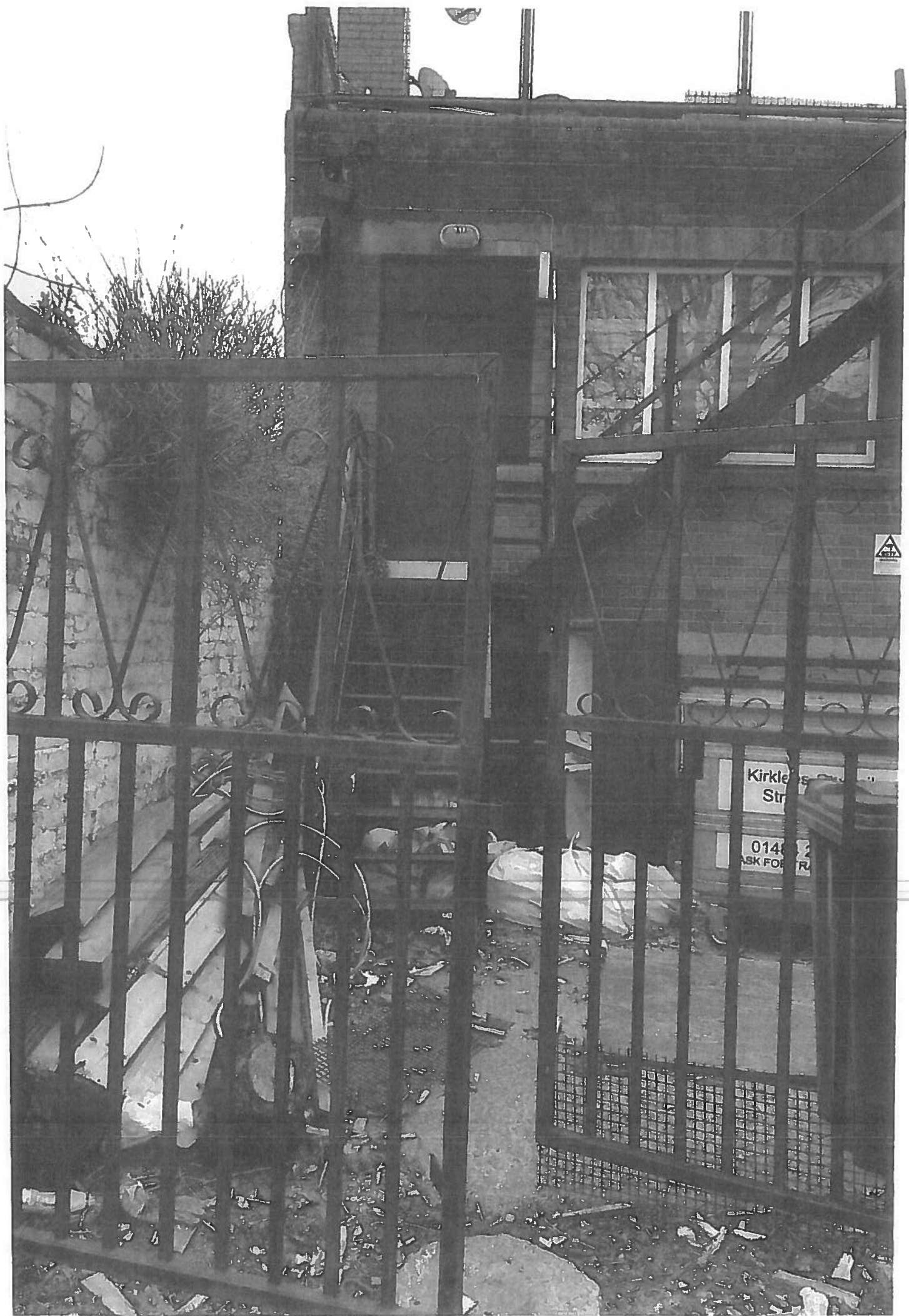
Notes for Guidance

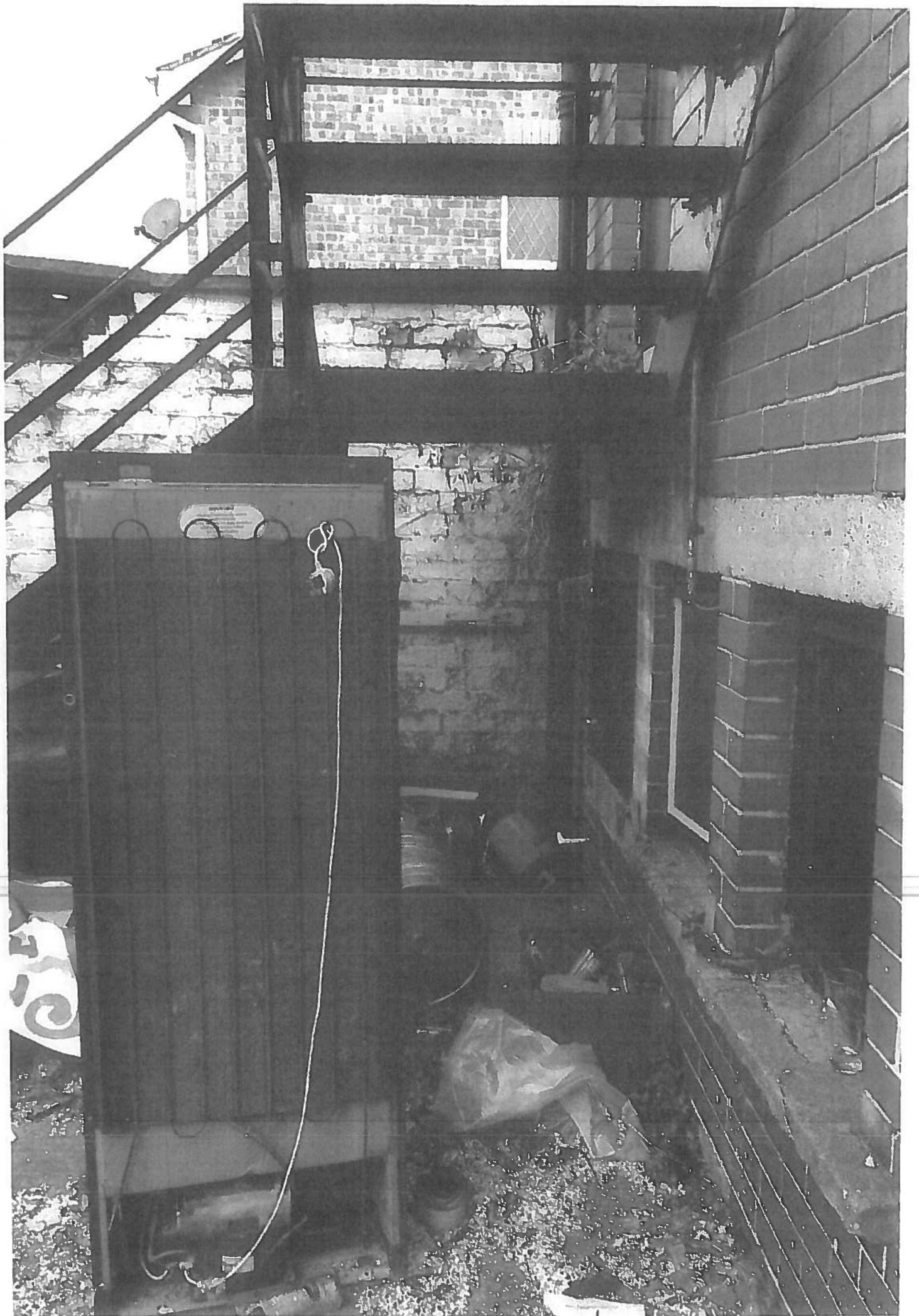
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

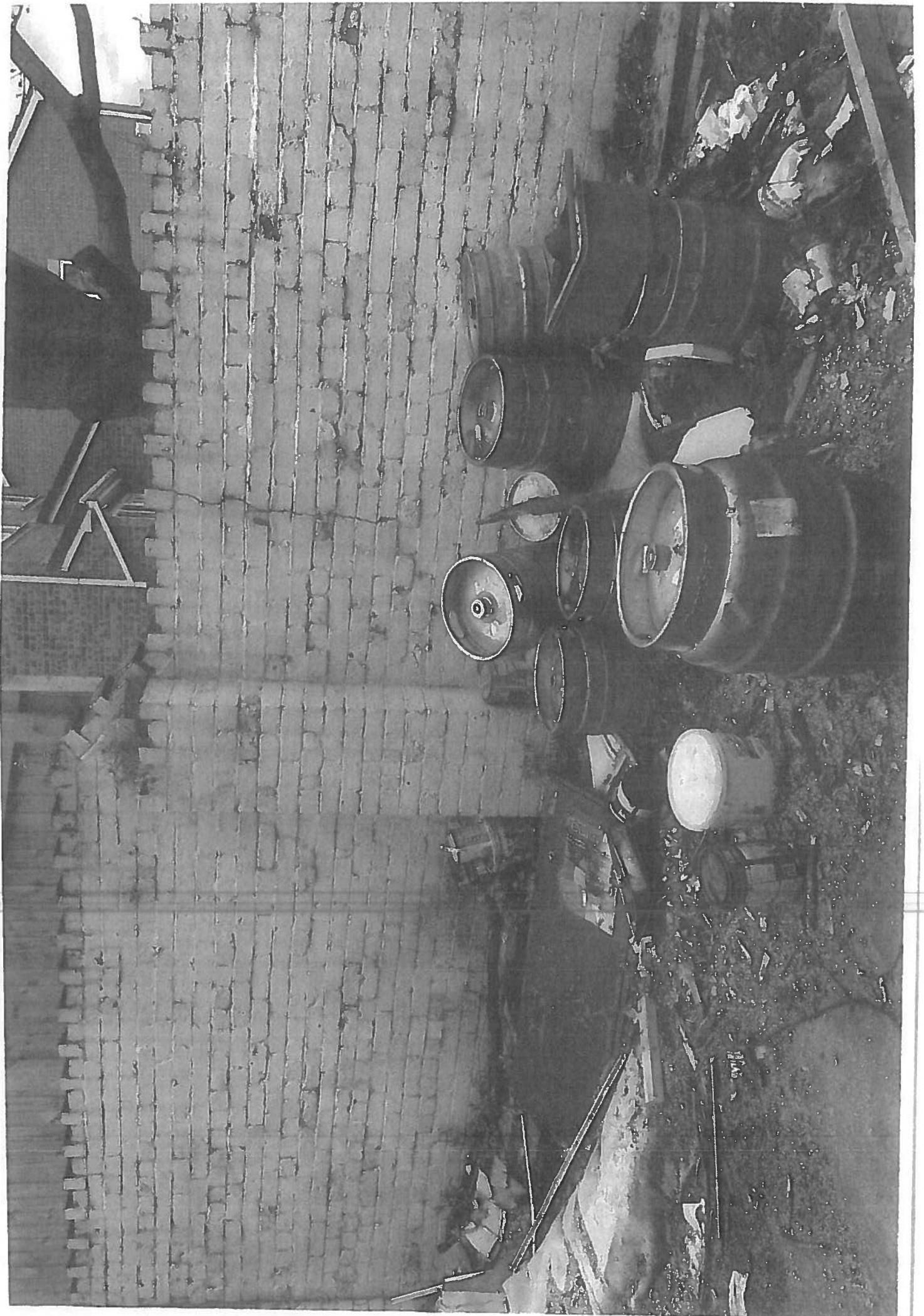












Appendix B



PREMISES LICENCE

Licensing Act 2003

PR(A)1139**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

The Cotton Mill
The Cotton Mill, 446 Wakefield Road, Chickenley, Dewsbury, WF12 8PX,

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Live Music
 Late Night Refreshment
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Friday	10:00 - 01:00 The Following Morning
Non Standard Timings	-
New Year's Eve	10:00 - 02:00 The Following Morning
Other	10:00 - 02:00 The Following Morning
Saturday	10:00 - 02:00 The Following Morning
Sunday to Thursday	10:00 - 23:30
Christmas Eve	10:00 - 01:00 The Following Morning

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday Sundays and Mondays. In the event of the transmission of any recognised international football or rugby match which falls outside the current hours to permit the premises to supply alcohol, commencing one hour before and finishing one hour after the match

Live Music

Day(s)	From - To
Monday to Sunday	08:00 - 22:30

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER

Clifton Properties (Yorkshire) Ltd
59 Commercial Street Batley West Yorkshire WF17 5EP

Email address [REDACTED]

Email address [REDACTED]

Mobile Number

Mobile Number

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

West Yorkshire HD16LG

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS****ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE Alcohol shall not be sold or supplied except during permitted hours as shown on the licence. General: none 1. The Designated Premise Supervisor will join the local 'PubWatch' scheme. 2. Where appropriate the Designated Premise Supervisor to refuse admission/service to persons who are drunk or disorderly. 3. Staff to receive training on drugs awareness. 4. Taxis will be ordered by members of staff for any customer, who will be informed when taxi has arrived, staff will also instruct those firms for vehicles drivers' not to sound car horns. 5. The external smoking area will be monitored at all times. 6. Children only permitted on premises when accompanied by an adult and must vacate premises by 21.30 hours. 7. Proof of age checks will be carried out at the premises. Environmental Health:none 8. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the premise. To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point. Informative Note: Licensees are advised to carry out a simple sound check outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise. In case of dispute, the applicant can verify inaudibility by demonstrating u61623? Lsub Aeq, 1 minnosupersub (EN) should not exceed LA90 (WEN) u61623? Lsub 10 nosupersub (5 min) (EN) should not exceed L 90 (WEN) in any 1/3 octave band from 40Hz to 160Hz. (EN = Entertainment Noise Level - WEN = Representative background noise level without the entertainment noise, both measured inside the noise-sensitive premises.) 9. Any noise that arises from regulated entertainment shall be monitored at least once an hour by the licensee, or their representatives. This monitoring shall take place at positions (accessible by the public) adjacent to noise sensitive properties in the vicinity of the licensed premises. If noise is audible at these monitoring positions action shall be taken by the licensee or their representative shall take action to reduce the level of noise. A written log of this monitoring shall be kept and will include; the date, time and place of the monitoring, the person carrying out the monitoring, a description of any noise and a description of remedial action taken. This log shall be readily available to the Responsible Authority. 10. No loudspeaker used to relay singing, speech and amplified music provided as part of the regulated entertainment shall be positioned outside the premises of the building. Internal loudspeakers shall not be positioned so that the sound they produce is directed through external doors, windows or any other openings in the structure. 11. Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (e.g. beer gardens) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff shall be trained in ensuring the quiet dispersal of patrons. 12. The disposal of waste bottles, glass and other materials into external receptacles shall not take place between 22:00 and 08:00 hours and any such waste receptacle shall not be removed from the premises between those hours.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

Date Granted:

Date Commences/Varied:

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1139**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

Tel: 01484 456868
 Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES**The Cotton Mill****The Cotton Mill, 446 Wakefield Road, Chickenley, Dewsbury, WF12 8PX,****LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol
 Live Music
 Late Night Refreshment
 Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Friday	10:00 - 01:00 The Following Morning
Non Standard Timings	-
New Year's Eve	10:00 - 02:00 The Following Morning
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Live Music

Day(s)	From - To
Monday to Sunday	08:00 - 22:30

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Clifton Properties (Yorkshire) Ltd 59 Commercial Street Batley West Yorkshire WF17 5EP,...
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted:

Date Commences/Varied:



Head of Public Protection Service

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.

Appendix D





The cotton mill (the spinners arms)

Objections.

2015 this trouble goes back to.

This latest nuisance started trouble in dec 2018. Owners let any rent it then put their name on license.

- Drug dealing every Saturday and Sunday [REDACTED]
[REDACTED] In car park started Dec 4 2018. Till march 2019

1. Fighting in the road. 24 feb 2019
2. Making noise till 31 feb 2019 4am The cotton mill Chickenley (spinners arms) fighting in st again. someone hit someone with a weapon a snooker ball in sock looked like. dealing drugs again aswell. Pub turned lights off said [REDACTED]
[REDACTED] what happened Feb 2019 or there aabouts
- ~~3. This tenant had a chainsaw and each weekend would start petrol chainsaw early Saturday morning till Sunday. Complained to owner who wasn't interested.~~
4. [REDACTED] were attacked by two individuals in the street. Told pub owner who just laughed
5. Drug and anti-social or criminal behaviour is a matter for the Police. You are welcome to report to the local Authority also if this is linked to the licensed premise, However, the first point of

reporting should be the Police, who have the necessary powers and resources to deal with this type of criminal activity.

6. Damaging passing cars. With bottles purchased in spinners arms.
7. Attacking neighbours. On heath road feb 2019 a man was attack by drinkers [REDACTED] said police were called
8. When u contact owners who let the pub these [REDACTED] [REDACTED] nothing gets done.

I phoned the police atleast twenty times

9. Smashing of windows..of pub virtually all the windows were smashed and boarded up for 6 months in 2018 really looks bad having a drug den [REDACTED] street.