

**Name of meeting:** Licensing Panel

**Date:** Wednesday 5<sup>th</sup> February 2020, at 10:45am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** Licensing Act 2003 – Application for the grant of a premises licence under the Licensing Act 2003 – The Little Lock, 2, Marsden lane, Marsden. HD7 6AF.

**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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <a href="#">Strategic Director</a> & name	Russell Williams as agreed by Karl Battersby
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 <a href="#">portfolio</a>	Cllr Rob Walker

**Electoral wards affected:** Colne Valley

**Ward councillors consulted:** Cllr Donna Bellamy  
 Cllr Rob Walker  
 Cllr Lesley Warner

**Public or private:** **Public**

**GDPR Implications:**

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

## 1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence; which as a result of representations received, has been referred to this Panel for determination.

## 2 Information required to take a decision

### 2.1 Application

2.1.1 On 28<sup>th</sup> November 2019 the Licensing department received an application for the Grant of a premises licence for the former Little Shop, 2 Marsden Lane, Marsden, Huddersfield. The application was submitted by The Little LOCK (38E) LTD. A copy of this application can be seen at **Appendix A**.

2.1.2 The Application seeks to develop the former sandwich shop and establish a coffee shop which will also have the benefit of an alcohol licence: With the following licensable activities:

Sale of Alcohol: Mon- Tues 10:00am – 22:00 hrs  
Wed - -Sat 11:00am –23:00 hrs  
Sun 11:00am –21:00 hrs

Recorded Music: Mon – Tues 09:00 – 22:00hrs  
Wed– Fri 09:00 – 23:00hrs  
Sat 08:00 - 23:00 hrs  
Sun 09:00 - 17:00hrs

Live Music Fri - 16:00 – 22:00 hrs  
Sat - 10:00 - 22:00 hrs  
Sun - 10:00 - 18:00hrs

The application has been advertised in accordance with the requirements of the Licensing Act 2003, the closing date for representations was **26/12/2019**. The Council has received Representations from local residents in the area, these include a petition from residents. Residents believe that the following licensing objectives will not be achieved.

- The prevention of Public Nuisance
- The prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

A copy of these representations can be seen at **Appendix B**

In order to achieve the Prevention of Public nuisance objective the Environmental Health team in their capacity as responsible Authority have made observations, and have suggested appropriate conditions to ensure that this licensing objective will be achieved. The applicant has agreed to the requested conditions.

A copy may be seen at **Appendix C**.

The Planning Authority in their capacity as responsible Authority have advised that the applicant may require a change of use with regard to the nature of this business, and that they should contact the planning department directly.

An extract from the licensing Policy is attached together with the response from planning. It should be noted that although relevant planning permission is required, this is a matter to be considered separately, and would not necessarily prevent the grant of a licence.

Copies are attached at **Appendix D**.

## 2.2 Licensing Policy

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

### **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

### 2.3 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 representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix E**.

## 3 **Implications for the Council**

### 3.1 **Working with People**

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

### 3.2 **Working with Partners**

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

Tackling the climate emergency, reducing emissions and improving air quality are key long-term priorities for the Council. Working closely with responsible authorities, applicants and existing licence holders the Licensing Authority will, within the confines of the Licensing Act 2003, highlight any issues around Climate Change and Air Quality, to applicants and / or existing licence holders.

### 3.5 **Improving outcomes for children**

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

### **3.6 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**

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

## **5 Next steps and timelines**

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

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application

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**

Not applicable

## **8 Contact officer**

Anwar Butt, Licensing Officer, Licensing Service

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

- 9.1 Appendix A – Application for the grant of a premises licence.
- 9.2 Appendix B – Representations from Local Residents.
- 9.3 Appendix C – Observations from Environmental Health
- 9.4 Appendix D – Comments from Planning and extracts from the licensing Policy.
- 9.5 Appendix E – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

## **10 Strategic Director responsible**

Karl Battersby – Strategic Directory, Economy and Infrastructure  
Tel: 01484 221000  
Email: [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

# APPENDIX A





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

28/11/11

**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.

T/A THE LITTLE

I/We

LOCK (38E) L

(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
2 MARSDEN LANE MARSDEN HUDDERSFIELD			
Post town	HUDDERSFIELD	Postcode	HD7 6AF

Telephone number at premises (if any)	NA
Non-domestic rateable value of premises	£0 <del>EXEMPT BAND A</del> £3,450

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)



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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality		BRITISH			
Current residential address if different from premises address		SE			
Post town	HUDDERSFIELD		Postcode	HDS 8YD	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname		First names		
Date of birth		I am 18 years old or over		
Nationality		BRITISH		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town	HODDERSFIELD		Postcode	HD7 6NF
Daytime contact telephone number				
E-mail address (optional)				

**(B) OTHER APPLICANTS**

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

Name	THE LITTLE LOCK (38E) LTD.
Address	2/3M C/O Paramount Accountancy LTD INDEPENDENCE HOUSE, HILL BANK RD, HOODERSFIELD HD3 3LX.
Registered number (where applicable)	063-521538.
Description of applicant (for example, partnership, company, unincorporated association etc.)	LTD COMPANY.



Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
16	12	2019

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

DD	MM	YYYY
16	12	2019

Please give a general description of the premises (please read guidance note 1)

The Little Shop in Marsden backs on to Lock 38 of the canal with access from the roadside. Single storey detached it is a brick built building with one side garages and the other houses. history is a shop that sold sandwiches & hot drinks.

our plan is a coffee shop & bar which will have a garden to the rear overlooking the canal. outside around 4 tables inside around 5. Serving coffee, cakes, pastries but also alcohol. No drinking of alcohol to the front area facing andy Properties

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

NA

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

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

- Provision of regulated entertainment (please read guidance note 2)
- Please tick all that apply
- a) plays (if ticking yes, fill in box A)
  - b) films (if ticking yes, fill in box B)
  - c) indoor sporting events (if ticking yes, fill in box C)
  - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
  - e) live music (if ticking yes, fill in box E)
  - f) recorded music (if ticking yes, fill in box F)
  - g) performances of dance (if ticking yes, fill in box G)
  - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)





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

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

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



**A**

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



**B**

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



**C**

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





**D**

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



E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) Live music will be as and when, but within permitted times. mainly Jazz music, guitar	
Mon				
Tue				
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5) Summer will be more often but not weekly.	
Wed				
Thur				
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) Friday - 10-3 Live music will be Sat - 10-3 as and when but within Sun - 10-3 times permitted. During mardon Jazz festival	
Fri	4 pm	10 PM		
Sat	10 AM	3 PM		
	4 PM	10 PM		
Sun	10 AM	3 PM		
	12 PM	6 PM		



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	9 AM	10 PM			
Tue	9 AM	10 PM	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed	9 AM	11 PM			
Thur	9 AM	11 PM	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	9 AM	11 PM			
Sat	8 AM	6 PM			
Sun	9 AM	5 PM			



# G

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





# H

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



**I**

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



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – <b>please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	11 am	3 pm						
	4 pm	10 pm						
Tue	11 am	3 am						
	4 pm	10 pm						
Wed	11 am	3 pm						
	4 pm	11 pm						
Thur	11 am	3 pm				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
	4 pm	11 pm						
Fri	11 am	3 pm						
	4 pm	11 pm						
Sat	11 am							
		11 pm						
Sun	11 am							
		4 pm						

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):

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	APPLIED FOR
<b>Issuing licensing authority (if known)</b>	KIRKLEES



**K**

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

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	9pm	3pm
	4pm	10pm
Tue	9AM	3pm
	4pm	10pm
Wed	9AM	3pm
	4pm	11pm
Thur	9AM	3pm
	4pm	11pm
Fri	9AM	3pm
	4pm	11pm
Sat	9AM	
		11pm
Sun	9AM	
		9pm

State any seasonal variations (please read guidance note 5)

Christmas holidays may open through day with no midday break

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)





## M

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

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

- notice to ensure customers use front access from canal side to be prominent
- A close relationship with the community will be pushed to ensure we are a benefit and bring the community closer.
- w feedback forms and events to

### b) The prevention of crime and disorder

- Pubwatch
- All crimes shall be notified to the relevant authority
- CCTV shall be inside & outside of the shop recorded to a hard drive
- A close relationship with the area PC to ensure as much presence as possible
- Staff will be trained to stop serving and operate an awareness policy to any situation which may cause concern.

### c) Public safety

- adequate outside lighting
- all staff to be trained in the fire drill
- Staff shall have toolbox talks and a place to notify any causes for safety concerns
- Disabled customers may require full table service to help there safety
- Accident book shall be kept behind the bar
- all food safety will be complied with
- temperature control shall be based on thermostat behind bar

### d) The prevention of public nuisance

- Signs alluding to the fact of local residence shall be prominent
- front door shall be kept closed when reasonable possible in evening
- Litter bin shall located outside for cigarettes and trash.
- outside area to be much lower than inside to help cancel much of the noise
- speakers will be at the back of the shop
- no bags of rubbish/bottles to be to front of shop
- notice to car park located at the side of canal to be signed

### e) The protection of children from harm

- Challenge 21 shall be incorporated into our service  
all staff shall be trained to carry this out if serving alcohol. <sup>via</sup> PASS LOGO ID Required
- No children unaccompanied by an adult shall be allowed entry.
- No gambling will be permitted
- A Bad language, Policy to ensure a good clean environment shall be incorporated



**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that 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 a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

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

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

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• 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</li></ul>
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	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	14/11/19
Capacity	owner

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

Signature	
Date	14/11/19
Capacity	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:  
<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>



## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community





premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications**



**from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:



- evidence of the applicant's own identity – such as a passport, evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
  - (i) working e.g. employment contract, wage slips, letter from the employer,
  - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

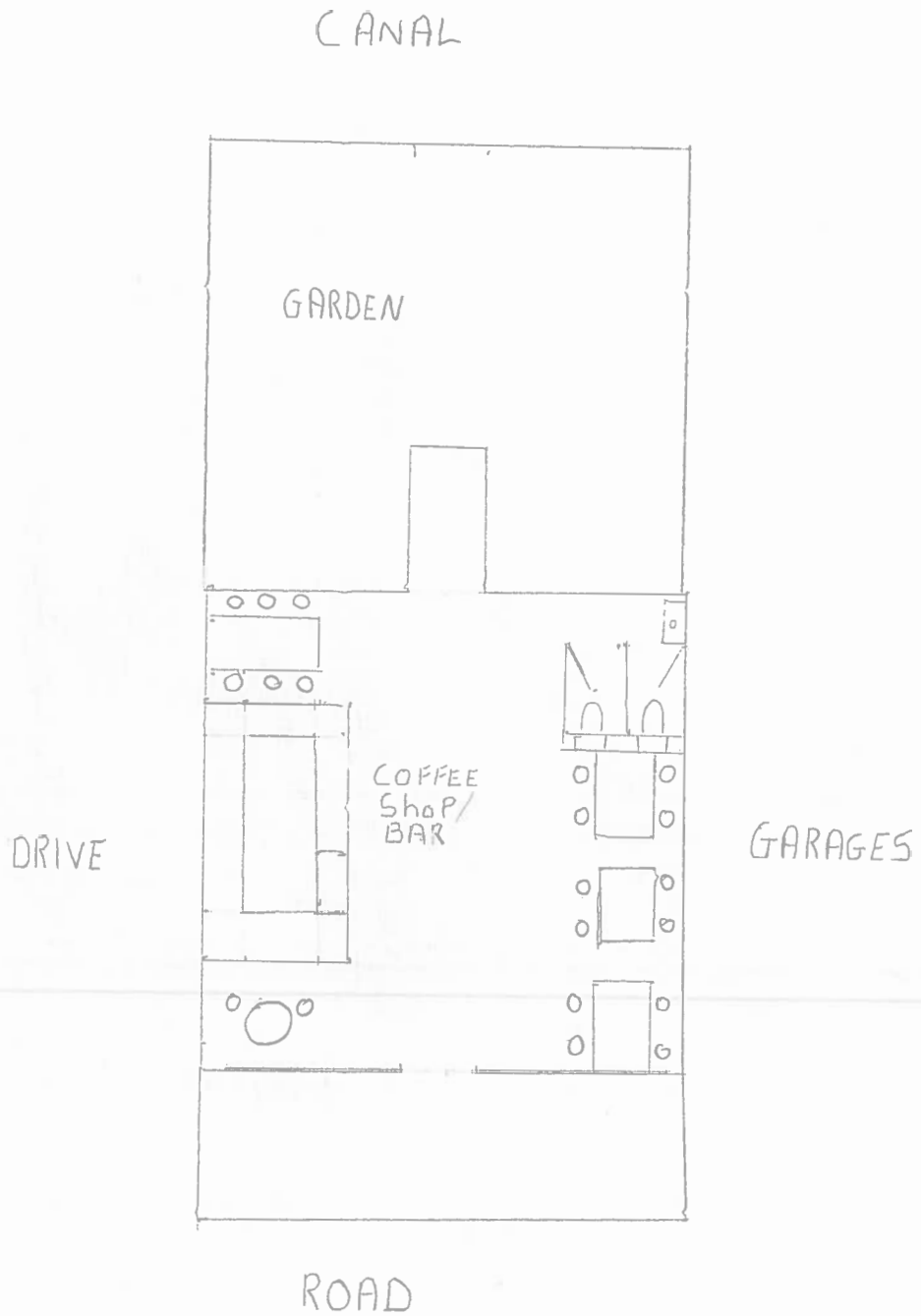
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.





THE LITTLE LOCK

SCALE 1-100





## APPENDIX B



The Licensing Office  
Flint Street Depot,  
Flint Street,  
Fartown,  
Huddersfield  
HD1 6LG.

11<sup>th</sup> December 2019.

[Redacted]  
Marsden Lane  
Marsden  
Huddersfield.  
HD7 6AF.

12 DEC 2019

Dear Sir/Madam,  
I wish to register  
my objections to the application  
for a licence for the sale of alcohol  
and the playing of music-live and  
recorder at No 2. Marsden Lane.

This property  
is in the middle of a quiet residential

area and the times proposed for opening I feel will be very detrimental to the peace and well being of all in the neighbourhood.

We already have several drinking establishments in the village and the so called 'Abe trail' causes many problems with anti social and drunken behaviour.

I would also like to point out that the notice has been altered and is not easily understandable.

Yours. Sincerely

Licensing Act 2003

**REPRESENTATION FORM FROM INTERESTED PARTIES**

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	DGE
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	MARSDEN LANE MARSDEN, HUDDERSFIELD, HD07 6 AF
Contact telephone number	

Name of the premises you are making a representation about	The Little Lock 2 MARSDEN LANE, MARSDEN
Address of the premises you are making a representation about.	2 MARSDEN LANE, MARSDEN HUDDERSFIELD HD07 6 AF

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	I am concerned about late evening drinking sometimes associated with anti-social behaviour, criminal damage + disorder on the street.
Public safety	YES	There is no parking area on the street and it is already a subject to driving/road problems (narrow road, no pavement on Warehouse Hill).
To prevent public nuisance	YES	I am concerned about noise in the back garden area and at the front of the building, and smoking in these areas. There is no safe parking area, and noise will result.
To protect children from harm	NO	
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		If this licence application is granted, then restrictions should be placed on opening hours to avoid the above problems — perhaps 8pm or even earlier. This is primarily a residential area and should be respected.

Signed:

Date:

16 December 2019

**Personal Data**

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<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

18 DEC 2019

## NOTES

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given in the public notice in a local newspaper or other local publication.
3. You must live, work or represent a body that is in the vicinity of the premises that you are writing about in order to make representations.
4. These can only relate to the four licensing objectives.
5. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
6. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available. Names and addresses will only be withheld from the Committee report at your request.
7. Please return this form when completed to:

Kirklees Council,  
Licensing Department  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG  
Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)



Licensing Act 2003

**REPRESENTATION FORM FROM INTERESTED PARTIES**

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	REVUE
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	MARSDEN LANE MARSDEN HD7 6AF
Contact telephone number	

Name of the premises you are making a representation about	THE LITTLE LOUK
Address of the premises you are making a representation about.	2 MARSDEN LANE

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	LATE NIGHT DRIVING WITH LEAD TO ANTI-SOCIAL BEHAVIOUR & WASTE DISREGARD FOR THOSE LIVING IN THE RESIDENTIAL AREA
Public safety	YES	THE ROAD ALREADY HAS ISSUES TO DO WITH PARKING. THERE ARE NO SPACE FOR EXTRA VEHICLES.
To prevent public nuisance	YES	THERE WILL BE NOISE AS PEOPLE LEAVE THE PREMISES. SMOKING OUTSIDE THE PROPERTY WOULD BE UNPLEASANT FOR
To protect children from harm	NO	NEIGHBOURS LOUD MUSIC WOULD BE INTRUSIVE.
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		A RESTRICTION ON HOURS OF OPENING FOR SALE OF ALCOHOL SPECIFIC HOURS TO BE NEGOTIATED CONSIDERING LOCATION OF PREMISES.

Signed:

Date:

16 Dec 2019

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18 DEC 2019

## NOTES

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3. You must live, work or represent a body that is in the vicinity of the premises that you are writing about in order to make representations.
4. These can only relate to the four licensing objectives.
5. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
6. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available. Names and addresses will only be withheld from the Committee report at your request.
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Flint Street Depot  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG  
Tel: 01484 456868  
Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

## Context

The property identified as 2 Marsden Lane immediately adjoins my own, 4 Marsden Lane, and one of its external walls forms the boundary between the two properties. The property is situated in a quiet residential area. The premises are situated on a stretch of the street that has no pavement on either side of the carriageway. The property consists of a single storey indoor space with a frontage onto the street and has a garden area behind.

## Planning permission

I cannot find any evidence of a planning application relating to these premises. Since the proposal to open a licensed bar constitutes a change of use and since licensed premises must meet particular planning requirements I would have expected to see such an application. I believe that the absence of a planning application has implications for the licensing application.

## Licensing application

I wish to object to the licensing application on the following grounds:

### Public nuisance

If the premises are open at night there is serious potential of nuisance from noise. Music, especially live music, may be heard from outside the building. Customers using the garden may cause noise nuisance, especially on summer evenings. Year round, smokers using the premises will either use the garden as a smoking area or congregate on the street outside the property. This will inevitably lead to noise nuisance to properties next to, and opposite, the proposed bar. Smoke and discarded cigarettes will also constitute a nuisance to residents and passers-by.

There is very little off-street parking between Warehouse Hill and Plains Lane. The vast majority of car users living on this stretch of Marsden Lane park their vehicles on the street and parking space is at a premium. The premises for which a licence is sought can offer no off-street parking to customers. Any increase in demand for parking from customers of the bar will inevitably cause great inconvenience to local residents.

### Public safety

Marsden Lane is a narrow road that carries considerable traffic, both from residents of the lane and from through traffic from nearby streets and from as far afield as Slaithwaite. The absence of pavement on stretches of the lane, compounded by the dense on-street parking, make the lane a difficult place for pedestrians to navigate safely. This presents a risk to customers trying to reach the proposed bar on foot. If pedestrians encounter more difficulties from increased parking and from groups of smokers outside the proposed bar the risk of road traffic accidents will increase.

### Public Disorder

Marsden has a variety of places in the village centre licensed to sell alcohol. Even with recent closures there remain 6 pubs and bars open to the public. In addition, there are at least 5 social clubs selling alcohol in or near the village centre. Most of these establishments have, on occasions, suffered the sorts of public disorder that can accompany late night drinking. Loud arguments, bad language, public urination, vomiting and fights are not rare occurrences in the village, particularly on

Friday and Saturday nights. These problems are compounded by Marsden being a featured destination of the "Ale Trail" that brings heavy drinkers by train along the Colne Valley. The problems of disorder repeatedly caused by Ale-trailers have necessitated the publishing of a code of conduct to help control the excesses, and the use of security staff on and around Marsden Station at key times.

While the proposed licensed premises are not in the village centre, they are less than 4 minutes' walk from the sites of the greatest drink-related disturbances in the village. It is highly likely that drinkers wishing to avoid the crowds and long queues in the village centre pubs will find their way to Marsden Lane bringing with them the anti-social behaviour that is unfortunately common in the village but presently rare in this residential area.

#### Mitigation

I am opposed to these premises being granted a licence to sell alcohol or to play music. If a licence were to be granted, the worst elements of nuisance, public disorder and threats to public safety could be avoided by insisting the bar closes at or before 7.00pm every night of the week. This should not represent a serious restriction on trade as temporary events licenses could be obtained to extend opening hours for (hopefully rare) special occasions such as the Jazz Festival.

I wish to raise my objections to the request by XXXXX for the granting of a premises licence/club premises certificate in respect of premises known as **The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.**

As a resident of 4 Marsden Lane, I am immediately affected by this application. One of the external walls of 2 Marsden Lane forms the side boundary between the two properties and the distance between the 2 buildings is at one point as little as 3.5 metres. Our garden area sits directly alongside the open area at the back of 2 Marsden Lane, and their street frontage abuts our drive. As such I wish to object to the licensing application on a number of grounds:

1. Crime and disorder

Marsden already is well served with pubs and bars and there is currently a lot of disorder connected with the 'ale trail' that congregates in the village centre, from which The Little Lock is only 4 minutes' walk. Moreover the British Legion and Band Room are both licensed premises in operation within 200 and 500 metres respectively of the property, and both in the past have been associated with drink-related antisocial behaviour which has impacted negatively on the residents in this area. There is evident potential for the licensed premises at 2 Marsden Lane to attract similar antisocial behaviour with its negative consequences for local residents, including myself.

2. Public safety

Kirklees council licensing policy focuses predominantly on how the safety of the potential users of the licensed premises will be ensured. In this respect the lack of pavement both in front of the premises and along neighbouring road areas poses an evident risk to people accessing and leaving the premises by foot. I can testify to the lack of visibility at this point in the road and the problems caused by cars travelling at speed along the road towards the village centre. In terms of the wider public, the extra traffic that the opening of a bar would generate has obvious potential for jeopardising the safety of all pedestrians using the road, including schoolchildren going to and from the local schools. Extra traffic would not only relate to customers and staff accessing the premises but to goods traffic, waste removal etc.

3. Public nuisance

The problems connected with extra traffic extend also to parking, already at a premium in this area, as the premises have no scope for the provision of customer or staff parking and hence pressure will inevitable increase on the very limited on-road parking used by residents.

Noise is an evident issue as the proposed bar with its outside space to the rear sits in a residential area with a number of houses in very close proximity. The potential noise nuisance is amplified with the proposals for live and recorded music and licensing hours that extend into the late evening. Light is another issue connected to late opening hours that, along with noise, would affect not only nearby residents but impact negatively on the wildlife corridor that follows the line of the Huddersfield Narrow Canal at the immediate rear of the building.

#### 4. Child protection

There has been no notice posted of a planning application for change of use of the premises, so I have no information concerning how the use of the premises by children would be managed and underage drinking prevented. The concern here is not simply for the important issue of child protection but also concerns public nuisance. This concern is highlighted by the history of 2 Marsden Lane which, in the past, has operated as a retail premises with a licence to supply alcohol. This became a source of public nuisance connected to underage drinking which had direct impact on the previous residents of my property and led them, I believe, to complain to the licensing authority.

#### Mitigation

I would like to reiterate my objection to the granting of a licence for these premises to either sell alcohol or play music. This an inappropriate area for such a development and would be a substantial public nuisance. I am unable to suggest grounds for mitigation.

## Mark Scaramuzza

---

**From:** Barry  
**Sent:** 11 December 2019 17:31  
**To:** Licensing  
**Subject:** 2 Marsden Lane license application.

I am making my objection to the application for a music and alcohol at 2 Marsden Lane.

We live virtually opposite the venue on Marsden Lane and are very concerned about this proposal and how it will affect our lifestyle and enjoyment of our home which we have lived in for over 20 years. Having witnessed the opening and closing of similar venues in Marsden the first problem will be noise from people entering and leaving the pub, the bars and pubs in the village centre all have people smoking and drinking outside of them which in this currently quiet location would be a major disturbance. I and some of my neighbours leave for work very early in the mornings and need to get to sleep early in the working week and we would be disturbed by loud voices, music and cars arriving and leaving at various times. On Marsden Lane there is very little parking available so any extra parked traffic would cause residents to park away from their homes causing further disruption. Currently if we include the clubs there are at least 12 licensed venues where people can consume alcohol in Marsden does a small Pennine village need another? Finally I am concerned about antisocial behaviour when people start to use the pub especially leaving late at night in this quiet residential area. I hope this unsuitable location for a bar will be refused a license by the authority.

Yours sincerely





16 DEC 2019

Licensing Office . Huddersfield 11 December 2019

Marsden Lane  
Marsden  
HD7 6AF.

An Objection.

I am writing to you in regarding the application for a bar in the building formerly The Little Shop at 2 Marsden Lane.

I have major concerns about the application as follows.

Late night disturbances when the venue is open with people leaving having consumed alcohol and causing anti social behaviour in a quiet residential area.

Cars parking in what is a very busy street for car parking and increased noise when people leave in their vehicles.

The proposed venue is less than 100 meters from my house and we would be able to hear music easily from such a close source disturbing our peace and enjoyment of our own home.

Customers smoking outside at the front or rear of the property when at the moment we have nothing.

As some pubs and bars have recently closed in Marsden I don't see the need for any further venues selling alcohol.

With all our concerns this venue is totally unstable for a bar and we trust the authority will not grant the owners a licence.

Yours sincerely



## Pauline Lowe

---

**From:** [redacted] <[redacted]>  
**Sent:** 15 December 2019 21:26  
**To:** Licensing  
**Subject:** License application for 2 Marsden Lane

Hi

I understand there has been an application to license a bar at 2 Marsden Lane, Marsden.

I would like to send some comments as we are very concerned about this.

The area is a quiet residential street, a bar would ruin the peace that the residents currently enjoy. Having a licensed premises in this area will totally change the character of the street for the worse. Even if the owners try to minimise sound there is still bound to be noise from them emptying bottles, from customers leaving and arriving and of course the music. The peace of this street is one of the main draws for residents.

There is already a parking problem on the street, residents often have to park a distance away, a bar opening would make this worse.

The route to and from the bar doesn't have a pavement, if people were to walk this could cause traffic and accident issues.

There are empty properties that have already held licenses in the village centre, the applicants could have purchased one of those.

The village attracts a large number of people coming on the ale trail, at the moment they are contained mainly to the village centre, this may widen the area they visit and therefore widen the associated issues they bring.

We are very concerned about antisocial behaviour and how this would be managed.

I am under the impression that a notice of application should be displayed at the property? There isn't one.

Many thanks for your time, please contact me if you need any other information.

Marsden Lane resident



**From:**  
**Sent:** 19 December 2019 10:23  
**To:** Licensing  
**Subject:** Objection to application for The Little Lock, HD7 6AF

I wish to register my objection to the application for a licence to open a bar for the consumption of alcohol and the playing of music including live music at a premises to be called The Little Lock, 2 Marsden Lane, HD7 6AF.

This is a quiet residential area. The proposed licensed premises is directly opposite and/or very close to residential homes and is less than two metres from the building's direct neighbour.

It is highly likely this venture will have an adverse impact on local residents and those in the surrounding area, including people living along Warehouse Hill Road, as customers travel to or from the premises. It is entirely possible it will become part of the Ale Trail. Ale Trailers are known for their vocal and rowdy behaviour in the village, indeed Marsden rarely required a police presence at weekend and now they are frequently required.

Inevitably there will be noise pollution, the possibility, if not probability, of public nuisance and there are questions regarding waste. Where will their bins be located? Will local residents be subjected to the noise of bottles being tossed into bins at unsocial hours and where will the smokers congregate? Surely people have a right to enjoy their gardens without being subjected to secondhand smoke?

My final comment for now is parking. There is quite simply inadequate parking along Marsden Lane which is already difficult to negotiate for pedestrians.

This proposal is totally unfair to local residents and I trust my objections will be taken into account.

Yours faithfully



**LICENSING ACT 2003: NOTICE OF APPLICATION FOR GRANT OF PREMISES LICENCE**

**TAKE NOTICE** that I have applied to Kirklees Council under the Licensing Act 2003, for the grant of a premises licence/club premises certificate\* in respect of premises known as The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.

**For Sale of alcohol**      Mon/Tues 11am-10pm, Wed-Sat 11am-11pm, Sun 11am-9pm.

**Live music**              Fri 4pm-10pm, Sat 10am-10pm, Sun 11am-9pm.

**Recorded music**        Mon-Fri 9am-11pm, Sat 8am-11pm, Sun 9am-5pm.

Interested parties and responsible authorities may make representations regarding the application where they believe that the proposed activities would undermine any of the four licensing objectives.

Any representations must be submitted in writing to the Licensing Office, Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG or by email at [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk) by 28.12.19. Persons wishing to inspect the Licensing Register may do so at the above address during normal office hours or online at [www.kirklees.gov.uk/licensing](http://www.kirklees.gov.uk/licensing). It is an offence to knowingly or recklessly to make a false statement in connection with an application and on summary conviction would be liable to a fine not exceeding £5000.

TM REF: 225894764-01





In considering licences, the Licensing Authority will focus 'primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area'.

Representations must relate to one of the four licensing objectives:

1. To prevent crime and disorder
2. Public safety
3. To prevent public nuisance
4. To protect children from harm

The Licensing Office,  
Flint Street Depot,  
Flint Street, Fartown,  
Huddersfield, HD1 6LG

Ref: 225894764-01

Please find enclosed 44 representations in response to the application for the grant of a premises license/club premises certificate by Arran Crabtree and Christopher Latham in relation to premises known as The Little Lock, 2 Marsden Lane, Marsden, Huddersfield HD7 6AF.

They represent a range of objections to the granting of the license raised by people living in the immediate vicinity of the premises. They are focussed on how local residents believe that the proposed activities would undermine the four licensing objectives, i.e.

1. To prevent crime and disorder
2. Public safety
3. To prevent public nuisance
4. To protect children from harm

We trust that these will all be taken into consideration in any decision-making in relation to this application.

POSTED BY LCARR FOR ALL SIGNATURES ATTACHED.

18/12/19

MARSDEN LANE  
MARSDEN  
HD7 6AF

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden,  
 Marsdenfield HD7 6AF, we wish to raise objections as detailed below:

1  
2  
3  
4  
5  
6  
7  
8

Address, email, contact tel.no.	Category of objection	Nature of objection	Sig	Date
COLNE RESIDENT	2	POOR ACCESS + ROAD OVERBUSY	A	14/12/19
Marsden Lane	2	Road access, parking, delivery, child safety - no pavements		14.12.19
Marsden	2	parking + access.		14.12.19
MARSDEN LA	1234	noise, history of alcohol related violence from pub/dorm. parking facilities		14/12/19
MARSDEN LANE	2-3	Ø. Light + noise direct into my home.		
		ALREADY NO PARKING SPACE ON MARSDEN LANE	I	14-2-19
Marsden LA	123	- potential noise + parking issues - potential increase in drinking related crime	2	14/12/19
Marsden LA	123			14/12/19
MARSDEN LA	1234	NOT A SUITABLE LOCATION FOR A BAR. WILL CAUSE PROBLEMS FOR RESIDENTS		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
9		1-4	I have young children and can't see how this would be a good idea for them. Also I have a concern with parking		14/12/19
10		1-4	Completely wrong location for a bar. Road safety, noise + parking issues.		14.12.19
11		1-4	Bad junction. Parking issues. Road safety. Noise (Music etc)		14.12.19
2		2	NO WHERE TO PARK NOW WHEN VISITING FAMILY		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	S	Date
13		2	NO parking available - bridge work has been wanted through and residential property next door well wanted through 3 time		14/12/19
14		1-4	HISTORY OF NOISE, ANTI SOCIAL BEHAVIOUR FROM BAND ROOM NOT A GOOD LOCATION		14/12/19
15		-4	NOISE POLLUTION, ANTI SOCIAL BEHAVIOUR, CRIME, PARKING (ALREADY DIFFICULT)		14/12/19
16		2+3	Noise & Parking.		14/12/19
17		-4	Traffic & Parking. Helicopters.		- " ✓
18		-4	Totally inappropriate for a predominantly residential area		17/12/19
19		1-4	Noise, lack of parking (it was site of Marsden Band 10 years ago & there was such trouble with noise, neighbours & disruption when the bar was always open)		14/12/16
20		3+4	too many dogs with excess people outside pushing children into road to get for		14/12/16

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Date
25		3	Completely inappropriate area for alcohol late night noise, disorder. Residential area - lots of shift work and people getting up before 5am everyday.	19/12/19
26		1 to 4.	Increased traffic. Noise. Anti Social Behaviour.	14/12/19
27		1 to 4.	Anti social behavior. Increased traffic. Night disorder. Noise.	14/12/19
28		1 to 4.	As above.	14/12/19

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With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
25	GRANGE AVE MARSDEN HUDDERS	1,2,3,4	ACCESS NOISE DISRUPTION		14/12/19
26	Grange Ave Marsden	1,2,3,4	ACCESS NOISE DISRUPTION		14/12/19
27	MARSDEN LANE	1,2,3,4	ALREADY STRUGGLE WITH ANTI SOCIAL BEHAVIOUR AND MIST FROM ISLAND ROOM AND VANDALISM TO CARS. WHERE WILL RUBBISH BE KEPT BIG PROBLEM WITH MICE + RATS CANAL SIDE PROSPECT TRAFFIC HORRENDOUS - LOCALS CRASHED INTO MY GATE.		15/12/19
28	Netheley Dr	2,3,4	NO PARKING ALREADY WITH VISITING SON + GRAND CHILDREN		15/12/19
29	Netheley Dr	2,3,4	DNT WANT TO WALK WITH ALCOHOL INFUSED PEOPLE WITH GRANDCHILD NOT BEING IN THE WILDER - NO PAVEMENT SO WILL BE WALKING IN THE ROAD WITH THE CHILDREN		15/12/19

A

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
30		23	Road access + Noise pollution		16/12/19
31		1,2,3,4,	Noise pollution. Not a suitable site		17/12/19.
32		1234	Extremely congested site to p: no parking for family space 4x vandalism crime jobs low no weekend. Bikes can vandalised twice and neigh car x 7 late weekend.		17/12/19
33		1 3	Rubbish is a huge issue as is noise to the local residents. It's a residential area with no distance between houses & proposed site.		17/12/19
34	MANCHESTER ROAD	1234	PEOPLE WORKING SHIFT PATTERNS OPPOSITE AND NEXT TO SITE. 11PM CLOSURE WITH ALCOHOL NOISE UNACCEPTABLE FOR RESIDENTS + UNFAIR. LIGHT CAR'S LIGHTS, DOORS CLUSING RUBBISH WHERE WILL IT BE kept ??		17/12/19



With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
35	Marsden la Marsden Hudds HD7 6AF	1,2,3,4	Likelihood of noise nuisance to exist, noise Anti-social behaviour arising from alcohol consumption. Road closures already existed with restricted vehicles, dangerous conver with junction opposite - already base of concern due to parked vehicles. Children waiting to school regularly on this route - narrow road + pavement. A bar of this nature will encourage drinking through the day - already a high level of anti-social behaviour + drug dealing in the village out of control. Why was licensing details notice displayed considered as illegal? Already a number of pubs/clubs + other establishments in village it would not be beneficial to the village or local residents to create another venue during the same. What car parking facilities would be provided + how <del>fast</del> would the impact of such a venue be assessed or monitored?		14/12/19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
	<p>MARSDEN LANE</p>	<p>1 2 3</p>	<p>Late night disturbances, problems with parking. Access "wheel borrow" behind my garage. It's not public or business access and we had to increase security in the past when premise was a shop open until approx 5pm already.</p>		<p>17/12/19</p>

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

Name	Address, email, contact tel.no.	Category of objection	Nature of objection	Signature	Date
37	1 Grange Av	1-4	ROAD IS CONGESTED AS IT IS		14/12/19
38	" Grange Av	1-4	AS ABOVE, AND NOISE		14-12-19
39	GRANGE TERRACE		NOISE, AND THE SHOP IS TO SHAW SO PEOPLE WILL SPILL ONTO THE STREET. RUSSISH AS WELL		15/12/19
40	"		" " " "		15/12/19
41	" Plains Lane	1-4	PARKING ISSUES - NOISE, LITTER, ANTI SOCIAL BEHAVIOUR		16.12.19
42	paulusinyam@gmail	1-4	PARKING ISSUES, NOISE ISSUES, ANTI-SOCIAL BEHAVIOUR.		16/12/19
43	6 grange terrace	1-4	ROADS noise, drinking when children passing coming home from school. Traffic		15.12.19

With reference to the granting of a premises licence/club premises certificate for The Little Lock 2 Marsden Lane, Marsden, Huddersfield HD7 6AF, we wish to raise objections as detailed below:

44.

Name	Address, e mail, contact tel.no.	Category of objection	Nature of objection	Signature	Date
	Marsden Lane	1234	<p>The local residents back on to an area of natural woodland / with an abundance of nature which will be affected by late noise &amp; light pollution i.e - bats, owls &amp; bird life - a lot of people work shifts so late noise - people leaving cars doors slamming effects human right of sleep. My property is listed with single glazed windows. We have history of problems with 13 Ardson next door - violence induced by alcohol, noise pollution. Also my garage is next door to Little Lock and we had to reinforce security due to attempted break ins at work &amp; the previous shop. The area is not a wealthy older middle aged demographic which I believe the owners want to attract its very much listed working &amp; transient people with an ongoing problem with younger peer groups re violence &amp; vandalism.</p>		18/12/19

## APPENDIX C



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

<b>Reference:</b>	WK/201924885
<b>Premises:</b>	The Little Shop, 2 Marsden Lane, Marsden, Huddersfield, HD7 6AF.

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

OBSERVATIONS			
<b>Public Safety</b>	No objections		
<b>Date:</b>	21 Nov 2019	<b>Officer/Ext:</b>	Jenny Dineen 01484 221000 x70831
<b>Prevention of Public Nuisance</b>	<p>The premises are located immediately adjacent to a residential property with additional nearby residential properties across the road. It is likely that background noise levels in the area will be quite low and the proposed live and recorded music would have the potential to cause disturbance to nearby residents unless the noise levels were effectively controlled. In addition there is a potential for noise caused by customers outside the premises to adversely affect nearby noise sensitive premises, particularly in the evening. I therefore consider that conditions are necessary to restrict noise from the regulated entertainment and to restrict the times of use of the outdoor areas.</p> <p><b>Recommended Conditions</b></p> <p><b>LC1</b> Noise from amplified and non-amplified music, singing and speech</p>		





arising from regulated entertainment emanating from the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of the premises.

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

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

**LC4**

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

**LC7**

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

**LC2**

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

**LC10**

External areas of the premises shall not be used by customers between the hours of 20:00 and 09:00 apart from a single designated external smoking area. Drinks shall not be allowed in the smoking area between the hours of 20:00 and 09:00.

**LC12**

The disposal of waste bottles, glass and other materials into



		external receptacles shall not take place between 20:00 and 09:00 hours and any such waste receptacle shall not be removed from the premises between those hours.	
<b>Date:</b>	26 Nov 2019	<b>Officer/Ext:</b>	Richard Hume 01484 221000 x70909



## APPENDIX D



## Anwar Butt

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**From:** Licensing  
**Sent:** 20 January 2020 16:51  
**To:** Anwar Butt  
**Subject:** FW: 2019/20466

OFFICIAL - SENSITIVE

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**From:** Jennifer Booth  
**Sent:** 25 November 2019 13:54  
**To:** Licensing <Licensing@kirklees.gov.uk>  
**Subject:** 2019/20466

OFFICIAL - SENSITIVE

Good Afternoon,

With regards to the recent licensing application for The Little Shop, 2 Marsden Lane. This property is an A1 shop. If they are wanting to operate as a "coffee shop & bar" then this will require a change of use to A3. They will need to consider whether they need to apply for planning permission or if this can be achieved under permitted development. Can you let the applicant know that they need either a prior notification (if they are going down a permitted development route) or a planning application to change the use of the premises and if they wish to discuss this they can contact my colleague, Nick Hirst.

Regards

Jennie Booth  
Planner – Development Management  
Economy & Infrastructure – Development & Masterplanning  
PO Box B93  
Huddersfield  
HD1 2 JR

e [Jennifer.booth@kirklees.gov.uk](mailto:Jennifer.booth@kirklees.gov.uk)  
W [www.kirklees.gov.uk](http://www.kirklees.gov.uk)

See our new [pre-application advice service](#)



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## Planning and Building Regulations

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

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

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

6.7 A hearing on any licence application will not consider whether any decision to grant or refuse planning permission was lawful and correct. The licensing process is not a re-run of the planning process.

6.8 In order to ensure proper integration, reports on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder may be taken to the Planning committee.



## APPENDIX E



## **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 Act<sup>1</sup>, 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.*

