

Name of meeting: Licensing Panel

Date: Wednesday 5th February 2020, at 10:00am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Licensing Act 2003 – Application to vary a premises licence under the Licensing Act 2003 – The Shoulder Of Mutton, 59 Lea Green, Mirfield, WF14 0AE

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams 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 <u>portfolio</u>	Cllr Rob Walker

Electoral wards affected: Mirfield

Ward councillors consulted: Cllr Martyn Bolt
 Cllr Vivien Lees-Hamilton
 Cllr Kath Taylor

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 6th December 2019 the Licensing department received an application to vary an existing premises licence at The Shoulder of Mutton, 59 Lea Green, Mirfield, WF14 0AE. The application was made by Licensing solicitors, Flint Bishop LLP, on behalf of licence holder, MT Barrel Trading Limited. A copy of this application can be seen at **Appendix A**.

2.1.2 The Applicant is applying for the following variation:

To allow an additional 1 hour on bank holiday weekends, Maundy Thursday, Christmas Eve and Boxing Day. To add, in the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours, for the licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.

The above would apply to the following licensable activities: Indoor sporting events, live music, recorded music, late night refreshment and the supply of alcohol

The applicant is also applying to remove all current annex 2 conditions on the licence, replacing them with new ones and the removal of all annex 3 conditions on the current licence. A copy of the current premises licence including the current conditions can be seen at **Appendix B**.

2.1.3 The Council's Environmental Health team in their capacity as a responsible authority have made representation against the additional hours for international sporting events and the removal of Annex 2 and Annex 3 conditions, sighting that the following licensable activity would not be met in the variation was granted:

- The prevention of Public Nuisance

A copy of the representation can be seen at **Appendix C**

2.2 Licensing Policy

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

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 D**.

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

Mike Skelton, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70540
Email: mike.skelton@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application to vary a premises licence. Flint Bishop LLP

9.2 Appendix B – Existing premises licence

9.3 Appendix C – Representation from Environmental Health

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

10 Strategic Director responsible

Karl Battersby – Strategic Director, Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk

Appendix A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

WE, MT Barrel Trading Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number PR(A)0445

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Shoulder Of Mutton 59 Lee Green

Post Town Mirfield	Postcode WF14 0AE
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Telephone number at premises	01924 490439
Non-domestic rateable value of premises	£12,000

Part 2 - Applicant Details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	██████████ ██████████
Post Town ██████████	Postcode ██████████

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

If not do you want the variation to take effect from

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The application proposes to:-

1. Extend the opening hours to allow the premises to open from 08.00 daily for breakfast, coffee and tea etc.
2. Permit late night refreshment from 23.00 to midnight Thursday to Saturday and from 23.00 to 23.30 on Sunday
3. Extend the start time for the sale of alcohol daily to start from 08.00 to allow for wakes etc.
4. Amend existing non-standard timings and add new non-standard timings
5. Remove all Annex 2 and Annex 3 conditions and replace with updated conditions

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

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

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

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

Plays			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 5)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>	
					Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both				<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)				
Tue							
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)				
Thur							
Fri			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 (please read guidance note 7)				
Sat							
Sun							

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	As existing
Mon	No Change	No Change	
Tue	No Change	No Change	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed	No Change	No Change	
Thur	No Change	No Change	<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> (please read guidance note 7) Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day" To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day
Fri	No Change	No Change	
Sat	No Change	No Change	
Sun	No Change	No Change	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) As existing	
Mon	No Change	No Change		
Tue	No Change	No Change	State any seasonal variations for the performance of live music (please read guidance note 6)	
Wed	No Change	No Change		
Thur	No Change	No Change	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 (please read guidance note 7)	
Fri	No Change	No Change		
Sat	No Change	No Change	Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day"	
Sun	No Change	No Change	To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day	

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) As existing		
Mon	No Change	No Change			
Tue	No Change	No Change			
Wed	No Change	No Change	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	No Change	No Change			
Fri	No Change	No Change	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 (please read guidance note 7) An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day		
Sat	No Change	No Change			
Sun	No Change	No Change	In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day		

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g)</p> <p>Standard days and timings (please read guidance note 8)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><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> (please read guidance note 7)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	N/A	N/A	<u>Please give further details here</u> (please read guidance note 5) Provision of hot food and hot drink		
Tue	N/A	N/A			
Wed	N/A	N/A	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	00:00			
Fri	23:00	00:00	<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> (please read guidance note 7) An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day		
Sat	23:00	00:00			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	08:00	No Change	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	<input checked="" type="checkbox"/>
Tue	08:00	No Change			
Wed	08:00	No Change			
Thur	08:00	No Change		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 (please read guidance note 7) Amend the existing non-standard timings to read "An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day" To add:- In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event. From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day	
Fri	08:00	No Change			
Sat	08:00	No Change			
Sun	08:00	No Change			

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 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	No Change	
Tue	08:00	No Change	
Wed	08:00	No Change	
Thur	08:00	No Change	
Fri	08:00	No Change	
Sat	08:00	No Change	
Sun	08:00	No Change	
			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>An additional 1 hour is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the Premises Licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p> <p>From the end of permitted hours on New Year's Eve until 01.00 on New Year's Day</p>

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

We seek to remove all existing Annex 2 and Annex 3 conditions as these are now obsolete and replace these with updated and proportionate conditions.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

None above that of the existing licence.

b) The prevention of crime and disorder

We understand our obligations under existing legislation and take our responsibilities seriously.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. Staff shall monitor the customers in the external area on a regular basis and ensure customers do not cause a public nuisance
2. When regulated entertainment, including live and recorded music, is taking place, all windows and external doors shall be kept closed, except in the event of an emergency and for immediate access and egress
3. There shall be no speakers positioned in the external area
4. When regulated entertainment, including live and recorded music, is taking place, regular boundary noise checks shall be conducted and any required action shall be taken. Records detailing the sound checks and any required action shall be recorded
5. No customers shall be allowed to use any external area of the premises after 11pm, except for customers permitted to temporarily leave the premises to smoke
6. Notices shall be prominently displayed at all exits and in the external area requesting customers to respect the needs of local residents and leave the premises and area quietly
7. All amplified sound provided as part of the regulated entertainment shall be played through a sound system that incorporates a sound limiting device that has been installed and set to the satisfaction of the Responsible Authority for the prevention of Public Nuisance. The sound limiting device shall be retained and maintained and no alteration to the approved setting shall be made without the approval of the Responsible Authority

e) The protection of children from harm

We understand our obligations under existing legislation and take our responsibilities seriously.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	[REDACTED]
Date	06/12/2019
Capacity	Flint Bishop LLP – Solicitors for and on behalf of applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

[REDACTED] Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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

Appendix B

PREMISES LICENCE

Licensing Act 2003

PR(A)0445**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

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

POSTAL ADDRESS OF PREMISES**Shoulder Of Mutton**

Shoulder Of Mutton Inn

59 Lee Green

Mirfield

WF14 0AE

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Indoor Sporting Events
 Live Music
 Recorded Music

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

Day(s)	From - To
Monday to Wednesday	10:00 - 23:00
	12:00 - 23:30
Thursday to Saturday	10:00 - 00:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Indoor Sporting Events (Indoors)

Day(s)	From - To
	10:00 - 23:30
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Live Music (Indoors)

Day(s)	From - To
10:00 - 23:30	
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Recorded Music (Indoors)

Day(s)	From - To
Monday to Friday	10:00 - 23:00
10:00 - 23:30	

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Friday	10:00	23:30
Sunday	12:00	00:00
Thursday to Saturday	10:00	00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption both on and off the Premises

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

MT Barrel Trading Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL****PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)**

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of

children must be restricted in accordance with any recommendation by that body.

3. Where:

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

Alcohol shall not be sold or supplied except during permitted hours as shown on the licence.

General:

1. The Designated Premises Supervisor/staff monitor behaviour of customers in premises at all times, including beer garden, car park and toilets.
2. When required management uses nominated taxi companies to collect customers from the premises with the instruction for vehicle drivers not to sound car horns.
3. Bottles and glasses to be collected from outside drinking areas at regular intervals.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

West Yorkshire Police Conditions.

1. CCTV to be installed covering all licensable activity areas, the public entrances to the premises, entrance foyers and any external drinking and smoking area of the building. A live time monitor to be installed behind the bar to assist staff in monitoring the outside areas of the premises where the public has access. The CCTV system installed and operated in accordance with Home Office/ ACPO guidelines as adopted by West Yorkshire Police. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.
2. No drinks to be consumed in the outside areas of the premises after 21.30hrs.
3. No persons other than those who work in the premises shall be permitted to remain in the licensed premises after it has closed to the public.

Environmental Health Conditions.

1. The hours that all regulated entertainment can be carried out at the premises should be restricted to between 10.00 hrs and 23.00hrs on all days except for Saturday when it will be allowed between 10.00hrs and 23.30hrs.
2. Clear conspicuous notices shall be displayed at all entrances, exits and in outdoor areas (eg beer gardens and smoking shelters) requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
3. The outside areas of the premises shall be monitored at least once an hour between the hours of 20.00hrs and when the premises close to ensure that the customers or other persons are not behaving in a manner which will give rise to public nuisance.
4. No drinks shall be allowed in the outside areas of the premises after 21.30hrs on any day (the same as Police

Condition 2).

5. On the closing of the premises the Designated Premises Supervisor, his representative or member of his staff will ensure that groups of people do not remain congregated outside the premises.

6. With regards to the planning conditions the decking area to be closed at 23.00hrs except for during regulated entertainment when the decking area is not to be used. All amplified sound provided as part of the regulated entertainment shall be played through a sound system that incorporates a sound limiting device that has been installed and set to the satisfaction of the Responsible Authority for the prevention of Public Nuisance. The sound limiting device shall be retained and maintained and no alteration to the approved setting shall be made without the approval of the Responsible Authority.

7. Noise from amplified and non amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise sensitive location in the vicinity of the Shoulder of Mutton 59 Lee Green Mirfield.

To enable the applicant to check whether this condition is being met, suitable monitoring positions (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 the case of dispute, the applicant can verify Inaudibility by demonstrating zero increase in the;

LAeq(1,min) (music playing) over the background LA90 (music off) and zero increase in the L10, T VS L90, T exceedence in each 1/3 octave band between 40HZ and 160 HZ.

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 29 September 2005

Date Commences/Varied: 3 December 2018



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0445**THIS LICENCE IS ISSUED BY**

LICENSING
 Flint Street Depot
 Flint Street
 Fartown
 Huddersfield
 HD1 6LG

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

POSTAL ADDRESS OF PREMISES

Shoulder Of Mutton
 Shoulder Of Mutton Inn
 59 Lee Green
 Mirfield
 WF14 0AE

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
 Indoor Sporting Events
 Live Music
 Recorded Music

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

Day(s)	From - To
Monday to Wednesday	10:00 - 23:00
	12:00 - 23:30

Thursday to Saturday	10:00 - 00:00
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Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Indoor Sporting Events (Indoors)

Day(s)	From - To
	10:00 - 23:30
Sunday to Friday	10:00 - 23:00

Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Live Music (Indoors)

Day(s)	From - To
10:00 - 23:30	

Sunday to Friday	10:00 - 23:00
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Non-Standard Timings

An additional hour into the morning is allowed for Bank Holiday weekends (Friday to Monday inclusive), Maundy Thursday, Christmas Eve and Boxing Day.

Recorded Music (Indoors)

Day(s)	From - To
Monday to Friday	10:00 - 23:00

10:00 - 23:30

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Friday	10:00	23:30
Sunday	12:00	00:00
Thursday to Saturday	10:00	00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption both on and off the Premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

MT Barrel Trading Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL****STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 29 September 2005

Date Commences/Varied: 3 December 2018

A handwritten signature in black ink, appearing to read "J. Blawie". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Head of Public Protection Service

Appendix C

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

Reference:	WK/201926530
Premises:	Shoulder of Mutton Inn, 59 Lee Green, Mirfield, WF14 0AE

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

OBSERVATIONS			
Public Safety		No Observations	
Date:	16 December 2019	Officer/Ext:	Jenny Dineen 01484 221000
Prevention of Public Nuisance		<p>I have reviewed the information submitted by the applicant and can agree to points 1-3 of the proposed variation. With regards to point 4, I can also agree with the extra hour to bank holidays etc. and the extension of hours to New Year's Eve until 01.00 on New Year's Day.</p> <p>I am unable to agree with the extension of hours for international sporting events, if there are international sporting events of such significance happening outside the permitted hours these can be dealt with by the way of TEN's.</p> <p>I am also unable to agree to point 5 the removal of Annex 2 and Annex 3, except for variations to reflect the above changes to permitted hours agreed above.</p>	

Date:	18 December 2019	Officer/Ext:	Kevin Ellam 01484 221000
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Appendix D

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

Crime and disorder

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

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

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

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

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

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

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

Public safety

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

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

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and

- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

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

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

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

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

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

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

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