

**Name of meeting:** Licensing Panel

**Date:** Tuesday 18th May 2021 – 12:00pm Virtual Meeting.

**Title of report:** Licensing Act 2003 – Application for the Grant of a Premises Licence: The Three Fiends, Brookfield Farm, 148 Mill Moor Road, Meltham, Holmfirth, HD9 5LN

**Purpose of report:** To determine the application

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Fiona Goldsmith as agreed by Sue Proctor</b>
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Paul Davies</b>

**Electoral wards affected:** Holme Valley North,

**Ward councillors consulted:** Cllr Charles Greaves  
 Cllr Terry Lyons  
 Cllr Paul White

**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 03.03.2021

2.1.1 On 3rd March 2021, the Licensing department received an application for the grant of a premises licence. This application has been submitted by the applicant. A copy of this application may be seen at **Appendix A**.

Three Fiends currently benefit from a Premise licence for **off Sales**:  
Mon – Sun: 08:00 – 22:00 hrs  
This licence was first issued on **28.08.2015**

**A copy of the current licence can be seen at Appendix B**

2.1.2 The licensable activities applied for by the applicant are as follows:

**Films:**

Fri – Mon: 12:00 – 23:00 hrs

**The supply of alcohol for consumption on and off the premises:**

Fri – Mon: 09:00 – 23:00 hrs.

Tues – Thurs: 09:00 – 17:00 hrs.

2.1.3 During the consultation period, no representations have been made by the responsible Authorities. However, concerns have been made by residents resulting in a total of four representations, (it should be noted that one of these refers to a planning application expressing concerns and requesting further information only information has been provided with no further response from this party) which relate to the licensing objectives below:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of children from harm

In addition to the above information, this premise has applied for 4 Temporary events during the previous 12-month period. One of which was cancelled due to the local restrictions for events in Kirklees.

A copy of the representation's and supporting documents may 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 Safeguarding Children team.

### **3.3 Place Based Working**

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

### **3.4 Improving outcomes for children**

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

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

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

## **4 Consultees and their opinions**

Consultation has taken place in accordance with the Licensing Act 2003. There have been no representations received from the 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  
Tel: 01484 221000 ext. 70540  
Email: [anwar.butt@kirklees.gov.uk](mailto:anwar.butt@kirklees.gov.uk)

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

9.1 Appendix A – Application for the Grant of a Premise Licence from The Three Fiends

9.2 Appendix B – Copy of Current Premises Licence

9.3 Appendix C - Representations from residents.

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

## **10 Service Director responsible**

Sue Procter  
Service Director – Environment  
Tel: 01484 221000  
Email: [sue.procter@kirklees.gov.uk](mailto:sue.procter@kirklees.gov.uk)

# APPENDIX A

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

We Three Fiends Brewhouse

*(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 <b>Three Fiends Brewhouse</b> Brookfield Farm 148 Mill Moor Road Meltham			
<b>Post town</b>	Holmfirth	<b>Postcode</b>	HD9 5LN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	██████

**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)	
<b>Surname</b> Broadbent			<b>First names</b> Chris		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
<b>Nationality</b> British					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
<b>Daytime contact telephone number</b>		[REDACTED]			
<b>E-mail address (optional)</b>	sales@threefiends.co.uk				
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)	
<b>Surname</b> Crabtree			<b>First names</b> Matthew		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes
<b>Nationality</b> 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		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
<b>Daytime contact telephone number</b>		[REDACTED]			
<b>E-mail address (optional)</b>					

**(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.**

<b>Name</b> [REDACTED]
<b>Address</b> [REDACTED] [REDACTED] [REDACTED]
<b>Registered number (where applicable)</b>

Description of applicant (for example, partnership, company, unincorporated association etc.) Partner
Telephone number (if any) [REDACTED]
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
04	04	2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
 Our brewery is located in an outbuilding on the property of Brookfield Farm, Mill Moor Road. We have further use of outbuildings and outside space for the consumption of alcohol. We can also use the areas within the RED line to have pop up bars. We don't have any permanent bar structures. We have a converted Horsebox bar and a popup bar that are both mobile.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B) X
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

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

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

**A**

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

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	1200	2300			
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2300			

**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			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

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

# E

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



**F**

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

# G

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

# H

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

# I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Fri			<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)		
Sat					
Sun			<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)		

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></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><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon	0900	2300			
Tue	0900	1700			
Wed	0900	1700			
Thur	0900	1700			
Fri	0900	2300			
Sat	0900	2300			
Sun	0900	2300			
			<b><u>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</u></b> (please read guidance note 6)		

**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> Chris Broadbent	
<b>Date of birth</b> ██████████	
<b>Address</b> ██████████ ██████████	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> KMCPL4108	
<b>Issuing licensing authority (if known)</b> Kirklees	



## 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)**

We shall ensure that at all times when the premises are for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons.

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

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.  
Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.  
Drinks will be served in plastic glasses or cans. Empty drinks vessels will be cleared away as soon as possible after they have been drunk or are empty.  
Use of security for large events  
The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, driving licence or passport bearing the photograph and date of birth of bearer. A refusals book will be operated and maintained  
Not selling alcohol to drunk or intoxicated guests.  
We will take cashless payments as much as possible.

### **c) Public safety**

We will stick to the maximum capacity allowed at the taproom  
A full fire risk assessment has been carried out  
We have trained first aiders on site  
All equipment we use will be fit for purpose and well maintained at all times

### **d) The prevention of public nuisance**

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.  
Deliveries to be timed to be in normal working hours.

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

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, driving licence or passport bearing the photograph and date of birth of bearer. A refusals book will be operated and maintained

An age verification tab is displayed on our website to remind purchasers that any purchase of alcohol must be made by a person over 18.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.

**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 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)</li> </ul>
Signature	Chris Broadbent
Date	02/03/2021
Capacity	Partner

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

Signature	
Date	
Capacity	

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

## Licensing Department, Flint Street Depot, Flint Street, Huddersfield HD1 6LG

### 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.

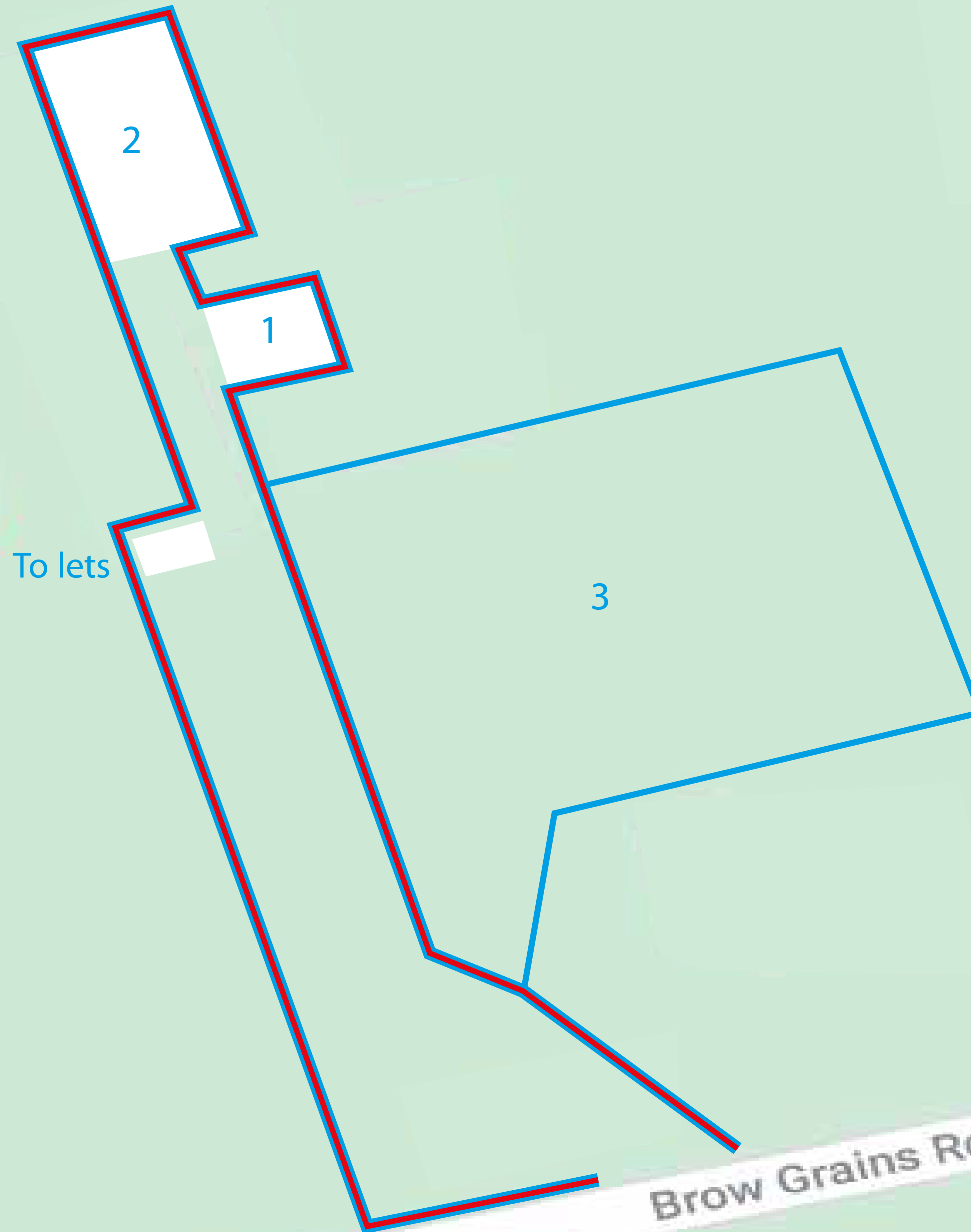
1 Brewery 6.5M X 5M

2 Undercover Seating Area 8M X 12.18M

3 Field/Beer Garden

— Boundary for licensable activity

— Area for people to consume alcohol



Brow Grains Rd


Brow Grains Rd

Br



## APPENDIX B

<b>PREMISES LICENCE</b> Licensing Act 2003	Licence number: <b>PR(A)1558</b>	Online Reference number: <b>PR(A)1558</b>
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THIS LICENCE IS ISSUED BY	
	<p>LICENSING Flint Street Depot Flint Street Fartown Huddersfield HD1 6LG</p> <p>Tel: 01484 456868 Email: <a href="mailto:licensing@kirklees.gov.uk">licensing@kirklees.gov.uk</a></p>

POSTAL ADDRESS OF PREMISES
<p><b>Three Fiends Brewhouse</b> 148 Mill Moor Road Meltham Holmfirth HD9 5LN</p>

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES				
<p>Sale of Alcohol</p> <table border="1"> <thead> <tr> <th>Day(s)</th> <th>From - To</th> </tr> </thead> <tbody> <tr> <td></td> <td>08:00 - 22:00</td> </tr> </tbody> </table>	Day(s)	From - To		08:00 - 22:00
Day(s)	From - To			
	08:00 - 22:00			

THE OPENING HOURS OF THE PREMISES						
<table border="1"> <thead> <tr> <th>DAY(S)</th> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DAY(S)	FROM	TO			
DAY(S)	FROM	TO				

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES
Alcohol is supplied for consumption off the Premises

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

Three Fiends Brewhouse

Email address

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

Three Fiends Brewhouse

**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:

KMCPL4108

**ANNEXES****ANNEX 1 – MANDATORY CONDITIONS**

## ANNEX 1 - MANDATORY CONDITIONS

## Alcohol:

1. No supply of alcohol may be made under this 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. 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.

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.

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.

4. 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 the condition set out in paragraph 1 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" mean value added tax charged in accordance with the Value Added Tax Act 1994.

5. 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.

6. (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.

#### **ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE**

##### General

1. Private premises with no public access at any time.
2. No on site sale to be made.
3. Age checking facilities will be implemented on the website for alcohol sales.

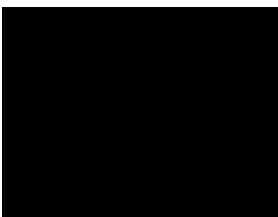
#### **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

#### **ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

**Date Granted: 28 August 2015**

**Date Commences/Varied: 28 August 2015**



Head of Public Protection Service

**PREMISES LICENCE SUMMARY**

Licensing Act 2003

**PR(A)1558****THIS LICENCE IS ISSUED BY**

LICENSING  
 Flint Street Depot  
 Flint Street  
 Fartown  
 Huddersfield  
 HD1 6LG

Tel: 01484 456868  
 Email: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

**POSTAL ADDRESS OF PREMISES**

**Three Fiends Brewhouse**  
 148 Mill Moor Road  
 Meltham  
 Holmfirth  
 HD9 5LN

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Sale of Alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Sale of Alcohol



Day(s)	From - To
08:00 - 22:00	

**THE OPENING HOURS OF THE PREMISES**

DAY(S)	FROM	TO

**NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)****WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES**

Alcohol is supplied for consumption off the Premises

<b>NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE</b>
Three Fiends Brewhouse 
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>
Three Fiends Brewhouse
<b>NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL</b>

<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>
As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

**Date Granted: 28 August 2015**

**Date Commences/Varied: 28 August 2015**



Head of Public Protection Service

# APPENDIX C



From: [REDACTED]  
Sent: 26 March 2021 12:17  
To: Anwar Butt  
Cc: [REDACTED]  
Subject: FW: Licensing Application/ Three Fiends Brewery Ref no: PR00226

Dear Mr Butt,

I am writing to express serious concern about the above application to i) Manufacture and ii) sell alcohol onsite seven days a week with extended hours on weekends at:

The Three Fiends Brewery,  
Brow Grains 'Road'  
Meltham.

Just to precis: we have hitherto been, and to all intents and purposes, hope to continue to be, supporters of the Brewery, and it is with regret that we find ourselves in this position. We are, however, deeply worried by the implications of this application going through.

As neighbours and customers to the above facility, we have direct experience and understanding of the potential impact of extended on site sales.

We have in fact attended two 'one-off' events and felt accepting of this continuing, within reasonable limits on an occasional / monthly basis, however, the potential for this to become seven days a week, four nights a week, raises significant worries and huge concerns.

Our concerns focus on the matters of

1) THE PREVENTION OF CRIME AND DISORDER

Our garden sits just above the Bridleway, and we have been aware of revellers using the area by our wall and under our hedges as a toilet. Unfortunately, these offer good cover and seem, literally, too convenient to use before they walk the further distance in to the village or get in their vehicles.

We side on to a large mill-pond and one party of past revellers thought it funny to throw stones into the pond, which is home to a number of rescued ducks and geese.

We also had a wooden garden chair (origin unknown) thrown into the pond after one event. Litter has also been an issue (please read below).

As I will mention below, the combination of alcohol plus being up a country lane seems to invite loss of inhibition. While this applies to noise nuisance, it also unfortunately applies to behaviour. If the above incidents can happen from just occasional events, we dread to think of the potential for open-ended on-site sales.

2) PUBLIC SAFETY

i) The only legal parking available to access the facility is on the crossroads of Leygards Lane/New Bridge Rd/ Mill Moor Rd and Brow Grains. The extremely limited amount of parking necessitates creating single passing corridors: all this at a very tight crossroads. It becomes obstructive to traffic turning at the crossroads and also of course, creates

problems for the cottages, which have limited parking as it is.

ii) It also presents a significant safety hazard as whenever cars are parked on the corners, any cars pulling out have to do so 'blind'. A high number of walkers/ dog-walkers frequent these roads throughout the day and evenings, presenting additional safety concerns.

iii) The track is unmade and extremely hazardous to walk on. I do hope that as part of your role, that you will take the opportunity to walk along it for yourself. Anyone walking down the lane in the day or night, is at risk of falls and twists. The potential for this is vastly increased when alcohol is added to the equation.

### 3) THE PREVENTION OF PUBLIC NUISANCE

I) As above, the limited parking already presents issues for the residents of the cottages at the corner of New Bridge Road, who have no alternatives. The inevitable increase (due to unavailability of parking at the Brewery), of traffic, as well as being a safety issue, clearly also presents a major nuisance.

II) Unfortunately, the premises being at the edge of the moors, there are no buildings or trees to dampen noise and there is a body of water over which sound travels. We can clearly hear conversations of people walking down the track or standing across the millpond and any group noise is especially amplified by the setting. When there have been events in the past, we have been aware of revellers right up until the end of the event. At the last event that we attended, I made a quick head count of 300 people and this indeed, created a considerable level of noise across the field. The proposed site is extensive and hence invites large numbers.

III) Even small groups of people (I.e. 4-8 people), making merry on their walk down the lane is surprisingly loud due to the acoustics of the area. In addition, because of the walk down from the Brewery, there is additional scope for such amplified noise as revellers depart. The very fact that the setting is up a country lane invites people to be carefree and they seem totally unaware of how the noise they make amplifies.

IV) We understand that the application includes the potential for screening films and playing recorded music: the use of even speakers presents a noise pollution to the area which is within the Peak District National Park. The additional noise and light pollution contravenes the very essence of the park code.

V) Likewise, while we note that live musicians may only play without amplifiers, we are fully aware of the noise levels that can still be generated. The note of there being a limit of 500 people only serves to increase concerns raised under all sections of the Licensing protocol.

VI) Again, from previous experience, revellers tend to leave carrying drinks with them, littering the lane and roads with plastic cups etc. These cannot all be collected as they often have ended up blown in to the duck pond just off the lane. They present a nuisance, but also a hazard to the wildlife.

VII) Legal access / damage to the unmade road. Brow Grains Road is in fact a Public Bridleway and as such, it is neither legal nor possible for the Brewery to offer Car Parking to Customers. If they did, it would be contravening the Road Traffic Act and also, causing further damage to an un-adopted track which is already in poor repair, causing additional inconvenience and hazard for neighbours forced to use the road

to access their homes. We feel that it is inevitable however, that cars will drive up the bridleway, as again, this was the experience of the occasional monthly events held previously. This will happen for both attendance at on-site sales and for the retail purchase of off-sales. New customers especially will be unaware of the issues and as the track has no passing places other than at our gate and up at the farm, we envisage real issues.

VIII) Additional traffic creates a nuisance to both householders who do have legal access to use the track AND to the many walkers and (not so many), horse-riders using the bridleway.

IX) It also will cause further damaging the track, which is already in an extremely poor state of repair.

X) Nuisance to equine, bird and wildlife. As noted, the Brewery lies in the Peak District National Park and hence, the inevitable increase in noise disturbance raises concern about the impact on the natural surroundings and wild bird life in the area, especially if the effluence becomes an issue again. A number of horses are stabled in the fields adjoining the Bridleway and late-night disruption might also impact on their welfare. As you will already be aware, the Brewery already manufactures beer at the site.

The effluence produced by the cleaning process has already given reason for the involvement of Environmental Health services as it had seeped into neighbouring land. While the issue, has for now I believe, been resolved, we feel concerned that a massive increase in production would need to be matched by adequate treatment and disposal of noxious cleaning fluids. Two Kingfishers have recently returned to the area and who knows what the impact might be. Deer also travel down by the brook. It is only right and proper that we prioritise that they are protected from harm or unnecessary nuisance.

XI) Increase sales and production will lead to an increased number of delivery trucks visiting the site. These will be again, going up the Bridleway, contravening the Traffic Act. They will also, due to weight and size, be causing considerable damage to the track, and nuisance to walkers and horse-riders. Again, we have been willing to swallow this but wonder whether the brewery is outgrowing it's setting. It clearly has space, but it feels evident that the location is inappropriate to such an extension.

#### 4) THE PROTECTION OF CHILDREN FROM HARM

The Protection of Children from Harm:

While professionally, I am well versed on all sorts of potentials for harm, both intended and unintended to children.

The one point I would like to raise here is as to the appropriateness of a working farm as a venue for large groups, including families with young children, to meet and consume alcohol. The potential for the children to be unsupervised is vast ( again, we personally witnessed this at past events).

Lastly, while appreciating that the points below are not the key concerns of the Licensing Office, we hope that you will take the following into consideration:

Impact on the village centre and existing licensed premises

We are concerned at the impact for the existing pubs and restaurants in the area, which are hopefully about to have the opportunity to re-open and recoup losses. We fear that any further impact on their footfall may lead to closures, which in turn, impacts on the heart of the village which can ill-afford further losses.

Thank you for your time. It is with a heavy heart and considerable stress that I have written these concerns. We fully believe that they are reasonable concerns gained from actual experience. The thought of the incidences escalating is of course both worrying and unacceptable to us personally. It also contravenes the essence of the National Park.

I do hope that you will please feel welcome to contact me if you would like any further information regarding our concerns.

I can be contacted by email or by mobile, Tel: [REDACTED]

Yours Faithfully,

[REDACTED]

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29 March 2021  
Anwar Butt  
Kirklees Licensing,  
Kirklees Council

Dear Anwar Butt,

We write to share concern about the recently advertised licence application **PR00226** for:

Three Fiends Brewhouse  
148 Millmoor Road (aka Brookfield Farm, Brow Grains Lane)  
Meltham  
HD9 5LN.

The application is to make a significant change to use of the premises and business activity, specifically from *daytime only onsite/offsite retail sales* from the farm to **onsite retail sales Monday-Thursday 9.00am-9.00pm** and **onsite alcohol consumption and sales plus filmshows, Friday to Monday 9.00am to 11.00pm**. The application **proposes reuse of existing agricultural outbuildings with no permanent toilets into indoor visitor areas and existing agricultural grazing land into an extensive beer garden**.

We wish to object to the application based on the licensable activities that have been applied for and specifically in relation to the following licensing objectives:

**The prevention of crime and disorder**

- This application brings unprecedented visitors into a sensitive upland rural setting to purchase and consume alcohol on and offsite and to watch films.
- There is no provision of parking so there will be greater numbers of unattended vehicles parked and left unsupervised and vulnerable to theft on the Brow Grains trackway to the farm and all adjacent unlit country lanes while customers visit the farm, thereby greatly attracting criminal interests to the area, and increasing the potential for car thefts, vandalism and putting adjacent properties at risk.
- Alcohol consumption will increase the risk of trespass into adjacent fields and/or urinating against the walls, residential entrances and trees on the route to and away from the farm.
- Grazing animals, predominantly horse and sheep, are at risk from disturbance and trespass, alcohol-induced changes of behaviour, use of the fields as toilets and from an increase of litter, particularly discarded glasses and plastic cups.
- An increase of people in areas where nocturnal wildlife are present draws attention to species that are more active after dark and risks attracting a rise in criminal activities already acknowledged to be a major problem in these south Pennine uplands, namely hare-coursing particularly via the practice known as lamping (already seen on the moors above Meltham), setting of traps, badger baiting and the illegal shooting of raptors and owls (note incidents reported for Wessenden head area in press during 2020).
- Disorderly behaviour is likely to increase as people leaving premises after consuming alcohol often show less inhibition in relation to noise, singing, pranks and low-level disorderliness such as throwing items into the millpond, over walls and into fields and adjacent gardens.
- Attracting new people into the locality could lead to a worsening problem with fly-tipping and throwing of bagged dog faeces into adjacent fields simply through making this corner of Meltham better known.

## Public safety

- This application is to bring customers to a farm set off the road along an unadopted and unsurfaced track and to increase offsite consumption via retail sales, so increase in numbers of delivery and customer vehicles driving to/from the site is inevitable.
- Increased foot and vehicle traffic will conflict with other regular users of the track, namely cyclists, runners, hikers, dog-walkers and strollers of all ages, horse-riders and bird watchers, as this is an important access point to the uplands and one of the few remaining bridle paths available in this locality.
- Access to this track on foot will need to take into consideration that users of this track also include a doctor going out on call and to regular surgery based work, occasional delivery vehicles to outlying properties, council refuse collectors and that the Mountain Rescue and Yorkshire Water use this point as emergency vehicular access to the moors.
- Access to the farm premises where Three Fiends Brewhouse are based is within the boundaries of the Peak District National Park and along an unmade-up track that leads onto the moor past a scatter of other residential properties. The track meets adjacent roads at a junction that is already dangerous due to high drystone walls, poor visibility and rising volume of traffic consisting of high speed private motor and commercial vehicles and delivery vans. This junction is very unsafe at all times for both vehicle users and pedestrians.
- This proposal will increase traffic further and there is no provision for parking other than on the track and on adjacent lanes that are also used by farm vehicles, horse riders, runners, walkers, cyclists and the movement of livestock between local fields. Parked vehicles will erode the track's margins and should not be allowed to use the verges as they will be hazardous to cyclists and horse-riders in particular.
- The breaking of discarded glasses left by customers on walls, forgotten or discarded during their return to their parked vehicles brings an unnecessary and unwelcome hazard into this rural setting.
- Increased production to meet the proposed increase of off and onsite sales will mean that brewhouse waste may be discharged into neighbouring freshwater and drain over adjacent land thereby bringing contaminants that are toxic and damaging to people as well as to flora and fauna. Reduced downstream water quality and toxicity levels will be hazardous to children playing at other access points to Meltham Dyke and at the bottom of gardens.

## The prevention of public nuisance

This application shows no attempt to minimise the increase in public nuisance in a variety of ways that affect community wellbeing and local public good.

Nothing is shown to mitigate how this application will transform the rural character of this locality through *additional noise pollution* that will be generated by:

- 1) an extension of production, consumption and distribution related brewhouse activities
- 2) the introduction of screening of films as visitor attractions to boost alcohol sales with sound that will carry across adjacent areas on Friday, Saturday, Sunday and Monday nights
- 3) the increase of traffic related sounds including late returns after 11.00pm From Friday to Monday to cars, car doors opening/closing, moving into and out of parking spaces on the adjacent lanes in an area that is currently undisturbed.

Nothing is indicated in this application to show ways of mitigating or minimising the detrimental impact upon this locality by *light pollution* as a result of:

- 1) Opening a field (currently grazed by sheep and a horse) as a beer garden with associated lighting
- 2) Adapting existing outbuildings to filmshows and leakage of light after dark from the screening area and general lighting of the site
- 3) Increasing lights around this site in an upland area and increasing light spillage from vehicles that try to drive direct to the farm.

Light pollution lessens people's access to dark skies and the enjoyment and value of seeing the night sky.

This application shows no awareness of respecting *the comfort of the public and obstructs the public in the exercise or enjoyment of rights common to all*, namely their entitlement to walk, visit and enjoy a rural setting where they may encounter nature and the physical, mental and emotional benefits of access to an environmental setting in which they may encounter resident and migratory bird species that are in serious decline (curlews, snipe, cuckoos, swallow, swifts, owls) and many smaller birds including stone chat, whinchat

and skylark) and upland mammalian wildlife. How pleasant will this be if alcohol consumption leads to an increase in urinating in public in the vicinity of the farm, track and parked vehicles?

Moreover, this application seeks to extend activities that detract from the environmental quality of the locality and redirects activities from local existing public houses.

Other public nuisances overlap with earlier sections.

#### **The protection of children from harm**

- This application does not identify means to keep young cyclists, walkers and horse-riders safe in respect of increasing the level of local traffic and parking and the creation of an adult-orientated visitor attraction focused on alcohol consumption and production.
- No provision is made for ensuring that daytime customers pay attention to the needs of a local childcare provider who regularly brings children to the millpond for enjoyment and educational benefits.
- No acknowledgement is made that children from adjacent private housing areas in Millmoor Road increasingly use this locality to ride bicycles, scooters and enjoy family walks in fine weather right into the evening. The change in traffic and parking will transform local families' access to countryside on their doorstep.
- Safety hazards from discarded plastic cups, broken glasses and urination have been identified earlier.

We are concerned about this licensing extension for all the above reasons.

In addition, we think that:

There is inadequate public notice of this proposed change of activity. There is only one sign fixed to a farm gate that also displays a notice warning about a guard dog being on site. Being able to read this sign is very hard when intimidating barking dogs are on the other side of the gate.

There is no clear reference number to the application so public details are hard for people to access.

Nothing is mentioned about the film shows or the beer garden so the impact of the proposed changes is not clear.

We do also question the appropriateness of licensing objectives that do not fully seem appropriate to this rural location. The absence of environmental, cultural and social impact assessment criteria seems strange and as if the proposal is being evaluated by licensing objectives drawn up for an urban setting. Does that not seem a rather blunt tool of site evaluation, risk and impact assessment?

This application has the potential for incremental changes that further erode the character and quality of the northern margins of the Peak District National Park and an area that is already under increasing pressure due to its proximity to building expansion.

This proposal is by default turning the farm on Brow Grains into a site for the selling and consumption of alcohol with opening times that extend beyond those of many public houses. The extension of licensing in response to the pandemic should not become an opportunity for developing inappropriate levels of activity within such a rural location where insufficient thought has been given to the development of a micro-brewery and visitor attraction. The concerns raised in this email are for its immediate effect should the application be approved and also the incremental effects of such a change of use.

Thank you for reading these objections to the proposed licensable activities and for considering why we feel they would not be met on the terms you require (ie the four licensing objectives).

Kind regards,



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 March 2021 14:52  
**To:** Anwar Butt  
**Subject:** Three fiends Brewhouse

Dear Mr Butt,

I am writing as I wish to comment on the reasons why I feel the extension of the license is not a good idea regarding Three Fiends Brewhouse application to

- i) Manufacture and
- ii) sell alcohol onsite seven days a week with extended hours on weekends at:

The Three Fiends Brewery,  
148 Millmoor rd (actually on Browgrains bridleway)

Meltham.

**1. THE PREVENTION OF CRIME AND DISORDER**

I have horses grazing in the field next to the brewery, past events have seen children climbing walls into my field with the horses and leaving litter. At the end of past events there has been substantial noise as people leave late at night.

The brewery doesn't have the required legal permissions to operate ie Planning, waste  
The. business owners have no investment in the neighbouring community as they are not residents and only use the farm for the business.

**2. PUBLIC SAFETY**

There are not any parking facilities and patrons park on the narrow New Bridge rd and on the dangerous junction with Leygards and Millmoor.

**3. THE PREVENTION OF PUBLIC NUISANCE**

We have the experience of the last few years and have not complained as the events were few. However living in a very quiet area of the Peak District National Park with events all year round will be a public nuisance. Events at the Wills O Nat pub a mile away can be heard clearly over the fields.

Loud music, increased traffic, large groups of people are not suitable for this very rural environment.

[REDACTED]



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 31 March 2021 12:45  
**To:** Anwar Butt  
**Subject:** PR00226

**Importance:** High

Dear Anwar

We have found it impossible to access information on the Kirklees Council website re. this planning application and are very concerned that our response therefore will not be taken into account.

Yesterday I was advised by our neighbour [REDACTED] that you are the person to contact. My previous email had gone to [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk) and [REDACTED]. I have had no reply from them.

We would be grateful if you would look into this with immediate effect as we know the deadline for replying and rising our concerns for this planning application is 1 April. Not seeing details of the application makes it very difficult to respond.

Your website says that COVID has meant that there may well be some delays in replying to queries. Given all these circumstances and our problems with your website and who to contact I am wondering if under these circumstances the deadline of April 1st might be extended.

We support the concerns expressed by our neighbour [REDACTED] who we know has also had found that there was no way to register a complaint on a planning application. Unable to access information from the Council website she sent her original comments to Councillor Brian Keighley.

We have a cottage [REDACTED] and are very concerned about the proposed application for permission to change activities at Brookfield Farm. Brookfield farm is within the boundaries of the Peak National Park. The lane is a dirt track which is used by many dog walkers and horse riders both in daylight hours and at night. The proposal would increase traffic and there is no provision for parking other than on the track and adjacent lanes

We have owned this cottage for over 40 years and were told when neighbours proposed changes to their barn that they had to stick to very strict requirements as it was on the approach to the Park. For example, the windows could only be very small and the height of the barn was limited. We were told that we could only use certain roof tiles when the roof needed renewing.

It now seems that these restrictions are no longer required.

We would be grateful if you could clarify the situation and ensure we can see the full application PROO226 before the closing date of 1 April.

Yours

[REDACTED]

## 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 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.*

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