

Name of meeting: Licensing Panel

Date: Wednesday 27th October 2021

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Hooley House LTD, 1 Concord Street, Honley, Holmfirth, HD9 6AE

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Fiona Goldsmith as agreed by Colin Parr
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Will Simpson

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 license, which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 7th September 2021, the Licensing department received an application for the grant of a premises licence for the premises at 1 Concord Street, Honley. The application was made by the company Hooley House LTD. A copy of this application including the plans may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant were as follows;

Activity	Days	Times
Live Music (indoors only)	Sunday – Thursday	12:00 – 21:30
	Friday & Saturday	12:00 – 22:30
Recorded Music (indoors only)	Sunday – Thursday	08:00 – 23:00
	Friday & Saturday	08:00 – 23:00
Performance Of Dance (indoors only)	Thursday & Sunday	12:00 – 21:30
	Friday & Saturday	12:00 – 22:00
Sale Of Alcohol (on sales only)	Sunday – Thursday	10:00 – 23:00
	Friday & Saturday	10:00 – 24:00

2.1.3 During the initial stages of the consultation period, one ward councillor commented that he would prefer if the applicant followed the opening times that were specified as a result of a planning application from October 2019. The planning decision notice which includes these restrictions can be seen at **Appendix B**. The applicant was unaware of any restrictions and as such agreed to amend their application, so it followed the planning hours. The applicant also agreed to the restriction on outdoor use. The revised hours that licensable activities are to take place are now as follows:

Activity	Days	Times
Live Music (indoors only)	Sunday – Thursday	12:00 – 21:30
	Friday & Saturday	12:00 – 22:30
Recorded Music (indoors only)	Sunday – Thursday	08:00 – 22:00
	Friday & Saturday	08:00 – 23:00
Performance Of Dance (indoors only)	Thursday & Sunday	12:00 – 21:30
	Friday & Saturday	12:00 – 22:00
Sale Of Alcohol (on sales only)	Sunday – Thursday	10:00 – 22:00
	Friday & Saturday	10:00 – 23:00

The Council's planning team in their capacity as a responsible authority initially made representation. However, this was subsequently withdrawn once the application was amended so that it ran in line with the planning hours granted in 2019. Also in their capacity as a responsible authority, the Council's Environmental Health team asked for some conditions to be applied to the licence should it be granted. The applicant has agreed

to these conditions. The requested conditions can be seen at **Appendix C**

Seven representations were also received from members of the public. These representations consider that the following licensing objectives would not be met should this licence be granted:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children From Harm

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

2.2 Licensing Policy

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

1.0 – Executive Summary

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

2.0 – Purpose and Scope of the Licensing Policy

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

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance
4. Protection of children from harm

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all four licensing objectives, Members attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix E**.

3 Implications for the Council

3.1 Working with People

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

3.2 Working with Partners

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

3.3 Place Based Working

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

3.4 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 Act. There have been no matters arising from responsible authorities.

5 Next steps and timelines

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

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

- reject the application

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

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

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

6 Officer recommendations and reasons

6.1 Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

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

9 Background Papers and History of Decisions

9.1 Appendix A – Application for the Grant of a Premise Licence from Hooley House LTD

9.2 Appendix B – Planning decision notice

9.3 Appendix C – Environmental Health conditions

9.4 Appendix D – Representations from members of the public

9.5 Appendix E - Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Service Director responsible

Katherine Armitage
Service Director – Environment and Climate Change
Tel: 01484 221000
Email: Katherine.armitage@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.

I

Hooley House Ltd

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 am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

1 Concord Street Honley			
Post town	Holmfirth	Postcode	HD9 6AE

Telephone number at premises (if any)	██
Non-domestic rateable value of premises	£1,650

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Hooley House Ltd
Address 1 Concord Street Honley Holmfirth HD9 6AE
Registered number (where applicable) 1346149
Description of applicant (for example, partnership, company, unincorporated association etc.) Ltd Company

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
3	0	1 0 2 0 2 1

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)
Café, Bar / Restaurant with 100 covers, background music and live entertainment

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? Alcohol sales & live music

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) ✓
- f) recorded music (if ticking yes, fill in box F) ✓
- g) performances of dance (if ticking yes, fill in box G) ✓

h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Folk music, singers, open mic nights etc Not all these days will be used for live entertainment, just as and when we can book something in.		
Mon	12:00	21:30			
Tue	12:00	21:30	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	12:00	21:30			
Thur	12:00	21:30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	12:00	10:30			
Sat	12:00	10:30			
Sun	12:00	21:30			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	8:00	23:00	<u>Please give further details here</u> (please read guidance note 4) Background music		
Tue	8:00	23:00			
Wed	8:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	8:00	23:00			
Fri	8:00	23:30	<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> (please read guidance note 6)		
Sat	8:00	23:30			
Sun	8:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4) Occasional Performances, Folk Dances etc				
Tue							
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)				
Thur	12:00	21:30					
Fri	12:00	10:00	<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> (please read guidance note 6)				
Sat	12:00	10:00					
Sun	12:00	21:30					

H

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises <input checked="" type="checkbox"/>	<input type="checkbox"/>			
				Off the premises <input type="checkbox"/>	<input type="checkbox"/>			
				Both <input type="checkbox"/>	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	10:00	23:00						
Tue	10:00	23:00						
Wed	10:00	23:00						
Thur	10:00	23:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	00:00						
Sat	10:00	00:00						
Sun	10:00	23:00						

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):

Name Jonathan Tahany-Jones	
Date of birth	██████████
Address ██████████ ██████████	
Postcode	██████████
Personal licence number (if known) ██████████	
Issuing licensing authority (if known) ██████████	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	8:00	23:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	8:00	23:00	
Wed	8:00	23:00	
Thur	8:00	23:00	
Fri	8:00	00:00	
Sat	8:00	00:00	
Sun	8:00	23:00	

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)

- * Pub Watch
- * Designated Supervisor to be on site during all opening hours

b) The prevention of crime and disorder

- * Live internet cameras 24/7
- * Challenge 25 / Proof of age cards
- * Pub Watch
- * Alarm
- * Any crime & disorder will be reported to the police
- * No sale of alcohol to inebriated customers
- * Capacity limit

c) Public safety

- * Fire Exit signs
- * Fire extinguishers
- * Plastic Glasses outside after 5pm
- * No smoking indoors
- * First Aid trained staff
- * First Aid Kit
- * No sale of alcohol to inebriated customers
- * Capacity limit

d) The prevention of public nuisance

- * Outside drinking curfew
- * Noise controls - windows & doors shut for live entertainment
- * Live entertainment stopping at 9.30pm
- * Any litter from Hooley House to be picked up on a regular basis through the day
- * Waste bins kept away from public reach

e) The protection of children from harm

- * No smoking indoors
- * All children accompanied and chaperoned by at least 1 adult
- * No alcohols sales

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.**

Declaration	<ul style="list-style-type: none">• [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).
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	<ul style="list-style-type: none"> 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)
Signature	
Date	07/09/2021
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd 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	

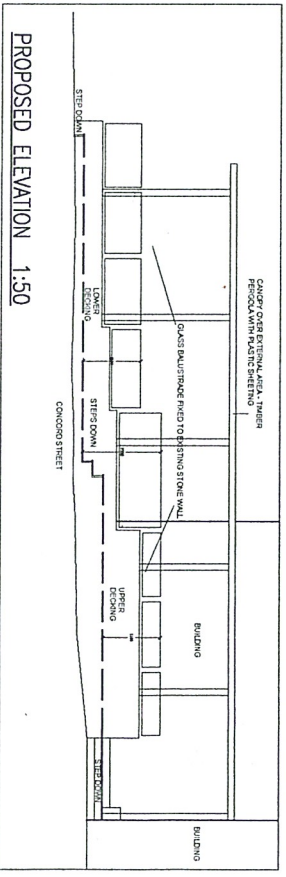
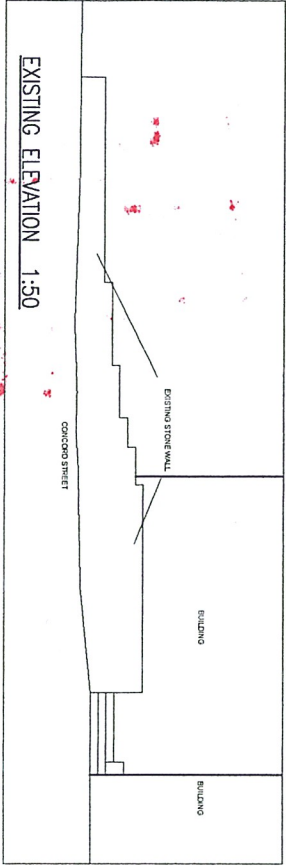
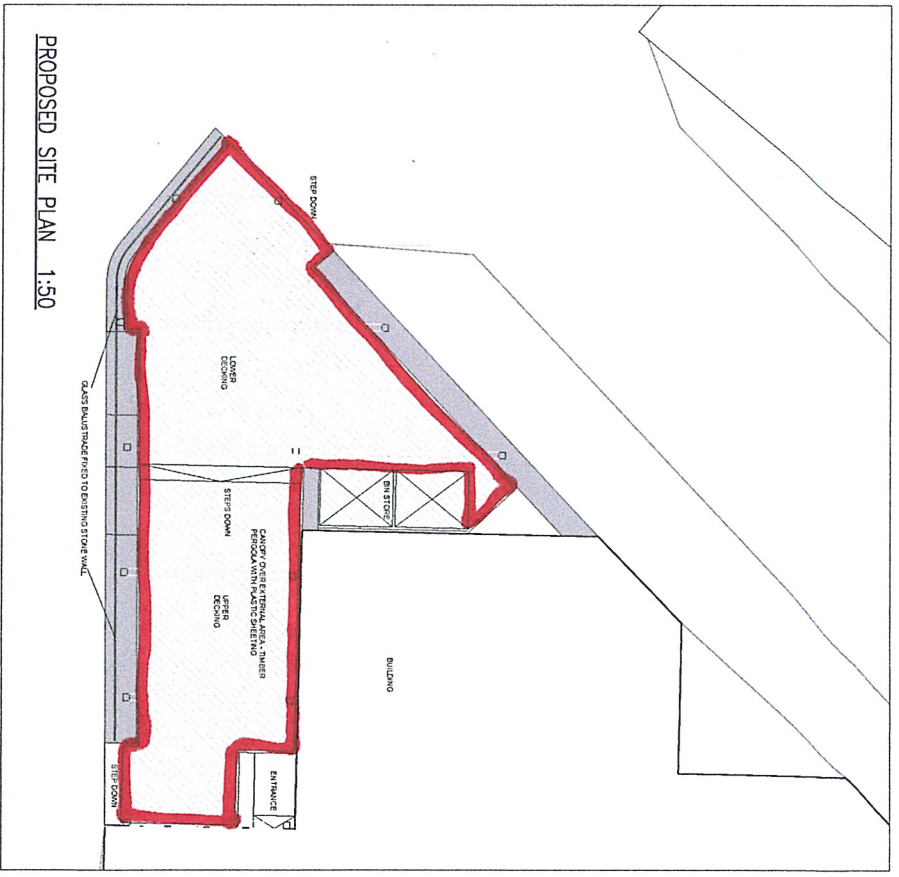
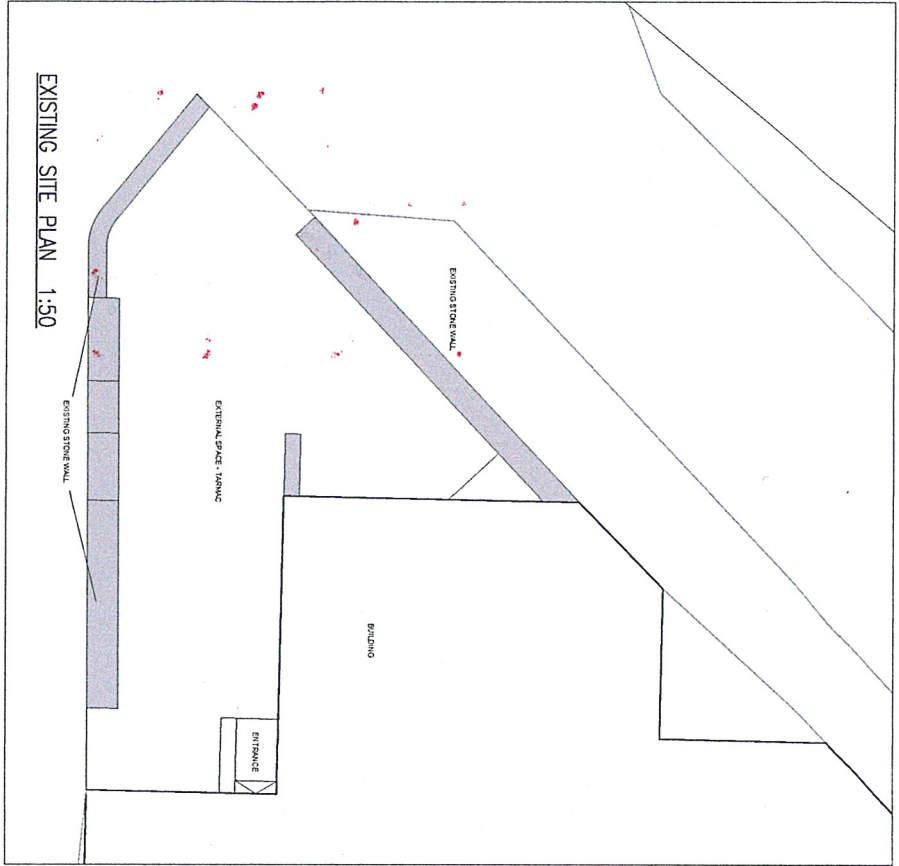
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

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>

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FOR DESIGN / PLANNING	
PROJECT	1 CONCORD STREET
DESIGN TITLE	PROPOSED EXTERNAL WORKS
REVISIONS	DATE: 12.09.21
REV: -	DATE: 12.09.21
DESIGNER	VARIES@SJ
DATE	12.09.21
SCALE	1:50
PROJECT NO.	12.09.21
CLIENT	STUDIO J ARCHITECTS
ADDRESS	55-61 ANTONIO STREET, SYDNEY NSW 2009
PHONE	15 8133 2400
WEBSITE	STUDIOJ.AU

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NOTES

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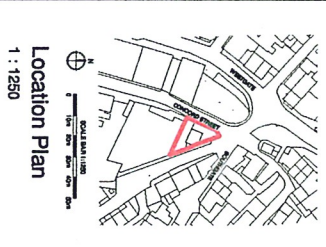
THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED IN THE SUPPLIER'S DRAWINGS AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

THE LOCATION OF THE GARDEN IS AN INDICATION ONLY. ALL PLANTING AND FURNITURE IS TO BE CHECKED ON SITE AND NOT TAKEN FROM THIS DRAWING

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FOR PLANNING

PROJECT
1 CONCORD STREET

DRAWING TITLE
LICENSING PLANS

DRAWING NO
816-001-REV-

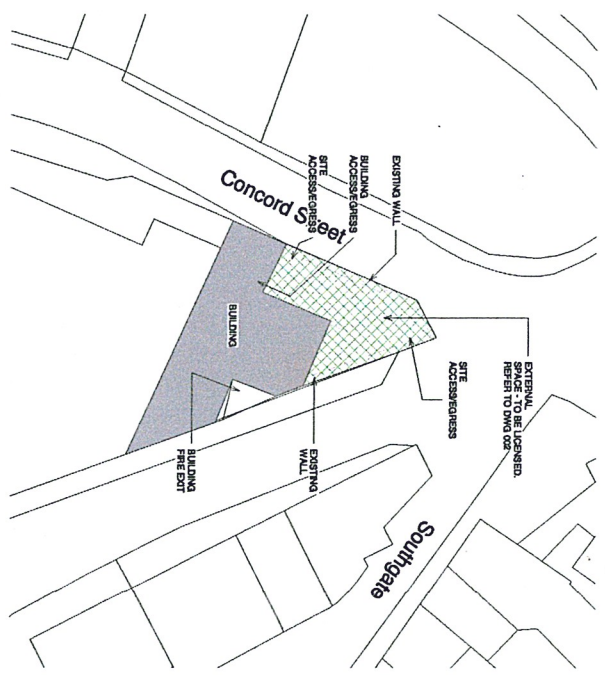
SCALE
As Indicated @ A1

DRAWN BY
JJI

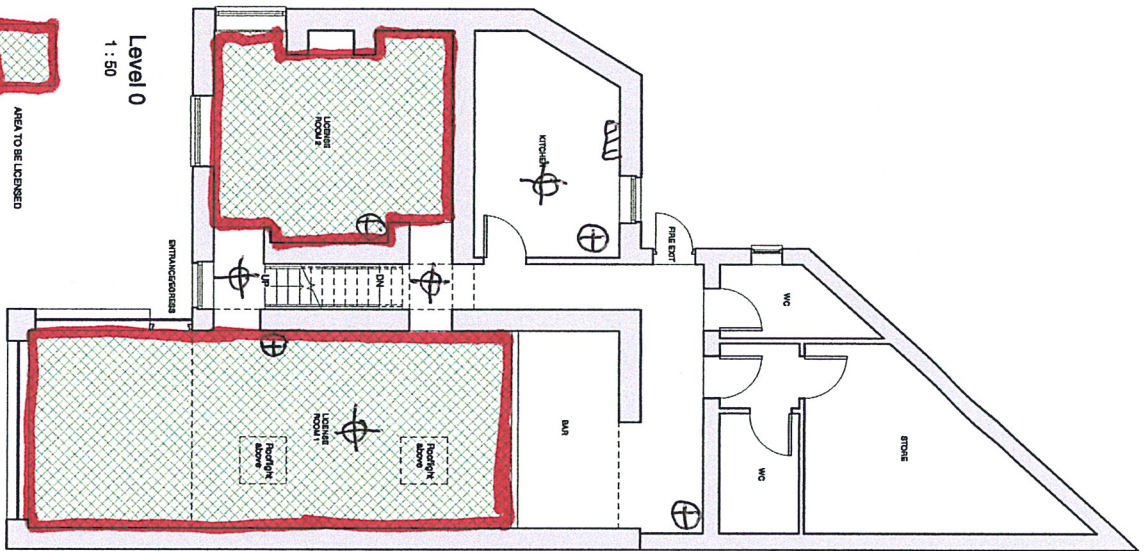
Date
06.08.21

Studio J Architects
Diana Shires
3 Silver Street
Leeds LS10 1HD
Tel: 0113 2449905
www.studioj-arch.co.uk

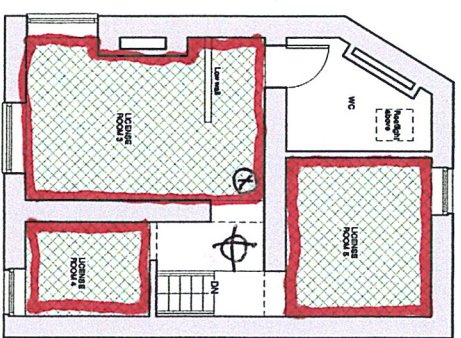
Studio J Architects



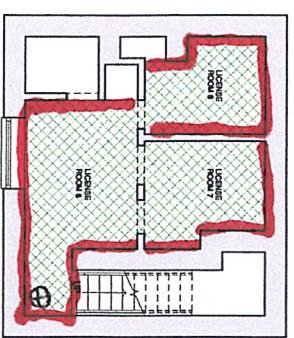
Site Plan
1 : 200



Level 0
1 : 50



Level 1
1 : 50



Level -1
1 : 50

- ⊕ FIRE EXTINGUISHERS
- ☒ FIRE BLANKET
- ⊕ SMOKE ALARM
- ⊕ ALL UPSTAIRS WINDOWS ARE ESCAPE WINDOWS

Appendix B



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/91935/W

To: Paul Matthews Architectural
Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ

For: MISS & MR NEWMAN & WILLIAMS

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

CHANGE OF USE AND ALTERATIONS TO MIXED USE (A1/B1A/B1B/B8) TO
FORM RESTAURANT/BAR (A3/A4) (WITHIN A CONSERVATION AREA)

At: 1, CONCORD STREET, HONLEY, HOLMFIRTH, HD9 6AE

In accordance with the plan(s) and applications submitted to the Council on 19-Jun-2019, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the protection of the character and appearance of the Honley Conservation Area, in the interests of residential amenity and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time ("rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019). Such arrangements shall thereafter be retained.

Reason: In the interests of the protection of the amenity of nearby residential properties and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

4. Food preparation and cooking on the premises shall not begin until details of the installation and/or erection of any kitchen extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the restaurant is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of the protection of the amenity of nearby residential properties, to ensure that an appropriate extraction system is fitted and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

5. Before the hereby approved development is brought into use details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the hereby approved development is brought into use and shall be so retained thereafter free of obstructions and available for storage of wastes from the premises.

Reason: In the interests of the protection of residential amenity of nearby properties from noise and disturbance, the protection of the character and appearance of the Honley Conservation Area and highway safety and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and Policies in Chapters 12, 15 and 16 of the National Planning Policy Framework.

6. All entertainment noise emanating from the hereby approved development shall be controlled so as to be inaudible at any nearby residential properties, inaudibility being defined as:-

- if the LAeq,(1min) (of the entertainment noise) is not greater than the LA90 (of the background with no entertainment noise) and
- if the L10 (5min) (of the entertainment noise) is not greater than the L90 (of the background with no entertainment noise) in each 1/3rd octave band between 40Hz and 160Hz.

Reason: In the interests of the protection of the amenity of nearby residential properties and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

7. The development hereby approved shall operate in accordance with the recommendation set out in the 'Measurement of Environmental Noise' by E2 Consultants, Ref: 9547-2 in respect to the following matters:

- Bottle Bins
- Noise from Guests
- Deliveries

Reason: In the interests of the protection of the amenity of nearby residential properties and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

8. The use hereby permitted shall not be open to customers outside the hours of 08:00 to 22:00 Monday to Thursday, 08:00 to 23:00 Friday and Saturday and 08:00 to 22:00 Sunday and Bank Holidays.

Reason: In the interests of the protection of the amenity of nearby residential properties from noise and disturbance at unsocial hours and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

9. The outdoor areas within the site outlined in red on Dwg. No. 19/347/02 shall not be used for seating, dining or gathering associated with the hereby approved use outside the hours of 08:00 to 21:00 on any day of the week.

Reason: In the interests of the protection of the amenity of nearby residential properties from noise and disturbance at unsocial hours and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan the guidance in the National Planning Policy Framework.

NOTE: The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	19/347/01		19/6/2019
Existing Block Plan	19/347/02		19/6/2019
Existing Plans and Elevations	19/347/03a		19/6/2019
Proposed Plans and Elevations	19/347/04a		19/6/2019
Design and Access Statement and Heritage Impact Assessment	19/347		19/6/2019
Measurement of Environmental Noise	9547-2		2/9/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information in relation to noise impact was secured through the course of the application. The application was determined based on the submitted information. The Agent was provided with a copy of the draft conditions. The written confirmation of the agent was received regarding the imposition of the conditions.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 31-Oct-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2019/62/91935/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

Appendix C

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

Reference:	WK/202129797
Premises:	1 Concord Street, Honley, Holmfirth, HD9 6AE

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

OBSERVATIONS			
Public Safety	<p>Standard letter to be sent.</p> <p>For the proposed number of covers (100), the premises should have 1 urinal, 1 male WC and 2 female WCs.</p> <p>It is not clear from the plan what the sanitary provision will be.</p>		
Date:	7 th September 2021	Officer/Ext:	Jenny Dineen 01484 221000
Prevention of Public Nuisance	<p>The new licensed premises is in close proximity to noise sensitive residential receptors. For this reason there are planning restrictions placed on new noisy activities associated with A4 (Drinking Establishment) use that affect the hours allowed though the licence application.</p> <p>The hours listed below for customers reflect those in the current planning permission for this location. The applicant</p>		

may wish to apply for a variation of planning condition and subsequent variation of licensing condition in the future to vary the hours stated below:

The use hereby permitted shall not be open to customers outside the hours of 08:00 to 22:00 Monday to Thursday, 08:00 to 23:00 Friday and Saturday and 08:00 to 22:00 Sunday and Bank Holidays.

Given the opening hours restricted by planning conditions, the hours applied for regarding live and recorded music would need to be reflected in the hours open to customers.

In addition to the comments above, the licensing conditions recommended by Environmental Health are as follows:

LC1

Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment emanating from inside the premises shall be controlled so as to be inaudible inside any noise-sensitive location in the vicinity of 1 Concord Street, Honley, Holmfirth, HD9 6AE.

To enable the applicant to check whether this condition is being met, suitable monitoring position(s) may be agreed with the Responsible Authority. To comply with the condition, noise from the premises shall not be audible at this point.

Informative Note:

Licensees are advised to carry out a simple “sound check” outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Therefore steps should be taken to reduce the volume of the noise.

In case of dispute, the applicant can verify inaudibility by demonstrating

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

LC2

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

staff shall be trained in ensuring the quiet dispersal of patrons.

LC3

There shall be a 15-minute 'cooling down' period at the end of the evening when the regulated entertainment shall cease. This will allow customers hearing to adjust before they leave the premises and will mean they are more likely to be quieter as they leave. The aim of the 'cooling down' period is to stagger the departure of the customers to help prevent public nuisance.

LC4

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

LC5

All external doors to the premises (including fire doors and patio doors) shall be kept closed (other than for normal access and egress) during the course of regulated entertainment.

LC6

All noise creating activities that are associated with the regulated entertainment shall only be carried out inside the premises except with the prior written approval of the Licensing Authority.

LC7

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

LC10

External areas of the premises shall not be used by customers between the hours of 21:00 and 08:00.

LC12

The disposal of waste bottles, glass and other materials into external receptacles shall not take place between 22:00 and 08:00 hours and any such waste receptacle shall not be removed from the premises between those hours.

Date:	27 th September 2021	Officer/Ext:	Joanne Cooper 01484 221000
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Appendix D

Mike Skelton

Subject: FW: Ref: PR00258

From:

Sent: 28 September 2021 18:14

To: Licensing <Licensing@kirklees.gov.uk>

Subject: Ref: PR00258

The Hooley House(1 Concord st) Honley have applied for an alcohol and live entertainment license which I wish to object to.

The building is very close to residential properties(approx 15 metres) which will certainly cause a problem with noise pollution as they are planning to be open more than 12hrs a day and create outdoor seating.

People and music spilling out into street areas will be a public nuisance and also dangerous as the access roads are very narrow.

Please consider my objections



Mike Skelton

From: [REDACTED]
Sent: 24 September 2021 10:46
To: Licensing
Subject: 1 Concord Street, Honley.

I am writing to you to about the proposed use of the above premises. As a resident of Honley at [REDACTED] [REDACTED] feel the noise that would be created by long licensing hours and live entertainment 7 days a week would affect my life. There is also the additional problem of parking where residents struggle to find spaces now so more cars will create more problems. I hope you will give thought and consideration to my objections.

With regards. [REDACTED]

Sent from my iPhone

Mike Skelton

From: Licensing
Sent: 28 September 2021 09:38
To: Mike Skelton
Subject: FW: Hooley house ref pr00258

Please see below objection

-----Original Message-----

From: [REDACTED]
Sent: 27 September 2021 17:16
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Hooley house ref pr00258

This is my objection for the drinks and music licence for hooley house in Honley ref pr00258 The times 8-11 Sunday - Thursday and 8-12 Friday and Saturday are ridiculous! There are elderly people and young children living so close to this venue and the noise is going to be horrendous. It's so very quiet up marsh that it is certainly going to cause a public nuisance. Live music 7 nights a week is going to bring unruly behaviour.

I fear for our safety too, yobbish behaviour 7 nights a week up a quiet dead end in Honley!

I fear taking [REDACTED] passed louts and drunken people.

Sent from my iPhone

Mike Skelton

Subject: FW: Licence Application Hooley House, 1 Concord St, Honley

From:
Sent: 04 October 2021 23:04
To: Licensing <Licensing@kirklees.gov.uk>
Cc:
Subject: Licence Application Hooley House, 1 Concord St, Honley

I have been unable to find a reference for my submission so I trust that this will reach the appropriate person.

Licensing Application Hooley House, 1 Concord Street, Honley

I am writing to register my concerns about the above application for an alcohol and live entertainment licence.

Background

The licence application for both the serving of alcohol and live entertainment is for the following opening hours:

Sun to Thurs – 8 am -11 pm

Fri and Sat – 8 am – 12 pm.

I note from social media that the proprietors are stating that they intend to be a food led establishment. However, the application for such extended hours implies that this may not be the case and that people will be drinking long before dinner times and potentially long after dining has finished.

In recent years, a village centre licenced premises just the other side of the small Westgate Car park caused disturbance to local homes despite there being strict licence requirements on the containment of noise. I am sure that none of the residents of the village centre want to have to endure that again. I understand that the noise abatement team were not consulted in respect of that premises before granting an alcohol and entertainment licence and would urge that they are consulted about this application now as they are aware of the issues that arose with the previous licence over a protracted period of time. I also understand that the relevant change of use in that case was not given until sometime after the licence was granted so would ask that this is also checked as the premises was previously retail (A1).

It is in light of that very unhappy period of time that I urge caution in granting any form of extended hours without first ensuring that conditions on reduced hours are strictly complied with.

Further, the request for entertainment and alcohol licence from 8am is extremely concerning. Special events (eg wedding receptions) would be better dealt with by special licences and not a blanket full time licence. That would also give the Licensing Committee opportunity to assess the conduct and compliance with conditions of any licence granted.

Grounds for concern

Whilst I accept that living in the centre of a thriving village means that there will be a certain level of “background hubbub” those of us living near the location are still entitled, by law, to quiet enjoyment of our homes without having to endure noise pollution or other forms of public nuisance.

Having considered the application, I am of the opinion that there are issues with each of the four planning objectives:

Prevention of Public Nuisance

Given the recent experience mentioned above strict requirements on the containment of noise should be imposed and enforced in order to prevent wide-spread public nuisance. That position is underlined by local conditions:

- Due to the layout of local housing stock, there are a number of “echo chambers” where sound from the village centre is effectively amplified. Previous experience has shown that live or recorded music played at above a very restrained volume permeates the local properties – even at times in the year when windows are less likely to be open;
- The village centre car park directly outside the premises is already usually full 24 hours a day as residents often don’t have on premises parking and parking on local roads is already oversubscribed. The potential for available parking to be reduced further is concerning in and of itself. The loss of two parking spaces on premise as part of the planning application for outside seating will exacerbate this and also indicates that there may well be noise outside reasonable hours.
- This means that the village is likely to face noise from people exiting the premises on foot. As many of us have to get up early to work (even at weekends) experience shows that this can be very disruptive to a restful evening/night;
- Given the relatively small size of the premises, if live bands are in situ (even potentially acoustic performers) that is likely to be noise pollution when people move out onto the pavement. Leaving doors/windows open to enable air flow (particularly important in these times of COVID) will of course further increase the noise level in the vicinity. When the other establishment I mentioned above had bands the door was often left open because it was “too hot and noisy inside”, apparently in breach of conditions imposed ; and
- The proposal for an outside seating area indicates that people may well be in and out opening the door and allowing noise to pollute the locality.

Protection of children from harm

- As one of the licencing objectives is the prevention of harm to children, I would suggest that this serious consideration if given to this objective
- If the proprietor is planning to use these hours to the full other than to serve food, it would clearly not be appropriate to have such extended hours licenced hours in a residential area and, in particular, where a lot of children pass on their way to school in the morning at a times when the licence would allow the establishment to serve alcohol!
- The risk is both physical from parking/drunken behaviour and emotional/mental health orientated from seeing inebriated people and also the potential disturbance to sleep for children living nearby

Public Safety

The requested licence gives rise to a potential issue with public safety. The roads around the premises are narrow and there are no pavements directly around the premises. This means that there is a risk of people standing or walking in the road rather than in safety.

This is made worse by the very poor visibility for traffic travelling along Southgate towards the Westgate Car Park area. Anyone stepping out or across Southgate from the location is likely to be almost invisible to traffic, significantly increasing the risk of accidents. Also, vehicles leaving parking spots in the vicinity already have restricted visibility as it is and there are already a large number of near misses around the Yorkshire Building Society/Car Park areas.

Further, the premises are next to a busy heavy goods vehicle operator and vehicles are accessing the road adjacent to the premises on a regular basis over a wide range of hours and particularly during the day. This raises the risk of accident if the serving of alcohol is allowed over similar hours as people exiting the premises may not be as diligent on road safety as they could be. As it is the vehicles often mount the pavement to access the hauliers and increased pedestrian and vehicular presence will cause a higher risk of accident involving heavy vehicles.

The loss of two parking spaces under the proposals means that there will be even more pressure on an already crowded areas so it may well be that more traffic is driving around the centre of the village looking for parking spaces leading to more risk of damage to vehicles/pedestrian's/property in the area.

Prevention of crime and disorder

I will pre-empt this by saying that I do drink alcohol and have worked in licenced premises so I am by no means anti-drinking! I also welcome good quality eating led establishments into the village.

However, the consumption of alcohol is a proven precursor to crime and disorder. There are already a number of licenced premises in the village and those serving food as their main purpose cause limited issues. The fact that given the application is for very extended hours, despite the comments on social media, indicates that main purpose of the premises appears to be the consumption of alcohol and is, therefore, a cause for concern.

Experience shows that, if drinkers are attracted from other than a hostelry's very local area they tend to have only limited consideration for the local environment and are significantly less concerned about their level of behaviour – be that noise or rowdiness; care for local property/vehicles; littering and even urination in public areas.

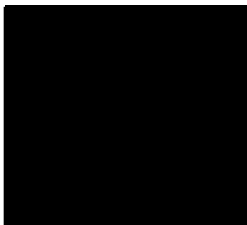
Statistics from 2015 show that alcohol related violent crime and other alcohol related crimes (including drink driving) costs the UK over £1.6bn a year in terms of the police and criminal justice system with alcohol related health problems

adding a further £1.9bn to the public bill. At a time when resources are stretched the granting of and extended hours licence would add additional burden and cost to the emergency services and the council in “policing” the compliance with licence conditions

In Summary

I have serious concerns about the practicality of the premise for the proposed use and on the impact that the requested alcohol and music licences would have on the safety of the local area as well as the potential for noise, nuisance and disorder that could arise.

I would welcome a good quality food led establishment and, indeed if their social media is to be believed, one that specialises in seafood would be a very welcome addition. However, other signs including the very nature of the licence application are that there are concerns under each of the four planning objectives which are likely to give rise to material issues were the licence applied for to be granted.



Mike Skelton

Subject: FW: objection to Hooley house PR00258 planning

From:

Sent: 05 October 2021 10:39

To: Licensing <Licensing@kirklees.gov.uk>

Subject: Re: objection to Hooley house PR00258 planning

I [REDACTED] who bought [REDACTED]
[REDACTED]
and a [REDACTED] you can imagine how upset we are at what is being proposed.
[REDACTED] would never had bought a house knowing a full live music bar would be opening [REDACTED]
we stongly object due to noise and disturbance it will cause in our local area and generally having such a
loud bar on ones doorstep is really concerning
it is advertising live music seven days a week which we hope the council will say is not justified in a
conservation small village with residential properties on its doorstep. Honley is a quiet respectful
community and the people who live here do not want a live music bar bringing trouble to the area we
know consumption of acholol increases disorder and crime and possible damage to property that is why
we do not want this passing and want the license rejected.

We would definatly not [REDACTED] we had know a live music bar was going to open
it was passed for a restaurant which none of the residents objected to this is a completely different matter
and we hope the council will put serious restrictions on its hours of opening and extent of how the music
will impact our living lives who wants to live next to a music bar.

please say no to this application and keep Honley a lovely place to live
[REDACTED]

Mike Skelton

From: Licensing
Sent: 27 September 2021 09:12
To: Mike Skelton
Subject: FW: Ref:PR00258

-----Original Message-----

From: [REDACTED]
Sent: 26 September 2021 20:05
To: Licensing <Licensing@kirklees.gov.uk>
Subject: Ref:PR00258

To whom it may concern,

I would like to oppose the licensing application for Hooley House Ltd (1 Concord Street, Honley) Ref: PR00258.

We live [REDACTED] and are extremely anxious at the prospect of this going ahead. There are young children and babies due on our road and if this application goes through it will not only be intolerable for all the residents in the area but extremely disruptive for the children. I believe rightly or wrongly that one of the objectives for licensing is "the prevention of public nuisance" This will most definitely be a nuisance to all of the residents living in the village. They are already advertising that they will be open for at least 12 hours EVERY SINGLE DAY, please take a moment to imagine how unbearable this will be for us. They want to have live music 7 days a week and are already encouraging people to book parties over Christmas, promising that their opening hours will be later during this period. I already feel like we are suffering as do our neighbours as this license, if passed, will lead to so many other issues ie; deliveries, taxi pick ups, drunks and yet more parking issues. I know you have lots to consider when dealing with these applications but I am pleading with you to consider us and our children. Thank you for your time.

Yours sincerely

[REDACTED]

Licensing Objection

The proposed licensing is to allow 7 days a week live music alongside consumption of alcohol at Hooley House, 1, Concord street, Honley, HD9 6AE. Looking at the proposal for licensing numerous red flags emerge immediately as to why I am making this strong objection on my behalf.

There are 4 licensing objectives which must be in relation to the objection. First and foremost one of the objectives is that of the prevention of public nuisance and disturbance. I strongly feel that the proposed hours and days of the licence suggested will cause a dramatic increase in disturbance of the local area. Honley itself is a quiet village with small scale businesses paving the way to create a peaceful feel. As a [REDACTED] the nuisance caused allowing such a bar to become part of the environment is extremely upsetting and hurtful. Honley is well known for its respectful habitants and businesses and to consent to such a miscreation would be very damaging. Myself being [REDACTED] do not feel that the new proposed plan and direction of the property directly [REDACTED] would comply with prevention of new public nuisance and disturbance. Close with our [REDACTED] it is hard to understand how such an idea of having this type of licensed bar [REDACTED] can be acceptable and compliant with the existing environment of the area.

Furthermore, the prevention of crime and disorder are also brought to my mind when it comes to thinking of the suggested licensing hours and aspect of live music. It is common knowledge that the consumption of alcohol increases the likeliness of drunken disorderly crimes, which includes damage of property. This is in direct correlation to the parked vehicles of the residents which are literally park on the door step of the new bar premise.

Appendix E

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

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.