

Name of meeting: Licensing Panel

Date: Wednesday 18th May 2022

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: European Mini Market, 59 Blacker Road, Birkby, Huddersfield, HD1 5HU

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 Strategic Director & name | Fiona Goldsmith – on behalf of Colin Parr Strategic Director (Environment and Climate Change) |
| 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: Greenhead Ward

Ward councillors consulted: Cllr Carole Pattison
Cllr Sheikh Ullah
Cllr Mohan Sokhal

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 24.03.2022 the Licensing department received an application for the New Grant of a premises licence for European Mini Market, 59 Blacker Road, Birkby, Huddersfield, HD1 5HU. A copy of this application and a location plan may be seen at **Appendix A**.

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

Sale of Alcohol (off the premises)
Monday - Sunday – 06:00 hrs – 22:00 hrs

2.1.3 I have received a representation from one of the Councillors for the Greenhead Ward expressing concerns around the potential for crime and disorder and public nuisance. Further to this the other two ward Members have agreed with these concerns and are of the view that there are existing problems in the area, and the above licensing objectives will not be achieved.

2.1.4 The representations that were received consider that the following licensing objectives would not be met should this licence be granted:

- Prevention of crime and disorder.
- Prevention of public nuisance.

A copy of the representations may be seen at **Appendix B**.

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 two of the licensing objectives, Member's attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

3 Implications for the Council

3.1 Working with People

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

3.2 Working with Partners

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

There have been no matters arising from responsible authorities.

West Yorkshire Police are satisfied there are no reported issues related to Alcohol In the vicinity.

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. 70525

Email: anwar.butt@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Appendix A – Application & Plan for the Grant of a Premise Licence for European Mini Market

9.2 Appendix B – Objections from local ward councillors.

9.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

10 Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

Tel: 01484 221000

Email: katherine.armitage@kirklees.gov.uk

Kirklees District Council

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/We



(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 | | | |
| European Mini Market, 59 Blacker Road, Birkby, | | | |
| Post town | Huddersfield | Postcode | HD1 5HU |

| | |
|---|---------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ 9,900 |

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)

| | |
|----------------------------------|--|
| 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 |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|---|-------------|
| DD | M | YYY |
| 2 | 1 | 0 4 2 0 2 2 |

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

| | | |
|----|---|------|
| DD | M | YYYY |
| | | |

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

A small community based Mini Market and grocery store, with an off licence situated in a small parade of shops in a mixed commercial residential area on the fringes of the town centre

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

| |
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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 | | | | | |

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 | | | |
| | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| 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 | | | |
| | | | |

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 type="checkbox"/> | | |
| | | | Outdoors | <input type="checkbox"/> | | |
| | | | Both | <input type="checkbox"/> | | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| Wed | | | | | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |
| | | | | | State any seasonal variations for the performance of live music (please read guidance note 5) | |
| | | | | | 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) | |

G

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

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 | 06.00 | | <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) |
| | | 22.00 | |
| Tue | 06.00 | | |
| | | 22.00 | |
| Wed | 06.00 | | |
| | | 22.00 | |
| Thur | 06.00 | | |
| | | 22.00 | |
| Fri | 06.00 | | |
| | | 22.00 | |
| Sat | 06.00 | | |
| | | 22.00 | |
| Sun | 06.00 | | |
| | | 22.00 | |

c) Public safety

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance

6. Prominent, clear and legible signage will be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

e) The protection of children from harm

7. A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records will be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

8. All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records will be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

9. Proxy signs will be on display warning adults about the law surrounding buying alcohol for children

10. Challenge 25

10.1 The premises will operate a Challenge 25 policy. Such policy will be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council.

10.2 Prominent, clear and legible Challenge 25 signage will also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. (to be paid online) X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. *Electronic application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X

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

[REDACTED]

Post town

[REDACTED]

Postcode

[REDACTED]

Telephone number (if any)

[REDACTED]

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

APPENDIX A (Plan)

Site Plan



Kompass
Kirklees Mapping Service

Scale = 1:914,760

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Ordnance Survey
100019241

maps@kirklees.gov.uk



- Annotations**
- Residential Area
 - LineString2
 - Residential Area
 - LineString1
 - European Mini Market
 - Rectangle1



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APPENDIX B

Anwar Butt

From: Cllr Sheikh Ullah
Sent: 31 March 2022 15:06
To:
Subject: RE: New Licence application

Dear Anwar,

I would like to object against this application, my reasons are:

-Situated in a part of the ward that has existing Anti-social behaviour, drug, and alcohol misuse issues, adding to potentially further crime and disorder -Allowing another license premises will increase and add further intensification to the area and add possible public nuisance -There are other licenced establishments within proximity. (St Johns Rd) -Situated on a busy road with limited parking with Highways Safety issues, increased traffic, and footfall during peak times.

Many residents over the past few years have made many complaints to me around the activities on Blacker Rd, particularly congregating outside other premises. The police are aware of the current situation. I feel that this will not enhance but cause further harm to the area.

As ward councillors no one knows the patch better than us, this will now only intensify the area potentially contributing to further ASB, Drug and Alcohol misuse issues. Do partnering services have the capacity to deal with any additional overflow.

The area is already intensified, and further premises will exacerbate the ongoing issues even more.

Best wishes
Cllr Sheikh Ullah
Greenhead Ward Councillor
Kirklees Council

If you are contacting me as a local constituent, please be aware that I may need to share your personal information when contacting council officers or other agencies relevant to your query.

For more information on how I use personal data for my constituency casework, please read my Privacy Notice at: <http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-councillors.pdf>.

Further information about data protection can be found at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>."

Please note that this e mail is only for the designated recipient and all or any part of it is not to be sent to any 3rd party without my consent.

(Kirklees Council is not responsible for content on third party websites)

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

From: Anwar Butt
Sent: 31 March 2022 00:50
To: Cllr Sheikh Ullah
Subject: New Licence application

Anwar Butt

From: Cllr Carole Pattison
Sent: 01 April 2022 10:42
To: Anwar Butt; Cllr Sheikh Ullah; Cllr Mohan Sokhal
Subject: RE: New Licence application

I agree with Sheikh's comments.

Kind Regards,

Cllr Carole Pattison
Cabinet Member for Learning, Aspiration and Communities Civic Centre 3, High Street, Huddersfield HD1 2RG

carole.pattison@kirklees.gov.uk
www.kirklees.gov.uk

Please see the Councillor Privacy Notice which explains how I process personal information in responding to constituents requests and their privacy rights.

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

From: Anwar Butt <anwar.butt@kirklees.gov.uk>
Sent: 01 April 2022 10:33
To: Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>
Subject: RE: New Licence application

Thank you for your observations Cllr.

I will be in contact in due course. Can I ask if you will be attending the licensing hearing to put your concerns to the chair when this application is due for consideration.

Regards,

Anwar Butt | Licensing Officer | Licensing & Enforcement Service | Kirklees Council | Flint Street, Fartown, Huddersfield, West Yorkshire, HD1 1JY 70525 | anwar.butt@kirklees.gov.uk
www.kirklees.gov.uk/licensing

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

From: Cllr Sheikh Ullah <Sheikh.Ullah@kirklees.gov.uk>
Sent: 31 March 2022 15:06
To: Anwar Butt <Anwar.Butt@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

Dear Anwar,

I would like to object against this application, my reasons are:

Anwar Butt | Licensing Officer | Licensing | Environment Service | Kirklees Council | Flint Street, Fartown,
Huddersfield | HD1 1TA
www.kirklees.gov.uk/licensing

Your message is ready to be sent with the following file or link attachments:

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Anwar Butt

From: Cllr Mohan Sokhal
Sent: 01 April 2022 11:08
To: Anwar Butt; Cllr Sheikh Ullah; Cllr Carole Pattison
Subject: RE: New Licence application

Agree with Carole and Sheikh.

With regards
Mohan
Labour Group Business Manager
Cllr Mohan Sokhal MBE JP
Labour Councillor Greenhead Ward

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

From: Anwar Butt <Anwar.Butt@kirklees.gov.uk>
Sent: 01 April 2022 10:33
To: Cllr Sheikh Ullah <Sheikh.Ullah@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

Thank you for your observations Cllr.

I will be in contact in due course. Can I ask if you will be attending the licensing hearing to put your concerns to the chair when this application is due for consideration.

Regards,

Anwar Butt | Licensing Officer | Licensing | Environment Service | Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG | www.kirklees.gov.uk/licensing

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

From: Anwar Butt <Anwar.Butt@kirklees.gov.uk>
Sent: 31 March 2022 15:06
To: Anwar Butt <Anwar.Butt@kirklees.gov.uk>; Cllr Carole Pattison <Carole.Pattison@kirklees.gov.uk>; Cllr Mohan Sokhal <Mohan.Sokhal@kirklees.gov.uk>
Subject: RE: New Licence application

Dear Anwar,

I would like to object against this application, my reasons are:

-Situated in a part of the ward that has existing Anti-social behaviour, drug, and alcohol misuse issues, adding to potentially further crime and disorder -Allowing another license premises will increase and add further intensification to the area and add possible public nuisance -There are other licenced establishments within

Anwar Butt | Licensing Officer | Licensing | Environment
Huddersfield, HD1 6LG | 01484 221000
www.kirklees.gov.uk/licensing

Fartown,

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APPENDIX C

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

Crime and disorder

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

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

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

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

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

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.