

**Name of meeting:** Licensing Panel

**Date:** Monday 5<sup>th</sup> September 2022, Huddersfield Town Hall

**Title of report:** Licensing Act 2003 – Application for the Variation of a Premises Licence: Woodman Inn, 6 Hartley Street, Dewsbury, WF13 ZBJ

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

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

**Electoral wards affected:** Dewsbury East

**Ward councillors consulted:** Cllr Eric Firth  
Cllr Aleks Lukic  
Cllr Cathy Scott

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

**GDPR Implications:**

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

## **1. Summary**

- 1.1 On 19th July 2022 the Licensing department received an application for the full variation of a premises licence from Tadcaster Brewery Ltd, for the premises known as The Woodman Inn, 6 Hartley Street, Dewsbury WF13 ZBJ. The applicant is requesting Condition 2 set by the Licensing Panel on 3rd March 2021 be removed. Full details of Variation application can be seen at Appendix A

## **2. Information required to take a decision**

### Application

- 2.1 In March 2021, a review of the premises licence was heard by members of the Licensing committee as colleagues from West Yorkshire Police called for a review of the Premises Licence.
- 2.2 The review was due to an allegation of a breach of Covid-19 restrictions that were in place at the time, along with concerns of disorder that had taken place at the premises.
- 2.3 The outcome of the review hearing was that members agreed to add conditions to the licence that had been proposed to them by West Yorkshire Police.
- 2.4 One of those conditions was that the premise will utilise a minimum of two door staff to be employed on a Friday and Saturday nights from 8pm until all customers have left.
- 2.5 The door staff must be supplied by a recognised SIA-Approved Contractor Scheme company, no in-house door staff to be employed. Door staff must also be employed over bank holiday weekends as well as Christmas Eve and New Year's Eve.
- 2.6 The applicant now seeks to have this condition removed from the licence.
- 2.7 Discussions have taken place between the licensee and West Yorkshire Police and the Police are happy for this condition to be removed as there have been no calls for service since the review hearing.
- 2.8 Local ward councillors have also expressed their support of this application.
- 2.9 In addition, Licensing Officers carried out visits to the premises on several occasions and found the premises in full compliance of the conditions requested by the panel.
- 2.10 Members determined the review application on 3rd March 2021 and resolved those conditions be applied to the premises licence. The panel's decision can be seen at Appendix B.

### **3. Licensing Policy**

- 3.1 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

#### **4. Secretary of State Guidance**

- 4.1 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**.

### **5. Implications for the Council**

#### **5.1 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.

## **5.2 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.

## **5.3 Place Based Working**

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

## **5.4 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.

## **5.5 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.

## **6. Consultees and their opinions**

6.1 Consultation has taken place in accordance with the Act.

6.2 West Yorkshire Police have no objections to the condition requested to be removed.

6.3 Environmental Health have reviewed the application as they have no recent complaints, they have no comments to make in relation to prevention of public nuisance.

## **7. Next steps and timelines**

7.1 When determining the application Members, having had regard to the information, 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

- 7.2 Findings on any issues of fact should be on the balance of probability.
- 7.3 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.
- 7.4 The decision should be based on the individual merits of the application.

## **8. Officer recommendations and reasons**

- 8.1 Members of the Panel are requested to determine the application

## **9. Cabinet portfolio holder's recommendations**

Not applicable

## **10. Contact officer**

Craig Heywood, Licensing Officer, Licensing Service  
Tel: 01484 221000 ext. 74196  
Email: [craig.heywood@kirklees.gov.uk](mailto:craig.heywood@kirklees.gov.uk)

## **11. Background Papers and History of Decisions**

Appendix A – Application for Variation of Premises Licence  
Appendix B – Decision letter after review hearing  
Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003  
Appendix D – Consultee responses

## **12. Service Director responsible**

Katherine Armitage  
Service Director – Climate Change and Environmental Strategy  
Tel: 01484 221000  
Email: [katherine.armitage@kirklees.gov.uk](mailto:katherine.armitage@kirklees.gov.uk)

# Appendix A

## Application to vary a premise licence under the licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Tadcaster Pub Company Ltd**

.....  
*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number PR (A) 0656</b>
--

#### Part 1- Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Woodman Inn 6 Hartley Street			
Post town	Dewsbury	Postcode	WF13 2BJ

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 9250

#### Part 2- Applicant details

Daytime contact telephone	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	Commer House Station Road		
Post town	Tadcaster	Postcode	LS24 9JF

**Part 3 - Variation**

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

Removal of condition 2 in Annex 3 "A minimum of two door staff to be employed on a Friday and Saturday nights from 8pm until all customers have left. The door staff must be supplied by a recognised SIA-Approved Contractor Scheme company, no in-house door staff to be employed.

Door staff must also be employed over bank holiday weekends as well as Christmas Eve and New Year's Eve. A door staff signing in register must be kept at all time."

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--



#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick 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)

**NO CHANGES TO OPERATING SCHEDULE – SEE DESCRIPTION IN PART 3 ON PREVIOUS PAGE**

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

Sale by retail 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 6)			Will the performance of a play take place indoors or outdoors or both—please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>  <u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>  <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 (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
			<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 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both –please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance (please read guidance note 4)</u>		
Thur								
Fri						<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 (please read guidance note 5)</u>		
Sat								
Sun								



H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both <input type="checkbox"/> please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			Both <input type="checkbox"/>		
Wed			Please give further details here (please read guidance note 3)		
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both –please tick</u> (please read guidance note 2)	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 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

J

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

**NO CHANGES TO OPERATING SCHEDULE – SEE DESCRIPTION IN PART 3**

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)  <b>NO CHANGES TO OPERATING SCHEDULE – SEE DESCRIPTION IN PART 3</b>
Day	Start	Finish	
Mon			<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 5)  <b>NO CHANGES TO OPERATING SCHEDULE – SEE DESCRIPTION IN PART 3</b>
Tue			
Wed			
Thur			
Fri			
Sat			

Sun

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

Removal of condition 2 in Annex 3 "A minimum of two door staff to be employed on a Friday and Saturday nights from 8pm until all customers have left. The door staff must be supplied by a recognised SIA-Approved Contractor Scheme company, no in-house door staff to be employed.

Door staff must also be employed over bank holiday weekends as well as Christmas Eve and New Year's Eve. A door staff signing in register must be kept at all time."

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

**NO CHANGES TO OPERATING SCHEDULE**

b) The prevention of crime and disorder

**NO CHANGES TO OPERATING SCHEDULE**

c) Public safety

**NO CHANGES TO OPERATING SCHEDULE**

d) The prevention of public nuisance

**NO CHANGES TO OPERATING SCHEDULE**

e) The protection of children from harm

**Checklist:**


Please tick to indicate agreement

<ul style="list-style-type: none"> <li>• I have made or enclosed payment of the fee – <b>to be paid when the council makes contact to collect card payment</b></li> </ul>	
<ul style="list-style-type: none"> <li>• I have sent copies of this application and the plan to responsible authorities and others where applicable – <b>I believe the council now distributes these copies</b></li> </ul>	
<ul style="list-style-type: none"> <li>• I understand that I must now advertise my application.</li> </ul>	√
<ul style="list-style-type: none"> <li>• I have enclosed the premises licence or relevant part of it or explanation.</li> </ul>	√
<ul style="list-style-type: none"> <li>• I understand that if I do not comply with the above requirements my application will be rejected.</li> </ul>	√

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	19/07/2022
Capacity	DIRECTOR

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

Post town		Post code	
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>

# Appendix B



**Governance & Democratic Services**

Civic Centre 3  
High Street  
Huddersfield  
HD1 2TG

Tel: 01484 221000

**PRIVATE AND CONFIDENTIAL**

Date: 9 March 2021

**APPLICATION FOR REVIEW HEARING UNDER S51 LICENSING ACT 2003:  
WOODMAN INN, 6 HARTLEY STREET, DEWSBURY**

I write to confirm the decision of the Licensing Panel, following the virtual hearing held on Wednesday 3 March 2021, at which consideration was given to an application made by West Yorkshire Police, for a review hearing of the premises licence under Section 51(1) of the Licensing Act 2003, in respect of The Woodman Inn, 6 Hartley Street, Dewsbury, WF13 2BJ.

The Members of the Licensing Panel that considered the application were Councillors Amanda Pinnock (Chair), James Homewood and Michael Watson.

Also in attendance at the hearing were, West Yorkshire Police, Licensing Group Leader, Licensing Public Protection, Licensing Officer, Environmental Health Officers and, Senior Legal Officers, Kirklees Council.

The Chair invited the Licensing Officer to outline the application for the review. The Panel were informed that on 18 January 2021, West Yorkshire Police made an application for the review of the premises licence as they believed that the licensing objectives in respect of the prevention of crime and disorder, public safety and protection of children from harm were not being achieved at the premises.

The Panel was advised that within the last 18 months there had been complaints from local residents alleging incidents of criminal behaviour, underage drinking and breaches of the Covid regulations. This had led to the West Yorkshire Police making an application for review.

PC Jagger, West Yorkshire Police Licensing Officer, was invited to outline the reasons for requesting a review hearing. In summary, the Panel was informed that:

- In November 2019, West Yorkshire Police attended a report of an assault outside The Woodman Inn and saw what they believed to be a number of under 18's drinking alcohol in the local vicinity
- In December 2019, a customer reported a public disorder in the car park of The Woodman Inn which included 100 plus people fighting and using weapons
- In January 2020, West Yorkshire Police carried out a Licensing visit at The Woodman Inn with officers from Neighbourhood Policing team. On checking ID's, 4 people out of 25 were found to be under the age of 18
- In February 2020, a meeting was held between you, West Yorkshire Police and Kirklees Licensing team to discuss concerns regarding disorder. An action plan aimed at addressing the concerns was agreed and formalised
- In May 2020, West Yorkshire Police were called to The Woodman Inn for a reported breach of the Covid- 19 regulations
- In October 2020, a 16-year-old reported an assault at The Woodman Inn to West Yorkshire Police
- In December 2020, a vulnerable 17-year-old reported to West Yorkshire Police that she had been sexually assaulted and prior to the assault had been drinking alcohol in The Woodman Inn
- In January 2021, West Yorkshire Police attended The Woodman Inn after an anonymous call alleging a breach of the Covid regulations. West Yorkshire Police found people drinking and people from different households mixing. Body worn camera footage of the incident was made available.

The panel adjourned into private session to view the footage

Mr Brackup, Solicitor was invited to make representation on your and the Brewery's behalf. Mr Brackup acknowledged that there was no excuse for the unacceptable breach of Covid regulations and that you had been issued with a penalty which you settled immediately. He advised the Panel that there was, however, no evidence of underage drinking at The Woodman Inn and suggested that there were discrepancies in the statements provided by West Yorkshire Police.

Mr Brackup referred to a document which had been circulated prior to the hearing and the Panel acknowledged that they had seen and read the information.

Mr Brackup explained that the document outlined proposed amendments to the licence conditions which were being put forward by you in conjunction with the brewery and its legal representative. The proposed amendments included:

- Comprehensive internal CCTV system to enable incidents that may occur inside the public house to be correctly identified and perpetrators identifiable as well as to illustrate the operation of Challenge 21 policy and to provide visual insight as to the approximate age of those taking alcohol within the pub
- To employ SIA independently licensed door staff on Fridays and Saturdays and/or on any occasion where there is a special event where the numbers are expected to be high
- For you, and for all those who work within the public house, whether on a part time or full-time basis, to attend appropriately run licensing refresher courses

- To instigate a series of measures to ensure the proper operation of the Challenge 21 policy and for refusals of entry and/or refusals to serve to be properly logged and noted
- To arrange for increased signage within the premises and to the exterior of the premises of the operation of the Challenge 21 policy

In response to your proposal, West Yorkshire Police and Kirklees Licensing Department felt that these amendments did not go far enough and that they needed to be strengthened. In order to promote the licensing objectives and to address the concerns regarding underage drinking and issues of disorder, West Yorkshire Police proposed the conditions they would find acceptable:

- The premises shall install and maintain comprehensive digital colour CCTV system. All public areas of the Licenced premises, including all public entry and exit points, outside drinking area and street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided
- A minimum of two door staff to be employed on a Friday and Saturday nights from 8pm until all customers have left. The door staff must be supplied by a recognised SIA-Approved Contractor Scheme company, no in-house door staff to be employed  
Door staff must also be employed over bank holiday weekends as well as Christmas Eve and New Year's Eve. A door staff signing in register must be kept at all time
- The Licensee, must complete a recognised Personal Licence Holders Course from the BII (British Institute of Inn Keeping) or an accredited training provider, to ensure that they have a comprehensive knowledge of the 2003 Licensing Act
- No persons under 18 years of age allowed on the premises after 6pm
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - A) All crimes reported to the venue, or by the venue to the police
  - B) All ejections of patrons
  - C) Any complaints received
  - D) Any incidents of disorder
  - E) Seizure of drugs, offensive weapons, fraudulent ID or any other items
  - F) Any faults in the CTV system
  - G) Any refusals of the sale of alcohol
  - H) Any visits by the relevant authority of emergency service
  - I) The times on duty, names and licence numbers of all licensed door supervisors employed by the premises

- Full written risk assessment to be in place for Covid-19 to a standard approved by Kirklees Environmental Health

At the hearing, officers from the Council's Environmental Health team made representation regarding breaches to the Covid-19 regulations advising the Panel that in October 2020, a visit by Environmental Health Officers, took place at The Woodman Inn to assess compliance with Covid-19 legislation and government guidance. Officers found that you had failed to implement suitable and sufficient controls in line with the latest government public safety guidance for operating safely during the pandemic. You were issued with guidance of control measures that were to be implemented immediately.

In January 2021, national restrictions were imposed and licences premises were closed to prevent the further spread of Coronavirus. Evidence from the police (bodycam footage from both officers in attendance) suggested that the Woodman Inn was still operating which showed blatant disregard for public safety particularly as Kirklees had high levels of infections. As a result of this breach, you were served with a £1000 fixed penalty notice, which, the panel notes, was paid.

**Following careful consideration of all the representations made both verbally and in writing, in respect of the review application made by West Yorkshire Police and the Licensing Department, the Panel determined that;**

The amendments to the licence conditions proposed by West Yorkshire Police are acceptable and that the licence should be amended to incorporate the amendments stipulated by West Yorkshire Police and Kirklees Licensing Department.

In arriving at the decision, the Panel took into consideration the written representations and the evidence presented both at and prior to the hearing. The Panel also took into account the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made thereunder, guidance issued by the Secretary of State under Section 182 of the Act and the Licensing Objectives themselves.

In addition, the Panel felt that it was important that the Licensing Services, relevant council services and responsible authorities continue to monitor The Woodman Inn on a regular basis to ensure ongoing compliance with the conditions of the licence and Covid-19 regulations to promote the licensing objectives.

In conclusion, I have to make you and all other parties aware that there is the right to appeal against the decision to the Magistrates Court within a period of 21 days from being notified of the decision. Any such application must be made directly to the Magistrates Court for the area.

If you require any further information, please contact the Licensing Office.

Yours sincerely

**Nicola Sylvester**  
**Democracy Officer**

# Appendix C

## **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.*



# Appendix D

**From:** Woodhead, Richard  
**Sent:** 19 July 2022 14:54  
**To:** Mark Scaramuzza  
**Cc:** Mike Skelton, Jagger, Kathryn  
**Subject:** RE: Premise license variation for PR00316 Woodman Inn

**CAUTION:** External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon Mark,  
West Yorkshire Police have no objection to this variation. Since the licensing hearing where the condition was added there has been no recorded crimes or incidents linked to the pub.  
Best Wishes  
R. Woodhead

**From:** Mark Scaramuzza  
**Sent:** 19 July 2022 12:25  
**To:** Jagger, Kathryn , Woodhead, Richard , Mike Skelton , Matthew Bibby, KSCP Admin , public health licensing  
**Cc:** Pollution, Planning Contact Centre  
**Subject:** Premise license variation for PR00316 Woodman Inn

Good Afternoon

Please find attached an application we have received for the variation of a premises licence.

If you feel that one or more of the licensing objectives would not be met should this licence be granted, then please make representation by **16.08.2022**

Kind regards

Mr Mark Scaramuzza

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

<b>Reference:</b>	WK/202224527
<b>Premises:</b>	Woodman Inn, 6 Hartley Street, Dewsbury, WF13 2BJ

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

<b>OBSERVATIONS</b>			
<b>Public Safety</b>		KE1 - No Observations	
<b>Date:</b>	22 July 2022	<b>Officer/Ext:</b>	Kevin Ellam 01484 221000
<b>Prevention of Public Nuisance</b>		I have reviewed the application and as we have no recent complaints about this premises, I have no comments to make in relation to prevention of public nuisance.	
<b>Date:</b>	19 August 2022	<b>Officer/Ext:</b>	Andrew Robinson 01484 221000