



Name of meeting: Licensing Panel

Date: Monday 5th December 2022

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Moll Springs Brewery, Moll Springs, Netherton, Huddersfield, HD4 7DN

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
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 for 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 Tony McGrath
Cllr Paul White

Public or private: Public

Has GDPR been considered? 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 10th October 2022 the Licensing department received an application for the grant of a premises licence for Moll Springs Brewery. The application was made by the company called Moll Springs Brewery Limited. A copy of this application may be seen at **Appendix A**.

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

Sale of Alcohol (Both on and off)
Monday - Sunday 12:00 – 22:30

2.1.3 In total, 2 representations from members of the public have been received relating to this application.

2.1.4 The application was also served on responsible authorities to which 1 representation was received from Environmental Health, the applicant has agreed to the conditions Environmental have requested. The signed conditions may be seen at **Appendix B**. Both members of the public were consulted about the agreed conditions, one did not respond and the other responded stating they were still not happy with the application.

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

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

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

2.1.6 Moll Springs Brewery has had several Temporary Events Notices this calendar year. Licensing have not received any complaints from responsible bodies or from the local residents.

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

3. Implications for the Council

3.1 Working with People

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

Kirklees living in cohesive communities, feeling safe and protected from harm.

3.2 Working with Partners

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

3.1 Place Based Working

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

3.2 Climate Change and Air Quality

There is no impact in relation to climate change and air quality in this report.

3.3 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.

3.4 Financial Implications of people living or working in Kirklees

The decision members make may have financial implications for the applicant.

3.5 Other (eg Integrated Impact Assessment (IIA) Legal/Financial or Human Resources) Consultees and their opinions

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.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environment Act 2005

- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

4. Next steps and timelines

4.1 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

4.2 Findings on any issues of fact should be on the balance of probability

4.3 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.

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

5. Officer recommendations and reasons

5.1 Members of the panel are requested to determine that application.

6. Cabinet Portfolio Holder's recommendations

Not applicable

7. Contact officer

Jordan Barrett, Licensing Officer, Licensing Service.

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8. Background Papers and History of Decisions

8.1 – Appendix A – Application for the Grant of a Premises Licence for Moll Springs Brewery

8.2 – Appendix B – Environmental Health conditions

8.3 – Appendix C – Objections from members of public

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

9. Service Director responsible

Katherine Armitage

Service Director – Climate Change and Environmental Strategy

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