

Name of meeting: Licensing Panel

Date: Thursday 7th December 2023 at 15:00 hrs.

Title of report: Licensing Act 2003 – Review of a New Premises Licence: Silent Woman, Nabbs Lane, Slaithwaite Huddersfield, HD7 5AU

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 Is it also signed off by the Service Director (Finance)? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director (Environment and Climate Change) Not applicable Not applicable
Cabinet member portfolio	Cllr Mussarat Pervaiz

Electoral wards affected: Colne Valley Ward

Ward councillors consulted: Cllr Beverley Addy
Cllr Harry McCarthy
Cllr Matthew Mc Loughlin

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 review of a premises license, which is referred to this panel for determination.

2 Information required to take a decision.

2.1 Application

2.1.1 On 11th October 2023, West Yorkshire Police have applied, under Section 51 of the licensing Act 2003 for the Review of the premises licence PR(A)1062 for the Silent Woman, Nabbs Lane Slaithwaite, Huddersfield, HD7 5AU. A copy of this application can be seen at **Appendix A**.

2.1.2 Prior to the 2003 Licensing Act the Silent woman had the benefit of a premises licence, which was granted under a Justices Licence. On 05.10.2005 the licence was converted under the Licensing Act 2003. At the same time an application was made to extend the existing licensed hours. The table below details the current licensable activities and hours of operation.

Opening hours	
Mon – Thurs 10:00 hrs – 00:30hrs	
Fri- Sat 10:00hrs – 01:30 hrs	
Sunday 10:00 hrs – 23:30 hrs	

	Mon -Thursday		
	10:00 hrs	00:00 hrs	
	Fri -Sat		
	10:00 hrs	01:00 hrs	
	Sun		
	10:00 hrs	23:00 hrs	
• Late night refreshment	Mon – Thursday	23:00	00:00
	Fri – Sat	23:00	01:00

In December 2022 this licence was transferred to Verity Baines who has been the Premise licence holder since this time. A Copy of the Premise licence can be seen at **Appendix B**. A location plan can be seen at **Appendix C**.

Since the review papers have been served Verity Baines has surrendered this licence. However, Section 50 of the licensing Act 2003 allows a 28-day period whereby a transfer application may be submitted, and the licence would then be reinstated by virtue of this section of the Act. A transfer application would need to be submitted on or before 6th December 2023. Email attached at **Appendix D**.

2.1.3 The review application has been advertised and consulted on in accordance with the requirements of the licensing Act 2003 & The Licensing Act 2003 (Hearings) Regulations 2005. During the

consultation period there have been no additional representations received from the responsible Authorities. Environmental Health have provided supporting evidence to support this review, this information forms part of the Police review submission. One anonymous representation has been made, which alludes to the issues raised in the review application. This is not included due to its anonymous nature.

2.1.4 The review notice seeks revocation of this licence, and states that the following licensing objectives are not be met.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

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 licence review application and any representations:

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

13.1 The Licensing Authority recognises the importance of its ability to review premises licences. The proceedings set out in the 203 Act for reviewing premises licence represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance, and the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives and responsible authorities are encouraged to give licensees early warning of any concerns identified at a premise.

13.5 For cases which are being considered as a result of a review or potential enforcement action, the Council will take into account all relevant circumstances, but will view the following matters particularly seriously:

- Failure to promptly respond to a warning properly given by a responsible authority.
- Failure to engage with the responsible authorities in an effective manner.
- Previous convictions for licensing offences.
- Previous failure to comply with licence conditions.

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 four of the licensing objectives, Member's attention is drawn to Section 2 of this Guidance. The relevant sections of the guidance can be seen 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 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 Climate Change and Air Quality

There are no climate change or air quality implications contained in this report.

3.5 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.

3.6 Financial Implications for the people living or working in Kirklees Council

The decision members make may have financial implications for the applicant/existing licence holder.

3.7 Other (e.g. Integrated Impact Assessment (IIA)/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.

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 Environmental 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 Consultees and their opinions

Consultation has taken place in accordance with the Act. Environmental Health have provided supporting evidence, this forms part of the Police report.

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 – Review Application,

9.2 Appendix B – Copy of Premises Licence & Location Plan PR(A)1062 for Silent Woman.

9.3 Appendix C – Location plan

9.4 Appendix D - Email from Verity Baines surrendering the PR(A)1062

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 – Climate Change and Environmental Strategy
Tel: 01484 221000
Email: katherine.armitage@kirklees.gov.uk

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APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE 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, (insert name of applicant) PC 4346 Katie Jagger

- Apply for the review of a Premises Licence under Section 51
- Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or Club Premises details	
Postal address of premises or, if none, Ordnance Survey map reference or description:	
The Silent Woman Nabbs Lane	
Town/City: Slaithwaite	Postcode: HD7 5AU

Name of premises licence holder or club holding club premises certificate (if known):	
Miss Verity Baines	
Number of premises licence or club premises certificate (if known):	PR(A)1062

Part 2 – Applicant details	
Please 'check' appropriate box(es)	
I am:	
1. An interested party (please complete A or B below)	
(a) a person living in the vicinity of the premises	<input type="checkbox"/>
(b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
(c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
(d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2. A responsible authority (please complete C below)	<input checked="" type="checkbox"/>
3. A member of the club to which this application relates (please complete A below)	<input type="checkbox"/>

A – Details of individual applicant		
Surname:	Forename(s):	
I am 18 years old or over:	<input type="checkbox"/>	
Current postal address if different from premises address:	Town/City:	Postcode:
Daytime contact telephone number:		
E-mail address (optional):		

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B – Details of other applicant

Surname: Forename(s):
Address:
Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R PC
Surname: Jagger Forename(s): Katie
Address: West Yorkshire Police Licensing, Flint Steet
Town/City: Huddersfield Postcode: HD1 6LG
Daytime contact telephone number:
E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

West Yorkshire Police, Environmental Health Pollution and Noise Team and Kirklees Licensing have received a number of complaints regarding this licenced premises. An Action Plan was agreed with the licence holder Verity Baines. This Action Plan was not complied with.

The Designated Premises Supervisor is in name only.

The Premises Licence Holder leaves the running of the pub at busy times to young inexperienced staff.

Residents living in the vicinity of the premises state the public nuisance and crime and disorder they witnesses is spoiling their quality of life.

The below licensing objectives have been impacted upon:

- Prevention of crime and disorder.
- Public safety
- The prevention of public nuisance

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Please provide as much information as possible to support the application (please read Guidance note 2)

Miss [REDACTED] became the premises licence holder of The Silent Woman on the 22nd December 2022. She does not hold a personal licence, a member of the community [REDACTED] agreed to be the Designated Premises Licence holder. This was a short-term agreement to allow time for [REDACTED] time to undertake the training and obtain her own personal licence. This training is still to be completed by [REDACTED]

Since [REDACTED] became the Premises Licence Holder the following complaints have been received:

To West Yorkshire Police:

Recorded Crimes

[REDACTED] 0/3/23 **Section 39 Assault and Criminal Damage.** During a private birthday party at the premises. A male customer has got into a verbal argument with a female. He has thrown a pint glass at her which has hit the back of her head, bounced off and then hit the drinks fridge, causing the glass on the door of the fridge to smash. The complainant received hospital treatment for a small lump to the back of her head. This matter is still ongoing at court.

[REDACTED] **ate Crime.** Persons unknown write in chalk "GAYS and WANKERS" on a wall and also an arrow pointing to the complainant's home address. Complainant believes this to have been written by a customer or member of staff at The Silent Woman. No suspects or witnesses. No further action taken by the police due to lack of evidence.

12220427571 [REDACTED] **Assault.** Persons unknown throws an egg into the garden of a neighbouring property to The Silent Woman. This egg hits the complainant causing no injury. complainant believes this to have been thrown by a customer or member of staff from The silent Woman. No suspects or witnesses. No further action taken by the police due to lack of evidence.

Calls for Service

[REDACTED] – Concern for Safety. The Caller is reporting a fight, males and females involved. They cannot hear it but can hear lots of shouting and fighting.

Duplicate log – Caller reporting people shouting, threats to stab, massive brawl, 20 people fighting, mixture of males and females, seem to be in drink. Police attend, there were confirmed reports of a male with a baseball bat, area search no male identified.

[REDACTED] – Nuisance. The caller is wanting to complain about carrying on a the public house last night – fighting and noise nuisance. Caller has been round to speak to the male manager this morning but he has not been re-assured regarding issues being addressed. The noise and the disturbances are making the callers partner unwell. Caller rang for advice. The caller appreciates that there will be some noise etc living next to a pub but they believe that the pub is not being run in a fit and proper manner. Is requesting a licensing visit by police.

[REDACTED] 3 – Caller reporting a female kicking off, she has hit a member of staff and is now threatening to driver her car. She has fallen out with her partner and is in drink. Police attend and an assault is recorded on the DPS [REDACTED] as she was pushed by the suspect. The staff were unable to work CCTV and no CCTV was made available to officers on subsequent requests. No further action could be taken.

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..... - Caller reporting a female shouting outside The Silent Woman. The female is throwing glasses at staff.

Duplicate log – caller is a member of staff at the pub reporting a female was kicking off and being verbally abusive. Arguing and refusing to leave, trying to throw glasses. Police attend, no confirmed damage, no complainants. No further action taken at this time.

Recorded Intelligence

..... There were at least two underage drinkers at The Silent Woman, Slaithwaite. Drug dealing was also taking place.

..... The driver of a black BMW and a Black Vauxhall are distributing drugs from the outside of the pub. The drivers have people collect the drugs from the pub.

..... } A named male from Crossland Moor is frequently selling drugs around the Silent Woman Pub.

..... } A named female has been drinking alcohol all day at The Silent Woman Pub, and left in her vehicle heading towards Manchester Road.

..... } A male who lives and works at the The Silent Woman, is driving under the influence of alcohol.

..... } A named male customer who drinks at The Silent Woman drives under the influence of alcohol. His vehicle is usually parked outside the pub or blocking Howgate Road.

..... } Drugs are being dealt at The Silent Woman Pub. Cars are attending the road next to the pub and are dealing to customers of the pub. Some of the customers are underage. The customers attend the vehicle and the exchange takes place. They are dealing cocaine. The drugs are then taken in the rear beer garden or the toilets.

..... A named male customer is drink driving. He drives a blue Skoda.

Complaints to Kirklees Pollution and Noise Control

Report provided by Laura Donovan – attached.

The summary of this report is:

Complainant 1 has been on Standby since 25/5/23. There have been 12 calls to Night Time Noise (NTNS) or Standby.

6 of the calls officers attended and no noise nuisance established.

5 calls were cancelled en-route and 1 call of noise nuisance was evident.

Other complainants

7/7/23 Complainant 3 called NTNS nothing witnessed.

25/8/23 Complainant 3 called NTNS didn't want a visit. Officer did drive passed, nothing witnessed.

29/8/23 Complainant 2 called NTNS no visit wanted, no noise nuisance witnessed.

Interventions from Kirklees and Police Licensing

26th April 2023– Visit to Silent Woman by PC Jagger and Richard Woodhead.

Discussed complaints of noise and nuisance and recent alleged hate crime. Advice given regarding Check 25 ID policy, suitable staffing, incident book, requesting customers to leave quietly, discourage customers from drinking outside at the front of the pub, change DPS and clear rear outside area of pub so it can be used as a beer garden.

16th May 2023 – 2nd Visit to Silent Woman by PC Jagger and Richard Woodhead. Allegations of drug dealing were discussed and they were again advised to record persons they had banned from the pub. Toilet checks by staff were recommended. On this date it was noted that the outside rear of the pub was still full of 'junk' and was not enticing for customers to sit there. Advice was again given to clear this area.

20th May 2023 – Saturday afternoon visit by 2 Kirklees Licensing Officers. No concerns at the time of the visit. Karaoke was on but it could not be heard from outside.

14th June – Licensing Officer [REDACTED] and PC Jagger visited to ensure that the benches had been removed and the rear area cleared. Benches had not been moved and rear area had not been cleared.

17/07/23 – Meeting held at Kirklees Licensing. Present was Licensing Manager Fiona Goldsmith, PC Katie Jagger, Licence holder Verity Baines, her partner [REDACTED] in and staff member [REDACTED]. An Action Plan agreed.

19/7/23 PC Jagger attended at The Silent Woman with a copy of the Action Plan, [REDACTED] signed two copies. One was left with her.

A Copy of action plan is attached to this file. **Exhibit KJJ.1**

The agreed steps were:

The immediate removal of the benches outside the front of the premises.

The designated smoking area to be at the rear of the premises.

The adoption of challenge 25.

To amend the signage at the entrances/exits of the premises to ask the patrons to respect the needs of the local residents and to leave the premises quietly and not to swear.

To keep all doors/windows closed when regulated entertainment is occurring.

To ensure that staff are vigilant monitoring groups using toilets in relation to possible drug use within the premises.

To keep a diary which documents when staff are completing the "sound check" outside the premises, when patrons are removed from the premises, when incidents occur within the premises, and the time in which the premises closes.

To agree to allow authorised officers of the council and west Yorkshire police access to CCTV when required.

To upgrade the CCTV system - to be completed by 30/9/23

Licence holder to replace the current DPS – to be completed by 31/8/23

A review of this action plan was carried out on 27/09/23 – this was due to further complaints to Licensing from local residents.

The meeting was held at The Silent Woman Pub. Present was Fiona Goldsmith, PC Jagger,

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Licence Holder [REDACTED] and DPS [REDACTED] in.

[REDACTED] disclosed that she no longer wished to continue being the DPS and stated she would resign from this post on the 31st October 2023.

[REDACTED] had breached the action plan by:

Not completing her personal licence application and applying to become the DPS.

Not updating the CCTV at the pub.

Not completing a diary to an acceptable standard that documents sound checks, removals, incidents and the time the premises closes.

There was just one completed incident report from Friday 4th August 2023 a copy is attached to this file. **Exhibit KJJ.2**

Most pages in the diary were blank see **Exhibit KJJ.3**

Where incidents had occurred, they were not documented see **Exhibit KJJ.4** for 7-10th September, it just says 'Argument Tim'

Verity admitted during the meeting that she leaves young, inexperienced staff to close the pub on a weekend evening. She cannot be present on a Friday evening as she works at Aldi very early on Saturday morning.

The diary for the 4th August 2023 states Jade on close, **Exhibit KJJ.5** This is [REDACTED] born [REDACTED] is 19 years old.

I asked to view the CCTV from the previous Friday night. [REDACTED] stated that the monitor did not work and without this no CCTV retrieval could take place.

Due to all the information in this report, I am requesting that the Panel revoke the alcohol licence for this venue. This is due to the repeated complaints for noise, anti-social behaviour, public order and mismanagement. Licensing have repeatedly advised and made recommendations regarding the running of this pub which have been disregarded.

If the panel thinks revocation is too harsh would consideration to additional conditions to the licence be given:

- 1) Personal Licence Holder to be on duty at all times.
- 2) Minimum of 2 door staff to be employed on a Friday and Saturday evening from 8pm until close.
- 3) CCTV to be installed to cover all internal and external areas. The CCTV system must comply to current home office guidance and record for a minimum of 28 days. CCTV footage must be made available on request from any authorised officer.

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to 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 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature: [Redacted] Date: 11/10/23

Capacity: Police Constable Licensing

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City:

Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Silent woman Hotel Summary of Noise Complaints

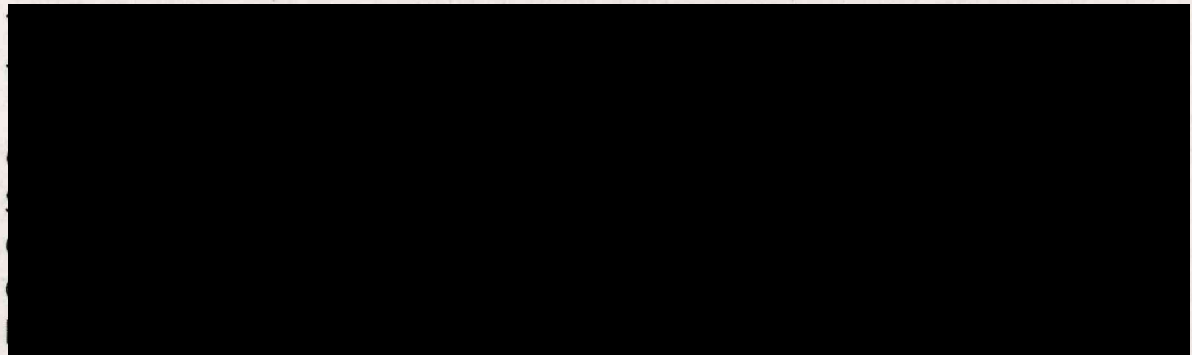
Unique Reference number:WK202303552

Kirklees Council

Environment and Climate Change

Environmental Health

Silent Woman Hotel is a detached public House and dwelling. The front façade and the front door faces Nabbs Lane. There is a small outside area at the front which has a bench and is used as a smoking area. It has a rear beer garden.



10/10/2022 First Letter sent to DPS Silent Woman informing of complaint.

25/10/2022 DPS called by Officer who was informed that they would implement controls to mitigate noise.

25/10/2022 second letter sent to Silent Woman along with email and text.

No further complaints

Diary sheets returned by Complainant 1: 6/2/2023, advised would have to reopen the case as more than 4 weeks had passed since first complaint.

24/4/2023 email from complainant 1

26/4/2023 Called DPS and informed of noise. Agreed to keep windows and doors shut when music on and to monitor outside to check for noise outbreak.

26/04/2023 First letter to DPS

28/04/2023 Trojan installed to monitor noise collected on 10/05/2023 no evidence of loud music but some evidence of loud voices at the front of the pub.

9/5/2023 Diary sheet returned by Complainant 1. Second letter sent to DPS

25/05/2023 Complainant 1 put on Immediate call out service/standby service

25/05/2023 Second letter sent to premises licence holder.

04/06/2023 Complainant 1 called standby, visit made no noise in house but some noise in garden mainly DJ voice speaking unnecessarily. Couple of tables out the front with groups of people talking. Officer felt wasn't a nuisance.

22/06/2023 Complainant 1 called standby then cancelled 15 mins later.

28/06/2023 Complainant 1 called standby 9.28pm then cancelled as noise had stopped.

7/7 Complainant 3 called NTNS nothing witnessed. Diary sheets returned , 1 incident recorded not substantiated.

08/07/2023 Complainant 1 called NTNS at 18:56 then cancelled visit as noise had dropped.

21/07/2023 Complainant 1 called NTNS 19:39 officer visited 20:30 no noise witnessed.

05/08/2023 Complainant 1 Immediate call out. Officer visited nothing witnessed.

06/08/2023 Complainant 1 called Night -Time Noise Service. Officer Arrived outside sources address at 18:02, Music could be heard at a Loud volume from the road-side, arrived at complainants address at 18:05, music had stopped, no music played until 18:32 which could be just be heard over the top of complainants television in the front living room (TV on volume 14). 18:37 music could barely be heard in both bedrooms, music seemed to get louder when patrons opened the door at the sources address, music was intermittent throughout the visit and could not be witnessed in complainant's bedrooms. Visit ended at 18:55. notes made in pocket- book 23:33 on pages 15, 16 and 17. Not a nuisance.

06/08/2023 Standby service called by Complainant 1, 19:36 then cancelled by complainant 1 whilst on route to site.

11/08/23 Complainant 1 immediate call out, attended 19:50 some noise could be heard in the complainant's property but officer stated that he could not determine if the noise witnessed was a nuisance .

19/08/2023 Complainant 1 called Standby service. Standby officer attended 17:55 Officer entered the complainant's property and could hear faint voices but without any TV/radio or other background noise. No nuisance witnessed so advised complainant to keep calling.

25/8/23 Complainant 3 called NTNS didn't want a home visit. Officer did drive by past Silent Woman all silent nothing witnessed.

26/8/23 Complainant 3 called NTNS didn't want a home visit. Officer did drive by past Silent Woman all silent nothing witnessed.

29/8/23 Complainant 2 called NTNS no visit wanted. Diary sheets sent.

2/9/23 Complainant 2, called NTNS at 22:11 re loud music. He declined a visit to his property to visit as he was going to bed.

8/9/23 Standby visit requested Complainant 1 .20:08 - Arrived on site, as officer passed the Silent Women PH there were three people outside but they weren't loud and no music was audible.

20:20 - Music began from the Silent Women PH. Officer witnessed first of all from the complainant's garden as it was a warm and clear night. The music was clearly audible with a heavy bass beat.

20:23 - A male approached the complainant's garden wall and flicked ash from his cigarette over the wall. He then turned and walked back towards the PH. On a number of occasions the music became much more audible and the officer believed this was as people were in and out of the front door. Multi coloured flashing lights were viable through the PH windows.

20:27 -The officer went back to the complainant's living room, as he was walking in the song changed and was much less intrusive. Over normal conversations I could not hear the music.

20:39 - The bass became audible over normal conversation and was much more audible when the front door of the PH was opened. This was with the complainant's living room window open which I would expect due to the weather.

20:46 – The Officer asked to assess from the main bedroom just to get an idea of how the noise would affect sleep. With the windows open which were on the opposite side of the PH the music was audible.

20:49 - Status Quo - The Wanderer began playing. This was clearly audible in the complainant's bedroom and would have affected my sleep in this room.

20:55 - PH door was opened as the music was much louder.

21:02 - Officer left site.

As Officer passed the PH there was one male smoking outside. There were no windows open. As the officer walked up Bank Gate to my vehicle the amplified sound was clearly audible and it became clear it was a live singer. The Officer was satisfied that the noise I witnessed from the source property was a nuisance and spoiled the use and enjoyment of the complainant's property.

Summary so far.

Complainant 1 has been on Standby since 25/5/23 There have been 12 calls to NTNS or Standby.

6 of the calls officers attended and no noise nuisance established

5 calls were cancelled en-route and 1 call a noise nuisance was evident.

1 nuisance incident witnessed since May 23.

Other complainants

7/7/23 Complainant 3 called NTNS nothing witnessed.

25/8/23 Complainant 3 NTNS didn't want a visit. Officer did drive past Silent woman nothing witnessed all silent.

29/8/23 Complainant 2 called NTNS no visit wanted, no noise nuisance witnessed.



Licensing Action Plan

Premises	Silent Woman
Address	Nabbs Lane, Slaithwaite, Huddersfield HD7 5AU
Premises Licence Number	PR(A)1062

OVERVIEW AND PURPOSE

This action plan has been established and agreed with the premises licence holder as a voluntary means of introducing enhanced measures at the premises to achieve the promotion of the licensing objectives. The licensing objectives being:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

IDENTIFIED ISSUES

- Noise and disturbance to neighbouring residential properties at the front of the premises.
- Noise and disturbance from regulated entertainment inside the premises.
- Complaints about the sale of alcohol to under 18's.
- Benches on the highway to the front of the premises.
- Drug use.
- Two fights outside the premises.

OBJECTIVES

- Premises to adhere fully to the licence conditions and upholding the 4 licensing objectives.
- No nuisance to the surrounding area from patrons or the premises.
- Minimal input from agencies, including Licensing, Police and Environmental Health.
- Safe environment for patrons.
- Management and staff to have a full understanding of the licence and licensing objectives.

STEPS TO BE IMPLEMENTED (In addition to existing licence conditions)

1. Immediate removal of benches to the front of the premises.
2. Designated smoking area to be at the rear of the pub.
3. Adopt challenge 25.

4. Change signage at the entrances and exits of the premises which requests patrons to respect the needs of the local residents and to leave the premises and area quietly and to not swear.
5. Keep all doors/windows shut when regulated entertainment is occurring, for example, when karaoke is on, when there is a DJ or a band playing.
6. Ensure that staff are vigilant monitoring groups using the toilets for drug use.
7. Keep a diary which documents when staff are completing the "sound check" outside the premises, when patrons are removed from the premises, when incidents occur within the premises and the time in which the premises closes.
8. Agree to allow authorised officers from the Council and West Yorkshire Police to access CCTV when required.
9. Upgrade CCTV.
10. Licence holder to replace current DPS upon completion of personal licence course, return of DBS certificate, application for personal licence and application to vary DPS.

PERIOD WHEN THE ACTION PLAN WILL TAKE EFFECT

- Steps 1 to 4 with immediate effect.
- Step 5 to be completed no later than 30th September 2023.
- Step 9 to be completed subject to the completion of personal licence course, return of DBS and completion of personal licence application by Verity Baines, expect change of DPS to be completed by 31st August 2023.

DATE OF REVIEW

The plan will be subject to ongoing monitoring by involved agencies.

The plan will be reviewed in six months and no later than 31st January 2024.

If the premises licence holder is found to be contravening the agreed terms of this Action Plan, it is expected that the responsible authorities will seek a review of the premises licence.

Name:

Fiona Goldsmith – Group Leader Licensing

Signed:

Date: 18th July 2023

Name:

Miss Verity Baines

Licence Holder for The Silent Woman Nabbs Lane Slaithwaite, Huddersfield HD7 5AU

Signed:

Date: 19.7.2023

Jagger, Kathryn

From: [Redacted]
 Sent: 06 October 2023 15:09
 To: Jagger, Kathryn
 Subject: Incident log

Jade on close

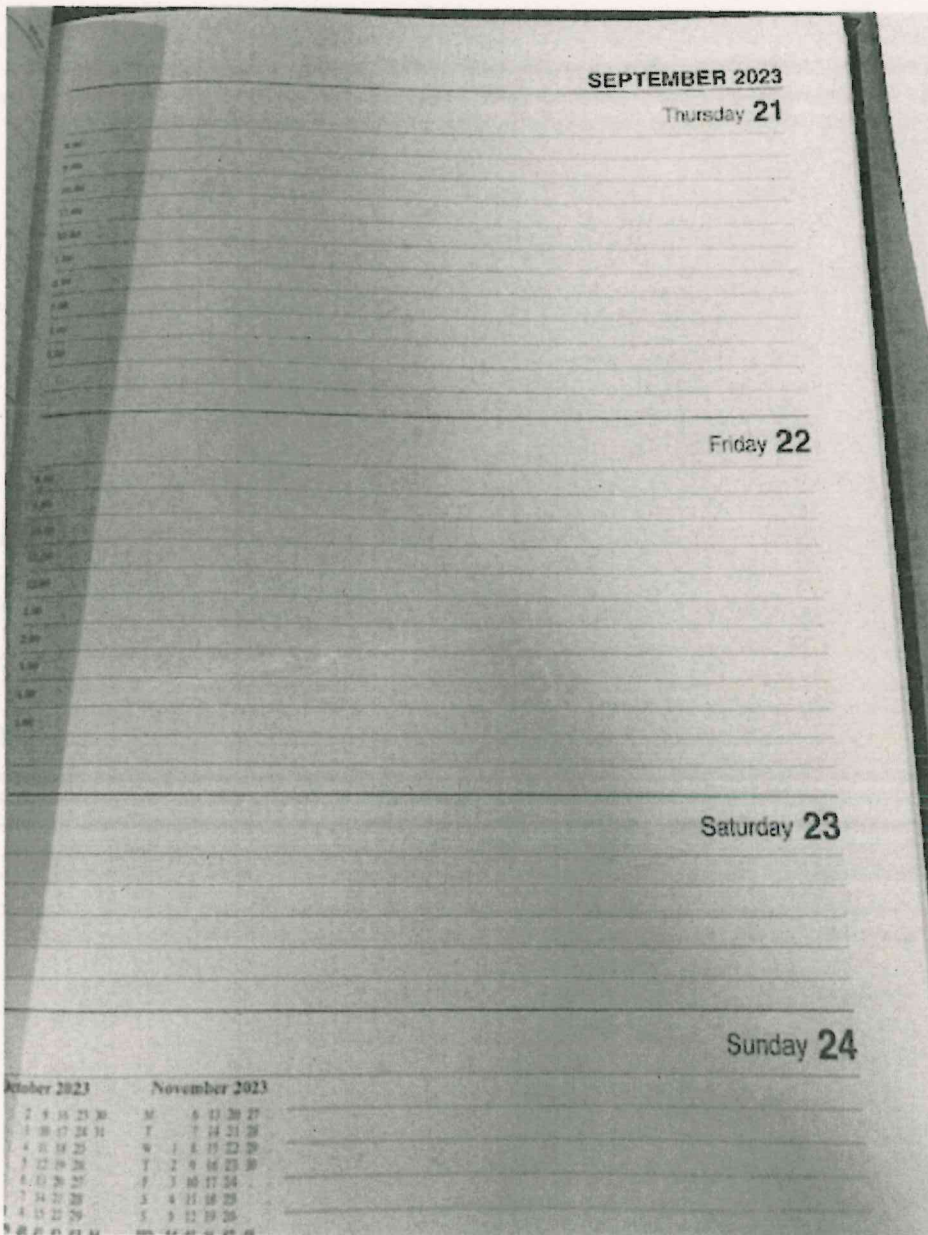
Friday 4th August 2023

Called last orders at 11:30pm Stopped selling alcohol at 12:00, gave everyone till 12:30 to drink their drinks and leave at 12:30. [Redacted] and her sister both refused to leave, both arguing with all 3 bar staff Melodie, [Redacted] and [Redacted]. Then [Redacted] girlfriend [Redacted] started arguing with [Redacted] and [Redacted] sister [Redacted] grabbed [Redacted] to take her outside then [Redacted] said something to [Redacted] [Redacted] then stood up and went to go for [Redacted], So [Redacted] stood in the middle and put her hand up to defend herself and [Redacted] and because [Redacted] was running at them [Redacted] bashed of [Redacted] hand and [Redacted] went flying back, went over a buffet and fell to the floor. [Redacted] then got on top of her and punched her, [Redacted] dragged [Redacted] outside and took her home. Jason rang 999 for a ambulance then [Redacted] said she doesn't want one, [Redacted] her friend came for her and took her home.

Sent from my iPhone

Jagger, Kathryn

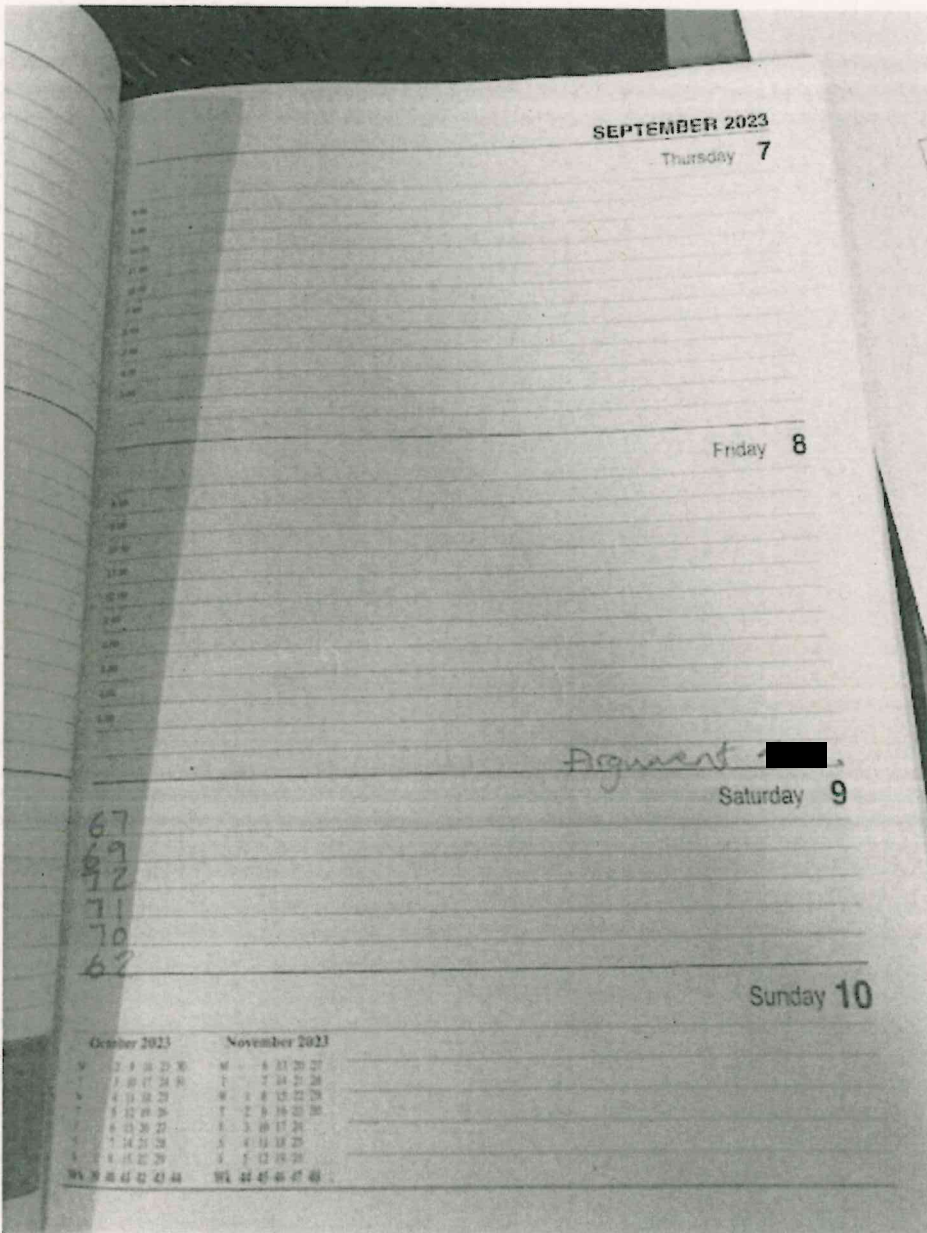
From: Katie Jagger
Sent: 06 October 2023 15:09
To: Jagger, Kathryn
Subject: Empty incident book



Sent from my iPhone

Jagger, Kathryn

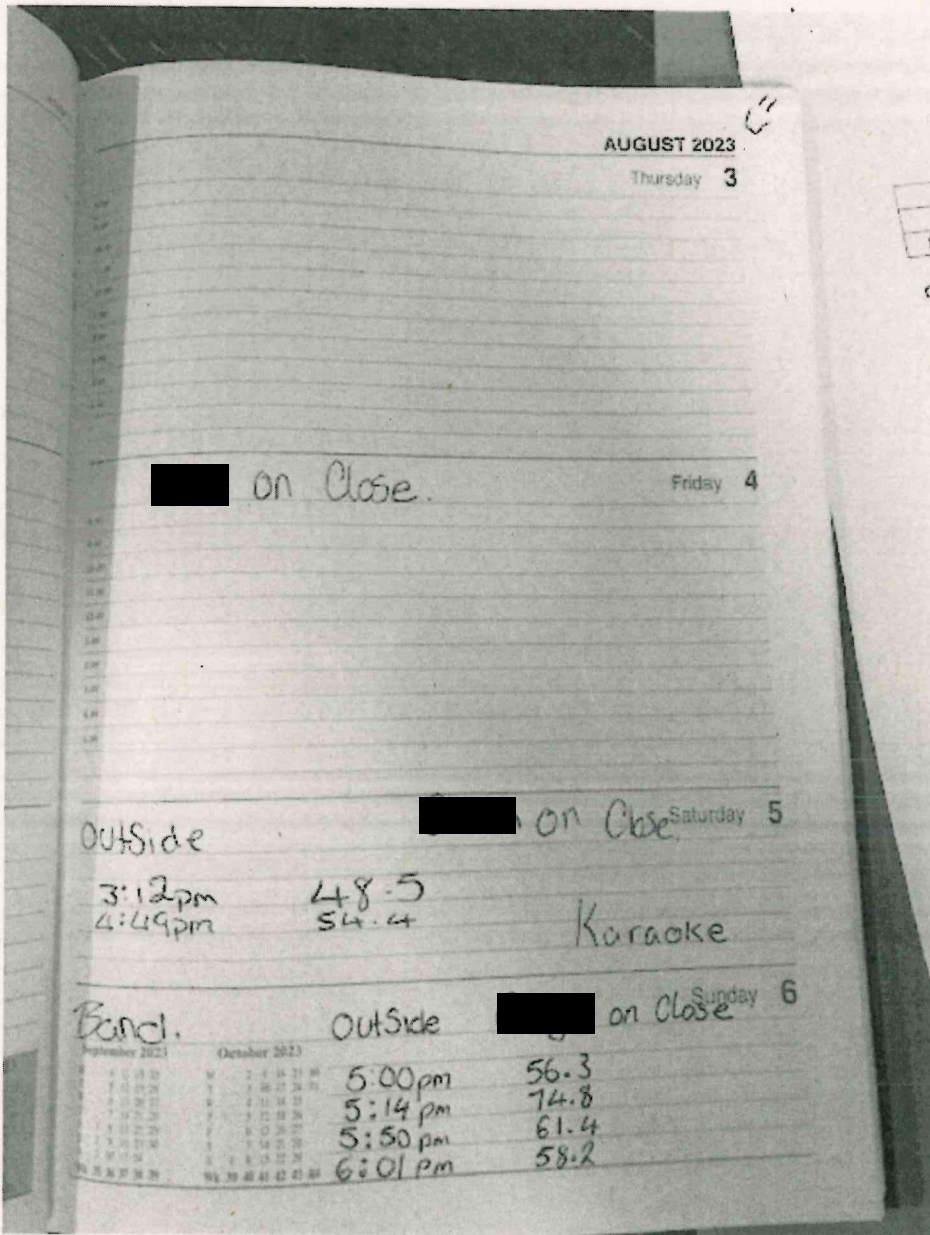
From: Katie Jagger
Sent: 06 October 2023 15:10
To: Jagger, Kathryn
Subject: Incident log



Sent from my iPhone

Jagger, Kathryn

From: Katie Jagger [REDACTED]
Sent: 06 October 2023 15:11
To: Jagger, Kathryn
Subject: Jade on close



Sent from my iPhone

PREMISES LICENCE Licensing Act 2003	Licence number: PR(A)1062	Online Reference number: PR00402
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THIS LICENCE IS ISSUED BY

Kirklees Council
Public Protection Services
Licensing Department
PO Box 1720
Huddersfield
HD1 9EL

Tel: 01484 456868
Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

The Silent Woman
Nabbs Lane
Slaithwaite
Huddersfield
HD7 5AU

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
Films
Indoor Sporting Events
Live Music
Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol**

Day(s)	From - To
Fri – Sat	10:00 - 01:00
Mon - Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Non-Standard Timings

From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

In the event of a screening of an international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours, to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police seven days beforehand. Provided the Police have not objected to the additional hours within 72 hours of being notified.

Films (Indoors)

Day(s)	From - To
Fri - Sat	10:00 - 01:00 The Following Morning
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Indoor Sporting Events (Indoors)

Day(s)	From - To
Fri – Sat	10:00 - 01:00 The Following Morning
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Live Music (Indoors)

Day(s)	From - To
Fri - Sat	10:00 - 01:00
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Late Night Refreshment (Indoors)

Day(s)	From - To
Fri – Sat	23:00 - 01:00 The Following Morning
Mon – Thurs	23:00 - 00:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Non Standard Timings		
Friday and Saturday	10:00	01:30
Monday to Thursday	10:00	00:30
Sunday	12:00	23:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

[Redacted]

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption both on and off the Premises

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

Miss Verity Baines
Silent Woman
Nabbs Lane
Slaithwaite
Huddersfield
HD7 5AU

Email [Redacted]

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

Miss Verity Baines

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[Redacted]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)	
PERSONAL LICENCE NUMBER: LICENSING AUTHORITY:	KMCPL [Redacted] Kirklees Council

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring

the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where:

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

General:

1. All staff to be trained in Health and Safety and Fire Safety issues.
2. Regular inspections of the premises shall be undertaken by the management regarding public safety issues.

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

1. 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 The Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield.

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 LAeq, 1 min (music playing) over the background LA90 (music off) and
zero increase in the L10, T VS L90, T exceedence in each 1/3 octave band between 40Hz and 160Hz.

2. 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.
3. External areas of the premises shall not be used by customers between the hours of 23:00 and 10:00.
4. All regulated entertainment (including films, indoor sporting events, live music, provision of facilities for making music and provision of facilities for dancing) will cease at the hours stated.

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted:

Date Commences/Varied:

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)1062

THIS LICENCE IS ISSUED BY



LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG

Tel: 01484 456868
Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

The Silent Woman
Nabbs Lane
Slaithwaite
Huddersfield
HD7 5AU

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol
Films
Indoor Sporting Events
Live Music
Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
	10:00 - 01:00
	10:00 - 00:00
	12:00 - 23:00

Non-Standard Timings

From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

In the event of a screening of an international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours, to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police seven days beforehand. Provided the Police have not objected to the additional hours within 72 hours of being notified.

Films (Indoors)

Day(s)	From - To
Fri – Sat	10:00 - 01:00 The Following Morning
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Indoor Sporting Events (Indoors)

Day(s)	From - To
Fri – Sat	10:00 - 01:00 The Following Morning
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Live Music (Indoors)

Day(s)	From - To
Fri – Sat	10:00 - 01:00
Mon – Thurs	10:00 - 00:00
Sun	12:00 - 23:00

Late Night Refreshment (Indoors)

Day(s)	From - To
Fri – Sat	23:00 - 01:00 The Following Morning
Mon – Thurs	23:00 - 00:00

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Non Standard Timings		
Friday and Saturday	10:00	01:30
Monday to Thursday	10:00	00:30
Sunday	12:00	23:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Miss Verity Baines Silent Woman Nabbs Lane Slaithwaite Huddersfield HD7 5AU

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Miss Verity Baines

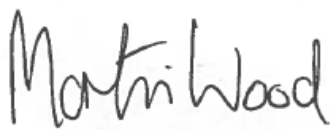
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Ms Carol Johnson

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

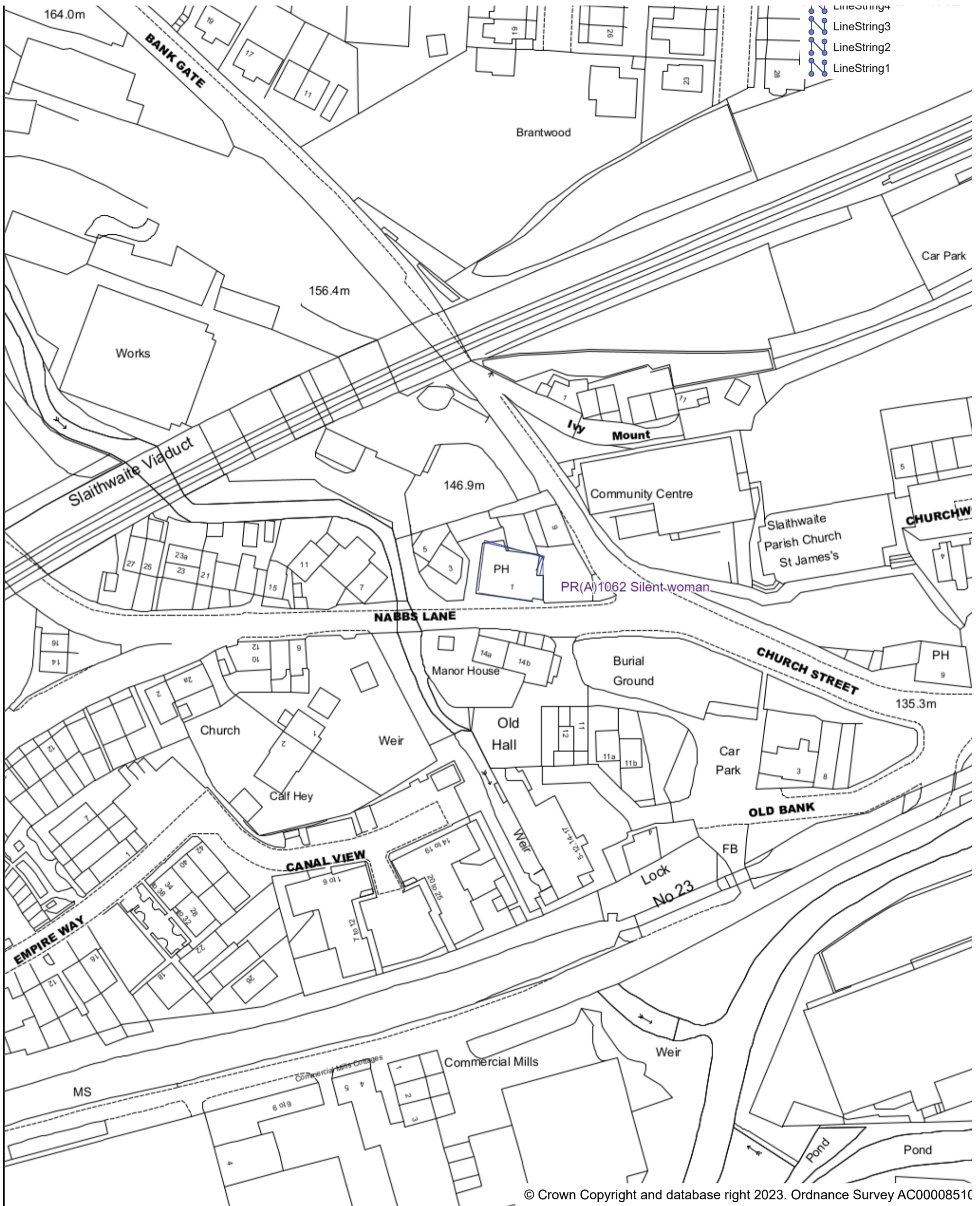
Any conditions applicable to these premises are attached to the licence

Date Granted:

Date Commences/Varied:



Head of Public Protection Service



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	<p>Kompass Kirklees Mapping Service</p>	<p>Scale = 1:952.560 map.@k.klees.gov.uk</p>	
<p>© Crown Copyright and database right 2020. Ordnance Survey AC0000851069</p>			

Anwar Butt

From: [REDACTED]
Sent: 08 November 2023 13:32
To: Anwar Butt
Subject: Re: Review of the Silent Woman Premise licence.

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

To whom it may concern I wish to remove my license from the Silent Woman Slaithwaite. This is due to my mental health suffering. I had 6 months off from February to August as I tore the tendon in my right knee. I have only just got back into a routine and the pub is not my first importance. This is having a knock on effect with the behaviour of some of the unwanted clientele. There was one incident of underage drinking which was resolved quickly as they were asked to leave. They have not returned to the pub since. There have been a couple of incidents which have occurred after the pub has been shut which have been blamed on us even though this was proven.

I feel like I am fighting a losing battle with my mental health and at this time and this is not good for anyone. I need to leave the pub to focus on this

Many thanks
Verity Baines

From: Anwar Butt <Anwar.Butt@kirklees.gov.uk>
Sent: 02 November 2023 11:59
To: [REDACTED]
Subject: Review of the Silent Woman Premise licence.

Dear Verity,

Further to our conversation this morning thank you for confirming that you have displayed the Blue Notice provided. Please send me clear photos of the notices displayed on site.

I discussed with you the option of Cancelling and surrendering the licence. This can only be done by you as the Premise licence holder and must be done in writing. If you were to choose this option I would need you to respond in writing and specifically state your intention as PLH to cancel and surrender this licence. If you instruct us to do this with immediate effect I will then request that the review hearing is withdrawn as the licence will cease to exist.

I should also advise that once a licence is cancelled the community would lose the silent woman as a local bar and resident would have to obviously drink elsewhere. As long as you are making an informed decision I feel it is important to inform you of your options. Currently I understand there is no DPS (Designated Premise Supervisor) As such you have informed me the bar is closed and it should remain closed until the licence is either cancelled or a vary DPS application is received.

If you have any questions concerning this email or the conversation, we had this morning please let me know. I look forward to hearing from you shortly.

Regards – Anwar.

Anwar Butt | Licensing Officer | Licensing | Environment Service |
Kirklees Council | Flint Street, Fartown, Huddersfield, HD1 6LG |
☎ 01484 221000 | ☎(Int) 70525 ✉ Anwar.Butt@kirklees.gov.uk

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

Crime and disorder

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

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

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

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

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

where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

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.