

REPORT TITLE:

Licensing Act 2003 – Application for the Grant of a New Premises Licence: Silent Woman, Nabbs Lane, Slaithwaite, Huddersfield HD7 5AU

Meeting:	Licensing Panel
Date:	22nd August 2024
Cabinet Member (if applicable)	Councillor Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report To determine the application.	
Recommendations <ul style="list-style-type: none"> Members of the panel are requested to determine the application. Reasons for Recommendations <ul style="list-style-type: none"> In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision. 	
Resource Implications: There are no resource implications.	
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Fiona Goldsmith – on behalf of David Shepherd Executive Director for Place. Not applicable Not applicable

Electoral wards affected: Colne Valley Ward.

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

Public or private: Report to be heard in Public.

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

1. Executive Summary

1.1 The purpose of this report is to inform Members of an application for the Grant of a premises licence, 14 representations have been received, and is therefore referred to this Panel for determination.

2. Information required to take a decision.

2.1 Application

2.1.1 Received on 27.06.2024:

Nabbs Lane,
Slaithwaite
Huddersfield
HD7 5AU

a copy of application and plan shown at **Appendix A**

2.1.2 Details of licensable activities applied for:

Retail Sale of Alcohol	(on/off premises -not stated)
Sunday - Thursday:	11:00- 23:00
Friday – Saturday:	11:00- 00:00

Live Music (Indoors)	
Every day:	12:00 -23:00

Recorded Music (Indoors)	
Every day:	09:00 – 00:00

Late Night Refreshment (Indoors)	
Every day:	09:00 – 23:00

2.1.3 A total of 14 representations have been received in respect of this application.

2.1.4 These representations consider the following licensing objectives would not be met should this licence be granted:

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

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

2.1.5 The application is for the grant of a new Licence, however, members are informed that prior to this application the Silent Woman has previously been licensed, the history of this premise is as follows:

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. In December 2022 the premise Licence was transferred for the final time, under Licence PR(A)1062. The licensing hours and hours of operation are listed below:

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		
<ul style="list-style-type: none"> • Sale of Alcohol • Films • In door sport • Live Music 	10:00 hrs	00:00 hrs	
	Fri -Sat		
	10:00 hrs	01:00 hrs	
<ul style="list-style-type: none"> • Late night refreshment 	Sun		
	10:00 hrs	23:00 hrs	
	Mon – Thursday	23:00	00:00
	Fri – Sat	23:00	01:00

Following a history of noise complaint and management issues, on 11th October 2023, West Yorkshire Police applied under Sec 51 of the licensing Act for a Review of the premises licence PR(A)1062.

Since the review papers were served the premises licence has been surrendered. The Review went before the licensing committee who accepted the request to surrender the licence and resolved to dismiss the review hearing as under the circumstances it was no longer relevant.

A copy of the review papers maybe seen at:

<https://democracy.kirklees.gov.uk/documents/g7558/Public%20reports%20pack%2007th-Dec-2023%2015.00%20Licensing%20Panel.pdf?T=10>

2.1.6 A location plan is attached at **Appendix C**

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(s):

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 statement and procedures mentioned

in this policy statement. Notwithstanding this statement, all applications will be treated on their own 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.

2.4 The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.

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

2.13 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 an application is lawfully made and no relevant representations are made in respect of an application, the Licensing Authority is under a duty to grant the licence on the terms sought. Only if relevant representations are made will the Council's discretion be engaged.

2.3 Secretary of State Guidance

Members also need to consider the statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to all 4 of the licensing objectives, the relevant Sections may be seen at **Appendix D**.

In addition, members are also referred to Section 16 of the Section 182 Guidance which clarifies circumstances in which entertainment activities are no longer licensable, the relevant parts may be found at **Appendix E**

3. **Implications for the Council**

3.1 **Working with People**

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

3.2 **Working with Partners**

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

3.6 Financial Implications

There are no financial implications in relation to this report.

3.7 Legal Implications

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of States 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.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

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 Consultation

4.1 Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003. 14 Representations have been received as detailed above.

Environmental Health have recommended conditions to be added to the licence. A copy of these may be seen at **Appendix F**.

5 Engagement

5.1 Engagement is not a requirement as set out in the Licensing Act 2003.

6 Options

6.1 Options considered

Members of the Panel are requested to determine the application.

6.2 Reasons for recommended option

In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision.

7 Next steps and timelines

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

- Grant the application
- Grant the application with 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 the 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 Contact officer

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9 Background Papers and History of Decisions

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Licensing Policy \(kirklees.gov.uk\)](http://kirklees.gov.uk)

10 Appendices

Appendix A – Grant Application.

Appendix B – Representations.

Appendix C – Location Plan.

Appendix D – Section of 182 Guidance – Licensing Objectives.

Appendix E - Section of 182 Guidance – Circumstances in which Entertainment activities are no longer licensable.

Appendix F – Environmental Health Conditions.

11 Service Director responsible

Katherine Armitage

Service Director – Environmental Strategy and Climate Change

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