

REPORT TITLE:

Licensing Act 2003 – Application a full variation of a Premises Licence
 Fenay Bridge Stores, 17 Penistone Road, Fenay Bridge Huddersfield, HD8 0AS

Meeting:	Licensing Panel
Date:	Tuesday 12 th August 2025
Cabinet Member (if applicable)	Cllr Amanda Pinnock
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>Executive 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 (Monitoring Officer)?	Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration Not applicable Not applicable

Electoral wards affected: Almondbury

Ward councillors consulted: Cllr David Longstaff
 Cllr Alison Munro
 Cllr Paola Davies

Public or private: Report to be heard in Public

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

1. Executive Summary

1.1 The purpose of the report is to inform members of an application for the full variation of a premises licence. A total 7 representations have been received, the application is therefore referred to this panel for determination.

2. Information required to take a decision

2.1 Application

On 5th May 2025 the Licensing department received an application for the full variation of a premises licence for Fenay Bridge Stores, 17 Penistone Road, Fenay Bridge, Huddersfield HD8 0AS. A copy of this application is shown at **Appendix A**.

The licensable activity applied for is as follows: -

Sale of Alcohol (off the premises) Monday – Sunday 00:00 - 23:59

Provision of late-night refreshment Monday – Sunday 23:00 – 05:00

The premises is currently licensed for the sale of alcohol off the premises between: -

Monday - Saturday 08:00 to 23:00

Sunday 10:00 – 22:30

Good Friday 08:00 – 22:30

Christmas Day 12:00 – 15:00 & 19:00 – 22:30

A copy of the current premises licence may be seen at **Appendix B**.

In total 7 representations have been received in relation to this application. A copy of the representations can be seen at **Appendix C**. The First two representations are from Ward Councillor's, Number 3 was received from Environmental Health as a responsible authority and numbers 4 through to 7 are from members of the public.

2.2 Licensing Policy

Members considering the application must 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).

Executive Summary

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.

Purpose

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

The Policy has four main purposes:

- To provide the basis for elected Members to make decisions on applications.
- To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
- To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
- To inform the Courts how decisions have been made and to support those decisions.

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 related to 3 of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix D**.

3. Implications for the Council

3.1 Council Plan

The Licensing Service and its Statement of Licensing Policy balance the objective of improving the local economy, improving health and wellbeing and tackling health inequalities and cultural development against noise, nuisance, safeguarding and crime and disorder.

3.2 Financial Implications

There are no financial implications in relation to this report.

3.3 Legal Implications

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State Guidance. The applicant or any other person who made relevant representations in relation to the application have the right of appeal to the Magistrates Court.

3.4 Climate Change and Air Quality

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

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

Under the provisions of the Licensing Act 2003 there is no requirement for an Integrated Impact Assessment, 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, one representation has been received as detailed above.

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 full variation application
- Grant the full variation application with appropriate conditions
- Exclude from the scope of the licence any of the licensable activities which relate to this application, or
- Reject the full variation 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

Lee Rushworth– Licensing Officer
01484 221000 extension number 718217
Lee.Rushworth@kirklees.gov.uk

9. Background Papers and History of Decisions

Licensing Act 2003 Statement of Licensing Policy - [Licensing Policy](#)

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK
(www.gov.uk)

Cumulative Impact Assessment 2025 [Cumulative Impact Assessment 2025-2028](#)

10. Appendices

Appendix A – Premises Licence Application

Appendix B – Copy of Previous Premises Licence

Appendix C – Representations

Appendix D – Secretary of State Guidance

11. Service Director responsible

Katherine Armitage
Service Director – Environmental Strategy and Climate Change
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

Vary a Premises Licence

Review

Please review the details to below to ensure they are correct before proceeding. If the details shown are not correct, click previous to enter the correct licence number.

Current Licence number

LAVDPS/06161/20

Current Premises address

17 Penistone Road Fenay Bridge Huddersfield HD8 0AS

Premises Details

Premises Licence Number *

LAVDPS/06161/20

Premises Address *

17 Penistone Road Fenay Bridge Huddersfield HD8 0AS

Telephone Number at Premises (if any)

[REDACTED]

Non-domestic rateable value of premises. *

£ 6000

Type of Premises Licence Holder

Type of Premises Licence Holder *

Non-Individual(s)

Premises Licence Holder - Non Individual

Name *

[REDACTED]

Street address *

[REDACTED]

[REDACTED]

Premises Licence Holder - Non Individual

Town/City *

County

Postcode *

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc.) *

Email *

Daytime Contact Telephone Number

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

limited company

[REDACTED]

[REDACTED]

Variation

Do you want the proposed variation to take effect as soon as possible? *

Yes

Variation

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1)*

Yes

Briefly describe the nature of the proposed variation. (Please see Guidance Note 2) *

The proposed variation for the alcohol license involves extending the permissible hours for selling alcohol, allowing sales during late night hours and potentially even operating 24 hours a day. Which helps to local community in many ways when we operate our convenience store for 24 hours and also increase the employment by extending opening hours.

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.

[REDACTED]

Operating Schedule

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

Operating Schedule

Provision of regulated entertainment (please read guidance note 3) *

- Plays
- Films
- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

Type of Variation - Late Night Refreshment

Please select the type of variation that applies to this activity.

*

Add a new Activity

Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment. (please read guidance note 8) *

Please enter times in 24hr format (HH:MM)

Day *

Every Day

00:00

Late Night Refreshment Standard Times

Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 4) *

Please provide further details. (please read guidance note 5)

State any seasonal variations for the provision of late night refreshment. (please read guidance note 6)

Please state any non-standard timings, where you intend to use the premises for late night refreshment at different times from the Standard days and times listed? (please read guidance note 7)

Type of Variation - Supply of Alcohol

Please select the type of variation that applies to this activity. *

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 9) *

State any seasonal variations for the supply of alcohol. (please read guidance note 6)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different

Supply of Alcohol

times from the Standard days and times listed? (please read guidance note 7)

Adult Entertainment

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 10)

N/A

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

06:00

23:00

Variation

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.

N/A

I agree to return the original premises licence or the relevant part of the original premises licence: *

Yes

Note: This application cannot be processed until the original licence is received or a statement as to why it cannot be returned has been accepted.

Licensing Objectives

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 11)

We are currently adhering to the all four licensing objectives and actively contributing to the overall safety and wellbeing of the community. In addition to our current efforts, we are committed to implementing further measures aimed at enhancing our adherence to the objectives and ensuring a safer environment for all customers and residents. Some of our major current implementations and planned future implementations mentioned in following sections.

Licensing Objectives

b) The prevention of crime and disorder

We already Implemented comprehensive security measures such as CCTV cameras and 24/7 hours alarms , effective crowd control strategies and Trained the staff members to recognize and handle potential instances of crime or disorderly conduct. In addition to that we will Partner with local law enforcement agencies to exchange information and collaborate on crime prevention initiatives. Establish strict policies against illegal activities within the premises and promptly address any breaches.

c) Public safety

We already Conduct regular safety inspections to identify and mitigate potential hazards within the establishment and Ensure all equipment and facilities meet safety standards and regulations and also provided adequate emergency exits, fire extinguishers, and clear evacuation routes. In addition to that we educated our staff members on emergency response protocols and conduct periodic drills. So we will continue to follow the above mentioned safety measures strictly.

d) The prevention of public nuisance

Monitor noise levels and ensure compliance with local noise ordinances. Implement policies to address issues such as littering, loitering, and disruptive behavior. Work closely with neighboring businesses and residents to address concerns and maintain positive community relations. Encourage customers to respect the surrounding environment and minimize disturbances to others

e) The protection of children from harm

We are currently enforced strict age verification procedures to prevent underage access to alcohol or restricted areas. Clearly display age restrictions and prohibit the sale of age-restricted products to minors. Well trained our staff on identifying and addressing situations involving minors at risk. In Addition to that, we will keep ensuring safety and wellbeing of the children.

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have made or enclosed payment of the fee or. I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. I have sent copies of this application and the plan to responsible authorities and others where applicable. I understand I must now advertise my application. I understand I must now return the original premises licence, or relevant part of it or have provided an explanation why I will not be able to do this. I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Declarations

Signature/Declaration of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 13). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

Full Name *

Date *

05/05/2025

Capacity *

Applicant

Declaration made

Do you wish to provide alternative correspondence details? *

Yes

Alternative Correspondence Address

This is the address which we shall use to correspond with you about this application.

Please provide Contact Name (where not previously given) and postal address for correspondence associated with this application (See guidance note 15).

Title *

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Telephone Number

Email Address *

Alternative Correspondence Address

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Surname /Company Name

Email *

Telephone

PREMISES LICENCE

Licensing Act 2003

Licence number:

PR(A)0176

Online Reference number:

LAVDPS/06161/20

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

Fenay Bridge Stores
17 Penistone Road
Fenay Bridge
Huddersfield
HD8 0AS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30
Good Friday	08:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

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THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Good Friday	08:00	22:30
Monday to Saturday	08:00	23:00
Sunday	10:00	22:30
Christmas Day	12:00	15:00
Christmas Day	19:00	22:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER
Mr Sivanandam Ananth [REDACTED]
Email address [REDACTED]

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

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Mr Sivanandam Ananth [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:	[REDACTED]

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS**

ANNEX 1 - MANDATORY CONDITIONS

Alcohol:

1. No supply of alcohol may be made under this 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. 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.

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.

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.

4. 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 the condition set out in paragraph 1 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" mean value added tax charged in accordance with the Value Added Tax Act 1994.

5. 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.

6. (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.

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

The times the premises licence authorises the sale by retail of alcohol do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

ANNEX 4 – PLANS OF PREMISE

As outlined in the operating schedule and attached plan

Date Granted: 26 August 2020

Date Commences/Varied: 26 August 2020



Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(A)0176

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

Fenay Bridge Stores
17 Penistone Road
Fenay Bridge
Huddersfield
HD8 0AS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale of Alcohol

Day(s)	From - To
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30
Good Friday	08:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30

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THE OPENING HOURS OF THE PREMISES		
DAY(S)	FROM	TO
Good Friday	08:00	22:30
Monday to Saturday	08:00	23:00
Sunday	10:00	22:30
Christmas Day	12:00	15:00
Christmas Day	19:00	22:30

NON STANDARD TIMINGS FOR OPENING HOURS (IF ANY)

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Mr Sivanandam Ananth [REDACTED]
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Mr Sivanandam Ananth
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Mr Sivanandam Ananth
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: 26 August 2020

Date Commences/Varied: 26 August 2020

Martin Wood

Representation 1

Dear Officer,

I have read through the information you have provided and wish to raise the following objections:

The current opening hours of the shop are 6am to 11pm. I previously submitted objections to the initial application, but the applicant has decided to proceed for approval for a 24 hour licence to sell alcohol and refreshments.

Please note the following objections:

1. I spoke with the owner in connection with his application to extend the alcohol licence to 24 hours and asked him why he wanted to do this. He said some customers have asked him for the night service so they can grab a coffee and a bite to eat as they travel to work on their early shift. This did not explain why he therefore wished to sell alcohol during the night.
2. Our area is a peaceful and quiet residential place. A large social housing development is due to be built approximately 50 metres away across the road from the store in the next 12-18 months. In addition 68 houses are currently being built at Whitegates Grove just along the road with further housing planned at sites close by off Rowley Lane. In the interests of public safety, I therefore object to this application
3. We already have an element of asb in the area, with young people buying bottles of vodka and drinking them down at Mereside and drug taking on the Green way, which can be accessed from Mount Pleasant at the rear of the shop. I am concerned that serving alcohol and refreshments through the night will lead to an increase in asb in the area and activity on the greenway. The plans are to extend this greenway in the future which will link with the site referred to where 68 houses are being built and others. In the interests of public nuisance, I therefore object to this application. In the interests of protecting children and young people from harm I object to this application.
4. Having a licence to serve alcohol and refreshments through the night will encourage motorists and motorcyclists to travel to the shop during the night causing unnecessary traffic on the local roads and create unwelcome noise both from vehicles parking up and people congregating outside disturbing for residents trying to sleep in the adjoining houses with a potential for asb in the vicinity as well. In the interests of public nuisance, and public safety, I therefore object to this application.
5. There is a very popular pub close by on the same side of the road, which closes at 11pm. There is also a pub on the opposite side of the road, closing at the same time. Having a shop in close proximity that sells alcohol after these pubs have closed could result in people hanging around longer, potentially buying alcohol, meaning additional noise outside the terrace houses and noise that will be heard by residents living up Mount Pleasant too which could disturb them. In the interests of public nuisance I therefore object to this application.

I therefore object to this application. Please refuse it.

Thank you,
Alison

Alison L Munro

Representation 2

Lee,

I object to the plan of increasing the licence of Fenay Bridge Store on the grounds of a possible increase of ASB and public nuisance. People live either side of the store so you can image the effect of an increase in times of the licence.

Thanks David

Representation 3

KIRKLEES COUNCIL
INVESTMENT & REGENERATION

LICmem

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

Reference:	WK202514243
Premises:	Fenay Bridge Stores, 17 Penistone Road, Fenay Bridge, Huddersfield, HD8 0AS

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

OBSERVATIONS			
Public Safety		No observations	
Date:	18 June 2025	Officer/Ext:	Rob Sykes ext 75905
Prevention of Public Nuisance	<p>I do not support and object to the proposed hours for the sale of alcohol in the application:</p> <p>The applicant is applying for the following licensable activities:</p> <ul style="list-style-type: none">• Sale of Alcohol – Everyday 00:00 – 23:59 (for consumption off the premises)• Provision of late night refreshment – Everyday 00:00 – 23:59 <p>The reason for my objection is as follows:</p>		

Residents in the vicinity of the proposal on Penistone Road Road are likely to have their sleep disturbed after 2300 hours and before 0800 hours by:

- noise from customers arriving in cars, revving engines, customers sat on their phone in their cars, the car acts an amplifier and makes the phone call audible meters away from the car, including indoors, and
- noise from customers on their phones outside the shop, congregating on the street in the vicinity of the shop, talking (shouting) on their phones, and to the people that they are visiting the shop with.

Disrupted sleep is a pervasive problem, with numerous contributing factors from lifestyle and environmental factors to psychosocial issues. Sleep is vital to most major physiological processes and as such sleep disruption has vast potential for adverse short- and long-term health consequences in otherwise healthy individuals as well as those with underlying medical conditions. In healthy individuals, short-term consequences include a heightened stress response; pain; depression; anxiety; and cognition, memory, and performance deficits. In adolescents and children, disrupted sleep can lead to poor school performance and behaviour problems.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC5449130>).

I propose that the following hours are conditioned:
0730 hours to 0030 hours Sunday to Saturday, 7 days per week.

Date:	18 June 2025	Officer/Ext:	Alexandra Garry 01484 221000 x70832
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Representation 4

Good afternoon,

I am writing as a concerned resident of [REDACTED] which runs [REDACTED] Fenay Bridge Stores. Firstly, it is my understanding that any application for a variation in license should be displayed in the premises – I have visited the shop twice recently and there is no evidence of the blue notice being displayed. Is this a requirement of any license variation?

The primary purpose of my correspondence is to object to the variation license application for an extension of opening hours as I understand it, to serve alcohol 24 hours a day.

[REDACTED] Fenay Bridge Stores.

We currently suffer from anti-social behaviour from local youths and customers of both Harvey's Bar and Kitchen and Fenay Bridge Stores. This includes, excessive issues with drug dealing, drug taking, drinking alcohol and noise pollution.

Fenay Bridge already has a number of licensed premises which do cause noise and disturbances. As a resident in [REDACTED] to Fenay Bridge Stores, I do not wish to see any premises selling alcohol during the early hours. I feel that the current hours are already sufficient. Currently many people enjoy the local licensed premises that are open and during the early hours act any extension of the current permitted hours this will act as a magnet for groups.

The granting the provision of a late-night alcohol licence will only add to this sort of nuisance and further, will be a source of extra 'refuelling when Harvey's' and The Fenay Bridge Pub close and will encourage people returning from nights out to purchase alcohol to drink on [REDACTED]. Something that we currently have to endure.

Transient noise from on street drinking is a significant problem which disturbs me and all the residents during the nighttime and early hours. There is currently evidence of public nuisance, and we feel this would increase with a variation to the current hours. I strongly believe that later opening hours for alcohol off sales will undermine the licensing objectives for public safety, public nuisance and will potentially lead to an increase crime and disorder. Littering and anti-social behaviour is also likely to increase, and this is currently an ongoing and significant concern to the residents of [REDACTED] who routinely have to remove cans, bottles, and drug paraphernalia from behind the shop and up onto the Lane. Additional hours of alcohol sales would be very likely to increase the cumulative stress and excessive noise. Also, given the shop would be the only local shop for miles to sell alcohol during these proposed extended hours, this will see an increase in noise from cars and delivery lorries in the middle of the night/early hours, smells (urinating on the Lane and people smoking weed), criminal damage and general nuisance in area.

Kirklees Licensing Policy 2.1: *The licensing process can only seek to control those measures within the control of the licensee, and in the 'vicinity' of the premises.* Given the extremely close proximity of the shop to [REDACTED] and its residents, we ask that this is given due consideration in making the decision on the application.

It is worth noting that the shop proprietor has had to put up CCTV at the rear of his shop on [REDACTED] in an effort to attempt deter the types of anti-social behaviour, criminal damage, under-age drinking, littering and drug dealing. However, this hasn't worked as these problems continue to persist with unerring regularity.

I note in Kirklees Licensing Policy 2025-30 5.4 - *The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of*

concern. I would be keen to understand what risk assessment the applicant has undertaken and the outcome of that risk assessment. In particular, given the issues described above. *Crime and Disorder: 5.7 5.8 5.9 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it reasonably can to prevent crime and disorder, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances, re offending and serious violence. Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports local crime reduction strategies. There are many steps an applicant may take to prevent crime and disorder.* Again, I'd be interested to understand what steps the applicant proposes to prevent crime and disorder particularly given it was the residents of [REDACTED] that asked he install CCTV at the back of the shop (on [REDACTED]).

Public Nuisance 5.22: In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable.

15 5.23 *The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance, affecting only a few local residents, as well as major disturbance affecting the whole community.* We are fortunate that a fellow resident became aware of the application to vary the current licence and shared this with us.

However, I suspect we are in a minority given there is no visible notice of the application visible either inside or outside the premises. It seems unfair and less than transparent that other residents next to and near to the premises will not be aware of the application.

We feel that the Kirklees licensing objectives would be compromised if this store were granted additional hours for alcohol off sales. The application is unnecessary and completely unfair on the residents of [REDACTED].

In summary, I am objecting very strongly to any application to vary the current hours given the issues we routinely face. This objection is based on the following licensing objectives:

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

Finally, in light of the proprietor of the shop failing to advertise the variation to hours I ask that you contact me in the event that any future applications are received (in the event this one is refused).

Can you confirm safe receipt of this email?

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Representation 5

Licensing Dept.

As I understand it Fenay Bridge Stores, 17 Penistone Rd, Fenay Bridge, Huddersfield HD8 0AS have applied for a 24 hour, 7 days a week licence to sell alcohol.

I cannot check the application number or do anything online as your website does not work “**Error. Unable to perform this task. A remote exception occurred.**” <https://licensing.kirklees.gov.uk/online-applications/>

Therefore, I am having to email you to submit my very strong objections to this application.

I live on [REDACTED], [REDACTED] and behind Fenay Bridge Stores and, have very recently had to contact the Police on numerous occasions due to unsociable behaviour on the lane and around our houses - pretty much as a direct result of individuals and groups visiting the shop and then coming from the shop up our lane and congregating, acting as if drunk or on drugs and depositing litter and using the lane as a toilet. This behaviour can continue deep into the early hours sometimes and allowing them access to a 24 hr supply of alcohol would potentially make our lives a living hell.

The Fenay Bridge Stores shopkeeper, who I only know as [REDACTED], has even had to install CCTV because of this behaviour and yet still appears to want to put profits above the trouble his sales would cause all residents if all day, every day and all through the night!

I'm all for local shops and encouraging village trade, but this licence would greatly increase the crime and disorder we currently have, encourage the risk of public nuisance and put all residents and locals at risk of their safety.

regards

[REDACTED]

Tel: [REDACTED]

Mob: [REDACTED]

Email: [REDACTED]

Representation 6

Dear Lee,

I am writing as a concerned resident of [REDACTED] Fenay Bridge Stores - to submit my objection again.

Firstly, it is my understanding that any application for a variation in license should be displayed in the premises – I visited again on many occasions. There is no evidence of the blue notice being displayed again.

The primary purpose of my correspondence is to object to the variation license application for an extension of alcohol licencing hours.

[REDACTED] Fenay Bridge Stores.

We currently suffer from anti-social behaviour from local youths and customers of both Harvey's Bar and Kitchen and Fenay Bridge Stores. This includes, excessive issues with drug dealing, drug taking, drinking alcohol and noise pollution.

Fenay Bridge already has a number of licensed premises which do cause noise and disturbances. [REDACTED] Fenay Bridge Stores, I do not wish to see any premises selling alcohol during unsociable hours. I feel that the current hours are already sufficient.

Currently many people enjoy the local licensed premises that are open - any extension of the current permitted hours will act as a magnet for groups, not least those already struggling with alcohol addiction. The granting of any extension alcohol licence will only add to the sort of nuisance we already put up with.

Transient noise from on street drinking is a significant problem which disturbs myself and all the residents during the nighttime and early hours. There is currently evidence of public nuisance and I feel this would increase with a variation to the current hours.

I strongly believe that any extension hours for alcohol off sales will undermine the licensing objectives for public safety, public nuisance and will potentially lead to an increase crime and disorder. Littering and anti-social behaviour is also likely to increase, and this is currently an ongoing and significant concern to the residents of [REDACTED], who routinely have to remove cans, bottles, and drug paraphernalia from behind the shop and [REDACTED]

Additional hours of alcohol sales would be very likely to increase the cumulative stress of excessive noise. Also, given the shop would be the only local shop for miles to sell alcohol during these proposed extended hours, this will see an increase in noise from cars and potentially criminal damage and general nuisance in area.

Kirklees Licensing Policy 2.1: *The licensing process can only seek to control those measures within the control of the licensee, and in the 'vicinity' of the premises.* Given the extremely close proximity of the shop to [REDACTED] and its residents, we ask that this is given due consideration in making the decision on the application.

It is worth noting that the shop proprietor has had to put up CCTV [REDACTED] in an effort to attempt deter the types of anti-social behaviour, criminal damage, under-age drinking, littering and drug dealing. However, this hasn't worked as these problems continue to persist with unerring regularity.

I note in Kirklees Licensing Policy 2025-30 5.4 - *The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.* I would be keen to understand what risk assessment the applicant has undertaken and the outcome of that risk assessment. In particular, given the issues described above.

Crime and Disorder: 5.7 5.8 5.9 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and

must do all it reasonably can to prevent crime and disorder, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances, re offending and serious violence. Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports local crime reduction strategies. There are many steps an applicant may take to prevent crime and disorder. Again, I'd be interested to understand what steps the applicant proposes to prevent crime and disorder particularly given it was the residents of [REDACTED] that asked he install CCTV at the back of the shop (on [REDACTED]).

Public Nuisance 5.22: In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable.

15 5.23 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance, affecting only a few local residents, as well as major disturbance affecting the whole community. We are fortunate that a fellow resident became aware of the application to vary the current licence and shared this with us.

However, I suspect we are in a minority given there is no visible notice of the application visible either inside or outside the premises. It seems unfair and less than transparent that other residents next to and near to the premises will not be aware of the application.

I feel that the Kirklees licensing objectives would be compromised if this store were granted additional hours for alcohol off sales. The application is unnecessary and completely unfair on the residents of [REDACTED].

In summary, I am objecting very strongly to any application to vary the current hours given the issues we routinely face. This objection is based on the following licensing objectives:

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

Finally, in light of the proprietor of the shop failing to advertise the variation to hours I ask that you contact me via email in the event that any future applications are received (in the event this one is refused).

Yours Sincerely

[REDACTED]

Representation 7

In respect of the above matter I would ask you to note my objection to the application by Fenay Bridge Stores to open and be licensed to sell alcohol 24 hours per day 7 days a week.

The reasons for my objection are as follows.

As the crow flies my home on [REDACTED] [REDACTED]
[REDACTED]

The shop is currently open from 6am to 11pm.

The opening hours have been extended to these times since the new owners took over. As a result we have to deal with the comings and goings at the shop during its opening hours. This consists of high volumes of traffic, bad parking, heavy goods vehicle engines ticking over, the sound of air brakes and very often shouting and loud conversations.

We have already experienced anti social behaviour to the rear of the shop in [REDACTED] [REDACTED] which is private and unlit. This has consisted of youths congregating to drink, take drugs and generally make a nuisance of themselves, evidence of which is usually left behind. The lane is also regularly used as a place to urinate, dispose of litter and cause damage. (The shop electricity meter having been smashed off the wall). This has resulted in the shop owner having to fit CCTV.

The hours between 11pm and 6am are the only times we have any respite from the shop activity.

However, when the general traffic dies down and the road goes quiet, especially in the Summer months we can clearly hear every sound coming up from the road.

I am very concerned that the shop being allowed to operate 24 hours a day will seriously impact the quality of life for the people living close by. I believe this application to be unnecessary and grossly unfair on the residents who will have to put up the night time comings and goings.

In recent years we have also had to contend with the noise which has been inflicted upon us by Harvey's wine bar until the early hours of the morning.

Approval of this application would in my opinion constitute a public nuisance and given the type of late night visitors likely to be looking to purchase more alcohol there is also every likelihood of crime and disorder taking place.

This is the basis for my objection and I would ask you to confirm receipt of it.

Thank you
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not

appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include: • restrictions on the hours when children may be present; • restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; • restrictions on the parts of the premises to which children may have access; • age restrictions (below 18); • restrictions or exclusions when certain activities are taking place; • requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and • full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate 12 | Revised Guidance issued under section 182 of the Licensing Act 2003 authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.