

REPORT TITLE:

Licensing Act 2003 – Application for the Grant of a Premises Licence
 128, Smallwood road, Shaw cross, Dewsbury, WF12 7RR

Meeting:	Licensing Panel
Date:	Wednesday 27 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: Dewsbury East

Ward councillors consulted: Cllr Cathy Scott, Cllr Paul Moore, Cllr Eric Firth

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 grant of a premises licence. One representation has been received and is therefore referred to this panel for determination.

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

2.1 Application

On 7th July 2025 the Licensing department received an application for the grant of a premises licence for Shawcross Store Ltd, 128 Smallwood Road, Shaw Cross, Dewsbury, WF12 7RR. A copy of this application, plan and a location Plan is shown at **Appendix A**.

The licensable activity applied for is as follows: -

Sale of Alcohol (off the premises) Monday – Sunday 06:00 - 23:00

The application has been advertised in accordance with the requirements of the Licensing Act 2003. During the consultation period representations have been received from Local Ward Councillors. These representations are concerned that should this licence be granted the following licensing objectives would not be met:

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

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

There is no history of the premises being licensed prior to this application.

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 all four of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix C**.

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; There have been no representations received from the responsible Authorities.

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

Anwar Butt – Licensing Officer
01484 221000 extension number 70525
anwar.butt@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](#)

10. Appendices

Appendix A – Premises Licence Application, Plan & Location plan.

Appendix B – Representations

Appendix C – 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

Appendix A

New Premises Licence

Premises Details

Premises Address *

SHAWCROSS STORE 128 SMALLWOOD ROAD SHAW
CROSS DEWSBURY KIRKLEES WF12 7RR

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 6500

Applicant Details

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Please state whether you are applying for a premises licence as:

a person other than an individual -as a limited company/
limited liability partnership

Applicant Details

If you are applying as a person described in one of the above please confirm: *

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

Other Applicant (Non Individual)

Name *

SHAWCROSS STORE LTD

Registered Address *

Shawcross Store

128 Smallwood Road

Clitheroe

Town/City *

Dewsbury

County

Lancashire

Other Applicant (Non Individual)

Postcode *	WF12 7RR
Registered Number (where applicable)	10112846
Description of applicant (for example partnership, company, unincorporated association, etc) *	Private limited Company
Telephone Number	01282500322
Email *	klare@licensingmatters.net

Operating Schedule

When do you want the premises licence to start? *	04/08/2025
If you wish the licence to be valid only for a limited period, when do you want it to end?	
Please give a general description of the premises. *	The premises will be a convenience store where all types of convenience products will be sold including fresh & frozen food, toiletries, household, newspapers etc. Other services will also be offered to customers such as the ability to pay bills & collect/send packages. Alcohol is not the intended focus of the business there is an expectation that alcohol sales will have a limited impact on the area as local people are expected to on the whole purchase alcohol along with other products. In terms of addressing the licensing objectives, this premises will have the installation of equipment such as CCTV, electronic refusals register and till prompts. In addition to that, in order to mitigate any risk from the sales of alcohol and its impact on the licensing objectives a number of robust conditions, which reflect the expected policies and procedures to be operated within the business, have been included as part of this application.
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) *

Plays

Operating Schedule

- 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

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 7)*
Please enter times in 24hr format (HH:MM)

Day *

Every Day

06:00

23:00

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) *

Off the premises

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? *

No

Supply of Alcohol

State any seasonal variations for the supply of alcohol.
(please read guidance note 5)

None

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed?(please read guidance note 6)

None

Designated Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor
(Please see declaration about the entitlement to work in the checklist at the end of the form)

Title *

Ms

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Personal Licence Number (if known)

TBA

Issuing Licensing Authority (if known)

Cheshire West and Chester

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 9).

None

Opening Hours Standard Times

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

06:00

23:00

Opening Hours

State any seasonal variations. (please read guidance note 5)

None

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 6)

None

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10) *

See separate sheet as more than 500 characters

b) The prevention of crime and disorder *

See separate sheet as more than 500 characters

c) Public safety *

See separate sheet as more than 500 characters

d) The prevention of public nuisance *

See separate sheet as more than 500 characters

e) The protection of children from harm *

See separate sheet as more than 500 characters

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants,

Declarations

including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

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' 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). 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.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name *

Klare Casey

Date *

07/07/2025

Capacity *

Authorised Agent

Declaration made

Do you wish to provide alternative correspondence details? *

Yes

Alternative Correspondence

Please provide Contact Name and postal address for correspondence associated with this application.

Title

Mrs

First name

Klare

Surname

Casey

Alternative Correspondence

Street address *

Licensing Matters LTD

Office 3, Primrose Studios

Primrose Road

Town/City *

Clitheroe

County

Postcode *

BB7 1DR

Telephone Number

01282500322

Email *

klare@licensingmatters.net

Email confirmation

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

Forename

Klare

Surname /Company Name

Casey

Email *

klare@licensingmatters.net

Telephone

01282500322

Licensing Objectives for 128 Smallwood Road, Dewsbury WF12 7RR.

General

1. All staff whose responsibilities include the retail sale of alcohol shall receive training on induction and thereafter annually on:
 - a) the terms, conditions, and restrictions of the premises licence:
 - b) the prevention of unlawful sales of alcohol, the operation of the “Challenge 25” scheme, types of acceptable ID, refusing sales of alcohol to persons who may be drunk and any other relevant matters.
2. Such training shall be recorded, and these records shall be kept on the premises and shall, on request, be made available on request to the Police and / or an Authorised Officer of the Licensing Authority (as defined by Section 13 of the Licensing Act 2003):
 - a) in the case of on-line training: within 48 hours.
 - b) in all other cases: immediately upon request.

Crime & Disorder

3. The Premises Licence Holder shall install and operate a CCTV system at the premises, capable of providing coverage of all entry points and areas to which customers have access in any lighting conditions.
4. The CCTV system shall continuously record whilst the premises are open to members of the public and shall be capable of providing clear images and frontal identification of customers.
5. All CCTV recordings shall be retained for a minimum of thirty-one (31) days and shall be correctly date- & time-stamped; sufficient data storage shall be available to facilitate this.
6. CCTV recordings shall be made available within forty-eight (48) hours upon receipt of a request by the Police and / or an Authorised Officer of the Licensing Authority (as defined by Section 13 of the Licensing Act 2003), and recordings provided in an easily downloadable format.
7. A member of staff shall be present on the premises whilst they are open who is capable of operating the CCTV system and able to facilitate viewing of CCTV footage upon the demand by the Police and / or an Authorised Officer of the Licensing Authority (as defined by Section 13, Licensing Act 2003) in accordance with the provisions of the DPA.
8. Any retention, use, production to third parties or disclosure of personal information captured on CCTV must be carried out in line with data protection principles which shall override any conflicting element of these conditions.

Public Safety

9. An incident register will be maintained at the premises and made available to a police officer, or any officer authorised under the Licensing Act 2003.

Public Nuisance

10. A refusals register will be maintained at the premises in either written or electronic format. All staff will ensure it is completed whenever a sale is refused to a customer.
11. The register should contain the date & time of the incident; the name of the staff member who refused the sale and the reason the sale was refused. In the case of a written version of the register, a description of the customers shall also be included. The refusals register will be made available on request to the Police and / or an Authorised Officer of the Licensing Authority (as defined by Section 13 of the Licensing Act 2003).
12. Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.

Protection of children from Harm

13. The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.
14. Acceptable identification will include their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and ID cards bearing the PASS hologram. This condition shall accommodate changes to acceptable identification in digital form as authorised by the Home Office.

128 Smallwood Road, Dewsbury WF12 7RR



Shawcross

Address	128 Smallwood Road Dewsbury WF127RR
Drawing Type	NEW
Store Type	Standard
Store Size	780q/ft
Building Size	
Drawn By	Sam Fenton
Scale @ A2	1:40.641
Date	11.06.2025
Revision	V1
Signed Off	No

Notes

EQUIPMENT & SIGNAGE
TBC ONCE DRAWING IS AGREED

All dimensions are shown in millimeters unless stated otherwise, & must be checked by the shopfitter prior to commencement of work on site. This drawing is to be read in conjunction with all other relevant drawings, documents & specifications. All works is to be carried out by a qualified shopfitter in accordance with the manufacture / supplier instructions and to current codes of practice and legislation. The feasibility of this drawing must be checked by a qualified shopfitter who should ensure that the drawing meets all the required legislation. Booker Limited & the drawer take no responsibility for the feasibility of this drawing. The drawer of this drawing does not act as the principal designer. For any queries please contact the Merchandising & Development department or the relevant member of the project team.

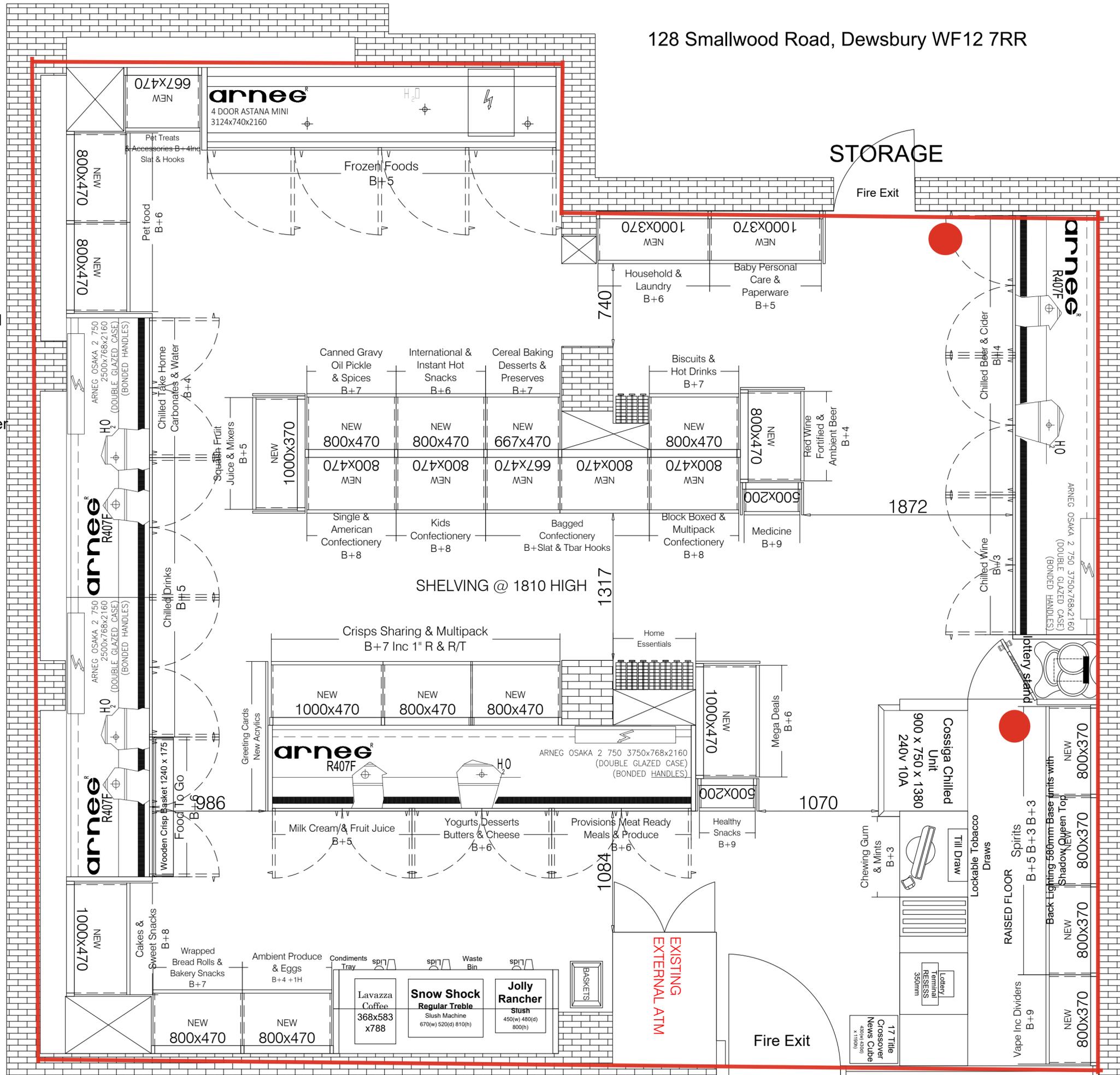
This drawing is the property of Booker Limited and is not to be copied either in full or in part without the prior consent of Booker Limited. The information contained within this drawing is strictly confidential and all parties are advised to consult their professional advisors with regard to any risks involved and the suitability of these drawings. Booker Limited accept no liability for any loss or damage sustained by any party arising from the use of this drawing. If the store is subject to the HFSS regulations then it is the business owner's responsibility to ensure compliance. The layouts on this plan are guidance for you to consider.

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Licensed area

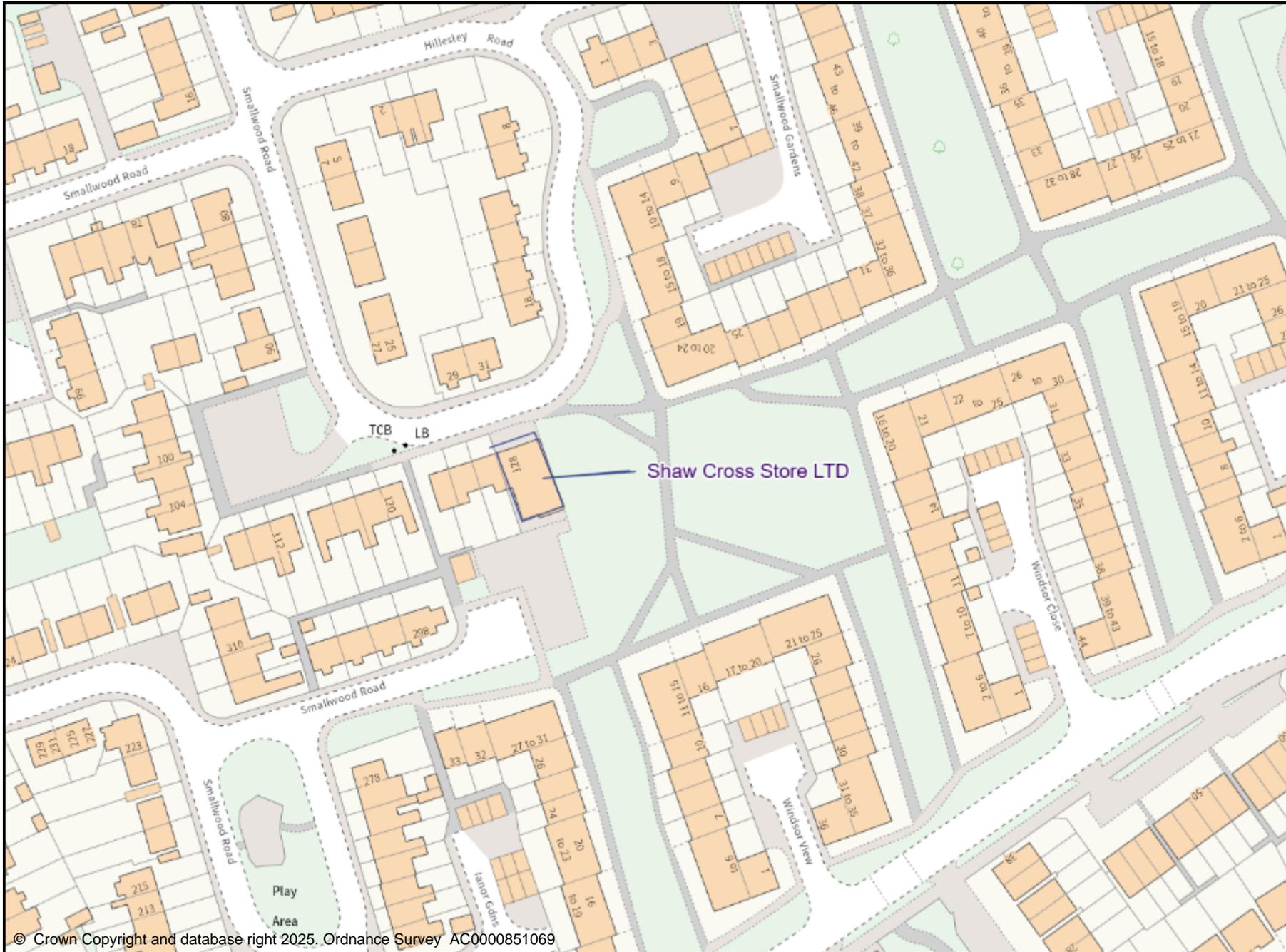
Fire Extinguisher



Any item not covered by the plan regulations of the Licensing Act 2003 is subject to change without notice.

ENTRANCE

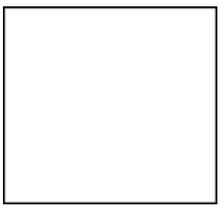
Shaw Cross Store LTD



Scale = 1:1232.280

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Ordnance Survey
AC0000851069

maps@kirklees.gov.uk



Appendix B

Representation 1

Cllr Cathy Scott -

Ward Councillor

I write to formally object to the application submitted by Shawcross Store Ltd for a new premises licence to supply alcohol at 128 Smallwood Road, Shaw Cross, Dewsbury, WF12 7RR. I submit this representation under the provisions of the Licensing Act 2003, referencing the four licensing objectives:

1. The Prevention of Crime and Disorder

This area is already affected by antisocial behaviour, drugs and petty crime, and an additional outlet selling alcohol is highly likely to exacerbate these issues. The availability of alcohol for extended daily hours (06:00–23:00) may lead to increased street drinking, loitering, and associated criminal activity, particularly in the evenings and early mornings. There is also a risk of underage alcohol purchase, which is difficult to fully prevent in practice despite proposed safeguards.

2. Public Safety

The store is situated at the centre of a densely populated housing estate, including proximity to bungalows and houses occupied by vulnerable elderly residents. Increased footfall and alcohol-related disturbances could compromise the safety and wellbeing of these residents. The shop's location within narrow residential streets not designed for high traffic volumes also raises concerns about late-night public safety, especially during dark winter hours.

3. The Prevention of Public Nuisance

Extending the hours for alcohol sale from early morning until 11pm every day will severely impact the quality of life of local residents. Late-night noise from customers arriving and departing, vehicles parking, engines running, and general congregation outside the shop will create unacceptable disturbance. This would be especially burdensome for nearby homes, where families with children and elderly individuals are trying to rest. The disruption will likely be continuous and cumulative.

4. The Protection of Children from Harm

There are many families with young children living in close proximity to the premises.

Introducing the sale of alcohol in this context sends the wrong message to children and increases their exposure to alcohol-related behaviour and potentially harmful situations. Local children walking to and from school or playing nearby may witness or even become victims of drunken behaviour or littering from alcohol containers. This is wholly inappropriate in a residential neighbourhood.

As the local ward Councillor for 18 years, I believe I have a good insight to the community and am already in receipt of complaints of drink/drug fuelled partying and drinking into the early hours. Windows and doors being smashed.

The proposed licensing hours and location are not suitable for a business that sells alcohol. The surrounding area is a residential estate already under strain from crime, antisocial behaviour, and environmental disturbance.

Granting this licence would further damage community cohesion and safety. We already have several licenced premises in the vicinity. Which I have listed below and walking times to get to.

Jet Garage 4 mins away

Shell Garage 2 mins away

Hanging Heaton Club 5mins away

Late Shop (coop) 11 mins away

Tesco 12 mins away

I urge the licensing committee to reject this application in the interest of protecting residents and upholding the four licensing objectives.

Representation 2
Cllr Paul Moore Ward
Councillor

I am writing to object to the alcohol licence application PR00489 for Shaw Cross Store at 128 Smallwood Gardens, Dewsbury WF12 7RR. Granting this licence would seriously undermine the Licensing Act 2003 objectives.

Firstly, this area already suffers from high levels of anti-social behaviour and vandalism, many linked to drinking excessive amounts of alcohol. An additional alcohol outlet would likely worsen these issues, placing further strain on police resources.

Secondly, many elderly residents live nearby, and increased alcohol sales could raise safety concerns, leaving vulnerable people feeling intimidated, more isolated and unsafe in their own community.

Thirdly, the neighbourhood already experiences noise problems and late-night disturbances. More alcohol availability risks attracting gatherings and increasing noise, litter, and disruption, clearly contributing to public nuisance.

Finally, the area has many families with children. Allowing this licence increases the risk of children being exposed to alcohol-related disturbances and could encourage underage drinking.

This application threatens the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. I strongly urge the council to refuse this application to protect the community's wellbeing.

Appendix C

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.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

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 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);*
- 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 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.

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.