

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of the Principal Officer
(Licensing) to the meeting of
the Statutory Licensing
Regulatory Board Sub
Committee to be held on the 1st
April 2009**

LICENSING ACT 2003

APPLICATION TO REVIEW A PREMISES LICENCE

The Room, Eldon Street, Barnsley

1. Background

- 1.1 On the 13th February 2009, Sergeant Derek Barker, on behalf of the Chief Constable of South Yorkshire Police, made an application under the provisions of the Licensing Act 2003 for a review of the premises licence for The Room, Eldon Street, Barnsley. A copy of this application is attached as Appendix 1.
- 1.2 Members are requested to determine the application to review the premises licence.
- 1.3 The Room is a medium sized public house located on Eldon Street in a central location of Barnsley Town Centre.

2 Existing Licence

- 2.1 The existing premises licence became effective, following a transitional variation application, on the 24th November 2005. A copy of the licence is attached as Appendix 2.

The premises licence is held by Mr Thomas Mottershaw of 9 Adkin Royd, Silkstone, Barnsley, S75 4LA. Mr Mottershaw is also specified as the Designated Premises Supervisor for the premises.

The licence includes the following licensable activities and opening times:

a) Films, Indoor sporting events, live music, recorded music, activities like music or dance and facilities for making music

Every day from 10.00 until 02.00 the following morning for consumption on the premises, with the following none standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

b) Sale by retail of Alcohol

Every day from 10.00 until 02.00 the following morning, with the following none standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

The premises are licensed for consumption of alcohol on the premises only.

c) Opening times

Every day from 10.00 until 02.30 the following morning for consumption on the premises, with the following none standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:30 the following morning at the end of trading hours.

3.2 The current licence also contains the following embedded restrictions:

The maximum permitted number for this premises is: 220

The conditions from the previous Public Entertainment Licence remain in force as embedded restrictions and a copy of Barnsley Metropolitan Borough Council Standard Conditions are attached;

In addition the following non standard conditions remain in force as embedded conditions:

All doors and windows must be kept closed whilst entertainment is taking place except for access and egress;

The hours during which the premises may be used for entertainment may be reviewed on the advice of the Assistant Director (Regulatory Services) this is necessary to prevent unreasonable disturbance by noise to persons in the neighbourhood.

3.3 The licence also contains the following conditions within the operating schedule:

- a) Function Bookings to be limited to a maximum of 100 persons
- b) Live Music will be staged only in the lounge bar

4 The Application for a review of the Premises Licence

4.1 On the 13th February 2009, Sergeant Derek Barker, on behalf of the Chief Constable of South Yorkshire Police, made an application under the provisions of the Licensing Act 2003 for a review of the premises licence. The application is made on the following grounds:

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

The full details and evidence relating to this review application are contained with the application at Appendix 1.

5 Responsible Authorities

5.1 A representation has been received from the Pollution Control Section of Regulatory Services, as a responsible authority, in relation to noise and the prevention of public nuisance and their comments are attached at Appendix 3.

5.2 No other representations have been received from Responsible Authorities.

6 Interested Parties

- 6.1 Following the display of notices for the statutory time period at the premises and the Civic Offices, Eldon Street, Barnsley one representation has been received from an interested party. The representation is made by Fraser Brown Solicitors on behalf of Admiral Taverns who have stated they are the landlords of the premises in question. A copy of the email from Fraser Brown Solicitors is attached as Appendix 4

7 Options available to Members

In determining this application for a review of the premises licence Section 52 of the Licensing Act 2003 provides that the authority must, having regard to the application and any relevant representations, take such steps mentioned below as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

8 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

9 Financial Implications

N/A.

10 List of Appendices

Appendix 1 - Copy of the review application

Appendix 2 – Current premises licence

Appendix 3 – Representation from Pollution Control

Appendix 4 – Representation from Interested Party

Officer Contact: Mr K Rowland Tel: 01226 772614 Date: 19th March 2009

Appendix 1 – Application for review of the premises licence.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police Sergeant Derek Barker

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Room Public House Eldon Street Barnsley	
Post town Barnsley	Post code (if known) S20 2JJ

Name of premises licence holder or club holding club premises certificate (if known) Thomas Mottershaw

Number of premises licence or club premises certificate (if known) 005778
--

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input type="checkbox"/> |

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Sergeant Derek Barker Barnsley Police Station Churchfields Barnsley S70 2DL
Telephone number (if any) 01226 736154
E-mail address (optional) Derek.Barker@southyorks.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm



Please state the ground(s) for review (please read guidance note 1)

The Police have recorded 24 incidents relating to The Room in the past five months. Of these incidents, 7 were related to violence, 12 were related to rowdy / inconsiderate behaviour, 4 relating to underage drinking and a burglary at those premises. There are 10 crimes relating to assaults recorded since Jan 2008. In addition to these incidents, complaints have been received regarding the misuse of the rear yard to the premises (private yard not belonging to the venue) from neighbouring businesses and of noise pollution.

Due to the number of incidents received, the Responsible Authorities have visited The Room on 5 occasions during 2008. The later of these visits are shown as:

On 14th Nov 2008, Mr David Stacey and Sgt Barker visited The Room in relation to complaints regarding the misuse of the rear yard to the premises. This misuse included allegations of underage drinking, broken glass, the playing of games (basket ball) and being used as a smoking area. The complaints coming from nearby business premises (See attached photo and statements)

Staff at The Room were spoken to and asked about these issues and the use of the Challenge 21 protocol. It was clear they knew of the yard being used but had no knowledge of Challenge 21. Although Mr Mottershaw (DPS) was initially absent from the premises, he soon returned and the importance of the protocol was explained. He agreed to use the protocol as daily business from that point. Mr Mottershaw was also advised regarding the misuse of the rear yard and potential illegal sales of alcohol pointed out as The Room has a licence for on sales only. Mr Mottershaw was also informed that they had no right to use the rear yard for other than as a thoroughfare

On 15th Dec 2008. A visit was made by Sgt Barker regarding an application for a Temporary Events Notice to extend the licensing hours of the premises just prior to the Christmas period. An objection to the application was not placed by the Police, however Mr Mottershaw (DPS) was advised of the current amber 'Traffic Light' position and that the premises would be monitored closely due to the recent history of Crime and Disorder and intelligence relating to underage drinking. Mr Mottershaw was again advised of the 'Challenge 21' protocol and not to allow patron outside (front or rear) with drinks as this could be a breach of the licence conditions (On sales only) This advise was given to assist in the reduction of these incidents at those premises.

On 22nd Dec 2008 Mr David Stacey of Regulatory Services visited the premises following information received relating to a 16-year-old making unauthorised sales of alcohol. Upon arrival, Mr Stacey will state that he found such a person working behind the bar making such sales. The responsible person at this time was Mr Mottershaw (DPS) who was at the material time asleep upstairs.

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

In addition to the above mentioned visits to The Room public House the following incidents and crimes were recorded as taking place at those premises.

On 28th Dec 2008. The Police were called to The Room at 00:55hrs. A report of a male being attacked was recorded. The investigation showed that 5 males had attacked a 22 yr old man. Of the 5 males, there were 2 x 16 year olds and a 15 year old. All 5 were arrested and duly processed by the Police.

On 17th Jan 2009 a 19-year-old male suffered facial injuries when he was glassed by another male described as being 'a 17-year-old male' in the premises. On this occasion the attack took place at 01:30hrs.

All licensed premises in the Town Centre at Bamsley are continually monitored for incidents recorded against the licensing objectives on a traffic light style system. The Room turned from amber to red on 29th Dec 2008. At this time only one other premises is recorded with a red status. However, the other premise has reacted well to intervention and advice.

In addition to the allegations of underage sales and violence at The Room. It can be seen from the attached schedule that the concern for the management of these premises stretches back to early 2008:

Jan 2008 Complaints of broken glass and the poor state of the rear yard and fire escape (see attached photos)

Feb 2008 Five persons found on the premises ranging from 14 to 17 year old. 4 or the 5 admitted consuming alcohol on those premises. One member of staff admitted making those sales. See attached statements for further information.

April 2008 Visit by Sgt Barker when TEN application was received to extend licensing hours following complaints from residents regarding excessive noise. General advice re reducing noise escape was given.

Please refer to attached document for further information.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Derek.Barker@southyorks.pnn.police.uk

Notes for Guidance

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

The Room

Key	Police Intervention or action
Green	Police/Local Authority visits
RED	Items of note
Blue	Information

29th Dec 2009 'The Room' goes RED under the traffic light system


Date	Day	Time	Incident	Crime No	Crime	Caller
10/03/2009	Tues		On Tuesday 10th March 2009 at 1910hrs Police Officers attended at The Room Public House, Eddon Street Barnsley. On the premises were about 20 people. Of the 20 there were 3 x 17 year olds, 4 x 16 year olds and a 14 year old. 6 of the group were consuming alcohol (bottled Beers) 5 of those admitted to purchasing alcohol at the bar. None of them had been asked for identification. The bar person was Jamie XXXXXXXX Born 1990 (19yrs) of Wakefield Road Barnsley. He admitted serving the males and agreed that he had not asked them for ID. He was served with an E80 FFND.			Police Officers
13/02/2009	Fri		DPS (also Premises Licence Holder) Tom Woodruffe served with papers relating to Registration made by the Police against the premises licence at The room Public House, Barnsley. Intelligence received that pupils as young as 15yrs from Kingstone School are regularly visiting The Room and buying/drinking alcohol on the premises. It is generally accepted that there is no problem getting served.			
09/02/2009	Mon					Restricted
17/01/2009	Sat	02:19	19 year old male glassed by 17 year old in the premises 22 year old male assaulted by 5 youths including 2x16 year olds and a 15 year old in the premises. All arrested by Police and said to be in drink.	B/6160/2009	Sect 20 Wounding	Complainant
20/12/2008	Sun	00:55		B/147924/2008	Sect 20 Wounding	Staff
27/12/2008	Sat	00:40	Male assaulted by another within the premises	B/10525/2008	Sect 47 assault	Complainant

27/12/2008	Sat	00:45	Male assaulted by another within the premises suffering a broken nose, 8 males fighting outside, all have been customers and described as late teens and in drink by caller and Police. Although injuries seen by Police, no complaints of assault made.	B/10620/2008	Common Assault	Complainant
29/12/2008	Tues	01:00	Visit to Premises by Regulatory Services due to information received regarding alcohol being sold by 16 year old without supervision. Dave Stacey found 16 year old behind bar serving alcohol, responsible person (in this case the DPS) asleep upstairs. Information received, Ketamine is available over the bar at The Room			Staff Regulatory services
21/12/2008	Sun					Restricted Staff
16/12/2008	Tues	20:20	2 males causing problems inside premises, both arrested by Police	B/143449/2008	Burglary	
			Visit The Room following receipt of TEN to extend licence on the 26th Dec. The DPS Thomas Mothershaw was advised that this event would be monitored closely due to the premises recent history of Crime and Disorder and reports of underage drinking.			
15/12/2008	Mon	16:30				Police Officers
13/12/2008	Sat	00:33				Staff
13/12/2008	Sat	00:05	Report of persons arguing in premises			Staff
08/12/2008	Sat	01:50	Information regarding underage drinking in the premises (anon)			Anon
22/11/2008	Sat	00:30	17 year old male allegedly assaulted by Licensee at 00:30 22nd Nov 2008. Interviewed and released without charge.			
18/11/2008	Tues	01:15	Report of 2 rowdy males in the bar, left prior to Police arrival	B/140324/2008	Assault	Complainant Anon
			Letter sent from Environmental Health to DPS regarding complaints of excessive noise from The Room. However, the complaint regarding noise was closed in mid December as the complainants (operators of another licensed premises), despite several reminders, did not provide any diary sheet evidence of a substantive problem. Therefore the allegations of noise disturbance were not independently verified by this Service. Pollution Control has no ongoing involvement with regard to this premises. However, it is believed the complainant has now left the Barnsley area.			
17/11/2008						BMBC and regulatory
14/11/2008	Fri		and the misuse of the rear yard / car park. Speak with members of E-Mail received from owners of the rear yard / car park to The Room outlining that there is no authority to use the area for customers of The Room.			
14/11/2008						Freshwater group
08/11/2008	Sat	02:57	Male heavily in drink causing problems in the venue, escorted outside where he collapsed.			Staff

07/11/2008			A number of complaints received from other business premises adjacent to Kerdry Street Barnsley regarding the use of the communal car park/ yard at the rear of the premises. Complaints surround noise, the playing of basketball, damage and litter / broken glass. 3 males fighting in premises, all moved outside and continued. Left prior to Police arrival.	Photos available		Staff
25/10/2008	Sat	01:28	17 year old male assaulted in the premises by 21 year old male, other customers also assaulted but no further complaints made. Information re underage drinking and drug use on previous evening	8/12/188/2008	Assault	3rd Party
23/10/2008	Thur	21:53				Staff
12/10/2008	Sun	12:56	Information received re underage drinking.			Arson
11/10/2008	Sat	17:02	Licensee called Police indication he was having trouble with a 16 year old youth. Licensee stated the youth wasn't welcome in the Pub anymore.			Arson
04/10/2008	Sat	17:10	Licensee called Fire Police stating that he is having problems with a youth believed to be 16 years who has been in the Pub for the past 2 night (Possibly linked to above incident)			DPS
02/10/2008	Thur	19:54	Call from Licensee and third party regarding drunken males in venue trying to start a fight with anybody and throwing furniture around. Left prior to Police arrival.			Licensee and third party
29/09/2008	Mon	22:35				DPS
15/09/2008	Mon	00:48	Male causing problems in the pub. Call from staff stating he is drunk and has been threatening customers all night. Arrested by Police.			Staff
09/09/2008	Tues	18:07	Information re underage drinking Informing Visit following receipt of TEN10 external licensing hours. Advice given regarding the reduction of noise escaping from their premises and public nuisance following complaints from nearby residential premises i.e. the closure of all doors and windows, volume reduced after Zam and no alcohol to be taken outside (on licence only)			Arson
21/04/2008	Mon		Visit The Room and advise Licensee regarding last weeks underage sales and the number of underage drinkers found on the premises, also advise of the three Strikes condition under the Violent Crime Reduction Act 2006			Police officers
20/02/2008	Wed	19:00				
08/02/2008	Fri	22:00	Licensing check performed by Barnsley Central Neighbourhood Team found five persons on the premises ranging from 14 to 17 years old. Of these five, four were consuming alcoholic drinks (inc the 14 year old) and one admitted buying it. One of The Room staff admitted selling to the youths.			Police Officers

18/01/2008	Fri	19:00	Visit The Room following complaints of broken glass and general poor state of rear yard / car park. See attached photo	Photo's available		Police officers
------------	-----	-------	--	-------------------	--	-----------------

27 incidents recorded by the Police since Sept 2008 not including complaints relating to the misuse of the rear yard/car park, excessive noise, damage/broken glassware and public nuisance

 Derek Barker/BARNLEY/SYP
13/02/2008 09:08
To
cc
bcc
Subject: Fw: The Room,

 Keith Baird
10/02/2008 10:56

To: Derek Barker/BARNLEY/SYP@SYP
cc: Mark Spooner/BARNLEY/SYP@SYP
Subject: The Room,

Derek,

Central SNT visited The Room, Eldon St at about 2200hrs on 8/2/08 and found a number of person underage on the premises as below:

- Evangeline XXXXXXX X.X.03, (14yrs), XXXXXXXXXXXX Penistone, found consuming alcohol on premises
- James XXXXX XXXX/90 (17yrs) XXXXXXXX West Melton found drinking - issued £50 fixed Pen
- Rachel XXXX XXXX/91 (16yrs) XXXXXXXX Barnsley. Found Drinking - issued £50 fixed pen.
- Hannah XXXXXXX XXXX/92 (15yrs) XXXXXXXX, Thurgoland, - purchased alcohol from room
- James XXXXXXX XXXX/91 (16yrs) XXXXXXXX Barnsley. Found on premises not drinking.

There were probably quite a few more but this is all that we could deal with.

- Laura XXXXX, XXXX/90 (18yrs) Barnsley, Bar supervisor who admitted serving Hannah XXXXXXXX above - issued £80 FPN

The manager - name escapes me - was present and appeared to be working the door.

Also we found a 17yr old male in the Bellry Bar. He was issued with a £50 FPN and was found to be in possession of fake ID which he had produced to bar staff.

Regards

Keith

Keith Baird PS 1268
Central Area Safer Neighbourhood Team,
Commerce House, Westgate Barnsley
Tel - 01226787073
Ainave - 1268

Citizen Focus: Improving Satisfaction and Confidence is a Priority for the Force.

WITNESS STATEMENT

CJ Act 1967, s.8 MC Act 1990, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

--	--	--	--

Statement of Keith Baird

Age if under 18 Over 18 (If over 18 insert 'over 18') Occupation: Police Sergeant 1208

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature Keith Baird 1208 Date: 27th March 2008Tick if witness evidence is visually recorded (Supply witness details on rear)

I am a Police Sergeant in the South Yorkshire Police currently posted to the town Centre Safer Neighbourhood Team.

On Friday the 8th Of February 2008 I was on duty in full uniform in company with other officers from Central SNT. At about 2200 I visited The Room public House on Eldon Street Barnsley.

With other officers I entered the premises. Once inside I became aware that a large number of the patrons of the bar appeared to be under 18 years of age many of whom were consuming alcoholic drinks.

I approached one group and spoke to a male who I now know to be James [REDACTED], 16 years, born [REDACTED] 91. James was not consuming alcohol but he was escorted from the pub. Other officers spoke to other young people and I was made aware that a children as young as 14 and 15 were in the bar consuming alcohol.

As a result of enquiries I established that the bar manager, Laura Kelly had served a 15year old female with alcoholic drinks from the bar. I subsequently issued Kelly with a Fixed penalty notice for this offence.

Signature: Keith Baird 1208 Signature Witnessed by:

Continuation of Statement of: Keith Baird.....

Page 2

On Thursday the 27th of March I visited James [redacted] his home address and spoke to him in the presence of his father. I asked James if he would make a statement about being in the Room on the 8th of February 2008. James' father Steven [redacted] declined to allow James to make a statement. However James told me the following which I recorded contemporaneously in my pocket note book.

"I am James [redacted] born [redacted] 91. On Friday 8th February 2008 at about 9pm I went to the Room Pub Eldon Street Barneley. I went with around 10 friends. 9 of my friends were under 18 years of age. I got into the pub without being challenged as did all my friends the youngest of which was 16 years of age. Once in the pub about 5 of the group obtained alcoholic drinks from the bar. I would say that most bought their own drinks, none of them got anyone over 18 to buy their drinks for them. I recall the girls were drinking Vodka and Coke and alco-pops whilst the lads were drinking big bottles of lager. There were others in the bar that night that I know were under 18 years old and were drinking alcohol.

I have visited the Room about 5 times. It is a pub that always has lots of young people in. On each of these other occasions that I have been to the Room I have been in the company of friends under 18 years old. On each occasion some of them have purchased and consumed alcoholic drinks at the Room.

"The Room is popular with young people because its easy to get in as there are no bouncers and you can get served because they are not very strict."

James was shown the pocket book entry, which he signed to confirm that it was an accurate account of what he had said. His father countersigned. I can produce the original note as my exhibit KMB/1.

Signature: Keith Baird Signature Witnessed by:

WITNESS STATEMENT

CJ Act 1987, s.2; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Keonah [redacted] URN
 Age if under 18 15 (if over 18 insert "over 18") Occupation: School girl

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature [Signature] Date: Saturday 5th April 2008

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the store named paper and I work at the address marked.

I am a pupil at Brisbane Grammar in year 10 and on Friday 5th February 2008 I went out into Brisbane with my friend Keonah who is in the same year at school as myself.

That evening I went into the Kmart Public house which is on Fern Street, Cavendish town centre. Whilst in the bar I purchased four alcoholic drinks in total two for myself and two for Keonah.

The last two drinks I bought were two

Signature: [Signature] Signature Witnessed by: [Signature]

Continuation of Statement of

Lynch

Page

11

1974 for the amount. The way that
 I kept the money was to have it
 -but did in a matter of days
 and amount.

in the morning but I went to the
 at to buy the more checks. I went
 challenge by the to staff to I.D. of
 to pay my way. I had a pattern buying
 -six checks, one had a terrible
 when the put that night with
 but I have been in the bank public
 have been probably on the to that
 occasions and this was around Halloween
 last

again in that manner I bought absolute
 checks and had a terrible thing this, I
 wasn't challenged or asked to sign how
 old I was.

As to coming of fifty \$100 bills the
 like started at the bank public bank or order
 to speak to agree what to. I spoke to
 a place where outside the put in I gave
 -then my checks are they gave my home address
 or spoke to my man.

Signature

J. W. Lynch

Signature Witnessed by

K. W. Lynch

WITNESS STATEMENT

CJ Act 1967, s.2; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of EVANGELINE [REDACTED]Age if under 18 14 (if over 18 insert 'over 18')Occupation: School Child

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature

E [REDACTED]

Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and I live at the address above.

On Friday the 8th of February 2008 I went to the Rouse Pub in Burnsidey town Centre. I went with my friend Hannah [REDACTED] who is 15. She asked me to go with her as she said I would like the music. Hannah said she had been a few times before.

We got to the pub at between 7.45pm and 8pm. I walked straight in, I was not challenged as there didn't appear to be any locked door staff. Once in the pub Hannah and I went to the bar. Hannah bought some drinks for us. Hannah bought

Signature: E. Warner JONES

Signature Witnessed by:

K Baird BIZCO

Continuation of Statement of Francine [redacted]

Page 2

two vodka tone and lemonade, one for me and one for herself. She was not challenged at the bar and had no difficulty getting the drinks through the night. Hannah went to the bar 2 or 3 more times. Each time she was served with alcoholic drinks. She was served by different members of staff. At around 1am the police came into the bar, they took my details and I was asked to leave, which I did. I have not been in the room since.

E. [redacted] J. [redacted]

Signature: _____ Signature Witnessed by: David B. 1265



Derek
Barker@BARNSELY/SYP
17/11/2008 09:16

To: "George Reed - Commercial"
<george.reed@highdom.co.uk>
cc:
bcc:
Subject: Re: 1-17, Kendray Street, Barnsley

Morning George. I have now spoken with the Licensee at 'The Room' public house highlighting the complaints and concerns of your tenants/customers and that they hold no authority to use the area (see attached photo) for licensable activities (or smoking) but purely as a right of access as a fire escape or to their refuse bins.

I shall monitor the situation. Should you have any further issues with this establishment, don't hesitate to contact me.



D5C00165.JPG

Derek Barker PS 1327
Barnsley Licensing and Communications
01226738154
07917212736
Airwaves 4431327

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>.
"George Reed - Commercial" <george.reed@highdom.co.uk>



"George Reed -
Commercial"
<george.reed@highdom.co.uk>
14/11/2008 13:45

To: <derek.barker@southyorks.pnn.police.uk>
cc:
Subject: 1-17, Kendray Street, Barnsley

I confirm that the owners of the above site including the service yard/car park is owned by Metropolitan Properties (Provincial) Limited, part of the Freshwater Group of Companies who employ me to manage it and other properties.

I further confirm that no rights have been given to the neighbouring public house known as, 'The Room' to erect any structure or shelter for smoking, drinking or playing basket ball in the service yard/car park. No rights of this nature have been granted to anyone.

George Reed BSc MRICS

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the I.T. Department. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check the email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

Highdom Co Ltd Freshwater House 156-162 Shepherdson Avenue London W20 0W6 (Registered in England No: 072122)
Telephone Number 020-7030-1555



"Bentley, Jodie"
<Jodie.Bentley@adecco.co.uk>
07/11/2008 12:11

To: <derek.barker@southyorks.pnn.police.uk>
cc:
bcc:
Subject: Complaint - Car Park for Commercial Premises
Midland/Kendray Street

History: This message has been replied to.

Hi Derek

I would like to complain about the state of the car park at the rear of Adecco on Kendray Street. The car park is constantly covered in smashed glass, rubbish used condoms, needles etc etc. This problem appears to have got considerably worse over the past 3 months and I feel this problem is being caused by people who are drinking in The Room.

I am aware that drinkers are coming down the stairs to smoke in the car park and are leaving their empty glasses/bottle outside or even throwing them across the car park. The Room have also provided a basket ball net for drinkers to play Basketball in the car park?

As this problem does not appear to be restricted to their area of the car park and is now affecting where we park this problem is getting out of hand. When we come into work after the weekend the car park is in a disgusting state, there are empty bottles, condoms, used drug bags and people have been urinating on the wall at the side of our back door. My 2 members have had numerous flat tyres because of the glass and feel vulnerable if they are leaving when it is dark if there are people stood drinking in the car park.

Also if the branch Alarm goes off after we have closed at 5.30pm I am the person that is contacted to come in and re-set it. As things are at the minute I am reluctant to come through as I don't know what I'll be presented with when I arrive. If I don't re set the Alarm then it won't re activate if we are broken in to and then our insurance could possibly be void.

I have previously contacted the Council about this matter and they have stated the The Room should not be allow anyone to come into the car park as this is not a communal area for smokers/drinkers but don't appear to have done anything about it.

I would be grateful if you could look into this matter for me.

Kind regards

Jodie

Jodie Bentley
Branch Manager

Adecco UK & Ireland
7 Kendray St, Samsley, S70 1DB
Telephone + 44 (0) 1226 245 424
Fax + 44 (0) 1226 245 324
jodie.bentley@adecco.co.uk
Adecco.co.uk

*Ranked 38th in the
2007 Sunday Times 100 Best Companies to Work For*

Before printing, please think about the environment

This e-mail and any files transmitted with it are confidential (and may contain privileged information) to the ordinary user of the e-mail address to which it was addressed and must not be copied, disclosed or distributed without the prior authorisation of the sender.

Please notify the sender and destroy this e-mail immediately if you are not the intended recipient.

Please also note that while our own software systems have been used to try to ensure that this e-mail has been swept for viruses, we do not accept responsibility for any damage or loss caused in respect of any viruses transmitted by the e-mail. Please ensure your own checks are carried out before any attachments are opened

Adecco UK Limited whose registered office is at: Adecco House, 71 Elstree Way, Borehamwood, Hertfordshire, England, WD6 1WD. Registered in England & Wales: Registered No. 00593232.

Groggers Rest
13-19 Kendray St
Barnsley
S70 1DF

Nov 14 2008

Dear Sir,

I am writing to you as regards
the state of the car park behind
Groggers Rest.

On Halloween at least 20
people were outside in the car park
drinking and smoking some not 18.
Are they allowed to drink there as
it a private car park.

My main issue is the state of the
car park the following morning, which
was covered in broken glass and
bottles which had obviously been
thrown around some of which by
our back door. The previous week
we had swept the car park free
of glass.

My cleaner has had a
puncture in her car resulting of the
glass + bottles. The party did not
finish till 6.30.

Please could you look into
this matter.

Yours sincerely,

Smith (Licensor)

F.A.O : PC 1327 DEREK BARKER
FROM : MR. S.D. WALSH - MANAGER, WILLOW HILL LBO
KENDRAY STREET, BARNSELY

DATE : 11TH NOVEMBER 2008

SUBJECT : ANTI SOCIAL BEHAVIOUR IN THE YARD BEHIND
SHOP PREMISES ON KENDRAY STREET, BARNSELY

Dear Sir,

Following your visit to discuss the above matter I submit the following information/observations together with an official complaint against the Landlord/Proprietor of the venue known as 'The Room', situated on Eldon Street.

Firstly, as far as I am aware 'The Room' is not entitled to use the yard situated at the back of the shop/business premises on Kendray Street - please check this with our Landlords, I understand you have their telephone number.

For some time now, the Proprietor/Manager of 'The Room' has chosen to allow youngsters, many of whom appear to be both under-age and under the influence of substances other than alcohol, to use a make-shift area situated in the yard outside the bottom of what appears to be a fire escape facility on his premises.

This is crudely cordoned off by metal barriers and purports to be a smoking area, hardly complying with smoking regulations incidentally, but it is also used for drinking and, perhaps, other purposes.

The individuals who use this "facility" do not remain within it's confines and stray
(on)

all over the yard, smashing bottles and generally acting in a completely unacceptable anti-social manner.

On Saturday and Sunday mornings after these activities authorised personnel from locations on Kendray Street drive into the yard and have to negotiate amongst other things broken bottles, part of the Shambolic mess left by these mindless idiots - sorry but that is exactly what they are and the situation is completely unacceptable.

I also have a safety responsibility to my staff who are leaving our premises at night, post 9.30pm, and have to encounter the start of these antics - they can feel intimidated, another reason for this complaint.

The situation reached a climax as you know on a recent Friday night/earlier hours of Saturday morning forcing your good selves to get involved.

In some respects, I should inform my company's security officers, but that could be a grey area as the yard is not William Hill property but that of our landlord who along with yourselves can resolve this problem.

There has been some speculation that the disturbances caused recently occurred during an extension granted to 'The Room'.

Can I, on behalf of William Hill, and a wish to ensure the safety and security of my staff, object to any further misuse/abuse of the yard behind our premises - and not only object to any further extension being granted to 'The Room' but indeed would go as far to suggest their licence to trade is revoked

(cont.)

I would be grateful for any assistance
you can give us with this matter and would
appreciate acknowledgement of this official complaint.
For any further information please contact
me on 01226-280332

Thankyou

Yours Sincerely

J.D. (Jan) W/CSL

MANAGER

WILLIAM HILL BETTING OFFICE

9/11, KENDRA STREET

BARNSLEY

The Room - Bottom of fire escape 16th Jan 2008





DSC00189.JPG

THE ROOM REAR YARD 8/10/2008

asked them to note any issues of concern on the diary sheets so if anything of note with regard to the hours of opening or underage sales comes back on the sheets I will provide you with a copy for your files.

Yours sincerely,

Sarah Newman

Senior Environmental Health Officer

Barnsley Metropolitan Borough Council
Regulatory Services

Tel - 01226 77(2454)

Mob - 07786 525 914

Fax - 01226 775699

*** Barnsley MBC Disclaimer:

This e-mail and any files attached are confidential for the use of the intended recipient. If you have received this e-mail in error please notify the sender as soon as possible and delete the communication from your system without copying, disseminating or distributing the same in any way by any means.

Any views or opinions expressed belong solely to the author and do not necessarily represent those of the Council. In particular, the Council will not accept liability for any defamatory statements made by email communications. Recipients are responsible for ensuring that all e-mails and files sent are checked for viruses. The Council will not accept liability for damage caused by any virus transmitted by this e-mail. No guarantees are offered on the security, content and accuracy of any e-mails and files received. Be aware that this e-mail communication may be intercepted for regulatory, quality control, or crime detection purposes unless otherwise prohibited.



The content of this email and any attachment may be stored for future reference. TheRoom.5L10et.subj.11.08.doc

CITIZEN FOCUS: Our commitment is to understand what the public want - so that we deliver what they need.



Regulatory Services

Assistant Director: Ken Eastwood, BSc (Hons), MCIEM
PO Box 602, Barnsley S70 6FB

My Ref: EHV/pol/siv/197961

Your Ref:

Date: 17th November 2008

Enquiries To: regulation@barnsley.gov.uk

Tel: (01226) 772466 Fax: (01226) 776699

Dear Mr. Mottershaw,

**Alleged noise nuisance due to amplified music and patrons outside the pub;
The Room, 25 Eldon Street, Barnsley, S70 2JJ.
Environmental Protection Act 1990
Licensing Act 2003**

This Service has received reports concerning excessive noise outbreak from The Room with particular regard to Wednesday nights/Thursday mornings. It is alleged that near residences suffer noise disturbance due to amplified music, in particular the bass beat and from noise from large numbers of patrons outside the pub.

I would be grateful if you could consider the allegations and, if you believe there to be some justification to the reports, take action to manage the noise volume to ensure it is not audible beyond the premises boundary. You can minimize noise breakout from the premises by ensuring doors and windows remain closed whilst amplified music is being played. Also, it is advised that the noise from the "smoking areas" be controlled by preventing patrons taking their drinks outside after 10pm. This will discourage patrons from spending excessive periods of time outside. It is essential that as a public house that noise is managed effectively. Please note that local residents have been provided with diary sheets to record incidents of excessive noise from your premises.

Should complaints continue to be received scientific noise recording devices will be installed in the residences of complainants and officers will carry out monitoring in your area in order to determine the extent of any disturbance. Where evidence of a statutory nuisance is witnessed the Council has a duty to take remedial action under the Environmental Protection Act.

Cont..

Mr. Thomas G. Mottershaw,
Designated Premises Supervisor - The Room P91
9 Aikis Road,
Silkstone,
Barnsley, S. Yorks.,
S75 4LA.

Please find enclosed:-

- a copy of guidance for licensees regarding the prevention of public nuisance,
- a pro-forma for a noise management plan, and
- An example noise management plan.

to assist you in reducing and better managing noise.

Please note that if formal action is required to address proven noise nuisance issues it will result in the Pollution Control Team calling a Licensing Hearing to review the activities and conditions on the current premises license with a view to removing amplified music and other noisy activities from the license.

Complaints have also been received with regard to under age drinking on the premises and poor control of waste. These issues have been passed to colleagues within Regulatory Services for their attention.

If you would like to discuss this issue further, or seek advice on noise containment and reduction, please do not hesitate to contact this office. All enforcement action carried out by the Service is in accordance with the Regulatory Services Enforcement Policy. If you would like a copy of the policy please telephone this office.

Yours sincerely,

Sarah Newman
Senior Environmental Health Officer

c.c. Licensing Team, BMBC

Appendix 2 – Premises Licence



**BARNSELY METROPOLITAN BOROUGH
COUNCIL**

**PREMISES
LICENCE
LICENSING ACT 2003**

**Schedule 12 Part A
Regulation 33, 34**

Premises Licence Number	005778
Date of Grant	24th November 2005
Premises Address	The Room 25 Eldon Street Barnsley
Postcode	S70 2JJ
Telephone Number	01226 290011

Activities authorised by this licence

The sale by retail of alcohol.
The provision of regulated entertainment.

Times authorised to undertake licensable activities

Films

Licensed to perform films indoors (see times below)

Films permitted: Monday from 10:00 until 02:00 the following morning.

Films permitted: Tuesday from 10:00 until 02:00 the following morning.

Films permitted: Wednesday from 10:00 until 02:00 the following morning.

Films permitted: Thursday from 10:00 until 02:00 the following morning.

Films permitted: Friday from 10:00 until 02:00 the following morning.

Films permitted: Saturday from 10:00 until 02:00 the following morning.

Films permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Indoor Sporting Events

Licensed for indoor sporting events (see times below):

Indoor sporting events permitted: Monday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Tuesday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Wednesday from 10:00 until 02:00 the following

morning.

Indoor sporting events permitted: Thursday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Friday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Saturday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Live Music

Licensed for live music indoors (see times below):

Live music permitted: Monday from 10:00 until 02:00 the following morning.

Live music permitted: Tuesday from 10:00 until 02:00 the following morning.

Live music permitted: Wednesday from 10:00 until 02:00 the following morning.

Live music permitted: Thursday from 10:00 until 02:00 the following morning.

Live music permitted: Friday from 10:00 until 02:00 the following morning.

Live music permitted: Saturday from 10:00 until 02:00 the following morning.

Live music permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Recorded Music

Licensed for recorded music indoors (see times below):

Recorded music permitted: Monday from 10:00 until 02:00 the following morning.

Recorded music permitted: Tuesday from 10:00 until 02:00 the following morning.

Recorded music permitted: Wednesday from 10:00 until 02:00 the following morning.

Recorded music permitted: Thursday from 10:00 until 02:00 the following morning.

Recorded music permitted: Friday from 10:00 until 02:00 the following morning.

Recorded music permitted: Saturday from 10:00 until 02:00 the following morning.

Recorded music permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Activity Like Music or Dance

Provision of facilities for activities similar to music or dance available: Monday from 10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Tuesday from 10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Wednesday from

10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Thursday from 10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Friday from 10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Saturday from 10:00 until 02:00 the following morning.

Provision of facilities for activities similar to music or dance available: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Facility For Making Music

Licensed to provide facilities for making music indoors (see times below):

Provision of facilities for making music available: Monday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Tuesday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Wednesday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Thursday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Friday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Saturday from 10:00 until 02:00 the following morning.

Provision of facilities for making music available: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Supply of Alcohol

Supply of alcohol permitted: Monday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Tuesday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Wednesday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Thursday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Friday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Saturday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Licensed for the sale of alcohol for consumption on the premises.

Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964

Not applicable

Embedded Restrictions

The maximum permitted number for this premises is: **220**

The conditions from the previous Public Entertainment Licence remain in force as embedded restrictions and a copy of Barnsley Metropolitan Borough Council Standard Conditions are attached;

In addition the following non standard conditions remain in force as embedded conditions:

All doors and windows must be kept closed whilst entertainment is taking place except for access and egress;

The hours during which the premises may be used for entertainment may be reviewed on the advice of the Assistant Director (Regulatory Services) this is necessary to prevent unreasonable disturbance by noise to persons in the neighbourhood

Opening Hours of the Premises

Hours premises are open to the public: Monday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Tuesday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Wednesday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Thursday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Friday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Saturday from 10:00 until 02:30 the following morning.

Hours premises are open to the public: Sunday from 10:00 until 02:30 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:30 the following morning at the end of trading hours.

Whether the supplies of alcohol are for consumption on and/or off the premises Alcohol-On The Premises

Name, (registered) address, telephone number and email(where relevant) Mr Thomas Gregory Mottershaw
9 Adkin Royd
Silkstone
Barnsley

of premise licence holder	S75 4LA
Registered Number of Company if Applicable	Not applicable
Designated Premises Supervisor (This section will be blank if the licence does not authorise the sale of alcohol)	
Name and Address of the designated premises supervisor	Thomas Gregory Mottershaw "The Room" 25 Eldon Street Barnsley
Post Code	S70 2JJ
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	006734 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 773041



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No.	005778
Premises Address:	The Room 25 Eldon Street Barnsley South Yorkshire
Postal Code	S70 2JJ
Telephone Number	01226 290011
Activities authorised by this licence	
The sale by retail of alcohol. The provision of regulated entertainment.	
Times authorised to undertake licensable activities	
Films Licensed to perform films indoors (see times below) Films permitted: Monday from 10:00 until 02:00 the following morning. Films permitted: Tuesday from 10:00 until 02:00 the following morning. Films permitted: Wednesday from 10:00 until 02:00 the following morning.	

Films permitted: Thursday from 10:00 until 02:00 the following morning.

Films permitted: Friday from 10:00 until 02:00 the following morning.

Films permitted: Saturday from 10:00 until 02:00 the following morning.

Films permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Indoor sporting events

Licensed for indoor sporting events (see times below):

Indoor sporting events permitted: Monday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Tuesday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Wednesday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Thursday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Friday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Saturday from 10:00 until 02:00 the following morning.

Indoor sporting events permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Live Music

Licensed for live music indoors (see times below):

Live music permitted: Monday from 10:00 until 02:00 the following morning.

Live music permitted: Tuesday from 10:00 until 02:00 the following morning.

Live music permitted: Wednesday from 10:00 until 02:00 the following morning.

Live music permitted: Thursday from 10:00 until 02:00 the following morning.

Live music permitted: Friday from 10:00 until 02:00 the following morning.

Live music permitted: Saturday from 10:00 until 02:00 the following morning.

Live music permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Recorded music

Licensed for recorded music indoors (see times below):

Recorded music permitted: Monday from 10:00 until 02:00 the following morning.

Recorded music permitted: Tuesday from 10:00 until 02:00 the following morning.

Recorded music permitted: Wednesday from 10:00 until 02:00 the following morning.

Recorded music permitted: Thursday from 10:00 until 02:00 the following morning.

Recorded music permitted: Friday from 10:00 until 02:00 the following morning.

Recorded music permitted: Saturday from 10:00 until 02:00 the following morning.

Recorded music permitted: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Activities similar to music or dance

Activities similar to music or dance available: Monday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Tuesday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Wednesday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Thursday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Friday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Saturday from 10:00 until 02:00 the following morning.

Activities similar to music or dance available: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Making Music

Licensed to provide facilities for making music indoors (see times below):

Making music available: Monday from 10:00 until 02:00 the following morning.

Making music available: Tuesday from 10:00 until 02:00 the following morning.

Making music available: Wednesday from 10:00 until 02:00 the following morning.

Making music available: Thursday from 10:00 until 02:00 the following morning.

Making music available: Friday from 10:00 until 02:00 the following morning.

Making music available: Saturday from 10:00 until 02:00 the following morning.

Making music available: Sunday from 10:00 until 02:00 the following morning.

Non-standard timings:

When hours for sale of alcohol are extended on Christmas Eve, Boxing

Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.

Supply of alcohol

Supply of alcohol permitted: Monday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Tuesday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Wednesday from 10:00 until 02:00 the following morning.

Supply of alcohol permitted: Thursday from 10:00 until 02:00 the following morning.
Supply of alcohol permitted: Friday from 10:00 until 02:00 the following morning.
Supply of alcohol permitted: Saturday from 10:00 until 02:00 the following morning.
Supply of alcohol permitted: Sunday from 10:00 until 02:00 the following morning.
Non-standard timings for the supply of alcohol.
The following hours are permitted as specified.
When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:00 the following morning at the end of trading hours.
Licensed for the sale of alcohol for consumption on the premises.

The opening hours of the premises

Hours premises are open to the public: Monday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Tuesday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Wednesday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Thursday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Friday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Saturday from 10:00 until 02:30 the following morning.
Hours premises are open to the public: Sunday from 10:00 until 02:30 the following morning.

Non-standard timings:
When hours for sale of alcohol are extended on Christmas Eve, Boxing Day, New Year's Eve, and Bank Holidays, these hours are also extended between 10:00 and 02:30 the following morning at the end of trading hours.

Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises

Alcohol-On The Premises

Granted on: 24th November 2005



BARNSLEY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	006521
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mr Thomas Gregory Mottershaw 9 Adkin Royd Silkstone Barnsley S75 4LA
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Thomas Gregory Mottershaw "The Room" 25 Eldon Street Barnsley
Post Code	S70 2JJ
Personal Licence Number and issuing authority of the personal licence held by the designated permises supervisor	006734 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 773041

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no. 006521

1. Supply of alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

- No supply of alcohol may be made under the premises licence-
 - at a time when there is no designated premises supervisor in respect of the premises licence, or
 - at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Door Supervision

Where this Licence includes a condition that one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

3. Exhibition of films

Where this licence authorises the exhibition of films the following conditions will apply:

- Where any film exhibited has an age restriction classification the admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the film classification body in respect of the film.

Where the film classification body and or age restriction is not specified in respect of a film or the licensing authority has notified the holder of the licence that this condition applies to the film in question admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the licensing authority.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 006521

- a) Function Bookings to be limited to a maximum of 100 persons
- b) Live Music will be staged only in the lounge bar

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 006521

Not Applicable

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1
(See attached)

Appendix 3 – Representation from Pollution Control

Dear Licensing,

Comments

- This premises is in a town centre location and is licensed for noisy activities (live music, recorded music, making music, dance, serving drink) until 02:00 hrs, with closing at 02:30 hrs.
- This premises is **not** in the draft Late Night Economy Zone in the town centre.
- This premises has an opening frontage to Eldon Street.
- The Pollution Control Team received a complaint from a residence in the vicinity of the Room about excessive noise on 14/11/08. We wrote to the DPS @ The Room on the 17/11/08 (see attached letter). The complaint regarding noise was closed in mid December '08 as the complainants (operators of another licensed premises), despite several reminders, did not provide any evidence of a substantive problem. This office found out that this was due to the complainants moving from the premises to a new venture. Unfortunately the allegations of noise disturbance were not able to be independently verified by this Service.
- The Pollution Control team has no current involvement with regard to this premises.
- Given the concerns regarding the lapses in quality of management of the premises detailed in the review application from SY Police, and the complaint evidence of allegations of nuisance, this Service would recommend that the Licensing Board took the opportunity to impose conditions regarding noise management to ensure noise emissions are controlled.
- The Pollution Control Team strongly recommends that the following conditions and related noise management plan are attached to any reviewed license issued.

Additional conditions to be attached to any reviewed license issued

1. The Premises License holder shall adopt a Noise Management Plan. This plan shall be agreed in writing with Regulatory Services, of Customer and Neighbourhood Services, of Barnsley Metropolitan Borough Council.
2. The Noise Management Plan may be amended from time to time subject to the written agreement of Regulatory Services, of Customer and Neighbourhood Services, of Barnsley Metropolitan Borough Council.
3. It is a condition of the Premises Licence that the Noise Management Plan shall be implemented and operated by the Premise License Holder and any Designated Premises Supervisor/s.

Noise Management Plan

The premises shall be operated in accordance with this Noise Management Plan, as set out in the conditions attached to the Premises Licence.

At the licensed premises the following shall apply:

1. All external windows and doors shall be kept closed at all times when live or amplified music and song, other than background music, is being played, except when providing access/egress.
2. There shall be no speakers placed outside the premises at any time.
3. Any internal speakers shall be inward facing.
4. External doors shall be monitored for the duration of any licensable activities.
5. A functional and fixed noise limiting system/device shall be installed. The system shall have a fire alarm sound cut-off to enable safe evacuation in case of emergency.
6. All broadcasts or performances that include the playing of live or recorded music and song shall be routed through and subject to the control of the in-house noise limiting system. Any noise limiting device shall be adjusted by a competent person (prior to the License becoming 'live') to ensure that no unreasonable disturbance to persons in the neighbourhood occurs and there is no audible noise from any licensed entertainment inside any private residence at any time.
7. The Premises License Holder, or their designated staff, shall monitor and assess the premises for issues and activities that cause noise intrusion and react promptly to return noise emissions to suitable levels.
8. The Premises License Holder, D.P.S. or a designated person within their staff shall carry out noise monitoring, assessing external noise levels with particular regard to the bass element of any broadcast sound, from an appropriate position in the nearby locality, on a regular basis. The position is to be agreed with the Pollution Control Team of B.M.B.C. The Premises License Holder or D.P.S. shall ensure all staff at the premises are aware of the need to control noise.
9. The Premises License Holder, D.P.S. or their designated staff, shall keep a log of all checks made regarding noise controls, noise limiting devices, noise patrol levels and note any remedial actions taken to control noise and any announcements given regarding noise in the log. The log shall be available for inspection at the premises during opening hours.
10. All appearing performers shall be made aware of any noise restrictions and, prior to performance, sign a compliance sheet. The Premises License Holder or D.P.S. will have responsibility to enforce the signing and compliance of performers.
11. Where and when appropriate staff shall be provided to advise and control patrons leaving after 23:00 hours.
12. All deliveries and collections to the premises will be between 8 am and 8 pm.
13. This plan may be amended from time to time by agreement in writing between the holder of the Premises Licence and Regulatory Services.

Signed for Premises Licence Holder
Signed for Designated Premises Supervisor

Signed for BMBC Regulatory Services

Signature
Signature

Signature

Print
Print

Print

Date
Date

Date

Should the Premises License Holder wish to discuss these proposals please advise them to not hesitate to contact me at our offices.

Yours sincerely,

Sarah Newman

Senior Environmental Health Officer

Barnsley Metropolitan Borough Council
Regulatory Services

Tel - 01226 77(2454)

Mob - 07786 525 914

Fax - 01226 775699

Appendix 4 Representation from interested party

From: Sue Abela [sabela@fraserbrown.com] on behalf of Walaiti Rathore [wrathore@fraserbrown.com]

Sent: 16 March 2009 12:05

To: Morgan , Kate

Subject: The Room, 25 Eldon Street, Barnsley

Dear Kate

Further to previous communications in this matter I write to formally confirm that I am instructed by Admiral Taverns to make a representation on their behalf in relation to this matter as an interested party. Admiral Taverns are an interested party as they are the landlord of the premises and therefore they have a property interest in the premises which are used for providing licensable activities.

Full details of Admiral Taverns representation will be provided in due course. Please note that we are also instructed to attend any hearing in this matter on behalf of Admiral Taverns to make verbal representations to protect Admiral Taverns interest.

We trust the above is sufficient for us to register an interest on behalf of Admiral Taverns as an interested party in relation to the Review proceedings instigated by the Police, but I should be grateful if you could please confirm.

Kind regards

Walaiti

Fraser Brown, Solicitors
84 Friar Lane
Nottingham
NG1 6ED
Tel +44 115 9472541
Fax +44 115 9473636