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MEETING:	Statutory Licensing Regulatory Board Sub-Committee
DATE:	Wednesday, 5 July 2017
TIME:	10.00 am
VENUE:	Meeting Room 1, Barnsley Town Hall

AGENDA

1 Appointment of Chair

2 Declaration of Interests

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

3 Procedure Document (*Pages 3 - 4*)

4 Application for a Premises Licence - Taco Bell, Rockingham, Kestrel Way, Birdwell, Barnsley (*Pages 5 - 42*)

The Group Leader (Licensing) will submit a report on an application for a Premises Licence in respect of Taco Bell, Rockingham, Kestrel Way, Birdwell, Barnsley.

To: Chair and Members of Statutory Licensing Regulatory Board Sub-Committee:-

Councillors Sixsmith MBE, Tattersall and C. Wraith MBE together with Councillor J. Carr (Reserve Member)

Andrew Frosdick, Executive Director Core Services
Sajeda Khalifa, Solicitor
Phillip Spurr, Service Director Culture, Housing and Regulation
Kate Liddall, Senior Licensing Officer
Simon Frow, Head of Regulatory Services

Please contact William Ward on 01226 773451 or email governance@barnsley.gov.uk

Tuesday, 27 June 2017

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Item 3

STATUTORY LICENSING REGULATORY BOARD SUB-COMMITTEE

PROCEDURE FOR CONDUCT OF HEARINGS

Chair to open meeting and outline procedure:-

1. Group Leader (Licensing) to present the Local Authority case outlining the application and any relevant representations:-
 - (i) Members to ask relevant questions
 - (ii) Applicant/Representative to ask relevant questions
 - (iii) Interested parties to ask relevant questions
2. Applicant/Representative to present their case:-
 - (i) Members to ask relevant questions
 - (ii) Group Leader (Licensing) to ask relevant questions
 - (iii) Interested parties to ask relevant questions
3. Any parties making representations to address the Sub-Committee:-
 - (i) Members to ask relevant questions
 - (ii) Group Leader (Licensing) to ask relevant questions
 - (iii) Applicant/Representative to ask relevant questions
4. Summing up of Local Authority case (no new evidence at this stage).
5. Summing up of the Applicant's case (no new evidence at this stage).
6. Summing up of the interested parties' evidence (no new evidence at this stage)
7. All parties to retire.
8. Sub-Committee to make decision.
9. All parties invited back into the meeting and decision announced.

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Item 4

BARNSELY METROPOLITAN BOROUGH COUNCIL

Report of the Group Leader
(Licensing) to the meeting
of the Statutory Licensing
Regulatory Board Sub
Committee to be held on the
5 July 2017

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE Taco Bell, Rockingham, Kestrel Way, Birdwell, Barnsley

1 Background

- 1.1 On 15 May 2016, a valid application under the provisions of the Licensing Act 2003 was received from John Gaunt & Partners on behalf of Northgate Fast Food Limited, 1st Floor, Kirkland House, 11-15 Peterborough Road, Harrow, Middlesex HA1 2AX. A copy of this application is attached as Appendix 1.
- 1.2 Members are requested to determine the application for a premises licence.
- 1.3 The proposed premise will be located amongst business dwellings of a similar nature and within relatively close proximity to a residential area.

2 Application for Premises Licence

- 2.1 The proposed application requests the licence takes effect as soon as possible and requests the following licensable activities and opening times:

a) Late Night Refreshment

Monday to Sunday 23.00 – 03.30 indoors/outdoors

*Where hours for sale of alcohol are extended hereunder these hours are also extended

b) Supply of Alcohol

Monday to Sunday 10.00 – 03.00 both indoors/outdoors

*New Years Eve: 10.00 to New Years Day – terminal hour as proposed

c) Opening Times

Monday to Sunday 09.00 to 03.30

*The premise will close 30 minutes after the end of the non-standard timings identified above.

3 Promotion of Licensing Objectives

- 3.1 The applicant has set a number of steps intended to be taken in order to promote the four licensing objectives, as set out in Section M of Appendix 1.

4 Responsible Authorities

- 4.1 A representation has been received from Mr Paul Whittington, Trading Standards Officer as a Responsible Authority involved in this process. A copy is set out in Appendix 2.
- 4.2 Mr Whittington has objected to the grant of the licence on the grounds of crime and disorder and the protection of children from harm.
- 4.3 In a bid to address concerns raised in respect of the provision of alcohol and potential underage and proxy sales, Mr Whittington has proposed a number of conditions to be attached to the premise licence, as set out in Appendix 3.
- 4.4 At the time of writing this report, Mr Whittington has not received a response in relation to proposed conditions.

5 Interested Parties

- 5.1 Following publication of the statutory notice of the application for the premises licence in the local press and the display of notices at the premises, no representations have received.

6 Compatibility with the European Convention on Human Rights

The decision of the panel 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 panel 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.

7 Financial Implications

Not applicable.

8 List of Appendices

Appendix 1 - Premise Licence Application

Appendix 2 - Responsible Authority Representation (Trading Standards)

Appendix 3 – Proposed Conditions

Officer Contact: K Liddall Tel: 01226 774258 Date: 21 June 2017



JG&P

APPENDIX 1
John Gaunt
& Partners

Licensing Solicitors

Our Ref: TAS/QFM/TAC13
Contact: Tim Shield

Barnsley Metropolitan Borough Council
Licensing Division
Regulatory Services
PO Box 634
Barnsley
S70 9FB

John Gaunt
+ Partners
136153 £315.00

12 May 2017

Dear Sirs

Premises – Taco Bell - Rockingham, Kestrel Way, Birdwell, Barnsley, S70 5SZ

Applicant – Northgate Fast Food Ltd

We act for Northgate Fast Food Ltd and Arjun Patel.

On our client's behalf, we enclose by way of service on you Notice of Application for the grant of a Premises Licence for Taco Bell - Rockingham together with our cheque in your favour in the sum of £315.00 being the fee payable. Kindly acknowledge safe receipt.

In support of the application, we enclose the following:

- Plan Number 27070/00/01 Revision B site location plan
- Plan Number 27070/01/01 Revision A site plan
- Plan Number RB/B/110 - Detailed licensing plan
- Consent of the Designated Premises Supervisor

The plans identify the licensed area edged in red. For the purpose of clarification we confirm that all proposed licensable activities extend to the public areas within this area. Please note that the proposed licensing drawings filed with this application are derived from our client's working drawings. Insofar as they contain information which is not prescribed under the relevant Regulations, this information should be taken as being illustrative only.

We confirm that we have served copies of the enclosed application and supporting documents on the relevant authorities being the Police, Fire Authority, Local Enforcement of Health & Safety at Work, Environmental Health Authority, Planning Authority, the relevant authority for Protection of Children from Harm, Weights and Measures, Immigration Authority and the Health Authority.

Please take this letter and enclosures as service on you as Licensing Authority and as a Responsible Authority. If you require a further copy of the documentation, please advise by return.

Tel: 0114 266 8664
Helpline: 0114 266 3400
Fax: 0114 267 9613
Email: info@john-gaunt.co.uk
www.john-gaunt.co.uk

Partners:

John Gaunt (569711)
Katharine Redford (569712)
Tim Shield (569713)
Michelle Haziewood (569714)
Christopher Grunert
Jonathan Pupius

Practice Manager:

John Gaunt & Partners
Omega Court
372 - 374 Cemetery Road
Sheffield
S11 8FT

For completeness, we enclose a copy of our notice being displayed on site. According to our calculations, the consultation period is due to expire on 12/06/2017. If you have any queries regarding this, please contact us upon receipt.

We should be grateful if you would forward to us any representations as soon as they are received to enable early consultation and discussion to take place.

Should you have any queries, please do not hesitate to telephone us. Please forward all correspondence to this office and quote our reference. In due course, please ensure that any licensed issued is forwarded to us.

Thank you for your assistance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Shield', with a stylized flourish at the end.

Tim Shield
John Gaunt & Partners
Email: TShield@john-gaunt.co.uk

LICENSING ACT 2003

Application has been made by Northgate Fast Food Ltd to the Licensing Authority of Barnsley Metropolitan Borough Council for a Premises Licence for the Taco Bell DT - Rockingham at Kestrel Way, Birdwell, Barnsley S70 5SZ. The application includes the following terms:-

1. To enable the sale of alcohol between 10.00am and 03.00am seven days a week.
2. To enable the sale of alcohol for extended hours at Bank Holidays and on other limited days as specified in the application.
3. To enable the provision of late night refreshment.

Full details of the Application can be viewed at the offices of the Licensing Authority at Barnsley Metropolitan Borough Council, Regulatory Services, PO Box 634, Barnsley, S70 9FB

A responsible authority or any other person can make written representations to the Licensing Authority at any time up to and including 12th June 2017 (www.barnsley.gov.uk)

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. The maximum fine on summary conviction is unlimited.

Dated this: 12th May 2017

John Gaunt & Partners, Solicitors

**Application for a premises licence to be granted
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.

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Taco Bell DT – Rockingham, Kestrel Way, Birdwell	
Post town Barnsley,	Post code S70 5SZ

Telephone number of premises (if any)

Non-domestic rateable value of premises Band C

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- | | | | |
|---|---------------|-------------------------------------|-----------------------------|
| a) An individual or individuals* | Please tick ✓ | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | | |
| i. as a limited company | | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | | <input type="checkbox"/> | please complete section (B) |
| d) a charity | | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick / yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function or
 - A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

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

Surname First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Northgate Fast Food Ltd
Address 1st Floor, Kirkland House, 11 - 15 Peterborough Road, Harrow, Middlesex, HA1 2AX
Registered number (where applicable) 02841815
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day Month Year

As soon as possible

--	--	--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

--	--	--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please give a general description of the premises (please read guidance note 1)

This is a redevelopment site for which no rateable value has been fixed attributable to our clients proposed development of the site as a Taco Bell. Accordingly, a Band C fee is payable. The proposal is to develop the site as a Taco Bell restaurant including external seating areas as shown on the plans deposited with the application and a drive thru facility.

The Licence is sought to allow the sale of alcohol for consumption on or off the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises with a "drive thru" facility.

The proposed permitted hours for licensable activities for these premises are as follows:

1. Sale of alcohol for consumption on and off the premises 10:00 to 03:00 hours, seven days a week.
2. Late night refreshment from 23:00 to 03:30 hours seven days a week.
3. Opening hours 09:00 to 03:30 hours seven days a week.

The appropriate drawings deposited with this application are as follows :-

- Plan Number 27070/00/01 Revision B site location plan
- Plan Number 27070/01/01 Revision A site plan
- Plan Number RB/B/110 - Detailed licensing plan

Please note that the internal public areas shown on the drawings are intended to be used (as required) for all licensable activities.

Please note that the sale of alcohol will be very much ancillary to the principal activity of the premises as being a fast food Mexican restaurant/takeaway.

Stringent management controls in terms of staff training and re-training, the operation of Challenge 21, the maintenance of an incident and refusals record will seek to ensure that the premises will operate with a high standard of management and will not create a public nuisance or result in additional crime, disorder or anti-social behaviour in the area or otherwise undermine the licensing objectives.

The applicant already operates similar premises within Sheffield, Barnsley and Nottingham.

It is not anticipated the application will adversely impact upon the licensing objectives.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3) As stated in Part 3 above		
Mon	23:00	03:30			
Tue	23:00	03:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) N/A – save as below		
Wed	23:00	03:30			
Thur	23:00	03:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Fri	23:00	03:30			
Sat	23:00	03:30			
Sun	23:00	03:30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	03:00			
Tue	10:00	03:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve: 10:00 to New Years Day – terminal hour as proposed		
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

<p>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</p> <p>Name: Arjun Bharat Patel</p> <p>Address:</p> <p>Postcode: S11</p> <p>Personal Licence number (if known): SY 5587 PER</p> <p>Issuing licensing authority (if known): Sheffield City Council</p>
--

K

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 8)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	09:00	03:30	
Tue	09:00	03:30	
Wed	09:00	03:30	
Thur	09:00	03:30	
Fri	09:00	03:30	
Sat	09:00	03:30	
Sun	09:00	03:30	

M

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Training :

1. All persons authorised to sell alcohol will complete an underage sales training programme, that written records of this training (which shall be available for inspection by the police or officers authorised by Sheffield City Council) to verify the competency of that person.
2. Refresher training is carried out every 6 months, with records kept.
3. The DPS or any personal licence holder employed at the premises shall make and keep a record, at the premises, of all persons authorised to sell alcohol. The records shall contain all training records for those persons and a copy of the authorisation (which must be given by the DPS) to sell. These records shall be available for inspection by Police Officers and Authorised Officers on request

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
3. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
4. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years (Challenge 21)
5. The management of the premises will liaise with police on issues of local concern or disorder.
6. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
7. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

c) Public safety

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

1. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

e) The protection of children from harm

No further risks have been identified which need to be addressed, save as below

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
5. The premises supervisor or appointed staff member shall ensure that when children are admitted to

the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

6. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 12/5/17

Capacity: Solicitors.....

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date:

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

John Gaunt & Partners
Omega Court
372 Cemetery Road

Post town
Sheffield

Post code
S11 8FT

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

I, Arjun Bharat Patel of Northgate Fast Food Limited hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new Premises Licence by Northgate Fast Food Limited relating to a premises licence for the Taco Bell DT – Rockingham, Kestrel Way, Birdwell, Barnsley S70 5SZ and any premises licence to be granted or varied in respect of this application made by Northgate Fast Foods Limited concerning the supply of alcohol at the Taco Bell DT – Rockingham, Kestrel Way, Birdwell, Barnsley S70 5SZ

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for, or currently hold a personal licence.

Personal Licence number: SY 5587 PER

Personal Licence issuing authority: Sheffield City Council

Date of birth: 29th November 1990

Place of birth: Sheffield - United Kingdom

Nationality: British

Mobile/contact telephone number: 07480 229898

Signed: 

Name (please print): MR ARJUN PATEL

Dated: 08/05/2017

FIRE PLAN SET

Note: Fire extinguisher types and numbers to be confirmed by risk management assessors.

- Carbon Dioxide Extinguisher
- Fire blanket in container
- Water Fire Extinguisher
- Dry Powder Fire Extinguisher (Wet Chemical)
- Foam Fire Extinguisher

- Customer escape route.
- Staff escape route.

- EXIT
- ES
- DR

600x600 LED ceiling module with integrated emergency light.

LED Emergency/Police Light - 2x4x4 LED (Maintenance). Light to switch on when alarm raised for Police Light.

External IP54 LED bulkhead light (Non-maintainance).

Heat detector with rate of rise capability, connected to fire alarm panel.

Smoke detector connected to fire alarm panel. (Note: Smoke detectors (ES) within ceiling void with remote indicator.)

Fire alarm/ security alarm panel. Provide and fix as per manufacturer recommendations. Final position to be confirmed (inc. mimic panel).

Fire alarm 'break glass' call point. Manual call point, connected to fire alarm panel. Provide spare glasses and test key.

Alarm sander.

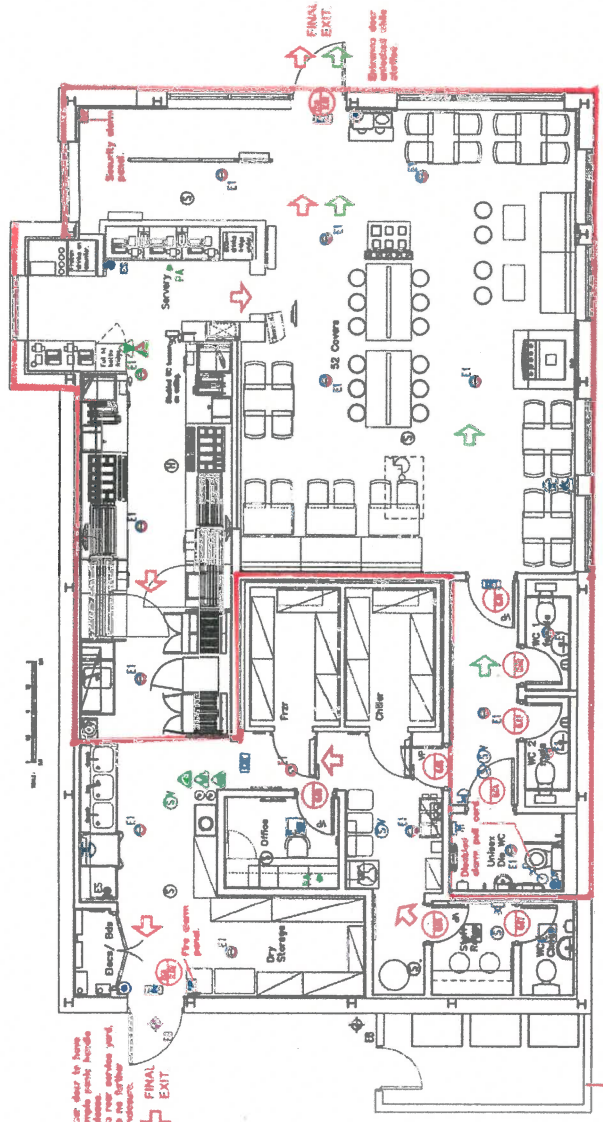
Smoke detector and alarm sander combined fitting.

Emergency alarm beacon.

Fire Door 30min fire rating with seals and self-closer.

Panic alarm.

INTERNAL LICENSED AREA



Room door to have simple panic handle. No fire alarm yard, no fire alarm equipment.

Service area with simple panic handle.

Scale : 1:100 @ A3
Date :
Drawn : InHaus
Issue :
Project: RB/B/110

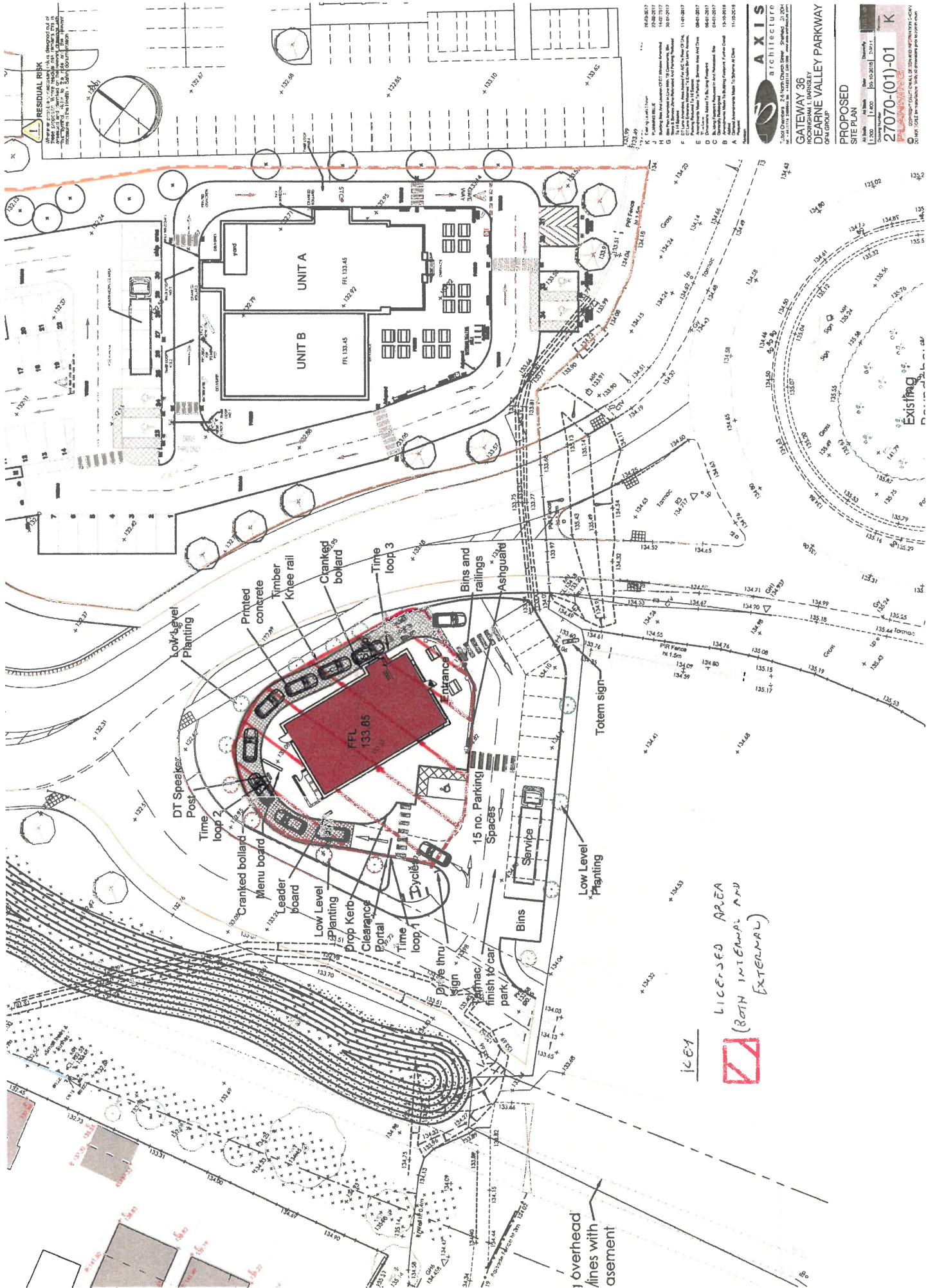
Drawing Title:
**AS PROPOSED:
FIRE PROVISIONS/
LICENSING LAYOUT**

Project:
**Toco Bell Drive Thru
Rockingham 1
Deane Vly Parkway
178.7 sqm / 1923 sq ft**

Client:
**Northgate
Fast Food Ltd**

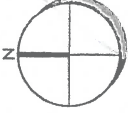
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Tel : 01535 511100
Fax : 01535 511101
Email : info@inhaus.co.uk
Company Reg. No. 08711389







RESIDUAL RISK
 Where possible, the contractor shall be required to...
 A. ...
 B. ...



KEY
 — LICENSED SITE

B. ...
 A. ...
AXIS ARCHITECTS
 GATEWAY 36
 ROBINSON & BARNLEY
 DEARNE VALLEY PARKWAY
 OFAL GROUP
SITE LOCATION
 GA PLAN
 1:1000
 27070-(00)-01 B
PLANNING
 © ...

Ward , William

From: Whittington , Paul
Sent: 02 June 2017 13:54
To: Licensing
Cc: Heeley , Christina; Liddall , Kate
Subject: RE: Taco Bell, Birdwell



For the avoidance of doubt, yes i wish this to be treated as an objection.

Paul Whittington
Trading Standards Officer
Regulatory Services
Culture, Housing and Regulation
Place Directorate
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG
Tel: 01226 773862 Fax: 01226 775699 Mobile : 07809 103459
paulwhittington@barnsley.gov.uk

From: Dodds , Jacqueline **On Behalf Of** Licensing
Sent: 02 June 2017 12:43
To: Whittington , Paul; Licensing
Cc: Heeley , Christina; Liddall , Kate
Subject: RE: Taco Bell, Birdwell

Thank you for your comments, which I have attached to the record
I have forwarded your email to Kate Liddall. It is not clear if you wish this to be treated as an objection?

Jacqueline Dodds
Licensing Technician
Regulatory Services
Culture, Housing and Regulation
Place Directorate
Barnsley MBC
P O Box 602
Barnsley
S70 9FB

 Tel +44 (0)1226 773843
 Fax +44 (0)1226 775699

From: Whittington , Paul
Sent: 02 June 2017 10:20
To: Licensing
Cc: Heeley , Christina
Subject: Re: Taco Bell, Birdwell

Good Morning,
I've been through the application and have a number of concerns, the application in general appears to be a copy and paste with little or no regard to the specifics of the premises.
In the General box in relation to all four licensing conditions that application states that Records of Training will be made available for inspection by the police or officers of Sheffield City Council. I would ask that records be made available to officers of Barnsley Metropolitan Borough Council too.
Under prevention of crime and disorder the application states "The premises shall operate a proof of age scheme and will require photographic ID from any person who appears to be under the age of 21 (Challenge 21)" Taken at face value this appears to be saying that no one under 18 will be admitted to the premises, is this correct or is this a result of the copy and paste approach?

Again under prevention of crime and disorder we have "CCTV to cover the main entrance" the activities proposed at these premises will mean that it is not necessary to use the main entrance to be supplied with alcohol or late night refreshment at the premises. I would suggest that the whole of the licensed area be covered including the drive through area.

Again under prevention of crime and disorder, "There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking" I would question whether serving alcohol in open containers to drivers is consistent with the need to promote responsible drinking. The consumption of alcohol whilst driving is not in itself an offence however it is widely seen as irresponsible. Alcohol Concern in their report "On the Road – Alcohol and Driving" published in 2013 reported that in the USA where the majority of states have laws preventing open containers being carried in the passenger compartment a study had demonstrated those who did not restrict the carrying of open containers in the vehicle "experience a significantly greater number of fatal crashes in which alcohol plays a part".

Drink driving is now seen as a significant social taboo, those who engage in it are viewed with contempt even if they are not committing an offence. A recent press report concerning this very matter demonstrates that the Police and the national press consider the actions newsworthy.

<https://www.thesun.co.uk/news/3658993/man-caught-drinking-beer-driving-not-illegal-police-law/>

This issue may be compounded by the issues in the surrounding area with anti social behaviour. Anti social behaviour has long been a concern in the area, particularly in relation to the activities of "boy racers" on Dearne Valley Parkway and at Cortonwood retail park. In particular ASB in this area was a priority for Rotherham North SNT from 2012. The area was again a priority in 2015, with SYP advising they would be monitoring the area. In March this year barriers were installed at Cortonwood in an attempt to deal with the anti social behaviour following the intervention of Jon Healey MP. Whilst this may improve the situation at Cortonwood it runs the risk of pushing the problem elsewhere. With the premises being sited only a few miles away and on the Dearne Valley Parkway, part of the problem area, I have concerns that this premises would be a magnet for similar behaviour.

This combined with the availability of alcohol to drivers would appear a potentially very dangerous combination. There is no recognition of the situation in the area surrounding the premises in the application including no suggestion of any attempt to mitigate against the gathering of groups of "boy racers" as has been seen a few miles up the road and as has been implemented at other premises of a not dissimilar nature within Barnsley.

Under the protection of children from harm the application states "There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18" but gives no indication of what they are. Again the specifics of this site will call for a different approach to that found in 99% of premises. The practicalities of preventing underage sales will be significantly different at the drive through to in a normal retail or restaurant situation. There is nothing in the application as to how age verification would work in a drive through scenario. At the time of ordering the server will not have a line of sight to the person ordering or an ability to verify their age. It is also not clear when the decision on serving will be made i.e. at the point of ordering or at the point of delivery to the customer.

There is also nothing in the application concerning proxy sales. The applicant has said that they will have a challenge 21 scheme. The RASG developed and operated the Challenge 21 scheme (which has since become Challenge 25) and in their "Guidance for Responsible Retailing" it states that responsible retailers "implement further voluntary measures to prevent underage and proxy sales" however there is no reference to how this will work either by way of policy or the practicalities of it. In combination with the well documented issues of anti social behaviour at Cortonwood which may spill over to this premises I would suggest there is a higher than usual risk of proxy purchasing.

Given these issues I would suggest that it is not appropriate to supply alcohol from the drive through window at this premises. I'd suggest that anyone wishing to purchase alcohol be required to enter the restaurant area to allow the purchase to be made in a more controlled environment and to allow the usual process of age verification to be carried out.

That these issues have not been addressed and that the application is a word for word copy of the application for the Taco Bell on Peel Street would suggest that no consideration has been given to the specific circumstances concerning this premises and the difficulties they pose. The fundamental differences being the location and its drive through facility.

I have contacted North East Lincolnshire Council's Licensing department as I am aware that they received a similar application last year however I am yet to receive a response.

Regards,

Paul Whittington

Trading Standards Officer

Regulatory Services

Culture, Housing and Regulation
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BOOZE RUN Shocking moment man is caught driving at the wheel while drinking beer – but police were unable to do anything about it

'Literal drink-driver' was filmed by stunned officers in Guildford, Surrey who had to let him go as he was under the limit

By Neal Baker

26th May 2017, 3:35 pm Updated: 26th May 2017, 3:52 pm

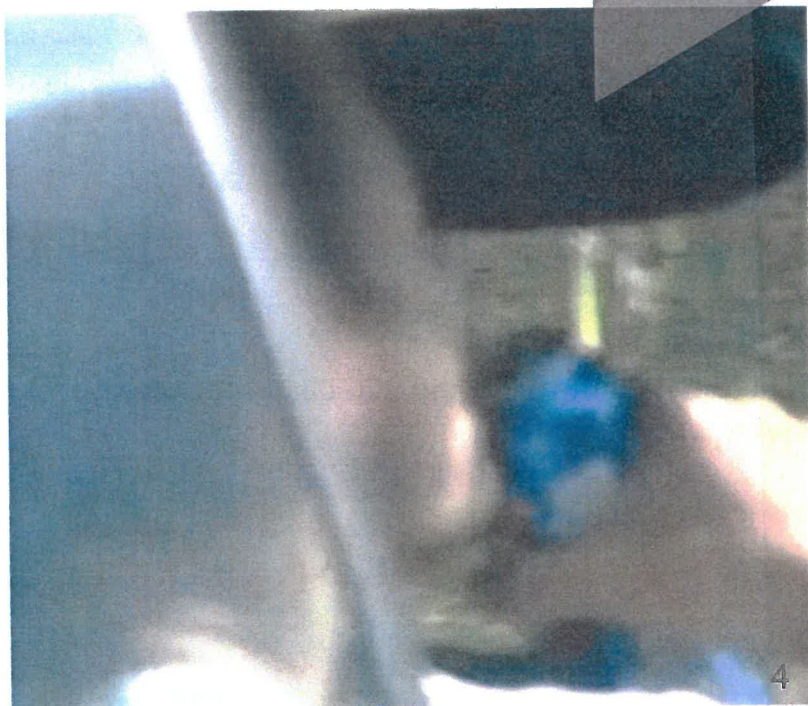
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COMMENTS



A MOTORIST swigs beer while driving down a busy dual-carriageway in shocking police footage.

He brazenly sips from the can of Kronenbourg — but cops in Guildford, Surrey couldn't arrest him because he was UNDER [the drink-driving limit](#).



Shocked police officers in Surrey filmed this boozing driver sipping on a beer as he motored down a major dual-carriageway



Police were unable to arrest the unnamed motorist because he was below the limit. [this link](#)

Driving a convertible red Mini Cooper, the "literal drink-driver" was filmed on the A3 by stunned officers.

He was pulled over and breathalysed but was allowed to carry on his travels after passing the test.

But Surrey Police officers gave him some "very strong words of advice" before letting him on his way.

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WAHEY AT THE RACES Pair romp just yards from racecourse punters as clip of them having sex behind beer tent goes viral



'WE DON'T WANT THEM HERE' Posh Kensington residents blasted for moaning that they will have to share their luxury £2billion



WATER TORTURE Why is this seemingly-harmless video of a mystery EXPLODING river making people so angry?

PC Ben Hudson, who stopped the unnamed driver, said: "Although we could not arrest the driver, as he was under the legal limit and appeared in full control of his vehicle, we severely warned him that if he continued to finish the can he could likely be over the limit.

"We advised him to dispose of his drink before continuing on his way.



A driver was swigging beer as he drove his red Mini Cooper down the A3 in Surrey

"I always advocate no alcohol before driving, as the effect alcohol has on your reactions can vary from day to day depending on
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Shocking moment man is caught driving at the wheel while drinkin

how much you have eaten and drunk, medication, your size and other circumstances.”

The force said [it is not illegal in the UK to drink alcohol at the wheel](#), although in other countries it is against the law to have booze within reach of the driver.



It is not illegal to drink while driving, so the motorist was able to go on his way

The Surrey Police roads policing unit posted on social media: “Whilst the action of drinking isn’t actually illegal, it’s clearly not clever.

“Common sense people, common sense.

“His driving wasn’t below the standard expected. His actions while driving were, but that isn’t what legislation covers.”

Do you have a story for The Sun Online news team? Email us at tips@the-sun.co.uk or call 0207 782 4368

9 COMMENTS



by

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Ward , William

From: Whittington , Paul
Sent: 21 June 2017 16:46
To: Liddall , Kate
Subject: FW: Premise licence application Taco Bell - notification of objection

Paul Whittington

Trading Standards Officer
Regulatory Services
Culture, Housing and Regulation
Place Directorate
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG
Tel: 01226 773862 Fax: 01226 775699 Mobile : 07809 103459

paulwhittington@barnsley.gov.uk

From: Whittington , Paul
Sent: 14 June 2017 15:04
To: 'Tim Shield'
Subject: RE: Premise licence application Taco Bell - notification of objection

Dear Mr Shield,

I have heard back from North East Lincolnshire Council in relation to the Taco Bell Drive Through Restaurant in Cleethorpes.

They had similar concerns about the application when it was received, the situation was resolved with the applicant agreeing implement additional conditions. If these or similar conditions were adopted it would address my concerns regarding the irresponsible provision of alcohol and the issues surrounding the potential for underage and proxy sales.

- There will be no sale or supply of alcohol via the drive thru facility.
- Alcohol will only be sold to a person purchasing food and ancillary to that food.
- For the purchase of multiple alcoholic beverages (maximum of 4), all persons due to consume such alcohol must be present for the transaction and present identification if required. Otherwise, alcohol is limited to one bottle of alcoholic beverage per customer per transaction.

In addition I'd ask that you consider adopting the following conditions in relation to the outside areas marked on the plan.

- The premises licence holder shall provide and maintain in good working order a CCTV system providing effective coverage of the whole of the area (both internal and external) which is under it's control.
- The premises licence holder shall erect signs on the premises, both internal and external (as appropriate) advising that the premises is covered by CCTV, that the car park is for use of patrons only, that engines shall not be left running whilst vehicles are stationary and that music systems shall be switched off.

Regards,

Paul Whittington

Trading Standards Officer
Regulatory Services
Culture, Housing and Regulation
Place Directorate
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG
Tel: 01226 773862 Fax: 01226 775699 Mobile : 07809 103459

paulwhittington@barnsley.gov.uk

From: Tim Shield [<mailto:TShield@john-gaunt.co.uk>]
Sent: 02 June 2017 14:48
To: Dodds , Jacqueline
Cc: Whittington , Paul
Subject: RE: Premise licence application Taco Bell - notification of objection

Thanks for the email and attached representation.

I will take my clients instructions on the matters raised and revert to Paul direct on the points raised.

Regards

Tim Shield
Partner

TShield@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | M: 07801 924 302 | F: 0114 267 9613



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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From: Dodds , Jacqueline [<mailto:JacquelineDodds@barnsley.gov.uk>]
Sent: 02 June 2017 14:17
To: Tim Shield <TShield@john-gaunt.co.uk>
Cc: Whittington , Paul <PaulWhittington@barnsley.gov.uk>
Subject: Premise licence application Taco Bell - notification of objection

I attach an email received today from Paul Whittington Trading Standards officer for BMBC (Weights and Measures)
This is an official objection to the above application under the following licensing objectives.


Protection of Children from harm and crime and disorder

Would you kindly liaise directly with Mr Whittington to address his concerns, in the hope that his objection may be withdrawn before the end of the consultation period

Regards

Jacqueline Dodds
Licensing Technician
Regulatory Services
Culture, Housing and Regulation
Place Directorate
Barnsley MBC
P O Box 602
Barnsley
S70 9FB

 Tel +44 (0)1226 773843

 Fax +44 (0)1226 775699

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