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MEETING:	Statutory Licensing Regulatory Board Sub-Committee
DATE:	Wednesday 5 April 2023
TIME:	2.30 pm
VENUE:	Reception Room - 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 to Vary a Premises Licence - The Pheasant, Cross Street, Monk Bretton, Barnsley (*Pages 5 - 54*)

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

Councillors Shepherd, Wilson and Clarke together with
Councillor Cherryholme (Reserve Member)

Wendy Popplewell, Executive Director Core Services
Sajeda Khalifa, Solicitor
Debbie Bailey, Senior Licensing Officer
John Whittaker, Senior Legal Officer

Please contact Mel Bray on email melaniebray@barnsley.gov.uk

Tuesday 21 March 2023

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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. Service Director 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) Service Director 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) Service Director 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 Principal Officer (Licensing) to the meeting of the Statutory Licensing Regulatory Board Sub Committee to be held on the 5th April 2023

LICENSING ACT 2003

APPLICATION TO VARY A PREMISES LICENCE

The Pheasant, Cross Street, Monk Bretton, Barnsley

1. Background

- 1.1 Mr Etherington has held the current premises licence for The Pheasant, Cross Street, Monk Bretton, Barnsley since the 6th April 2021. A copy of the current licence is attached as appendix 1 to the report.
- 1.2 On 13th January 2023, a complete variation application under the provisions of the Licensing Act 2003 was received for, The Pheasant, Cross Street, Monk Bretton, Barnsley. A copy of the variation application is attached as Appendix 2.
- 1.2 Members are requested to determine the application for a variation to the existing premises licence.
- 1.3 The premises is situated on Cross Street in Monk Bretton and is surrounded by a variety of local amenities including retail and residential premises.

2 Application to Vary the Premises Licence

- 2.1 The premises licence variation application requests the licence to take effect as soon as possible and requests the following licensable activities:

a) Provision of Live Music

Monday to Sunday 09:00 – 00-00

The performance of live music will take place both indoors and outdoors and will be amplified and unamplified.

b) Recorded Music

Monday to Sunday 09:00 – 00-00

The performance of recorded music will take place both indoors and outdoors and will be amplified and unamplified.

3 Promotion of Licensing Objectives

- 3.1 The applicant has described the steps he intends to take to promote the four licensing objectives, and states these as follows:-

General – all four licensing objectives:-

Risk Assessment

A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

The CCTV system shall be maintained in good working order and at all times the premises is open to the public, and be fully operational, covering both internal and external areas of the premises to which the public have access.

The CCTV camera views shall not be obstructed.

The medium on which CCTV images are recorded shall be of evidential quality; be stored securely; be retained for a period of 14 days, and be available for inspection by the police or authorised officers on request.

When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or authorised officers in obtaining the CCTV footage.

Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.

The Prevention of Crime and Disorder:-

The licence holder shall actively participate in any local Pubwatch or similar scheme.

The premises shall operate a dispersal policy and all staff shall be trained in its implementation.

The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police and Licensing Officers.

If a person is causing disorder they will be asked to leave the premises or will be escorted off the premises and the police will be contacted if needed.

Public Safety:-

The safety of the public is number one priority so there will be regular risk assessments taken place to make sure everything on the premises is safe for the public.

A refusals and incident logbook shall be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.

Signs must be displayed in the customer areas to advise that CCTV is in operation.

The premises shall operate a zero-tolerance policy to drug and psychoactive substance use and posters shall be prominently displayed to this effect.

The licensee shall undertake a risk assessment of any promotion or event and provide a copy to the Police licensing team and the licensing authority not less than 14 days before the event is due to take place.

Following submission of the risk assessment, all directions of the Police shall be complied with, including cancellation of an event if necessary.

All bar servers shall be trained in how to identify drunk or drug and psychoactive substance impaired customers.

The Prevention of Public Nuisance:-

To prevent public nuisance the person or people will be escorted off the premises by my self and if they continue to be a nuisance on the street the police will be called.

There shall be no admittance or re-admittance to the premises after closing time.

Customers shall be supervised when leaving the premises and shall be asked to leave quietly.

If there is any further problems then the police will be contacted.

The Protection of Children From Harm:-

As stated before there will be regular risk assessments taken to ensure no harm came to any children and anyone else for that matter. We will do to the best of are ability keep everyone safe.

Children will be supervised by an adult at all times any child/children that are not accompanied by an adult will be asked to leave the premises.

The safety of any children on our premises will be a top priority.

4 Responsible Authorities

- 4.1 During the 28 day consultation period, no representations were received from the Responsible Authorities under the provisions of the Licensing Act 2003. The Environmental Health Officer requested a noise management plan from the applicant to address potential noise concerns at the premises. The noise management plan was agreed and contains the following:-

The Pheasant - Noise Management Plan (Rev A)

Noise Management Plan

The Pheasant is permitted to play live acoustic or recorded music outdoors twice a month up to 22:00 Sunday to Thursday and 23:00 Friday and Saturday.

To reduce noise being emitted from the premises, we will adhere to the following actions:

- **All doors and windows of the premises on floor where entertainment is taking place should be closed during live entertainment events but not apply to background music.**
- **Music will be barely audible at the nearest premises boundary (assessed by premises manager) so that the words to songs are not audible.**
- **Music will not be audible inside the nearest residential property (assessed by qualified officer)**
- **Deliveries and refuse collection will be undertaken during normal business hours of between 8am and 5pm, Monday to Saturday with no deliveries or refuse collection on Sundays**
- **Signage will be displayed in a prominent position asking customers to respectful of neighbours or equivalent**
- **Management will record any complaints or concerns that neighbours may submit. Recording the nature of the complaint, dates, times and if acceptable, contact details. The log of any complaints shall be kept onsite and made available to Local Authority on request.**

Dated: 10/02/2023

Noise Management Plan to be reviewed annually or at the request of the local authority.

Next review due 23/02/2024

A copy of the noise management plan is attached as Appendix 5.

- 4.2 No other representations have been received from Responsible Authorities in this matter.

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, eight representations have been received from interested parties.

- 5.2 The representations have been received from:

Andrew and Diane Leigh

Mr/Mrs/Ms Ellis

Mike Everson

Kathleen and David Copping

John and Gaynor Clark

David McMahon

Mr and Mrs Wilson – Mr Clegg

Councillor Steve Green

All representations relate to the licensing objectives and they are attached as Appendix 4.

- 5.3 Following the receipt of the representations, Licensing Field Officer Martin Cooper has spoken to all parties to try and reach an agreed position to satisfy all concerned. To date no agreement has been reached.

- 5.4 Under the provisions of the Licensing Act 2003, representations can be made from Interested Parties who live or have any interest in a business that is located within the vicinity of the premises where the application has been made. In this case the interested parties reside close to, if not within the immediate vicinity of the licensed premises.

6 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 should be afforded the right to make oral representations at the meeting.

It is important to note that the Statutory Licensing Panel can only base its decision in relation to licence applications on evidence that relates to one or more of the licensing objectives, and not speculation.

The Authority will examine the potential for harm and if it is satisfied that this is real, then it may take sufficient measures to prevent this harm from occurring. This principle has been approved by the High Court, in the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (6 May 2008). This High Court case also established the principle that regulation by a local Licensing Authority should be a 'light touch', and that conditions should be attached to licences only so far as is necessary to promote the licensing objectives.

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 - Copy of the current premises licence

Appendix 2 – Application to vary the premises licence

Appendix 3 – Plan of the premises

Appendix 4 – Representations from Interested Parties

Appendix 5 – Noise Management plan agreed by Environmental Health Officer

Officer Contact: D Bailey Tel: 07786525961 Date: 14th March 2023



BARNSELY METROPOLITAN BOROUGH COUNCIL

**PREMISES LICENCE
LICENSING ACT 2003**

Schedule 12 Part A
Regulation 33, 34

Premises Licence Number	005725
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Date of Grant	24 th November 2005
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Premises Address	Pheasant Inn Cross Street Monk Bretton Barnsley
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Postcode	S71 2EP
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Telephone Number	01226 203071
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Activities authorised by this licence	The sale by retail of alcohol The provision of regulated entertainment
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Times authorised to undertake licensable activities	<p>Live Music Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 09:00 until 23:30 Live music permitted during the seasonal variations specified below: When hours for the sale of alcohol are extended hereunder these hours are also extended</p> <p>Recorded Music Licensed for recorded music indoors (see times below): Recorded music permitted: Seven days a week from 09:00 until 00:30 the following morning Recorded music permitted during the seasonal variations as below: When hours for the sale of alcohol are extended hereunder these hours are also extended</p> <p>Supply of Alcohol Supply of alcohol permitted: Seven days a week from 09:00 until 01:00 the following morning Seasonal Variations for the supply of alcohol. The following hours are permitted as specified. Hours for sale of alcohol will be extended by one hour for each Bank Holiday Weekend Licensed for the sale of alcohol for consumption on the premises. Licensed for the sale of alcohol for consumption off the premises.</p>
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Conditions consistent with a former Children’s Certificate under Section 168A of the Licensing Act 1964	Not applicable
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Embedded Restrictions	The maximum permitted number for this premises is: 100 The conditions from the previous Public Entertainment Licence for this premises remain in force as embedded restrictions and a copy of Barnsley Metropolitan Borough Council
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Standard Conditions are attached.
 In addition the following non standard conditions also remain in force:
 The premises to be provided with a sound limiting device controllable from behind the bar area which is set to activate at a level prior to which any disturbance is caused to residents in the area.

External windows to be double glazed and /or fitted with heavy curtain covering and kept closed during the times entertainment takes place.

All external doors to be kept closed during times of entertainment except where use for the purpose of access and exit from the the premises. On no occasion are the fire door exits at the side of the property to be used unless in the case of an emergency.

All extraction units/ventilation systems at the premises to be fitted with acoustic attenuation in order to prevent noise leakage.

There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises of an adult nature unless they are specified below:
 None Specified

Opening Hours of the Premises
 Hours premises are open to the public: Seven days a week from 09:00 until 01:30 the following morning

Whether the sale by retail of alcohol is for consumption on and/or off the premises
 Alcohol-On The Premises
 Alcohol-Off The Premises

Name, (registered) address, telephone number and email(where relevant) of premise licence holder
 Mr Duane Etherington
 Pheasant Inn
 Cross Street
 Monk Bretton
 Barnsley
 S71 2EP

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
 Mr Duane Etherington
 Flat, Pheasant Inn
 Cross Street
 Monk Bretton
 Barnsley

Post Code S71 2EP

Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor
 091498
 Barnsley Metropolitan Borough Council



BARNSLEY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No.	005725
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Premises Address:	Pheasant Inn Cross Street Monk Bretton Barnsley
Postal Code	S71 2EP

Telephone Number	01226 203071
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Activities authorised by this licence
The sale by retail of alcohol The provision of regulated entertainment

Times authorised to undertake licensable activities
Live Music Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 09:00 until 23:30 Live music permitted during the seasonal variations specified below: When hours for the sale of alcohol are extended hereunder these hours are also extended
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Supply of Alcohol Supply of alcohol permitted: Seven days a week from 09:00 until 01:00 the following morning Seasonal Variations for the supply of alcohol. The following hours are permitted as specified. Hours for sale of alcohol will be extended by one hour for each Bank Holiday Weekend Licensed for the sale of alcohol for consumption on the premises. Licensed for the sale of alcohol for consumption off the premises.

The opening hours of the premises
Hours premises are open to the public: Seven days a week from 09:00 until 01:30 the following morning

Where the licence authorises the sale by retail of alcohol whether this is for consumption on and/or off premises
Alcohol-On The Premises Alcohol-Off The Premises

Granted on: 24 th November 2015



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	005725
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mr Duane Etherington Pheasant Inn Cross Street Monk Bretton Barnsley
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Mr Duane Etherington Flat, Pheasant Inn Cross Street Monk Bretton Barnsley
Post Code	S71 2EP
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	091498 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 772468

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no.	
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1. Supply of Alcohol

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

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

2. Door Supervision (except theatres, cinemas, bingo halls & casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- i) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- ii) Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

3. Exhibition of Films

1. Where this licence authorises the exhibition of films, the licence includes a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where –

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“Film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

4. Irresponsible Promotions (On Licenced Premises only)

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which causes a significant risk of undermining a licensing objective.

c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.

d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favorable manner.

5. Dispensing of Alcohol Directly into the Mouth (On Licenced Premises only)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. Tap Water (On Licenced Premises only)

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

7. Age Verification Policy

- 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol,
- 2) The Designated Premises Supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature.

8. Measures (On Licenced Premises only)

The responsible person shall ensure that–

- 1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9. Alcohol Pricing and Duty

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (f) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (g) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 005725
Not Applicable

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 005725
Not Applicable

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1 (See attached)
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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No
 Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:
 Applying as a business or organisation, including as a sole trader
 Applying as an individual
 A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No
 Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

6,000

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VARIATION

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

Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

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.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

The music will be amplified and also unamplified

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

There will only be live music played outside in all months except from December, January and February.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The times I have stated will be the only times live music will be played

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 09:00

End 00:00

Start

End

THURSDAY

Start 09:00

End 00:00

Start

End

FRIDAY

Start 09:00

End 00:00

Start

End

SATURDAY

Start 09:00

End 00:00

Start

End

SUNDAY

Start 09:00

End 00:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

The music will be amplified and also unamplified

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

There will only be recorded music played outside in all months except from December, January and February.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The times I have stated will be the only times recorded music will be played

Continued from previous page...

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

We wont be doing this.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Provide 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.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The hours I have stated will be all year

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I am make variations to live and recorded music to be allowed outdoors and indoors and not just indoors as it is stated on my licence at the moment

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

I cant provide my premises licence as I am applying online and only have a paper copy

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Risk Assessment

b) The prevention of crime and disorder

I have CCTV covering all the premises but if there is any crime and disorder i will escort the person or people off the premises to prevent more crime and disorder and if need be contact the police.

c) Public safety

The safety of the public is number one priority so there will be regular risk assessments taken place to make sure everything on the premises is safe for the public.

d) The prevention of public nuisance

To prevent public nuisance the person or people will be escorted off the premises by my self and if they continue to be a nuisance on the street the police will be called.

e) The protection of children from harm

As stated before there will be regular risk assessments taken to ensure no harm came to any children and anyone else for

Continued from previous page...

that matter. We will do to the best of our ability keep everyone safe.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/barnsley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

Appendix 2A – Promotion of Licensing Objectives

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

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

A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

The CCTV system shall be maintained in good working order and at all times the premises is open to the public, and be fully operational, covering both internal and external areas of the premises to which the public have access.

The CCTV camera views shall not be obstructed.

The medium on which CCTV images are recorded shall be of evidential quality; be stored securely; be retained for a period of 14 days, and be available for inspection by the police or authorised officers on request.

When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or authorised officers in obtaining the CCTV footage.

Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.

b) The prevention of crime and disorder

The licence holder shall actively participate in any local Pubwatch or similar scheme.

The premises shall operate a dispersal policy and all staff shall be trained in its implementation.

The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police and Licensing Officers.

If a person is causing disorder they will be asked to leave the premises or will be escorted off the premises and the police will be contacted if needed.

c) Public safety

A refusals and incident logbook shall be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.

Signs must be displayed in the customer areas to advise that CCTV is in operation.

The premises shall operate a zero-tolerance policy to drug and psychoactive substance use and posters shall be prominently displayed to this effect.

The licensee shall undertake a risk assessment of any promotion or event and provide a copy to the Police licensing team and the licensing authority not less than 14 days before the event is due to take place.

Following submission of the risk assessment, all directions of the Police shall be complied with, including cancellation of an event if necessary.

All bar servers shall be trained in how to identify drunk or drug and psychoactive substance impaired customers.

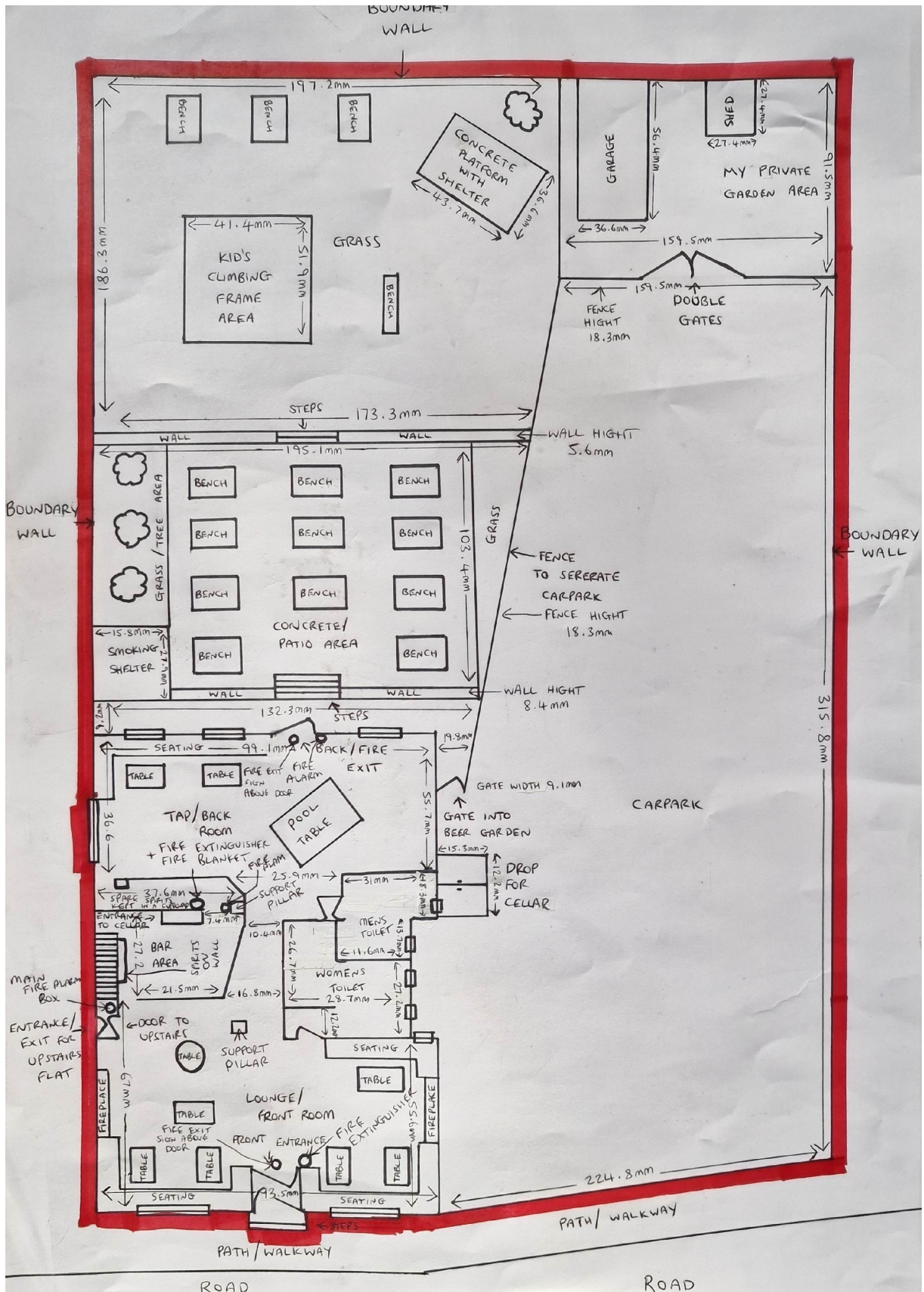
d) The prevention of public nuisance

There shall be no admittance or re-admittance to the premises after closing time.
Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
If there is any further problems then the police will be contacted.

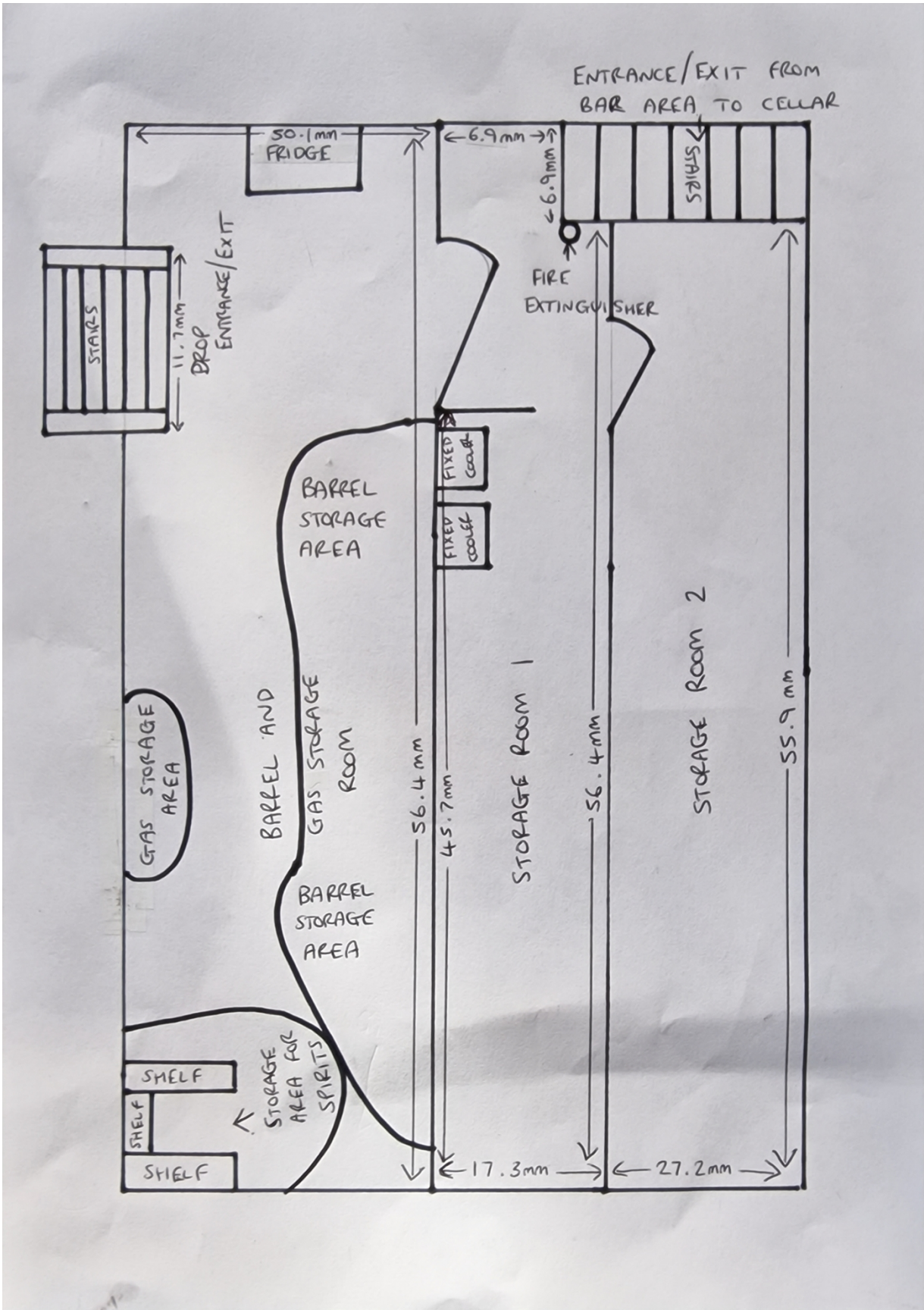
e) The protection of children from harm

Children will be supervised by an adult at all times any child/children that are not accompanied by an adult will be asked to leave the premises.
The safety of any children on our premises will be a top priority.

Appendix 3 – Premises Plan
Ground Floor and Outside



Cellar



Appendix 4 – Objections [personal information redacted] Leigh

From: [REDACTED]
Sent: 20 February 2023 14:32
To: Licensing <Licensing@barnsley.gov.uk>
Subject: The Pheasant, Cross St. Monk Bretton. Application To Vary Premises Licence between 09.00 AM until 23.00PM.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
To Whom it May Concern.

Good Afternoon,
I am writing on behalf of Myself & my Elderly Mother. And wish to strongly object to the proposals of Mr Duane Etherington of The Pheasant, Cross Street, Monk Bretton, Barnsley S72 2EP. To vary his licence between the hours of 09.00 to 23.00 Hrs. It would disturb our peace and quiet and our quality of life . Having to listen Fourteen hours of loud music would not be appropriate for a small village and the residents . I fully understand Mr Etherington has a business to run , however I'm sure he and his staff could come up with alternative solutions to bring in revenue for his business other than loud music blasting out all day long. If said proposals are granted he will undoubtedly upset a lot of residents on the surrounding estates. Including myself, my mother , my neighbours as our back gardens face directly onto the beer garden at the pub. We have a right to enjoy our back gardens in relative peace and quiet as stated by UK Law.

Yours Sincerely,

From: [Licensing](mailto:Licensing@barnsley.gov.uk)
Sent: 21 February 2023 09:24
To: [REDACTED]
Subject: RE: The Pheasant, Cross St. Monk Bretton. Application To Vary Premises Licence between 09.00 AM until 23.00PM.

Good morning,

Thank you for your email.

To confirm your objection can you please provide the following:

1. Which of the four licensing objectives you are lodging your objection under?
 1. the prevention of crime and disorder
 2. public safety
 3. the prevention of public nuisance
 4. the protection of children from harm
2. Any evidence you may have to corroborate your claims;
3. A daytime contact number for a licensing officer to contact you with regards to your objection and to keep you updated;

Kind Regards,
Kieran

Kieran Evans
Licensing Support Officer
Legal Services
Barnsley Council
Email: licensing@barnsley.gov.uk
Mail: PO Box 634, Barnsley S70 9GG

RE: The Pheasant, Cross St. Monk Bretton. Application To Vary Premises Licence between 09.00 AM until 23.00PM.

To: Licensing [REDACTED]   Reply  Reply All  Forward  Tue 21/02/2023 11:48

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Kieran,
Thank you for your email.

The licensing objectives that we lodging our objection under are:

The Prevention of Crime and Disorder.

Public Safety.

The Prevention of public nuisance.

The Protection of children from harm.

Daytime Telephone Number : [REDACTED]

Yours Sincerely,
Andrew & Diane Leigh.

[REDACTED]
Monk Bretton

Barnsley

[REDACTED]
26.02.2023

To whom it may concern

Re: Application to Vary License at The Pheasant, Cross Street, Monk Bretton, Barnsley. S71 2EP.

I am writing in response to the request above and wish to object to this Application to Vary Premises License to have live or recorded music playing inside and outside from 9am -11pm.

I live at a property situated directly at the side of The Pheasant pub which is approximately 40 metres away from the side wall and beer garden of The Pheasant.

When the premises are open, at present we are subjected to the usual noise and language associated with a beer garden and children's area but also the loud playing of music, Karaoke or live bands and events from both within and outside but especially in good weather or Bank holidays when the back door is often constantly open for access to the beer garden where seating and marquees/shelters were erected.

During the summer disruption increases from the pub and the events become longer which becomes frustrating as we are unable to sit out in our garden together with family or young grandchildren due to hearing unexpected constant loud levels of music particularly outside, use of loud microphones with foul or abusive comments, arguments, fights, and glasses smashing from the pub.

We have experienced live and uncontrolled levels of music increasing in length which can often be clearly heard from inside my own house from both inside and outside the pub when doors are open or entering and leaving the building and from back doors which often remain open to access the beer garden. This music can be heard above my TV in the house and in summer I have had to close my own doors and windows or go out just to try to avoid this.

I suspect the reason of the application is because of one of the unlicensed events I mention on a hot summers day in July last year which lasted the whole day from around 9am and eventually stopped around 11pm which included constant loud music from the rear Beer Garden, constant use of a microphone loud Karaoke singing, shouting and unacceptable comments to each other including foul language, throughout the day. This resulted in many complaints from residents to their local councillor as future events had already been publicised on their Facebook page.

We have experienced unregulated events and gatherings, witnessed fighting and brawling in the street, significant incidents where police and emergency services have attended, and feel that this application will only lead to more uncontrolled levels of noise of music, more antisocial behaviour and this only impact on the way we go about our daily lives living so close to the Pheasant.

We feel that in granting such a licence this will only allow even more access to disrupt our lives at any time, having 14hrs a day to play live or recorded music whenever they like. Behaviours already witnessed at the pub have led to decisions taken by my family as to not allowing youngsters to stay at particular times not willing to expose them to noise, language and behaviours already outlined. Often parents and children who attend or get dropped off at the Monk Bretton Cricket Club. situated

the same distance away from the beer garden are also subjected to the same noise and events and I have heard many negative comments and may also impact upon young people attending cricket training, matches and school holiday clubs.

Experience has led me to think that if the premises have this application granted it would have a clear and detrimental effect on our daily life living so close as they already appear to have little regard for others and worry the four licencing objectives may not be adhered to.

If somehow a license is granted, I demand that a council noise survey is conducted over a prolonged period at my property or whenever an event is taking place especially outside. I also request that you speak to police and emergency services to explore situations we have already had to endure to understand this objection, some of which are quite significant.

I would also like to point out that the notice displayed outside the public house has the wrong address post code on it saying S72 2EP.

The Pheasant pub vary to licence



[Redacted Name]

To Licensing



Reply

Reply All

Forward



Wed 08/03/2023 21:32

i Follow up. Start by 09 March 2023. Due by 09 March 2023.
You forwarded this message on 09/03/2023 07:42.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I am responding to the phonecalls i received from Martin Cooper regarding the objection to the vary to licence and 9am to 11pm application for live and recorded music inside and outside any day.

I have spoken to neighbours regarding updates and it seems that not everyone has been contacted despite being willing to and have passed on their phone details. Can you tell me why this is?

It is not clear to some neighbours what has been asked when one neighbour was asked to accept an offer of 2 days throughout the whole year and i was asked if willing to accept 2 days a month.

We object to any live or pre recorded music outside at the Pheasant at anytime on the grounds already pointed out in the original letter/email. We are also willing to attend a hearing if needed and so too are other neighbours who have not been contacted and live on Vine Close. Could you please contact all who have agreed and passed on phone details as it seems that every other house has been contacted which i feel all should have the opportunity to give their view too.

I am sending in this email as following another call earlier today from Martin he wanted to know what we were willing to accept.

I also feel that surrounding properties are not really aware of the application but suddenly over the last few days lots of blue notices have appeared which were not there before.

I also asked if police had been contacted as outlined in original letter.

Everson

From: [REDACTED]
Sent: 02 March 2023 17:11
To: Online <Online@barnsley.gov.uk>
Subject: Sent to Licensing Objection 3/3/23

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi -

I wish to object to the music license application for the Pheasant Pub, Cross Street, Monk Bretton for an Outside Music License.

I could not find an online route to do this hence this email.

I have no objection to the Indoor Music License application.

Mike Everson - [REDACTED]

From: Licensing <Licensing@barnsley.gov.uk>
Sent: 3 March 2023 14:39:20 GMT
To: [REDACTED]
Subject: RE: Sent to Licensing Objection 3/3/23

Good afternoon,

Thank you for your email.

Can you please provide some more details as to why you wish to object, and also confirm under which of the four licensing objectives you are objecting under:

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

I would also be grateful if you could provide a daytime contact number for one of our enforcement officers to discuss your objection and keep you updated with the consultation process.

Kind Regards,

Kieran

Kieran Evans
Licensing Support Officer
Legal Services
Barnsley Council
Email: licensing@barnsley.gov.uk
Mail: PO Box 634, Barnsley S70 9GG

Re: RE: Sent to Licensing Objection 3/3/23



To: Licensing

For KEV

You forwarded this message on 06/03/2023 10:39.

Reply Reply All Forward

Fri 03/03/2023 16:08

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Prevention of Public Nuisance 01226 219347
Outside noise to 11pm would not be acceptable.
No objection to Indoor Music Licence
Mike
Sent via BT Email App

RE: RE: Sent to Licensing Objection 3/3/23



To Licensing




Reply

Reply All

Forward



Tue 07/03/2023 13:01

 You forwarded this message on 07/03/2023 13:24.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Kieran,

Further to our telephone conversation today re the application for a music license for the Pheasant Pub. I agree that the license for outdoor music would be limited to twice a month with the music ending on those days at 10pm. I have only just moved in to our new home last September but know how noise can be a problem to our quality of life. A neighbour has commented to me re the Sun Inn's outdoor music during the summer and that is some distance away. Let's see what prevails.

Mike Everson

Copping

From: [REDACTED]
Sent: 05 March 2023 12:02
To: Licensing <Licensing@barnsley.gov.uk>
Subject: Objection to application to vary premises licence

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

I am writing to object to the application for provision of live and record music both indoors and outdoors at the Pheasant, Cross Street, Monk Bretton.

Currently we can hear music playing in the pub at our home and we do not want this to be extended.

Last year they had an outdoor event which meant that music could be heard in our home all day and until 10.30pm. It was a complete inconvenience and we do not want this to occur again.

In addition we already can hear music clearly playing at the Sun Inn on Sundays. The Pheasant is much closer therefore it will be louder still. Also the thought of both of them playing music and at the same time is somewhat exasperating.

I feel like it will impact our home life. It will mean that we are unable to enjoy peace and quiet in our home and especially in our garden.

We firmly object to this.

Kind regards,

Kathleen and David Copping

On Mon, 6 Mar 2023, 10:34 Licensing, <Licensing@barnsley.gov.uk> wrote:

Good morning,

Thank you for your email.

Can you please confirm which of the four licensing objectives you are objecting under:

the prevention of crime and disorder.

public safety.

the prevention of public nuisance.

the protection of children from harm

I would also be grateful if you could please provide a daytime contact number for one of our enforcement officers to contact you to discuss your objection and keep you updated with the application's progress.

Kind Regards,

Kieran

Kieran Evans
Licensing Support Officer
Legal Services
Barnsley Council
Email: licensing@barnsley.gov.uk
Mail: PO Box 634, Barnsley S70 9GG

Re: Objection to application to vary premises licence



To: Licensing

For KEV



image003.png
40 KB

Reply Reply All Forward

Tue 07/03/2023 16:21

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

We object under the prevention of public nuisance. Particularly noise.

My home telephone number is [REDACTED]

Kind regards,

Kathleen and David

Clark

|



6th March 2023

The Licensing Department,
Barnsley MBC
PO Box 634
[Barnsley S70 9GG](#)

Dear Sir/Madam,

Application to vary Licence for live and recorded music
Pheasant Inn, Cross Street, Monk Bretton, Barnsley S71 2 EP

We write to object to the application to vary the licence of the above public house to provide live and recorded music indoors and outside "all day/ every day" from 9am to midnight.

The licensed premises are in a residential area, with houses in Cross Street, Westgate, off Folly Way (Bellway development), Vine Close, the top of High Street, all in the close vicinity. More houses are to be built on the former Belmont Home site again very close by.

One of the four main points of the Council's Licensing Policy is to avoid causing a public nuisance.

The application to vary should take into account the effect on local residents.

To grant the licence on a completely unrestricted basis is not appropriate in a residential area. In Spring and Summer months particularly it would enable live and recorded music to be played outdoors as above all day every day which is likely to be a serious disturbance to a large number of houses.

Yours faithfully

John & Gaynor Clark

24-02-2023

██████████
MONK BRETTON
BARNSELEY
██████████

RE: THE PHEASANT CROSS ST. MONK BRETTON. BARNSELEY S12 2EP
APPLICATION TO VARY PREMISES LICENCE.

MY REAR BOUNDARY WALL IS 40M FROM THE WALKED BEER GARDEN AND PLAY AREA OF THE ABOVE PREMISES. THE PREMISES HAVE GOT A REAR ACCESS DOOR WHICH IS ALWAYS OPEN WHEN THE PREMISES TRADE. AT PRESENT WE ARE SUBJECTED TO THE USUAL NOISE AND LANGUAGE ASSOCIATED WITH A BEER GARDEN AND PLAY AREA, ALSO FROM MUSIC WHICH IS BOTH LIVE AND RECORDED THAT COMES FROM THE PREMISES.

MY WIFE AND I TEND OUR ENCLOSED GARDEN SO THAT WE CAN SIT AND ENJOY WHAT SHOULD BE A QUIET AREA OF MONK BRETTON VILLAGE, EITHER TOGETHER OR WITH OUR YOUNG GRAND CHILDREN.

TO HAVE A PREMISES THAT HAS GOT A LICENCE OPTION TO PLAY WHAT WE KNOW FROM PREVIOUS EXPERIENCE WOULD BE UNCONTROLLED NOISE LEVELS OF MUSIC 40M AWAY ON ANY OR ALL DAYS OF THE WEEK WOULD HAVE A CLEAR DETRIMENTAL EFFECT ON THE WAY WE CAN GO ABOUT OUR DAILY LIVING IN OUR OWN HOUSE AND GROUNDS.

I SUSPECT THE REASON FOR THE APPLICATION IS BECAUSE THE PHEASANT LAST SUMMER HELD AN UNLICENCED EVENT WHICH LASTED FROM 9.00AM THROUGH TO 11PM WHEN IT EVENTUALLY STOPPED. ON THAT OCCASION A NUMBER OF LOCAL RESIDENTS CONTACTED THEIR LOCAL COUNCILLOR WHO WE BELIEVE INTERVENED. AT THAT TIME A SECOND EVENT WAS BEING ADVERTISED ON THEIR FACEBOOK PAGE, WHICH SHOWS A TOTAL DISREGARD TO THE LICENCE LAW AND OTHER RESIDENTS.

THE EVENT MENTIONED WAS ON 9th JULY 2022, A LOVELY SUMMER DAY WHEN MUSIC STARTED AT 9.00AM AND AS THE PREMISES FILLED UP A KARAOKE EVENT/COMPETITION TOOK PLACE OUTSIDE AND CONTINUED UNTIL STOPPED AS STATED ABOVE, DURING THE EVENING WE WERE BANISHED TO OUR LOUNGE WITH PATIO DOORS CLOSED AND STILL UNABLE TO LISTEN TO OUR T.V ABOUT THE NOISE FROM THE PHEASANT. WE REGARDS THESE ACTION OF A PERSON WHO HAS NO REGARD FOR OTHERS AND UNABLE TO CONTROL HIS PATRONS, AND THE EVENT.

BY GRANTING HIM A LICENCE WOULD ALLOW HIM TO DISRUPT OUR LIVES ON ANY DAY OF THE WEEK FROM 9.00AM - 11PM.

THE REASONS STATED ABOVE ARE WHY WE OBJECT TO THE LICENCE BEING GRANTED.

HOWEVER SHOULD THE LICENCE BE GRANTED I WOULD DEMAND THE COUNCIL CONDUCT A NOISE SURVEY AT MY PROPERTY WHEN AN EVENT IS IN PROGRESS.

THE NAME OF THE APPLICANT DOES RUN THE PHEASANT, THE NAME ABOVE THE DOOR WHO I ASSUME IS THE LICENCEE DOES NOT LIVE IN THE U.K. AND HAS NO INFLUENCE ON WHAT IS TAKING PLACE IN THE PHEASANT ON ANY GIVEN DAY AND I CANNOT CONTROL IT.

YOURS FAITHFULLY

MR DAVID P. MCMAHON

D. McMahon

D. MCMAHON

RESIDENTS OF MONK BRETTON VILLAGE FOR 44 YEARS.



MR. Mrs G. & J. J. J. J.

MONIBRETTON

Date 3rd March 2023

Ref. The pheasant Cross St. Mark Bretton
Barnsley.

Application to Vary Premises License

I would like to object to the above application.

My rear boundary wall is approx 10m to 50m from the beer garden wall. There is a back door in the pub garden which when open we can hear the usual noise associated with music from inside and out.

Two days last year when he had a unofficial Garden event. We were subject to the most horrendous noise from 9.30 am to 10.30 p.m. This included swearing of the worst sort.

We contacted our local councillor who referred us to noise abatement, and they found he did not have a license

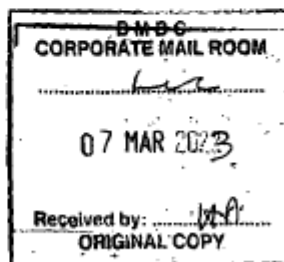
We had to go inside and shut all windows and doors, and try not to hear anything, it was impossible.

After reading this application we noticed the name of the applicant does not match the name ^{on} of the door of the Pub.

This letter is also on behalf of Mr Clegg who lives at [REDACTED] [REDACTED] who has his hands full looking after his wife who has dementia.

Yours faithfully

Mr. Mrs E. Wilson
and Mr. M. Clegg.



The Pheasant Inn

Licensing Objective of Prevention of Public Nuisance.

I am writing this letter with regards to the change of License requested by The Pheasant Inn, Cross St, Monk Bretton.

On the first weekend of July 2022 a Karaoke day was organised, which commenced in the early morning and didn't finish until approximately 10pm. As one of the local councillors for the Ward, I received a large number of complaints regarding the noise, the swearing and un-socialable behaviour that occurred throughout the day. The noise could be heard as far as the new housing estate

(Folley Way) down Coronation Street and as far as West Green Club, Monk Bretton.

I do not think it is in the best public interest to grant a change of license as this will cause unnecessary distress to local residents in close proximity and in the surrounding area of the Pheasant Inn.

Yours faithfully

Cliff Steve Green.

BMBC Noise Pollution

From: Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <adamcattell@barnsley.gov.uk>
Sent: Friday, February 10, 2023 1:02:33 PM
To: [REDACTED]
Cc: Licensing <Licensing@barnsley.gov.uk>
Subject: Variation to Licence - The Pheasant

Dear Mr Etherington,

I have been consulted on your application to vary the premises licence at The Pheasant.

I have concerns about the change from indoor music only to live music outdoors up to midnight 7 days a week.

We have received noise complaints from local residents within the last year, although we did not investigate this formally. There are also many residential properties within close proximity to the premises.

Therefore I am requesting:

- A change to the application form so that Live or recorded music outdoors is only permitted once per month
- A change of hours when live music can be played up to 23:00 Friday and Saturday and 22:00 Sunday to Thursday
- You to submit a Noise Management Plan (Example attached)

If we see that the premises can operate successfully with outdoor music without causing a noise nuisance then the premises licence could be further varied to increase the outdoor provision.

If you want to discuss this request or have any questions please let me know. If the terms that I have suggested are acceptable, please confirm this in an email to myself and Licensing and also attached the agreed Noise Management Plan.

If this request is not acceptable I may have to object to the variation application.

Regards

Adam

Adam Cattell
Environmental Health Officer (Pollution Control) – Regulatory Services

From: [REDACTED]
Sent: 10 February 2023 13:34
To: Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <adamcattell@barnsley.gov.uk>
Cc: Licensing <Licensing@barnsley.gov.uk>
Subject: Re: Variation to Licence - The Pheasant

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

After speaking with you I have amended this form and hope it is ok thank you

From: Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <adamcattell@barnsley.gov.uk>
Sent: 10 February 2023 13:48
To: Licensing <Licensing@barnsley.gov.uk>
Cc: [REDACTED]
Subject: RE: Variation to Licence - The Pheasant Inn

Dear Licensing,

I have discussed the variation application with the applicant and we have agreed the Noise Management Plan, and also changes to the application.

Please could you amend the application to include:

Live and recorded outdoor music permitted Monday to Thursday up to 22:00 and Friday to Saturday up to 23:00.
A condition added to the licence that a Noise Management Plan agreed with the Local Authority will be adhered to at all times.

Regards

Adam

Adam Cattell
Environmental Health Officer (Pollution Control) – Regulatory Services
Public Health Directorate
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG

Appendix 5 – Noise Management Plan

The Pheasant - Noise Management Plan (Rev A)

Noise Management Plan

The Pheasant is permitted to play live acoustic or recorded music outdoors twice a month up to 22:00 Sunday to Thursday and 23:00 Friday and Saturday.

To reduce noise being emitted from the premises, we will adhere to the following actions:

- All doors and windows of the premises on floor where entertainment is taking place should be closed during live entertainment events but not apply to background music.
- Music will be barely audible at the nearest premises boundary (assessed by premises manager) so that the words to songs are not audible.
- Music will not be audible inside the nearest residential property (assessed by qualified officer)
- Deliveries and refuse collection will be undertaken during normal business hours of between 8am and 5pm, Monday to Saturday with no deliveries or refuse collection on Sundays
- Signage will be displayed in a prominent position asking customers to be respectful of neighbours or equivalent
- Management will record any complaints or concerns that neighbours may submit. Recording the nature of the complaint, dates, times and if acceptable, contact details. The log of any complaints shall be kept onsite and made available to Local Authority on request.

Dated: 10/02/2023

Noise Management Plan to be reviewed annually or at the request of the local authority.

Next review due 23/02/2024

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