

# Public Document Pack



<b>MEETING:</b>	Statutory Licensing Regulatory Board Sub-Committee
<b>DATE:</b>	Monday 5 June 2023
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	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 - Darfield Supersave, 2 Garden Street, Darfield, Barnsley (*Pages 5 - 54*)
- 5 Action Plan (*Pages 55 - 60*)
- 6 Witness Statement of J Kirkham (*Pages 61 - 62*)

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

Councillors Green, Osborne and Markham together with  
Councillor Hunt (Reserve Member)

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

Please contact Mel Bray on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Thursday 25 May 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 June 2023

### LICENSING ACT 2003

#### APPLICATION TO VARY A PREMISES LICENCE

##### Darfield Supersave, 2 Garden Street, Darfield, Barnsley

#### **1. Background**

- 1.1 Mr Rajaram has held the current premises licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley, since the April 2022. 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, Darfield Supersave, 2 Garden Street, Darfield, 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 Garden Street in Darfield 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) Supply of Alcohol**

Monday to Sunday 00:00 – 23:59

### **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: -**

When considering this application, we have reviewed the current operating hours and procedures that are in place to promote the licensing objectives - which we understand are currently working well. Additionally, we have considered the licensing policy of Barnsley Metropolitan Council, the guidance issued under S182 of the Licensing Act 2003, have made due diligence checks with the relevant responsible authorities and have undertaken research with regards to population demographics and Home Office crime mapping.

As a consequence the intention is to add the following conditions in order to promote the licensing objectives.

**The Prevention of Crime and Disorder:-**

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times the Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format. CCTV download and access will be provided to an authorised local authority Trading Standards Officer or the Local Authority within 48 hours

of being requested or on demand in the event of a serious incident as defined by a senior police officer of the rank of at least Police Inspector. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised local authority Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB Level 1 or any other training recognised and agreed with the local authority Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence).

All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person

undertaking the training and shall be produced to the police, an authorised local authority Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

Training will cover the following matters as a minimum:

Conflict resolution

Selling alcohol to under age person

Selling to drunks

The sale of all other age restricted goods offered for sale at the premises.

4. There will be no public access to the premises by any customer after 23:00hrs every day, and all sales of goods will be via a window service until 05:00hrs thereafter.

**Public Safety: -**

1. All staff shall wear clothing which identifies them as members of staff of the premises.
2. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

**The Prevention of Public Nuisance: -**

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. The premises licence holder will display notices which are prominent, clear and legible (in not less than 32 font bold), advising the public not to consume any alcohol purchased from the premises at or near to the premises.
3. Between 23:00 and 05:00hrs when the premises is actually open for licensable activities, the premises licence holder will provide a litter bin at the front of the premises and will undertake a 'litter pick' at least every 2



hours. The 'litter pick' will be restricted to any footpath or open space area immediately to the front of the premises.

**The Protection of Children from Harm: -**

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises.

The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the police.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location where alcohol is displayed and offered for sale.

**4 Responsible Authorities**

4.1 During the 28-day consultation period, one representation was received from South Yorkshire Police as a Responsible Authority under the provisions of the Licensing Act 2003. South Yorkshire Police formally object to the variation of the premises licence for Darfield Supersave under the licensing objectives of: -

The Prevention of Crime and Disorder

Public Safety

The reasons given that - **The premise failed a test purchase operation in October 2022, when visited by the Licencing Enforcement Officer, the premise was put on an action plan until the end of 2023, further visits will be made to ensure all breaches have been rectified. We therefore, have no confidence at this moment in time that the applicant will operate appropriately, the applicant is working towards the completion of the said action plan as a result the granting of additional hour at this time would be inappropriate.**

**Our concerns extend to the proposed 24hrs opening given the proximity to residential premises, and as a compromise we have offered an extension to midnight to bring the premise in line with other premises in the neighbourhood should the applicant accept the changes we would with draw our objection.**

A copy of the formal objection and the current action plan is attached as appendix 3.

4.3 On behalf of Darfield Road Supersave, Mr Semper has requested the inclusion of information provided by e-mail from Environmental Health Officer Adam Cattell. A copy of the e-mail correspondence is attached as appendix 4.

4.4 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, no representations have been received from interested parties.

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 - Current premises licence

Appendix 2 – Application to vary the premises licence

Appendix 3 – Formal Objection received from SYP and current Action Plan

Appendix 4 – E-mail correspondence from Nick Semper

Officer Contact: D Bailey Tel: 07786525961 Date: 19<sup>th</sup> May 2023

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**Core Services Directorate**

Legal Services

Head of Legal Services:

Jason Field

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Mr Gowtham Raja Rajaram  
Flat Above  
2 Garden Street  
Darfield, Barnsley  
South Yorkshire  
S73 9AA

My Ref: LICENSING/MAU 010126  
Your Ref:  
Date: 20 April 2022  
Enquiries to: Licensing Section  
Direct Dial: 01226 773555  
E-Mail: [licensing@barnsley.gov.uk](mailto:licensing@barnsley.gov.uk)

Dear Sir/Madam,

**Licensing Act 2003, Section 42**

**Application to transfer a Premises Licence and specify an individual as DPS**

**Darfield Supersave, 2 Garden Street, Darfield, Barnsley, South Yorkshire, S73 9AA**

With regard to the above, I enclose the Premises Licence and Premises Licence Summary.

The premises licence became effective on 30 November 2007.

Under the provisions of the Licensing Act 2003 you may, in certain circumstances, have a right of appeal against some or all of the Licensing Authority's decisions made in respect to your application. Appeals should be made to the Magistrates' Court for the area in which the premises are situated, within twenty one days of receiving the premises licence.

If you need advice on the appeal procedure, you should contact the court, but please note court staff cannot give you legal advice. If you need legal advice, for example about the likely success of an appeal, you should contact a solicitor or a Citizens Advice Bureau immediately.

If you consider there is a mistake in the premises licence or the premises licence summary, the Licensing Authority will correct anything which it accepts as being a clerical mistake. If you believe there is such a clerical mistake, please contact us. This does not affect your right to appeal.

The premises licence will last indefinitely unless it is surrendered or revoked, but will lapse in the event of the death of the holder of the premises licence or upon the licence holder becoming mentally incapable or financially insolvent.

An annual fee is payable on the anniversary of the grant of the licence, unless the premises are a school or community building (e.g. village hall) and the licence is granted in respect of regulated entertainment only. We will send you a reminder for the payment of the annual fee and advise you of what sum is then payable. The fees are set by Government and may be subject to change.

Finally, there are specific provisions in section 57 of the Licensing Act 2003 concerning the requirements for keeping, displaying and producing the premises licence and premises licence summary whenever the premises are used for any licensable activity authorised by the licence. A brief summary of these requirements is set out below for your convenience:

### **Premises Licence**

The holder of the premises licence must ensure that the premises licence (or a certified copy of it) is kept at the premises and is either in the custody or control of the holder of the premises licence or some other specific person who works at the premises (e.g. manager).

### **Premises Licence Summary**

The holder of the premises licence must ensure that the premises licence summary (or a certified copy of it) is prominently displayed at the premises and, if the premises licence (or a certified copy of it) is in the custody of someone other than the holder of the premises licence, a notice must also be prominently displayed stating the position (e.g. manager) of that person.

### **Duty to Produce**

A police constable or an authorised officer (e.g. a Council licensing officer) may require such person who has custody of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) to produce the licence for examination.

### **Offences**

The holder of a premises licence commits an offence if they fail to comply with the above requirements relating to a premises licence and / or a premises licences summary. Anyone who has custody or control of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) commits an offence if they fail, without reasonable excuse, to produce the licence in accordance with a requirement under the above duty to produce. A person guilty of an offence under section 57 is liable on summary conviction to a fine.

### **Surrender a Premises Licence**

If you no longer require this licence or if the business is no longer trading you must inform the Licensing Section immediately, completing a surrender of licence request form available online. The licence holder will be liable for premises licence fees indefinitely unless the licence is surrendered or transferred.

### **Gaming Machine Licences**

If applicable to this premises, please note that any gaming machine notifications in place at a premises lapse upon transfer and a new application must be made. Any gaming machine permits in place at a premises must be transferred separately and will also lapse on transfer.

If you have any queries on this matter please contact the Licensing Section via [licensing@barnsley.gov.uk](mailto:licensing@barnsley.gov.uk).

Yours faithfully,

Licensing Section



# BARNSELY METROPOLITAN BOROUGH COUNCIL

## PREMISES LICENCE LICENSING ACT 2003

Schedule 12 Part A  
Regulation 33, 34

<b>Premises Licence Number</b>	010126
<b>Date of Grant</b>	30 November 2007
<b>Premises Address</b>	Darfield Supersave 2 Garden Street Darfield, Barnsley South Yorkshire
<b>Postcode</b>	S73 9AA
<b>Telephone Number</b>	
<b>Activities authorised by this licence</b>	The sale by retail of alcohol
<b>Times authorised to undertake licensable activities</b>	
<b>Supply of Alcohol</b>	Supply of alcohol permitted: Monday to Saturday from 08:00 until 23:00 Supply of alcohol permitted: Sunday from 10:00 until 22:30 Licensed for the sale of alcohol for consumption off the premises.
<b>Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964</b>	Not applicable
<b>Embedded Restrictions</b>	Not applicable
<b>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:</b>	None Specified
<b>Opening Hours of the Premises</b>	Hours premises are open to the public: Monday to Saturday from 08:00 until 23:00 Hours premises are open to the public: Sunday from 10:00 until 22:30
<b>Whether the sale by retail of alcohol is for consumption on and/or off the premises</b>	Alcohol-Off The Premises
<b>Name, (registered) address, telephone number and email(where relevant) of premise licence holder</b>	Mr Gowtham Raja Rajarama Flat above 2 Garden Street Darfield Barnsley S73 9AA
<b>Registered Number of Company if Applicable</b>	Not Applicable

<b>Designated Premises Supervisor</b> <i>(This section will be blank if the licence does not authorise the sale of alcohol)</i>	
<b>Name and Address of the designated premises supervisor</b>	Mr Gowtham Raja Rajarama Flat above 2 Garden Street Darfield Barnsley
<b>Post Code</b>	S73 9AA
<b>Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor</b>	PA 4359 Wafefield MDC

**LEGAL SERVICES TEL: 01226 773555**





## BARNSLEY METROPOLITAN BOROUGH COUNCIL

### PREMISES LICENCE SUMMARY

<b>Premises Licence No.</b>	010126
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<b>Premises Address:</b>	Darfield Supersave 2 Garden Street Darfield, Barnsley South Yorkshire
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<b>Postal Code</b>	S73 9AA
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<b>Telephone Number</b>	
-------------------------	--

<b>Activities authorised by this licence</b>
The sale by retail of alcohol

<b>Times authorised to undertake licensable activities</b>
<b>Supply of Alcohol</b> Supply of alcohol permitted: Monday to Saturday from 08:00 until 23:00 Supply of alcohol permitted: Sunday from 10:00 until 22:30 Licensed for the sale of alcohol for consumption off the premises.

<b>The opening hours of the premises</b>
Hours premises are open to the public: Monday to Saturday from 08:00 until 23:00 Hours premises are open to the public: Sunday from 10:00 until 22:30

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

<b>Granted on:</b>	30 November 2007
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## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PREMISES LICENCE

#### Part B

Premises Licence Number	010126
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mr Gowtham Raja Rajarama Flat above 2 Garden Street Darfield Barnsley S73 9AA
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Mr Gowtham Raja Rajarama c/o 2 Garden Street Darfield, Barnsley South Yorkshire
Post Code	S73 9AA
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	PA 4359 Wafefield MDC

**LEGAL SERVICES TEL: 01226 773555**

# ANNEX 1

## MANDATORY CONDITIONS

### LICENSING ACT 2003

Licence ref no.	010126
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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.

1) 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 Licensed 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
- (b) 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,
  - (i) 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,
    - (i) the designated premises supervisor (if any) in respect of such a licence, or
    - (ii) 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. 010126
Not Applicable

## **ANNEX 3**

### **Conditions attached after a hearing by the Licensing Authority**

Licence ref no. 010126
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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent 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:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

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.

**Agent Registered Address**

Address registered with Companies House.

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 (£)

7,500

### Section 3 of 18

#### 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.

We would like to offer 24 hour shopping to the diverse local community.

### 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

**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

**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**

Continued from previous page...

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

**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

**SUNDAY**

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol 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.

n/a

#### 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.

None

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### 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  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.

n/a

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.

n/a

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

As per the attendant Operating Schedule.

I have enclosed the premises licence



Continued from previous page...

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.

**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.

When considering this application, we have reviewed the current operating hours and procedures that are in place to promote the licensing objectives - which we understand are currently working well. Additionally we have considered the licensing policy of Barnsley Metropolitan Council, the guidance issued under S182 of the Licensing Act 2003, have made due diligence checks with the relevant responsible authorities and have undertaken research with regards to population demographics and Home Office crime mapping.

As a consequence the intention is to add the following conditions in order to promote the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times the Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format. CCTV download and access will be provided to an authorised local authority Trading Standards Officer or the Local Authority within 48 hours of being requested or on demand in the event of a serious incident as defined by a senior police officer of the rank of at least Police Inspector.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised local authority Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB Level 1 or any other training recognised and agreed with the local authority Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence).

All new staff shall be trained within one month of taking up employment.

All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall

*Continued from previous page...*

be produced to the police, an authorised local authority Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

Training will cover the following matters as a minimum:

Conflict resolution

Selling alcohol to under age person

Selling to drunks

The sale of all other age restricted goods offered for sale at the premises.

4. There will be no public access to the premises by any customer after 23:00hrs every day, and all sales of goods will be via a window service until 05:00hrs thereafter.

**c) Public safety**

1. All staff shall wear clothing which identifies them as members of staff of the premises.

2. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

**d) The prevention of public nuisance**

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

2. The premises licence holder will display notices which are prominent, clear and legible (in not less than 32 font bold), advising the public not to consume any alcohol purchased from the premises at or near to the premises.

3. Between 23:00 and 05:00hrs when the premises is actually open for licensable activities, the premises licence holder will provide a litter bin at the front of the premises and will undertake a 'litter pick' at least every 2 hours. The 'litter pick' will be restricted to any footpath or open space area immediately to the front of the premises.

**e) The protection of children from harm**

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the police.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location where alcohol is displayed and offered for sale.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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](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 >](#)



**Barnsley Council**  
**PO Box 634**  
**Barnsley**  
**South Yorkshire**  
**S70 9GG**  
**Date: 4<sup>th</sup> May 2023**

**Licensing Act 2003**

**Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street,  
Darfield, Barnsley**

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

Please accept formal objection to the variation of the premise licence on the grounds of the prevention of **crime and disorder & public safety**.

The premise failed a test purchase operation in October 2022, when visited by the Licencing Enforcement Officer, the premise was put on an action plan until the end of 2023, further visits will be made to ensure all breaches have been rectified. We therefore, have no confidence at this moment in time that the applicant will operate appropriately, the applicant is working towards the completion of the said action plan as a result the granting of additional hour at this time would be inappropriate.

Our concerns extend to the proposed 24hrs opening given the proximity to residential premises, and as a compromise we have offered an extension to midnight to bring the premise in line with other premises in the neighbourhood should the applicant accept the changes we would withdraw our objection

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Regards  
South Yorkshire Police  
Liquor Licensing Department

South Yorkshire Police Licensing Dept  
Moss Way Police Station  
Moss Way  
Sheffield  
S20 7XX

E-mail: [Barnsleylicensing@southyorks.pnn.police.uk](mailto:Barnsleylicensing@southyorks.pnn.police.uk)

Website address - [southyorks.police.uk](http://southyorks.police.uk)



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.





South Yorkshire

**POLICE**

JUSTICE *with* COURAGE

- |  |  |
|--|--|
| 1. Date                                  | November 2022  |
| 2. Premises                              | <b>Rhythm &amp; Booze – Darfield Super Save, 2 Garden Street, Darfield, Barnsley</b> |
| 3. Premise Licence Holder                | <b>Gowtham Raja Rajarama</b>   |
| 4. South Yorkshire Police Representative | <b>Kirsty Green/John Kirkham - Licensing Enforcement Officer</b>                     |

Page 41

### **Outline and Purpose**

This action plan is an agreement between all the parties identified above to provide a framework of assistance and guidance to ensure compliance with the licensing objectives in respect of licensable activities conducted at **Rhythm & Booze – Darfield Super Save, 2 Garden Street, Darfield, Barnsley**. This Action Plan has been suggested to the Designated Premise Supervisor/Premise Licence Holder as a means of ensuring that the premise is run to the standard expected by the Responsible Authorities under the Licensing Act 2003.

The failure by the Designated Premises Supervisor to abide by the action plan or any of its components with due cause or reasonable excuse, together with raised concerns as to the non compliance with the conditions of a licence or with the licensing objectives, may result in an application by the police to the Licensing Authority, to review the conditions of the licence (which includes adding new conditions, or the alteration, or omission of any established conditions) under Section 182 of the Licensing Act 2003.

## **Background**

On the 27<sup>th</sup> October 2022 the venue failed a test purchase operation.

## **Methodology**

South Yorkshire Police will facilitate the improved compliance by regular meetings with the DPS/Premise Licence Holder ensure the elements of the action plan are satisfied and to address any delays or issues relating to its implementation. Compliance with the action plan will be reviewed at these meetings and non-attendance or repeated rescheduling of meetings may lead to an adverse inference of non co-operation.

## **Action**

<b>Action</b>	<b>Implementation Date</b>	<b>Date Completed</b>	<b>Notes</b>
All customers appearing to be 25 years or under, must produce photographic ID upon service of alcohol. This is in the form of a driving licence, passport or identification with a 'PASS' emblem on.			
Staff training concentrating on age verification to be reviewed and implemented and then refreshed every month with staff for the first 6 months, then 6 monthly thereafter. Training log to be kept detailing training given and produced upon the request of authorities.			
A refusals book/log must be maintained and submitted to the authorities upon request, to demonstrate being proactive in verifying age.			
Challenge 25 scheme to be adapted in the store.			

South Yorkshire Police would also recommend for all staff to attend a recognised training course in relation to age related sales.

The signatories below agreed this action plan and all its components

Signed on behalf of premises .....

Print Name .....

Date .....

Position .....

Signed on behalf of South Yorkshire Police.....

Print Name .....

Date .....

Position .....

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**Bray , Melanie (COUNCIL GOVERNANCE OFFICER)**



---

**From:** Dodds , Jacqueline (LICENSING SUPPORT OFFICER) on behalf of Licensing  
**Sent:** 09 May 2023 14:07  
**To:** The Licensing Guys [ Licensing ]  
**Cc:** Bailey , Debbie (SENIOR OFFICER (LICENSING))  
**Subject:** RE: Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

Your email has been noted

Kind regards

**Jacqueline Dodds**  
**Licensing Support Officer**  
**Legal Services**  
**Barnsley Council**  
Email: [licensing@barnsley.gov.uk](mailto:licensing@barnsley.gov.uk)  
Mail: PO Box 634, Barnsley S70 9GG

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

**From:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>  
**Sent:** 09 May 2023 12:19  
**To:** Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <[adamcattell@barnsley.gov.uk](mailto:adamcattell@barnsley.gov.uk)>  
**Cc:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>  
**Subject:** RE: Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

---

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That's great, thanks Adam!

Dear Licensing/Kieran,  
Herewith confirmation that the Darfield Supersave have no noise nuisance complaints listed against them, and there has been but one noise nuisance complaint listed in the vicinity, dating from 2022 and involving a barking dog.

If you can place this correspondence with the Hearing papers, I'd be obliged.

Kind Regards  
Nick SEMPER  
Director  
TL Guys Ltd  
t/a The Licensing Guys  
W: 01432 700024

[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)



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**From:** Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <[adamcattell@barnsley.gov.uk](mailto:adamcattell@barnsley.gov.uk)>

**Sent:** Tuesday, May 9, 2023 10:44 AM

**To:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Subject:** RE: Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

Dear Mr Semper,

The complaint was in early 2022 and related to a dog barking at a nearby residential property.

Regards

*Adam*

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

**From:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Sent:** 09 May 2023 10:27

**To:** Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <[adamcattell@barnsley.gov.uk](mailto:adamcattell@barnsley.gov.uk)>

**Subject:** RE: Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

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---

Thank you, Adam.

Can you provide any date, location and circs around the one noise complaint you did receive in the vicinity please?

The purpose is to put some context to the noise nuisance picture in Garden Street.

Many thanks in anticipation 😊

Kind Regards  
Nick SEMPER  
Director  
TL Guys Ltd  
t/a The Licensing Guys  
W: 01432 700024

[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)

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LICENSING  
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**From:** Cattell , Adam (ENVIRONMENTAL HEALTH OFFICER) <[adamcattell@barnsley.gov.uk](mailto:adamcattell@barnsley.gov.uk)>

**Sent:** Tuesday, May 9, 2023 10:25 AM

**To:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Subject:** RE: Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

Good morning,

I can confirm that pollution control have not received any noise complaints relating to Darfield Supersave, 2 Garden Street, Darfield.

There has been a noise complaint in the vicinity of garden street, but this does not relate to Darfield Supersave.

Regards

*Adam*

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

**From:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>  
**Sent:** 05 May 2023 15:03  
**To:** PollutionControl <[PollutionControl@barnsley.gov.uk](mailto:PollutionControl@barnsley.gov.uk)>  
**Cc:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>  
**Subject:** Noise Complaints Enquiry re an Objection to the Variation of the Premise Licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

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Dear Pollution Control,  
Kieran EVANS from Licensing has kindly provided your email.  
I have a specific query regarding a matter due to be heard by the Licensing Sub Committee in the next few weeks so a fast turnaround would be very appreciated.

Can I trouble to enquire, formally:

Between 2020 and present...

1. Have there been any noise related complaints recorded that cite Darfield Supersave at 2 Garden Street, Darfield as the cause (contributory or otherwise), and
2. Have there been any noise related complaints recorded in the vicinity of Garden Street, Darfield at all?

Thank you very much in anticipation of an early reply.

Kind Regards  
Nick SEMPER  
Director  
TL Guys Ltd  
t/a The Licensing Guys  
W: 01432 700024

[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)

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**From:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>

**Sent:** 05 May 2023 14:56

**To:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Subject:** RE: Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

Hi Nick,

Thanks for advising. The Licensing Section have no recorded noise complaints, however it may be of benefit to contact the Council's Noise Pollution team, as they would hold accurate records of any noise issues in any specific area.

I have provided their direct email address here: [PollutionControl@barnsley.gov.uk](mailto:PollutionControl@barnsley.gov.uk)

I hope this proves useful.

Kind Regards,  
Kieran

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



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**From:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Sent:** 05 May 2023 14:31

**To:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>

**Subject:** RE: Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

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Hi Kieran,

The first questions are:

1. Have their been any noise related complaints recorded that cite Darfield Supersave as the cause, contributory or otherwise,, and
2. Have their been any noise related complaints recorded in the vicinity of Garden Street at all?

Can I set a time parameter of three years to that question please?

Kind Regards

Nick SEMPER

Director

TL Guys Ltd

t/a The Licensing Guys

W: 01432 700024

[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)

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**From:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>

**Sent:** 05 May 2023 14:27

**To:** The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Subject:** FW: Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

Hi Nick,

As requested, please see email below. As you can see in the below and hopefully the original sent to you, Licensing were included in the same email lodging the objection.

We're more than happy to assist if you have any underlying concerns?

Kind Regards,  
Kieran

**Kieran Evans**  
**Licensing Support Officer**  
**Legal Services**  
**Barnsley Council**

Email: [licensing@barnsley.gov.uk](mailto:licensing@barnsley.gov.uk)

Mail: PO Box 634, Barnsley S70 9GG



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**From:** BarnsleyLicensing <[BarnsleyLicensing@southyorks.pnn.police.uk](mailto:BarnsleyLicensing@southyorks.pnn.police.uk)>

**Sent:** 04 May 2023 12:25

**To:** Licensing <[Licensing@barnsley.gov.uk](mailto:Licensing@barnsley.gov.uk)>; [darfieldsupersave@gmail.com](mailto:darfieldsupersave@gmail.com); The Licensing Guys [ Licensing ] <[licensing@thelicensingguys.com](mailto:licensing@thelicensingguys.com)>

**Cc:** Bailey , Debbie (SENIOR OFFICER (LICENSING)) <[DebbieBailey@barnsley.gov.uk](mailto:DebbieBailey@barnsley.gov.uk)>; KIRSTY GREEN <[Kirsty.Green@southyorks.pnn.police.uk](mailto:Kirsty.Green@southyorks.pnn.police.uk)>; JOHN KIRKHAM <[John.Kirkham@southyorkshire.police.uk](mailto:John.Kirkham@southyorkshire.police.uk)>; JOHN O'MALLEY <[John.OMalley@southyorks.pnn.police.uk](mailto:John.OMalley@southyorks.pnn.police.uk)>; 'LEGAL\_Services Group Email' <[Legal.services@southyorks.pnn.police.uk](mailto:Legal.services@southyorks.pnn.police.uk)>

**Subject:** Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley

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**Barnsley Council**  
**PO Box 634**  
**Barnsley**  
**South Yorkshire**

S70 9GG

Date: 4<sup>th</sup> May 2023

**Licensing Act 2003**

**Objection to the Variation of the premise licence for Darfield Supersave, 2 Garden Street, Darfield, Barnsley**

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

Please accept formal objection to the variation of the premise licence on the grounds of the prevention of **crime and disorder & public safety**.

The premise failed a test purchase operation in October 2022, when visited by the Licencing Enforcement Officer, the premise was put on an action plan until the end of 2023, further visits will be made to ensure all breaches have been rectified. We therefore, have no confidence at this moment in time that the applicant will operate appropriately, the applicant is working towards the completion of the said action plan as a result the granting of additional hour at this time would be inappropriate.

Our concerns extend to the proposed 24hrs opening given the proximity to residential premises, and as a compromise we have offered an extension to midnight to bring the premise in line with other premises in the neighbourhood should the applicant accept the changes we would with draw our objection

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Regards  
South Yorkshire Police  
Liquor Licensing Department

South Yorkshire Police Licensing Dept  
Moss Way Police Station  
Moss Way  
Sheffield  
S20 7XX

E-mail: [Barnsleylicensing@southyorks.pnn.police.uk](mailto:Barnsleylicensing@southyorks.pnn.police.uk)

Website address - [southyorks.police.uk](http://southyorks.police.uk)

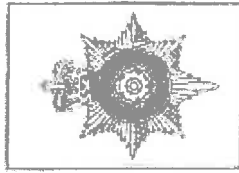


Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at [www.sypalerts.co.uk](http://www.sypalerts.co.uk) #SignMeUp

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South Yorkshire

**POLICE**

JUSTICE *with* COURAGE

- |  |  |
|--|--|
| 1. Date                                  | November 2022  |
| 2. Premises                              | <b>Rhythm &amp; Booze – Darfield Super Save, 2 Garden Street, Darfield, Barnsley</b> |
| 3. Premise Licence Holder                | <b>Gowtham Raja Rajarama</b>   |
| 4. South Yorkshire Police Representative | <b>Kirsty Green/John Kirkham - Licensing Enforcement Officer</b>                     |

#### **Outline and Purpose**

This action plan is an agreement between all the parties identified above to provide a framework of assistance and guidance to ensure compliance with the licensing objectives in respect of licensable activities conducted at **Rhythm & Booze – Darfield Super Save, 2 Garden Street, Darfield, Barnsley**. This Action Plan has been suggested to the Designated Premise Supervisor/Premise Licence Holder as a means of ensuring that the premise is run to the standard expected by the Responsible Authorities under the Licensing Act 2003.

The failure by the Designated Premises Supervisor to abide by the action plan or any of its components with due cause or reasonable excuse, together with raised concerns as to the non compliance with the conditions of a licence or with the licensing objectives, may result in an application by the police to the Licensing Authority, to review the conditions of the licence (which includes adding new conditions, or the alteration, or omission of any established conditions) under Section 182 of the Licensing Act 2003.

**Background**

On the 27<sup>th</sup> October 2022 the venue failed a test purchase operation.

**Methodology**

South Yorkshire Police will facilitate the improved compliance by regular meetings with the DPS/Premise Licence Holder ensure the elements of the action plan are satisfied and to address any delays or issues relating to its implementation. Compliance with the action plan will be reviewed at these meetings and non-attendance or repeated rescheduling of meetings may lead to an adverse inference of non co-operation.

**Action**

Action	Implementation Date	Date Completed	Notes
All customers appearing to be 25 years or under, must produce photographic ID upon service of alcohol. This is in the form of a driving licence, passport or identification with a 'PASS' emblem on.	IMMEDIATELY 19/11/22		22/12/22 - IN PLACE
Staff training concentrating on age verification to be reviewed and implemented and then refreshed every month with staff for the first 6 months, then 6 monthly thereafter. Training log to be kept detailing training given and produced upon the request of authorities.	IMMEDIATELY 10/11/22		27/12/22 - TRAINING RECOMMENDED
A refusals book/log must be maintained and submitted to the authorities upon request, to demonstrate being proactive in verifying age.	IMMEDIATELY 10/11/22		LAST ENTRY 22/12/22
Challenge 25 scheme to be adapted in the store.	IMMEDIATELY 10/11/22		22/12/22 - IN PLACE

South Yorkshire Police would also recommend for all staff to attend a recognised training course in relation to age related sales.







(Name)..... GOWTHAM RAJA RAJARAM.

Position at premise..... DIRECTOR.

I confirm that I have received an information pack following the failed test purchase at the venue and I have discussed training and compliance in relation to age related sales.

Signature.....

Date..... 10/11/22

Contact details:

Telephone number.....

Email address.....



**WITNESS STATEMENT**

*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN 

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Statement of John Kirkham.....

Age if under 18 Over 18..... (If over 18 insert "over 18") Occupation: Licensing Enforcement Officer .....

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

Signature J. Kirkham .....Date: 11<sup>th</sup> May 2023 .....

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

I am currently employed by South Yorkshire Police as a Licensing Enforcement Officer and cover licensed premises in the Barnsley area.

On Thursday 10th November 2022, I visited a premises known to me as Darfield Super Save, 2 garden Street, Darfield, Barnsley following a failed test purchase on the 27th October 2022. At the premises I spoke with the Designated Premises Supervisor and Licence Holder Gowtham Raja Rajaram. I provided him with an information pack including documentation to assist with staff training, provide general licensing information and ensure alcohol sales refusals were recorded correctly. I also explained to Mr Rajaram the consequences of failing further test purchase operations and provided him with a document entitled 'Two Week Voluntary Closure.' This document highlights the persistent selling of alcohol to young people, which is defined as 'when a licence holder is found to be selling alcohol to children twice within a three month period or three times within a twelve month period. This is monitored by the practice of test purchasing.' I advised Mr Rajaram, as I do with all licence holders in these circumstances, that the action plan would be in place for a period of twelve months and would be reviewed during further visits conducted by myself to ensure compliance with it. At the conclusion of the visit, Mr Rajaram signed and dated a document accepting receipt of the information pack and the information provided to him.

Signature: J. Kirkham..... Signature Witnessed by: .....

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