

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 13th June 2023**

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

7 Pitt Street, Barnsley. S70 1AL.

1. Background

- 1.1 On 18th April 2023, a complete application under the provisions of the Licensing Act 2003 was received for, 7 Pitt Street, Barnsley. A copy of this premises licence application and plan is attached as Appendix 1.
- 1.2 Members are requested to determine the application for a new premises licence.
- 1.3 The premises is situated in the town centre and is surrounded by a variety of commercial and residential premises.

2 Application for a Premises Licence

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

a) Live Music - Indoor and Outdoor

12:00 until 06:00 – Monday to Sunday

b) Recorded Music - Indoor and Outdoor

12:00 until 06:00 - Monday to Sunday

c) Late Night Refreshment – Indoors Only

12:00 until 05:45 – Monday to Sunday

d) Supply of Alcohol – On the Premises only

12:00 until 05:45 – Monday to Sunday

e) Hours the Premises are open to the Public

12:00 until 06:00 – Monday to Sunday

3 Promotion of Licensing Objectives

3.1 As part of his application Mr Hoyle has agreed to promote the four licensing objectives, with the measures stated in the application for the premises licence as follows: -

General – all four licensing objectives: -

WE ARE COMMITTED IN TAKING THESE STEPS BELOW TO PROMOTE THE FOUR LICENSING OBJECTIVES; WE KNOW AS A BUSINESS THE IMPORTANCE TO ACT UPON THEM AND PROVIDE EFFECTIVE PROTOCOLS. WE ARE SUPPORTIVE OF WORKING ALONGSIDE THE LOCAL POLICE AND LICENSING AUTHORITY.

The Prevention of Crime and Disorder: -

- **EMPLOY SIA DOOR SUPERVISORS WILL BE USED, THIS IS TO PREVENT ADMISSION OF UNDER 18S OR PEOPLE THAT ARE ON PUB WATCH, DEPARTURE OF DRUNK OR DISORDALY PEOPLE, TO SEARCH PEOPLE WHO MAY BE SUSPECTED OF CARRYING DRUGS OR OFFENSIVE WEAPONS (THIS WILL BE RECORDED). DOOR STAFF TO MAINTAIN ORDER OUTSIDE THE IMMEDIATE VENUE FROM PUBLIC THAT HAVE LEFT OUR VENUE.**

- **ADMISSION AND REFUSAL LOG FOR CAPACITY CHECKS**
- **WE WILL HAVE A ZERO-TOLERANCE POLICY IN RELATION TO DRUGS; DRUGS SEIZED WILL BE STORED CORRECTLY AND SECURELY AND HANDED TO POLICE.**
- **ALL INCIDENTS TO BE RECORDED SUCH AS REFUSALS OF SALE OF ALCHOL. RECORDS TO BE SAVED FOR 12+ MONTHS. BOOKS TO BE MADE AVAILABLE TO AUTHORISED OFFICER FROM POLICE AND LICENSING AUTHORITY.**
- **LIMIT THE USE OF GLASSWEAR**
- **DPS OR PERSONAL LICENSE HOLDER MUST BE AT THE PREMISES WHEN ANY UPSCALE EVENTS ARE HAPPENING.**
- **TOILET ATTENDANTS TO HELP WITH CAPCITY AND ANTISOCIAL BEHAVIOUR BY ALERTING STAFF MEMBERS**
- **RADIO LINKS BETWEEN BAR STAFF, MANAGER, SECURITY THIS IS TO HAVE CLEAR COMMUNICATION EG ON CAPACITY, ANTI SOCIAL BEHAVOUIR**
- **WELL MAINTIANED CCTV WILL BE IN PLACE, OPERATION AT ALL TIMES THE VENUE IS OPEN. CCTV IMAGES TO BE STORED FOR 30 DAYS. POLICE AND AUTHORISED OFFICERS OF THE COUNCIL TO HAVE ACCESS WHEN CONNECTIONS OF CRIME OR PREVENTION. MANAGEMENT WILL BE TRAINED TO USE THE OPERATION OF THE CCTV. CCTV INSIDE AND OUTSIDE**
- **CHALLENGE 25 IN OPERATION (OR HIGHER AGE) SIGNS WILL BE DISPLYED AT BAR AREAS AND ENTRANCE**
- **ATTEND PUB WATCH TO KEEP UPDATED WITH LOCAL ISSUES, AND INDIVIDUALS THAT ARE ON PUB WATCH.**

FOR DELIVERIES OF ALCOHOL STAFF WILL BE AGED 18+, CHALLENGE 25 IN PLACE.

Public Safety: -

- DOORSTAFF TO BE ALERT, RECORD ANY REFUSALS AND INCIDENTS
- CCTV IN OPERATION BOTH IN/OUTDOOR
- BECOMING INVOLVED WITH BEST BAR NONE
- APPROPRIATE SIGNAGE IE SPIKE POSTERS, ASK ANGELA, BAG THEF
- PREVENTION OF SPIKING BY PROVIDING FREE DRINKS COVERS AND BOTTLE SPIKE STOPPERS
- REGULAR RANDOM SEARCHES THAT BE DOCUMENTED
- STAFF TRAINED TO REPORT ANYTHING CONCERNING THAT COULD POTENTIALLY PUT AN INDIVIDUAL OR ANY MEMBER OF THE PUBLIC/STAFF AT RISK/HARM
- STAFF TO HAVE UP TO DATE TRAINING/REFRESHERS ON CHALLENGE 25 POLICY/LICENSING ISSUES, THIS WILL ALL BE RECORDED AND AVAILABLE TO POLICE AND LICENSING AUTHORITY.

NO MOREE THAN 300 MEMBERS OF THE PUBLIC SHALL OCCUPY THE PREMISES, THIS REDUCES THIS RISK OF HARM TO LIFE.

The Prevention of Public Nuisance: -

- NO CUSTOMERS WILL BE ALLOWWED TO LEAVE WITH ANY DRINK BOTTLED, DECANter, OPEN OR UNOPEN THIS PREVENTS DRINKING ON THE STREETS, ANTI SOCIAL BEHVIOUR AND THAT ALCOHOL THAT IS CONSUMED ON THE PREMISES IS PURCHASED
- MUSIC TO BE ON A LIMITER, THIS HELPS TO REDUCE NOISES FOR THE PUBLIC AROUND THE VENUE
- LIMITED CAPACITY OUTSIDE TO HELP REDUCE NOISEE
- DOORSTAFF NOT TO FINISH UNTIL 30 MINS AFTER CLOSING
- GLASS COLLECTORS
- REGULAR TOILET CHECKS

- **ALL WINDOWS AND DOOR TO BE CLOSED WHEN VENUE HAS ENTERTAINMENT, OTHER THAN EMERGENCY EXITS AND MAIN ENTRANCE THIS IS TO REDUCE NOISE**
- **POSTER TO BE DISPLAYED ON EXITS ASKING CUSTOMERS TO LEAVE QUIETLY**

The Protection of Children from Harm: -

- **CHALLENGE 25 IN OPERATION, SIGNAGE THROUGHOUT THE PREMISES**
- **ROBUST APPROACH TO FAKE OR BORROWED ID WITH BAILMENT FORMS STAFF TRAINED ON BASIC SAFEGUARDING AND CHALLENGE 25**

PERSONS UNDER 18 YEARS NOT PERMITTED AFTER 20.00HRS, THIS HELPS TO PREVENT CHILDREN COMING INTO CONTACT WITH ALCOHOL

4 Responsible Authorities

- 4.1 During the 28-day consultation period, a Noise Management Plan was agreed between the applicant, Mr Hoyle and The Environmental Health Office for Regulatory Services. A copy of the agreed Noise Management Plan is attached as Appendix 2.
- 4.3 A representation has also been received in relation to the application from South Yorkshire Police under the licensing objectives of: -

The Prevention of Crime and Disorder and Public Safety

- 4.2 The objection notice states: -

The premise has recently had their licence reviewed due to multiple breaches of the licence, during the appeal process the premise

breached further conditions which resulted in the premise licence being reviewed again and subsequently revoked.

Our concerns now extend to this current application, The applicant Mr Anthony Hoyle, has been found to have direct links to the previous licence holder (Mr Ashley Stockton). Mr Hoyle is named as a director of a company alongside Mr Stockton on companies house. He's also been filmed in the Staff area of the premise with Mr Stockton when police attended the premise. It is in our opinion that the applicant still has links to the previous operator, which gives rise to our concerns that Mr Stockton will still be involved in the running of the premise. Therefore this gives us no confidence that the premise will operate in accordance with their licence given the past history of non-compliance.

Furthermore the new application seeks to extend trading with fewer conditions volunteered, to promote the four licencing objectives.

A copy of the Objection notice is attached as Appendix 3

- 4.3 Following receipt of the objection, e-mailed discussions have taken place between the applicant, Mr Hoyle and South Yorkshire Police in an attempt to resolve concerns and condition the premises licence to promote the licensing objectives. At the time of writing this report no final agreement between both parties has been reached.

A copy of the e-mail exchange is attached as Appendix 4.

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, one representation was received from an interested party but this was subsequently withdrawn.

- 5.2 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 where the application has been made and they have a business interest in the same location.

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 premises licence application received

Appendix 2 – Agreed Noise Management Plan

Appendix 3 – Objection received from SYP

Appendix 4 – E-mail discussions between applicant and SYP

Officer Contact: D Bailey Tel: 07786525961 Date: 5th June 2023