



Report of the Principal Officer
(Licensing) to the meeting of
the Statutory Licensing
Regulatory Board Sub
Committee to be held on the
12 January, 2015

LICENSING ACT 2003
APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Digital Bar, Wellington Street, Barnsley

1. Background

- 1.1 On 17 November 2014, an application was received from South Yorkshire Police, as a Responsible Authority under the provisions of Section 51 of the Licensing Act 2003, to review the above-mentioned premise licence.
- 1.2 Members are requested to determine the application for the review of the premises licence.
- 1.3 The premise currently operates as a town centre venue with the provisions for a number of licensable activities, including the sale of alcohol and regulated entertainment.

2 Premises Licence

- 2.1 The Premises Licence is held by Mr Barry Smith and Mr Phillip England since 24 November 2005, as set out in Appendix 1.

a) Supply of Alcohol

The premises licence concerned in this review application is authorised for the sale of alcohol by retail for consumption on the premises only. The timings authorised to undertake this licensable activity are:

Monday to Sunday 10.00 to 04.00

Seasonal variations permitted on Christmas Eve 10.00 – 06.00 the following morning (Christmas Day)

Seasonal variations permitted on New Years Eve 10.00 to 06.00 the following morning (New Years Day)

b) Regulated Entertainment

The premises licence is also authorised to carry out regulated entertainment activities. Such activities include both recorded music and facilities for dancing indoors only. The times authorised to undertake such licensable activities are:

Recorded Music

Monday to Sunday 10.00 to 04.00

Seasonal variations permitted on Christmas Eve 10.00 – 06.00 the following morning (Christmas Day)

Seasonal variations permitted on New Years Eve 10.00 to 06.00 the following morning (New Years Day)

Facilities for Dancing

Monday to Sunday 10.00 to 04.00

Seasonal variations permitted on Christmas Eve 10.00 – 06.00 the following morning (Christmas Day)

Seasonal variations permitted on New Years Eve 10.00 to 06.00 the following morning (New Years Day)

c) Opening Hours of the Premise

Monday to Sunday 10.00 to 04.00

Seasonal variations permitted on Christmas Eve 10.00 – 06.00 the following morning (Christmas Day)

Seasonal variations permitted on New Years Eve 10.00 to 06.00 the following morning (New Years Day)

The following conditions from the previous Public Entertainment Licence remain in force as embedded restrictions and a copy of standard conditions are contained within Appendix 1.

In addition, the following non-standard conditions also remain in force:

- a) The maximum permitted number for the premise is 300 persons
- b) The amplifier/sound system to contain a noise limiting device
- c) All doors and windows are to be kept closed whilst entertainment is in progress except for when people are entering and leaving the building

3 The Application for a Review of the Premises Licence

3.1 On the 17th November 2014, an application was made by Kirsty Green (on behalf of the Chief Constable of South Yorkshire Police) as a Responsible Authority to review the Premises Licence for Digital Bar, Wellington Street, Barnsley, as set out in Appendix 2. The application for review relates to the following licensing objectives:-

- a) The Prevention of Crime and Disorder
- b) Public Safety

4 Grounds for Review

Details of the grounds for review are detailed below and comments have been extracted directly from the review application submitted.

'The grounds for this review are based on the following aspects of the Licensing Act 2003 objectives:

- a) Digital, Barnsley was issued with a Premises Licence No. 005777 on 24th November 2005. The Premises Licence Holders are Barry Smith and Philip England and the Designated Premise Supervisor is Daryl Mitchell
- b) Between the 27th October 2013 and 11th October 2014, there have been 12 incidents reported by the Police of a crime and disorder nature, which can also have an impact on public safety
- c) The 12 incidents include Five S47, Five S18 and Two Common assaults
- d) Due to the number of incidents an action plan was carried out with Digital in January 2014 and subsequently reviewed in August 2014
- e) An incident occurred at Digital on the 11th October 2014, where two males were assaulted in the venue, leaving one male unconscious and in an induced coma. (This incident is still an on-going investigation so no further details can be disclosed at this time)
- f) Further information is provided in the statements of Sergeant Andrew Norton, Chief Inspector Andy Hodgkinson and Licensing Enforcement Officer, Kirsty Green regarding incidents and meetings between South Yorkshire Police representatives at the premises.

4.1 A copy of the statements provided are attached as Appendix 3.

5 Responsible Authorities/Interested Parties

- 5.1 Comments have been received from Diane Clough, Health & Safety Officer (Regulatory Services) in respect of excessive noise levels emanating from within the licensed premise as set out in Appendix 4.
- 5.2 Further comments have been received from Paul Denton, Senior Pollution Officer (Regulatory Services) regarding noise complaints received from a nearby resident over a specified period of time and action taken to resolve that matter, as set out in Appendix 5.
- 5.3 No other comments have been received from Interested Parties concerned with this matter.

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.

If Members decide to revoke or amend the licence then the reasons for the decision must be clearly stated.

7 Options available to the Statutory Licensing Sub-Committee

The Board must, having regard to the application for and any relevant representations, take such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) To modify the conditions of the licence;
- b) To exclude a licensable activity from the scope of the licence;
- c) To remove the Designated Premises Supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

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

8 Financial Implications

N/A

9 List of Appendices

Appendix 1 – Premise Licence

Appendix 2 – Application to Review Premises Licence

Appendix 3 – South Yorkshire Police Officer Statements

Appendix 4 – Health & Safety Comments

Appendix 5 – Pollution Control Comments

Officer Contact: Kate Liddall **Telephone No.** 774258 **Date:** 25 November 2014

Regulatory Services

Assistant Director: Ken Eastwood, BSc (Hons), MCIEH
Central Offices, Kendray Street, Barnsley S70 2TN

My Ref:	005777/Premises	Your Ref:	Date:	15th June 2006
Enquiries To:	Kevin Rowland	Dial Direct:	01226 772614	Fax: (01226) 773097

Retro
Wellington Street
Barnsley

Dear Sir/Madam

**Licensing Act 2003, Section 23
Application for a Premises Licence
Retro, Wellington Street, Barnsley, South Yorkshire**

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

The premises licence became effective on 24th November 2005.

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. 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.

APPENDIX 1 cont...

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.

If you have any queries on this matter please do not hesitate to contact the Licensing division on 01226 773041

Yours faithfully,

Kevin Rowland
Principal Officer(Licensing)



BARNSELY METROPOLITAN BOROUGH COUNCIL

**PREMISES LICENCE
LICENSING ACT 2003**
**Schedule 12 Part A
Regulation 33, 34**

Premises Licence Number	005777
Date of Grant	24th November 2005
Premises Address	Retro Wellington Street Barnsley
Postcode	S70 1SS
Telephone Number	01226 248226
Activities authorised by this licence	The sale by retail of alcohol. The provision of regulated entertainment.
Times authorised to undertake licensable activities	<p>Recorded Music Licensed for recorded music indoors (see times below): Recorded music permitted: Monday from 10:00 until 04:00 the following morning. Recorded music permitted: Tuesday from 10:00 until 04:00 the following morning. Recorded music permitted: Wednesday from 10:00 until 04:00 the following morning. Recorded music permitted: Thursday from 10:00 until 04:00 the following morning. Recorded music permitted: Friday from 10:00 until 04:00 the following morning. Recorded music permitted: Saturday from 10:00 until 04:00 the following morning. Recorded music permitted: Sunday from 10:00 until 04:00 the following morning. Recorded music permitted during the non-seasonal variations as below: Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day). New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).</p> <p>Facilities For Dancing Licensed to provide facilities for dancing indoors (see times below): Provision of facilities for dancing available: Monday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Tuesday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Wednesday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Thursday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Friday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Saturday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Sunday from 10:00 until 04:00 the following morning.</p>

APPENDIX 1 cont...

morning.

Facilities for dancing are permitted during the non-standard timings specified below:

Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).

New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).

Supply of Alcohol

Supply of alcohol permitted: Monday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Tuesday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Wednesday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Thursday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Friday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Saturday from 10:00 until 04:00 the following morning.

Supply of alcohol permitted: Sunday from 10:00 until 04:00 the following morning.

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

Non-standard timings for the supply of alcohol.

The following hours are permitted as specified.

Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).

New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).

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

Not applicable

Embedded Restrictions

The maximum permitted number for this premises is :- **300 persons.**

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 Standard Conditions are attached.

In addition, the following non-standard conditions also remain in force:

- (i) No entertainment to take place outside the premises.
- (ii) The amplifier/sound system to contain a noise limiting device.
- (iii) All doors and windows to be kept closed whilst entertainment is in progress except for when people are entering and leaving the building. This includes all fire doors.

Opening Hours of the Premises

Hours premises are open to the public: Monday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Tuesday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Wednesday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Thursday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Friday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Saturday from 10:00 until 04:00 the following morning.

Hours premises are open to the public: Sunday from 10:00 until 04:00 the following morning.

Opening hours: Non-standard timings.

Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).

New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).

APPENDIX 1 cont...

Whether the supplies of alcohol are for consumption on and/or off the premises	Alcohol-On The Premises
Name, (registered) address, telephone number and email(where relevant) of premise licence holder	Mr Barry Smith The Millhouse Gilroyd Lane Stainborough Barnsley 07785 256550 Mr Philip England Lakeside View Blacker Green Lane Silkstone Barnsley 07968 146493
Registered Number of Company if Applicable	Not applicable
Designated Premises Supervisor <i>(This section will be blank if the licence does not authorise the sale of alcohol)</i>	
Name and Address of the designated premises supervisor	Mr Daryl Mitchell West Hall Churchfield Lane Wentworth Rotherham
Post Code	S62 7TJ
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	3084 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 773041



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No.	005777
-----------------------------	--------

Premises Address:	Retro Wellington Street Barnsley South Yorkshire
Postal Code	S70 1SS

Telephone Number	01226 248226
-------------------------	--------------

Activities authorised by this licence	The sale by retail of alcohol. The provision of regulated entertainment.
--	---

Times authorised to undertake licensable activities
--

<p>Recorded Music Licensed for recorded music indoors (see times below): Recorded music permitted: Monday from 10:00 until 04:00 the following morning. Recorded music permitted: Tuesday from 10:00 until 04:00 the following morning. Recorded music permitted: Wednesday from 10:00 until 04:00 the following morning. Recorded music permitted: Thursday from 10:00 until 04:00 the following morning. Recorded music permitted: Friday from 10:00 until 04:00 the following morning. Recorded music permitted: Saturday from 10:00 until 04:00 the following morning. Recorded music permitted: Sunday from 10:00 until 04:00 the following morning. Recorded music permitted during the seasonal variations as below: Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day). New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day). Recorded music permitted during the non-standard timings as below: Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day). New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).</p> <p>Facilities for dancing Licensed to provide facilities for dancing indoors (see times below): Provision of facilities for dancing available: Monday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Tuesday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Wednesday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Thursday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Friday from 10:00 until 04:00 the following morning. Provision of facilities for dancing available: Saturday from 10:00 until 04:00 the</p>

APPENDIX 1 cont...

following morning.
Provision of facilities for dancing available: Sunday from 10:00 until 04:00 the following morning.
Facilities for dancing are permitted during the non-standard timings specified below:
Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).
New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).
Supply of alcohol
Supply of alcohol permitted: Monday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Tuesday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Wednesday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Thursday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Friday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Saturday from 10:00 until 04:00 the following morning.
Supply of alcohol permitted: Sunday from 10:00 until 04:00 the following morning.
Licensed for the sale of alcohol for consumption on the premises.
Non-standard timings for the supply of alcohol.
The following hours are permitted as specified.
Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).
New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).

The opening hours of the premises
Hours premises are open to the public: Monday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Tuesday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Wednesday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Thursday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Friday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Saturday from 10:00 until 04:00 the following morning.
Hours premises are open to the public: Sunday from 10:00 until 04:00 the following morning.
Opening hours: Non-standard timings.
Christmas Eve: From 10:00 until 06:00 the following morning (Christmas Day).
New Year's Eve: From 10:00 until 06:00 the following morning (New Year's Day).

Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises
Alcohol-On The Premises

Granted on: 24th November 2005



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	005777
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mr Barry Smith The Millhouse Gilroyd Lane Stainborough Barnsley 07785 256550 Mr Philip England Lakeside View Blacker Green Lane Silkstone Barnsley 07968 146493
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Mr Daryl Mitchell Retro Wellington Street Barnsley South Yorkshire
Post Code	S70 1SS
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	3084 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 773041

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no. 005777

1. Supply of alcohol

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

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

2. Door Supervision

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

3. Exhibition of films

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

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

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

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 005777 Not Applicable
--

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 005777 Not Applicable
--

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1 (See attached)
--

APPENDIX 2

Re: Digital, Barnsley

INDEX TO DOCUMENTS

Compiled October 2014

	<u>DOCUMENT</u>	
1.	Application for review of premises	
2.	Statement of Sergeant Andrew Norton	
3.	Statement of Kirsty Green	
4.	Impact statement of Chief Inspector Andy Hodgkinson	
5.	Action plan January 2014	
7.	Premise Licence	



APPENDIX 2 cont...

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Kirsty Green (for and on behalf of the Chief Constable, South Yorkshire Police)
(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Digital Wellington Street	
Post town Barnsley	Post code (if known) S70 1SS
Name of premises licence holder or club holding club premises certificate (if known) Barry Smith & Philip England	
Number of premises licence or club premises certificate (if known) 005777	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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

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

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

Surname **First names**

I am 18 years old or over **Please tick yes**

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address <input type="text"/>
Telephone number (if any) <input type="text"/>
E-mail address (optional) <input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

<p>Name and address</p> <p>South Yorkshire Police Liquor Licensing Dept Attercliffe Police Station 60 Attercliffe Common Sheffield S9 2AD</p>
<p>Telephone number (if any)</p> <p>01226 736046</p>
<p>E-mail address (optional)</p> <p>barnsleylicensing@southyorks.pnn.police.uk</p>

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The grounds for this review are based on the following aspects of the 2003 Licensing Act objectives: -</p> <p style="text-align: center;">Prevention of Crime & Disorder Public Safety</p> <p>Digital, Barnsley was issued with a Premises Licence No 005777 on 24th November 2005. The Premises Licence Holders are Barry Smith and Philip England and the Designated Premise Supervisor is Daryl Mitchell.</p> <p>Between the 27th October 2013 and 11th October 2014, there have been 12 incidents reported to the police of a crime and disorder nature, which can also have an impact on public safety.</p> <p>The 12 incidents include Five S47, Five S18 and Two Common assaults.</p> <p>Due to the number of incidents an action plan was carried out with Digital in January 2014 and subsequently reviewed in August 2014.</p> <p>An incident occurred at Digital on the 11th October 2014, where two males were assaulted in the venue, leaving one male unconscious and in an induced coma. (This incident is still an on-going investigation so no further details can be disclosed at this time)</p> <p>Further information is provided in the statements of Sergeant Andrew Norton, Chief Inspector Andy Hodgkinson and Licensing Enforcement Officer Kirsty Green regarding incidents and meetings between South Yorkshire Police representatives</p>
--

and representatives at the premises.

APPENDIX 2 cont...

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

Please see attached documents.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application
 Month Day
 Year

If you have made representations before relating to this premises please state what they were and when you made them

No representations have been made in the past.

APPENDIX 2 cont...

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature 

Date 28/10/2014

Capacity Licensing Officer - South Yorkshire Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Kirsty Green Barnsley Headquarters Churchfields	
Post town Barnsley	Post Code S70 2DL
Telephone number (if any) 01226 736046	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

RESTRICTED (when complete)

MG 11

WITNESS STATEMENT
 Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of Andrew Norton

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: PS 746

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

Signature A.Norton..... (witness) Date: 24/10/14

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

I am a Police Sergeant employed by South Yorkshire Police, currently stationed at Commerce House, Barnsley.

My current role is Safer Neighbourhood Team SGT for the Town and Kingstone area of Barnsley district. I have responsibility for the entire town centre and surrounding residential areas. The team consists of both police officers and police community support officers. The main objectives of the policing team are to-

Reduce crime and disorder.
 Protect vulnerable people.
 Improve visible policing.

We work with other police departments, partner agencies, local business and the general public, in order to meet these objectives. Currently, a significant amount of my time is focused upon the licencing trade in the town centre, and in particular during the night-time economy. It is fair to say, however, that a disproportionate amount of police time and resources have been focussed upon the following licenced premises. Namely, Digital on Wellington Street, Barnsley town centre. As such I can now report as follows:

I have made enquiries of police records available to me in connection with these premises. The following matters have come to the attention of South Yorkshire Police:-

1. 0045 27th October 2013 – There were two S47 assaults at the venue, with two males being assaulted, one punched and the other head butted.
2. 0045 16th November 2013 – A male was found in possession of MCAT by security staff, who alerted Police and the male was subsequently arrested.
3. 0130 23rd November 2013 – Police Officers spoke with a very intoxicated 17 year old on Wellington Street, who disclosed that they had been drinking in Digital that night.
4. 0100 7th December 2013 – A common assault occurred at the venue. There was an altercation inside which resulted in the victim being struck at the side of the neck with a bottle. The bottle did not smash and there were no visible injuries.

Signature: a.nortona.norton Signature Witnessed by:

2013

RESTRICTED (when complete)

RESTRICTED (when complete)

Continuation of Statement of: Andrew Norton

5. 0315 14th December 2013 – There was a S47 assault at the venue with the victim receiving a nose injury. Suspect received a caution.
6. 0020 21st December 2013 – Officers witnessed a security guard at the venue acting in a very aggressively towards a male, who was pinned to the floor. Observations from Police Officers were that the member of security staff appeared to be going to punch the male, therefore officers intervened.
7. 0105 27th December 2013 – S18 wounding at the premise with a male hit on the head with a glass or bottle, receiving a cut to his head. Crime undetected as no suspect.
8. 0230 4th January 2014 – 14 year old female who was under the influence of alcohol, having being inside Digital already was attempting to re enter via the rear fire exit door. Door staff were advised and Police Officers took the female home.
9. On the 8th January 2014, Licensing Officer completed Action Plan.
10. 0050 9th March 2014 – S18 assault at the venue with a male hit in the face with a bottle and then punched in the back of the head. On going investigation, suspect currently waiting court date.
11. 0130 16th March 2014 – Victims handbag and phone were stolen however whilst trying to prevent the theft was punched by offender.
12. 0315 16th March 2014 – S18 wounding at the premise. Officers were alerted to a 17 year old who was laid unconscious inside the venue, who was bleeding heavily and intoxicated. Suspect interviewed and released due to identification difficulties.
13. 0030 4th May 2014 – Common assault at the venue, with a male being hit with a glass that was thrown by unknown suspect.
14. 0220 14th June 2014 – A member of security was assaulted after ejecting someone from the venue.
15. On the 20th June 2014 - anonymous information was received that Darren Donoghue had been seen snorting something in the toilets of a licensed premises within the town centre.
16. 0115 21st June 2014 – S18 assault at the venue with male assaulted. On-going investigation, suspect bailed back to appear at Police Station.
17. 0100 10th July 2014 - S47 assault at the venue, with a male being assaulted receiving lumps to the back of his head and a cut lip. Filed no crime, as victim could not remember anything of the incident.

Signature: a.norton Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

Continuation of Statement of: Andrew Norton

- 18. 0100 13th July 2014 – Police Officers confiscated bottles as they exited the venue, due to security staff failing to intervene.
- 19. 0330 27th July 2014 – S47 assault with a female being pulled to the floor resulting in her banging her head. Suspect given a caution.
- 20. 0041 1st August 2014 – Police Officers whilst on patrol in the town centre spoke with security staff at the venue after seeing a number of customers leaving with glasses and bottles. Officers noted that there appeared to be no response from security despite advice being given.
- 21. On the 2nd August 2014 – Police Officers whilst on patrol in the town centre spoke with security staff at the venue after seeing a large number of customers leaving the venue with glasses and bottles.
- 22. Officers observed that even after they had spoken with security staff, customers were still seen exiting the premise with bottles.
- 23. 0030 6th September 2014, I was involved in a plain-clothes operation in the town centre. Whilst in Digital I observed evidence of drug misuse in the male toilets of the venue. This was by groups of 4 or more males who attended the toilets and all entered one cubicle together. Whilst I was present the premises was relatively empty, therefore it should have been obvious to security staff what was occurring. However, there was no intervention from any security staff nor were any of the males challenged by staff working. In addition, I did not see any evidence of any toilet checks being carried out.
- 24. On the 19th September 2014, anonymous information received that the security guard positioned at the rear fire exit door was dealing drugs.
- 25. 0150 11th October 2014 – S18 Wounding at the premise. This is currently an on-going investigation.

Signature: a.norton Signature Witnessed by:

RESTRICTED (when complete)

BETWEEN

SOUTH YORKSHIRE POLICE

Complainant

- and -

Digital, Wellington Street
DPS – Daryl Mitchell
PLH – Barry Smith & Philip England

Respondent

WITNESS STATEMENT OF

Kirsty Green

I am a Licensing Officer, employed by South Yorkshire Police currently based at Barnsley. I have been in my current role as Licensing Enforcement Officer for South Yorkshire Police for approximately 4 and half years. I have been investigating incidents that have occurred at Digital, Barnsley on behalf of South Yorkshire Police. In addition to the statement of Sergeant Andrew Norton, I have made further enquiries of police records available to me in connection with these premises. The following matters have come to the attention of South Yorkshire Police.

1. On the 3rd January 2014, Licensing Officer spoke with Shadow security regarding the conduct of their security staff at Digital following an incident that occurred on the 21st December 2013.
2. On the 8th January 2014, a meeting was held with Licensing Officer and Digital to discuss an Action Plan.
3. On the 13th January 2014, Licensing Officer attended a further meeting with the DPS Daryl Mitchell to discuss the agreed action plan points. Daryl advised that

APPENDIX 3 cont...

they had installed two additional cameras at the venue and hoped to purchase another four. The action plan was agreed and signed.

4. On the 29th January 2014, a telephone call was received from Darren Donoghue enquiring as to whether SYP would object should they put in a variation to extend their opening hours. Licensing Officer advised that it was highly likely that SYP would object should they submit a variation to extend their hours until 06:00.
5. On the 19th March 2014, Licensing Officer and PS Andrew Norton met with Daryl Mitchell following an incident on the 16th March 2014. Daryl was advised that the victim was a 17 year old and that key witnesses to the assault were 16 and 17 years old. It was stressed that stringent checks needed to be carried out by security upon entry to the venue. The smoke machine was discussed and the amount of smoke that it released. It was agreed that only management would have control of it to prevent it from becoming an issue.
6. On the 27th April 2014, Licensing Officer received an email from a Sergeant Alun Oliver who had been working on Binge the previous weekend. He raised concerns about the amount of smoke being released from the smoke machine at the venue. Sergeant Oliver advised that he had spoken with Darren Donoghue at the time, who informed him that the DJ could control it, however would advise regarding over use.
7. On the 27th May 2014, Licensing Officer received an email from Sergeant Helen Scothern who had worked on Binge the previous weekend. Sergeant Scothern advised that the smoke machine had filled Wellington Street on a few occasions throughout the night.
8. On the 1st July 2014, Licensing Officer made a telephone call to Daryl Mitchell following information received from an Officer dealing with a theft complaint on the 29th June 2014. Daryl was advised that the complainant was 17 years old and had confirmed when speaking with officers, that neither he nor his friends had

APPENDIX 3 cont...

been challenged at the door of Digital or when purchasing alcoholic drinks at the bar. Daryl stated that he would address this with his staff and security and ensure that everyone was asked for identification.

9. On the 21st July 2014, I telephoned Daryl Mitchell to review issues and Digital's position on the traffic light system. Daryl advised that they had reduced the amount of smoke created by the smoke machine and it was now only operated by him and management. He went on to explain that they had increased security and had placed a member of security at the rear fire door to prevent people from sneaking in. He stated that they had gone fully polycarbonate; however, bottles remained in the venue.
10. On the 30th July 2014, I sent a text message to Daryl Mitchell requesting a meeting to review incidents at the venue.
11. On the 5th August 2014, I telephoned Premise Licence Holder Barry Smith and advised him regarding the scheduled meeting to review incidents and the action plan, asking him to attend.
12. On the 6th August 2014, I attended a meeting along with Daryl Mitchell, Barry Smith, PS Andrew Norton, PC Leanne Reis and BMBC Licensing Debbie Rimmington. At the meeting, we reviewed all incidents and the action plan that had been implemented in January 2014. I was assured after going through each individual point on the action plan that they were all addressed and being implemented at the venue. The only exception to this being the town link radio (due to recent change in company).
13. On the 26th August 2014, I made a telephone call to Daryl Mitchell following an email that I had received from PC Deanne Cooper. The email advised that whilst she had been working Binge at the weekend, she had witnessed a 17-year-old male enter Digital without being challenged by any security who was working on the door. Daryl advised he would be addressing problems with his security staff

APPENDIX 3 cont...

with the owners of the security company Shadow. Daryl stated that he had spoken with the security staff on a number of occasions to no avail, therefore felt that such issues needed raising with the owners for them to address.

14. On the 11th October 2014, I received an email from Sergeant Mark Darnsfield who advised that following the serious that had occurred at Digital the previous night he had visited and spoken with Darren Donoghue. He advised that Darren was personally supervising his security staff outside the entrance vetting customers and the smoke machine was switched off.
15. On the 13th October 2014, I visited Digital to speak with Daryl Mitchell and Darren Donoghue along with Sergeant Andrew Norton and Michelle Hudson, to the discussed S18 wounding assault on the 11th October 2014.
16. On the 20th October 2014, I received intelligence that underage are able to gain access to the venue via the rear fire exit door if they kiss the security guard working.

I believe that the contents of this statement are true and I understand it may be placed before the court.

I also understand that the contents of this statement may be shared with agencies working in partnership with the South Yorkshire Police.

Signed..........

Dated 28/10/2014.

RESTRICTED (when complete)

MG 11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of Andrew Hodgkinson

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Chief Inspetor.....

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

Signature [Signature] C/I (witness) Date: 12/11/14

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

I am a Chief Inspector with 26 years service in South Yorkshire police currently holder responsibility for operational policing in Barnsley

One of my primary functions is policing the night time economy, community safety and responding to problems within the community either as a partnership with other interested agencies, or as a stand-alone police service. In doing this I consult with the community, speak with my partners and ensure that lines of communication are open between South Yorkshire Police and those who represent the communities. The Digital Bar is situated on Wellington Street in the heart of Barnsley town centre. Within the night time economy, Digital is positioned towards the end of the circuit and is one of the later venues that customers frequent.

South Yorkshire Police have liaised with the venue through the Designated Premises Supervisor and Premise Licence Holder on numerous occasions to ensure that the premise is adhering to the four licensing objectives. An action plan implemented with them in January 2014 to address issues and concerns that South Yorkshire Police had.

However, despite the action plan being in place and its action points reviewed, it is apparent that the venue is still not compliant. In addition to this, there are major concerns in relation to their duty of care, which is apparent in how a recent violent assault was mishandled by the management and door staff where a young man was assaulted rendering him unconscious and in an induced coma. Therefore, demonstrating that there appears to be no improvement in the management of the licence.

I maintain a robust approach to licensing because a poorly managed licence has a considerable effect on the community as a whole. One of my main responsibilities is policing the night time economy therefore; I am regularly involved with the Licensing trade not only in the town centre but also across the borough. This is not the first time we have approached Licensing board as representatives of South Yorkshire Police, to request a change in condition, or DPS to be removed or the revocation of a licence, and this step is only taken where there is a case of necessity and proportionality.

I have considered other options and have sought the cooperation of the licence holder and indeed, as you would imagine, I am working successfully with other licence holders in the area who are asking for support. I offer advice and our legal position on a level playing ground. Unfortunately, Digital appears not to be in this category of successful licences, and it is the one of the driving factors for me bringing this matter to you today. I am not encouraged by the licence holder nor by the way the premises are being managed.

Digital has a significant negative impact on the community and the night time economy. The first is the community itself, the adult population who would drink in and attend that licensed premise cannot be

Signature [Signature] C/I Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG 11

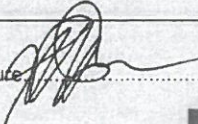
Continuation of Statement of: Andre Hodgson

Page 2

assured a safe environment, cannot be assured that they would not become victims of crime and cannot be assured of the support of the licence holder in a proper and appropriate manner.

The surrounding licensed premises are also affected by the reputation of Digital, therefore the locality is increasingly failing to attract customers from the night time economy due to associated problems and crime and disorder linked to Wellington Street.

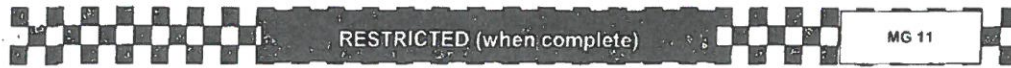
In addition, Digital has an impact on resources that the city provides within the night time policing, with it currently holding a licence until 04:00 and the majority of incidents occurring after 01:00. I am convinced that Digital has a negative impact on the community around it and wider and I foresee future problems within the town centre should this licence not be reviewed by the City Licensing Board.

Signature 

Signature Witnessed by:

2013

RESTRICTED (when complete)



Witness contact details URN

Name of witness: Andrew Hodgkinson.....

Home Address: Barnsley Police Station Churchfield, Barnsley Postcode:

Email Address: Andy.hodgkinson@southyorks.pn n.police.uk..... Mobile: 07979707134

Home telephone No. Work telephone No.: 01226 736044

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender: Male / Date and Place of Birth 020267 Sheffield

Former Name Ethnicity Code (16+1)

DATES OF WITNESS NON-AVAILABILITY 18-28 Feb 2015

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)
 Yes No If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any Particular needs? Yes No If 'Yes' what are they?
 (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness consent (for witness completion)

a) The Victim Personal Statement scheme (victims only) has been explained to me	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b) I have been given the Victim Personal Statement leaflet	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c) I have been given the leaflet "Giving a witness statement to the police....."	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice)	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
g) Child witness cases only. I have had the provision regarding reporting restrictions explained to me.	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
I would like CPS to apply for reporting restrictions on my behalf.	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'

Signature of Witness: PRINT NAME:

Signature of parent/ guardian / appropriate adult: PRINT NAME:

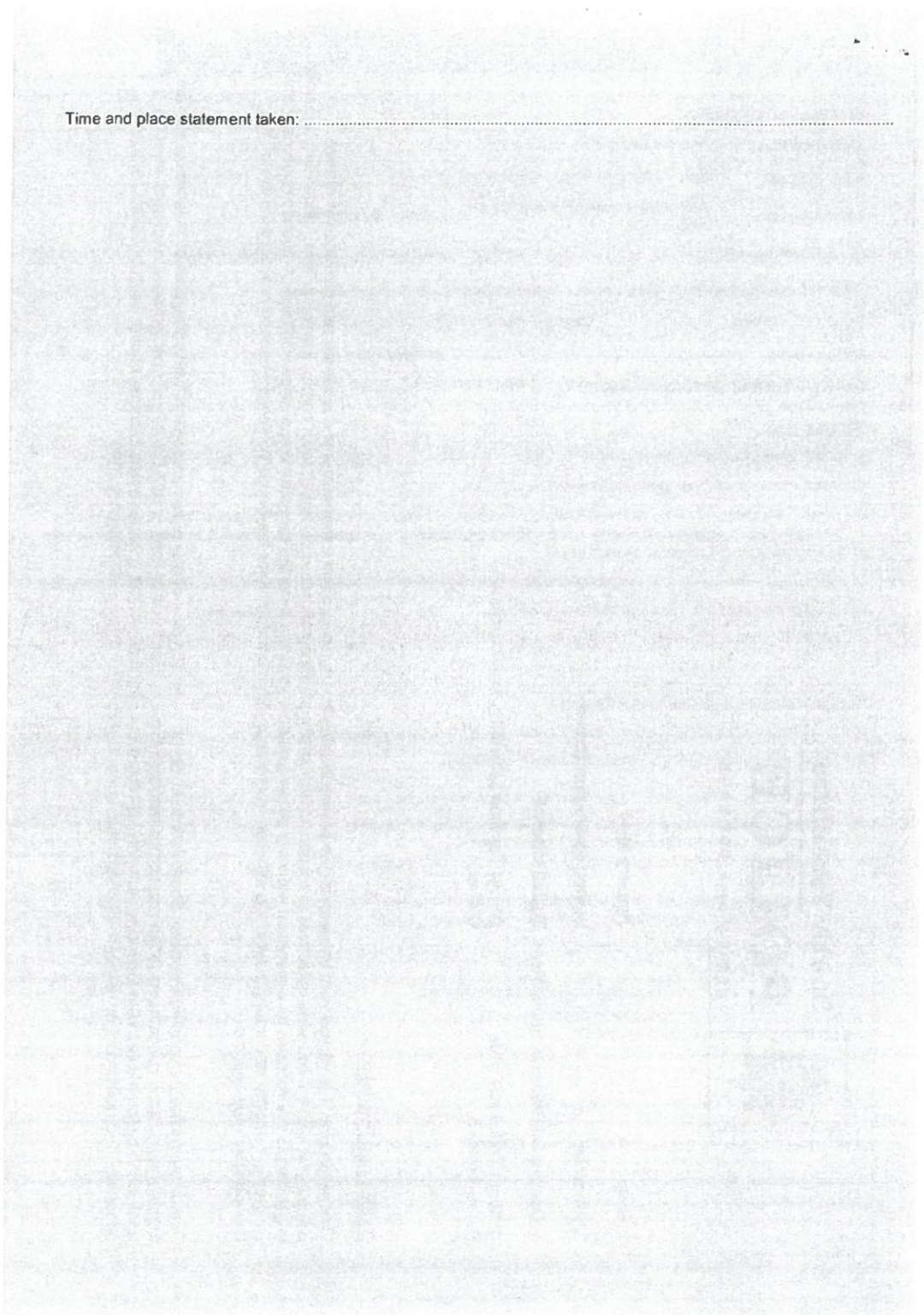
Address and telephone number (of parent etc.) if different from above:

Statement taken by: Station:



APPENDIX 3 cont...

Time and place statement taken:

A large grid of graph paper, consisting of many small squares, intended for recording data. The grid is mostly empty, with a few faint marks.



- 1. Date **January 2014**
- 2. Premises **Digital, Wellington Street**
- 3. Designated Premises Supervisor **Darrell Mitchell**
- 4. South Yorkshire Police Representative **Cheryl Topham Licensing Enforcement Officer**

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 Digital, town centre, Bamsley. This Action Plan has been suggested to the licensee as a means of reducing police concerns as to the potential for better compliance with the conditions imposed by the Licensing Authority, and so as to avoid the situation worsening, with the potential for the South Yorkshire Police to request a review of the licence(s) as may operate.

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

There have been an increased number of incidents at the venue that has resulted in the premises becoming amber in the traffic light system operated by the Police. Currently on 16 points.

Methodology

South Yorkshire Police will facilitate the improved compliance by regular meetings with the DPS 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.

Actions

1. The position of cameras in the premises to be reviewed to ensure the most effective coverage throughout the venue. You have told me that there are to be two new cameras, 1 to cover the rear door and 1 to cover the dance floor area.
2. No hats or hooded tops to be worn in the venue, as this will restrict or prevent images being captured by CCTV.
3. Posters displayed throughout the venue advising of CCTV in operation.
4. The use of a pubwatch radio. Earpieces to be worn by all staff/security staff to ensure that communication is enhanced. – When new ones to be introduced
5. Regular contact with the Police via the pubwatch radio to inform of any suspicious behaviour & inform when an individual(s) have been ejected, so that CCTV can monitor them. If no radio, then call 101 or 999 whichever is appropriate. The CCTV cameras can then monitor them

6. Toilet attendant or regular toilet checks in both the male and female toilets, which is logged and produced upon request.
7. Review of where security staff are positioned, this is to include inside and outside. Doorstaff can be used to monitor the queue. If anyone too intoxicated these can be advised in the queue before getting to the door. Also, can be aware for anyone needing to provide ID. You have also told me 1 more extra doorman to be employed to be utilised inside.
8. Refusal of entry log and ejections log to be kept and maintained by staff/security staff/management. To be produced upon request.
9. Implement training for staff, detailing information/processes/procedures surrounding drugs, intoxication and injury.
10. Ensure that all security staff are briefed at the start and end of every shift. Both of which to be logged and signed by all staff in attendance. This is to outline processes/procedures and what is expected of staff and to highlight any problems after the event. This is to be produced upon request. Be aware of doorstaff being too aggressive with customers they are ejecting. If anything of this nature is witnessed, report to Shadow.
11. Security details to be obtained at the start of every night, with name, address, telephone number and SIA badge number recorded. This should be kept on file for a period of 6 months. A photographic image should also be requested for all security staff and again kept on file for a period of 6 months.
12. Incident log to be kept and maintained, detailing all incidents both in and out side of the venue, with a full report of all large incidents that occur. This is to be produced upon request.
13. Although polycarbonates have been used for approx the last 6 months for draft beers, this is also to be looked at for bottles. Either decant or sell beers in plastic bottles. This is especially relevant on busy nights ie.. Xmas, Bank Holidays, Halloween etc.

- 14. Feedback from officers when they go in Digital is that there is too much smoke from the smoke machine. This makes it very difficult for staff and security to see exactly what is going on inside. If this could be altered to make it easier for everyone to see, therefore, less crime is likely to be committed. You have told me the amount of smoke is going to be decreased by management
- 15. Regular meetings, telephone calls with the Licensing Enforcement Officer to identify emerging areas of concern.
- 16. You have also told me you are to monitor the size of groups which are allowed entry. If a group is too large and already causing issues when queuing then do not allow entry.

The signatories below agreed this action plan and all its components

Signed on behalf of premises *Jill, Gidd*

Print Name *DARREN MERRICK*

Date *13/01/14*

Position *MANAGER (O.P.S.)*

APPENDIX 4

Liddall , Kate

From: Health and Safety (Regs Services)
Sent: 25 November 2014 11:29
To: Liddall , Kate
Subject: Digital Bar - Lic Review App

Hello Kate,

During the last twelve months we have had very little involvement with Digital Bar, so from a health and safety perspective there are limited comments to make about the license review of this premises.

As part of a Noise at Work initiative night clubs and bars were visited in Barnsley town centre and Digital Bar was one of the premises we tested at 21:40 on Friday 15th November 2013.

We recorded noise levels from the amplified music at their bar work area which exceeded acceptable levels and provided them with advice both verbally at the time of our visit and written guidance on what steps they should take to reduce the sound levels in the club. No further involvement has taken place since then.

Kind regards

Diane

Diane Clough
Regulatory Services Field Officer
Health & Safety
Barnsley Metropolitan Borough Council
Regulatory Services
P.O. Box 634
Barnsley
S70 9GG

☎: 01226 775762 Fax: 01226 775699

Web: www.barnsley.gov.uk Twitter: [barnsleycouncil](https://twitter.com/barnsleycouncil) Facebook: [barnsleycouncil](https://www.facebook.com/barnsleycouncil) YouTube: [barnsleymbc](https://www.youtube.com/barnsleymbc) Flickr: [barnsleycouncil](https://www.flickr.com/photos/barnsleycouncil/)

From: Hirst , Andrea
Sent: 17 November 2014 15:16
To: Health and Safety (Regs Services)
Subject: DCL 311653 Digital Bar - Lic Review App

Liddall , Kate

From: Denton , Paul
Sent: 25 November 2014 14:49
To: Liddall , Kate
Subject: RE: Digital Bar Review

Hi Kate,

As per our discussion, I can confirm that one complaint was received on the 1st of September 2014, regarding excessive noise from Digital Bar. The complaint was received from a resident that lives above an adjacent licensed premises. Since this date letters have been sent to both the Licensee and the premises manager of Digital Bar. Due to the complainant stating that there has been no improvement, some late night noise monitoring took place on the 7th November, at this time it was noted that the internal doors of Digital Bar were propped open. The monitoring also showed that noise levels were high in the complainants bedroom, but not all of this could be attributed to Digital. Since the monitoring I again contacted the Licensee and asked to meet with him, to discuss the ongoing noise problem. On Tuesday the 25th November 2014, I met with Barry Smith, the licensee, Darryl Mitchell, the DPS, Darren Donaghue, the bar manager and Shaun Collins, a sound and lighting engineer from 52nd Street. The meeting was very positive, Barry took on board that they could be causing a nuisance and agreed to put both some practical solution, for example blocking off a disused vent and some technical solutions, for example, using the expertise of 52nd Street, to reduce the noise outbreak. In addition to this, all agreed to look at the issue about the doors being left open and ensure that the door staff do not let this happen in future. I was satisfied by the response that I have received from the management of Digital and they showed that they were willing to take the matters on board and put measures in place to try and rectify them.

Regards,

Paul Denton
Senior Pollution Officer
Regulatory Services
PO Box 602
Barnsley
S75 9FB

Tel: 01226 772860
Fax: 01226 775699