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## **BARNSLEY METROPOLITAN BOROUGH COUNCIL**

**Report of the Executive Director of Environmental Services to the meeting of the Statutory Licensing Regulatory Board Sub Committee to be held on the 12<sup>th</sup> July 2007.**

### **LICENSING ACT 2003**

#### **APPLICATION FOR A PREMISES LICENCE** **Escapade, Wellington Street, Barnsley, S70 2SS.**

#### **1. Background**

- 1.1 In April 2007 an application was received from Nexum Leisure Limited for a premises licence for Escapade.
- 1.2 Members are requested to determine the application for the Premises Licence.
- 1.3 Escapade will be a two tier bar and night club which will be situated very close to a main arterial route out of Barnsley. It will have a capacity of two thousand and fifty.
- 1.4 Wellington Street is currently subject to a pending temporary road closure and pedestrianisation scheme which will be reviewed and evaluated in due course.

#### **2 Previous Premises Licence**

- 2.1 The premises concerned in this application held a premises licence in the name of "Tonic", which closed in 2006.
- 2.2 The previous Premises Licence had a capacity of three hundred and sixty.

#### **4 The Application for a Premises Licence**

- 4.1 On the 30<sup>th</sup> April 2007 an application was made for a Premises Licence for Escapade, Wellington Street, Barnsley. This application relates to the provision of regulated entertainment, the provision of entertainment facilities and the supply of alcohol. The details of which are specified below:

(For simplicity purposes I have shown the times requested as 10:00 a.m until 04:00 a.m the following day, but in the actual application the times are written as below).

**a) Regulated Entertainment**

The premises licence application has been made in respect of Live Music, Recorded Music and Performances of dance. The hours requested are for indoors only and are from 00:00 to 04:00 and 10:00 to 24:00 Monday to Sunday.

In addition, the application includes seasonal variations for regulated entertainment:-

On Christmas Eve and Boxing Day evening the terminal hour will be 06:00.

On New Years Eve 24 hour opening.

The application also includes non-standard timings for regulated entertainment:-

On Sundays preceding Bank Holidays the terminal hour will be 06:00.

An additional hour on the day when the British Summer Time starts.

**b) Provision of entertainment facilities**

The premises licence application has been made in respect of the provision of facilities for making music and the provision of facilities for dancing. The hours requested are for indoors only and are from 00:00 to 04:00 and 10:00 to 24:00 Monday to Sunday.

In addition, the application includes seasonal variations for regulated entertainment:-

On Christmas Eve and Boxing Day evening the terminal hour will be 06:00.

On New Years Eve 24 hour opening.

The application also includes non-standard timings for regulated entertainment:-

On Sundays preceding Bank Holidays the terminal hour will be 06:00.

An additional hour on the day when the British Summer Time starts.

## **b) Supply of Alcohol**

The premises licence application has been made in respect of the provision of supply of alcohol. The hours requested are for consumption on the premises only and are from 00:00 to 04:00 and 10:00 to 24:00 Monday to Sunday.

In addition, the application includes seasonal variations for regulated entertainment:-

On Christmas Eve and Boxing Day evening the terminal hour will be 06:00.

On New Years Eve 24 hour opening.

The application also includes non-standard timings for regulated entertainment:-

On Sundays preceding Bank Holidays the terminal hour will be 06:00.

An additional hour on the day when the British Summer Time starts.

## **c) Hours Premises are open to the public**

The premises licence application has been made to allow the premises to open 00:00 to 04:30 and 10:00 to 24:00 Monday to Sunday.

In addition, the application includes seasonal variations for regulated entertainment:-

On Christmas Eve and Boxing Day evening the terminal hour will be 06:30.

On New Years Eve 24 hour opening.

The application also includes non-standard timings for regulated entertainment:-

On Sundays preceding Bank Holidays the terminal hour will be 06:30.

An additional hour on the day when the British Summer Time starts.

## **5 Promotion of licensing objectives**

5.1 The applicant has set out in the application the additional steps intended to be taken in order to promote the four licensing objectives, if the proposed premises licence is granted.

**a) General – all four Licensing objectives**

See below

**b) The prevention of crime and disorder**

Effective CCTV in and around premises.

Provision of secure drugs deposit boxes.

Adoption of best practice guidance, proof of age cards.

Membership of local Pubwatch.

Effective training of staff and responsible management of premises.

Trained and SIA registered door staff in sufficient numbers to match identified risk will be on duty at all times. “Spika Stoppers” will be available to customers free of charge. A digital CCTV system to meet police requirements will operate at all times and will be monitored by trained staff from 22:00 on Thursday, Friday and Saturday evenings. The entrance will have dedicated cameras with public monitors. All footage will be retained for 31 days. All managers will be trained in the use of CCTV. The system will be reviewed and where considered appropriate high definition or infra red cameras will be used inside. Third party promoters will not be used without first having carried out a written risk assessment and providing a copy to the police at least 14 days before the proposed event. The policy “challenge 25” will be implemented and consideration will be given to the introduction of ID scan. The operators will sign up for the Best Bar None initiative.

**c) Public Safety**

Alteration of premises to meet all requirements of building regulations and taking note of recommendations of all statutory authorities.

Responsible management and staff training in emergency procedures.

**d) The prevention of public nuisance**

Adherence to procedures to limit noise nuisance.

Appropriate signage to customers.

Appropriate music during the wind down period.

Door staff will ensure a smooth and safe entry into the club. The managers will review queuing arrangements in conjunction with the licensing authority and the police to ensure that residential occupiers are not inconvenienced.

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

No persons under 18 will be admitted to the premises whenever alcohol is available for supply.

In the event of under 18 events being organised these will be supervised by an appropriate trained supervisor.

### **6 Responsible Authorities**

6.1 No representations have been received from any responsible authorities.

### **7 Interested parties**

7.1 Following publication of the statutory notice of the application of the premises licence in the local press (a copy of which has been provided to the Licensing Section by the applicant) and the display of notices at the premises a representation has been received from an interested party. The representation was received within the 28 day consultation period.

7.2 The person making representations is:-

Gosschalks solicitors instructed by their clients "Brook Leisure". Brook Leisure own Premises at 32 Wellington Street which is the vicinity of the proposed premises.

7.3 The representation made by the interested party relates to the licensing objectives and these are attached as Appendix 1.

### **8 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 write to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

**9 Financial implications**

N/A.

**10 List of appendices**

Appendix 1 - Representation from interested party.

Officer Contact: Mr. K Rowland      Tel: 01226 773041

14/06/07

**Rimmington , Debbie**

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**From:** Goodison , Stuart  
**Sent:** 25 May 2007 12:10  
**To:** Rimmington , Debbie  
**Subject:** 4321253\_1.DOC  
**Attachments:** image001.jpg

The Licensing Department  
Barnsley Metropolitan Borough Council  
PO Box 602  
Barnsley  
S70 9FP

**Our ref:** MCJ.ASW.72672-51-0  
**Your ref:**  
**Date:** 24th May 2007  
**E-Mail:** mcj@gosschalks.co.uk

Dear Sirs

**re: Escapade, Wellington Street, Barnsley – Application for a new Premises Licence**

We act on behalf of Brook Leisure. Please accept this letter as representation in respect of the above application on the following grounds:-

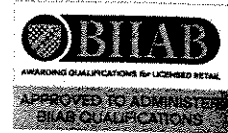
1. The grant of the licence be contrary to the following licensing objectives:-
  - i. The prevention of crime and disorder.
  - ii. Prevention of public nuisance.
2. The grant of the licence will be detrimental to public order.

Details of the representation will be expanded upon at the hearing. We would wish to represent our clients in connection with any hearing in respect of this matter and would be grateful if you could advise us in due course as to the date for the hearing.

Please acknowledge safe receipt of this letter.

Yours faithfully,

GOSSCHALKS



The Licensing Authority  
Barnsley Metropolitan Borough Council  
PO Box 602  
Barnsley  
S70 9FP

**Our ref:** MCJ/KAS/72672 - 51 - 0  
**Your ref:** Debbie Rimmington  
**Date:** 1st June 2007  
**E-Mail:** mcj@gosschalks.co.uk

Dear Madam,

**re: Escapade, Wellington Street, Barnsley**

We refer to your email of the 25<sup>th</sup> May 2007 upon which we have only just been able to take instructions as our client has been on holiday. We are instructed that Brook Leisure have premises at 32 Wellington Street approximately 50 yards from the application site. They are concerned that any intensification of the use of the proposed premises will exacerbate the existing levels of crime and disorder. They are also concerned that any increase in the capacity from the current capacity levels would be detrimental to public nuisance and public order in the area.

We would be grateful if you would advise us as to when the hearing in this matter will take place.

We would also be grateful if you would advise as to whether you are able to forward to us a copy of the application or whether it will be necessary for our client to attend at the council offices to inspect the application.

Yours faithfully,

**GOSSCHALKS**