

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of the Assistant
Director of Regulatory Services
to the meeting of the Statutory
Licensing Regulatory Board
Sub Committee to be held on
the 12th November 2007.**

LICENSING ACT 2003**APPLICATION FOR A PREMISES LICENCE
The Grey Horse, Wellfield Road, Barnsley, S75 2ST.****1. Background**

- 1.1 In September 2007 an application was received from Fraser Brown Solicitors for a variation to the existing premises licence for The Grey Horse.
- 1.2 Members are requested to determine the application for the Premises Licence.
- 1.3 The Grey Horse is a public house which is situated in a residential area on the outskirts of Barnsley town centre.

2 Existing Premises Licence

- 2.1 A copy of the existing Premises Licence is attached as Appendix 1 and covers the following activities:

a) The Sale by retail of alcohol

From 11:00 to 01:30 Monday to Sunday for consumption on and off the premises.

b) Regulated Entertainment

Licensed for Films, Indoor Sporting Events, Live Music, Recorded Music and facilities for activities similar to music or dance for indoors only from 11:00 to 01:30 Monday to Sunday

c) Entertainment Facilities

Facilities for making music are for indoors only from 11:00 to 01:30 Monday to Sunday.

4 Conditions of Existing Premises Licence

4.1 A meeting of the Statutory Licensing Regulatory Board was held on the 24th August 2005 to consider an application made for a conversion and simultaneous variation for above premises. The decision of the sub-committee was that the licence be granted in the terms sought in the amended application, subject to the following conditions:

- Outdoor recorded music shall be limited to daylight hours only, subject to appropriate volume levels that will not give rise to public nuisance;
- The rear car park shall not be used for the supply or consumption of alcohol, nor for the playing of recorded music;
- Outside drinking areas shall be closed no later than 22:30 each day;
- All doors and windows to the premises shall be kept closed during the playing of live music.

5 The Application for a Premises Licence

5.1 On the 19th September 2007 an application was made to vary the Premises Licence for The Grey Horse, Wellfield Road, Barnsley. The application is to alter the current layout of the premises as shown on the plans submitted as appendix 2, and also relates to the provision of Late Night Refreshment. The hours requested are for indoors only and are from 23:00 to 01:30

The application also includes non-standard timings for late night refreshment:-

If applicable, an additional hour to the standard and non standard times on the day when British summertime commences.

From 23:00 on 31st December to 05:00 on 1st January.

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

The licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.

The proposed variation will not alter the style and operation of the premises.

The proposed variation will promote the licensing objectives in accordance with the section 182 guidance.

The premises will operate in accordance with all relevant legislation.

b) The prevention of crime and disorder

As existing.

c) Public Safety

As existing.

d) The prevention of public nuisance

As existing.

e) The protection of children from harm

As existing.

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:-

Councillor B Gaunt, Members Services, Town Hall, Barnsley.

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 right 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.

Appendix 2 – Plan showing licensed area.

Officer Contact: Mrs. D Rimmington

Tel: 01226 5696

31/10/07

Rimmington , Debbie

From: Rowland , Kevin
Sent: 25 October 2007 12:56
To: Rimmington , Debbie
Subject: FW: Objection to Variation to Licence - Grey Horse, Kensington Road

*Kevin Rowland
Principal Officer (Licensing)
Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
S70 9PB*

*Tel: 01226 772614
Fax: 01226 775899
www.barnsley.gov.uk*

From: Rae , Debbie
Sent: 17 October 2007 16:00
To: Rowland , Kevin
Subject: Objection to Variation to Licence - Grey Horse, Kensington Road

**Email sent on behalf of Councillor Bill Gaunt
When responding please email Councillor Gaunt direct**

Kevin

With reference to our conversation, this is my objection to the above application.

I will let you have further details tomorrow.

Many thanks

Councillor Bill Gaunt

Rimington , Debbie

From: Rowland , Kevin
Sent: 18 October 2007 14:24
To: Rimington , Debbie
Cc: 'aeonsys@btconnect.com'
Subject: FW: Objection to Variation of Licence - Grey Horse Public House

Debbie, can you action this please.

Can you commence the hearing procedure and advise the applicant of the representations.

We will also need to advise those making representations of what will happen now.

Thanks

Kevin Rowland
Principal Officer (Licensing)

Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
S70 9PB

Tel: 01226 772614
Fax: 01226 775699

www.barnsley.gov.uk

-----Original Message-----

From: Bill Gaunt - Aeonsys MBCS, Software Developers [mailto:aeonsys@btconnect.com]
Sent: 18 October 2007 14:05
To: Rowland , Kevin
Subject: Objection to Variation of Licence - Grey Horse Public House

Dear Mr Rowland

I wish to object to the granting of a variation to the licence for the Grey Horse Public House, Kensington Road, Oldtown, Barnsley. I am supported in this by ward members not on the Licensing Regulatory Committee.

The grounds of objection are that there is existing public nuisance and noise that has existed for several years. This may get worse. The character of the surrounding area is quiet and residential, it is neither town-centre nor a main road. In fact the road structure would be unsuitable for large numbers of vehicles to arrive and/or leave over a short period of time.

There would be no problem with the serving of food as a restaurant, which may have a beneficial effect in changing the type of clientele, but serving food until 1:30am must presumably be required to be in conjunction with entertainment. Clearing the ground floor will make a huge space available.

The noise levels presently experienced are such that entertainment can currently be heard at the bottom of Kensington Road, 150 to 400 yards away.

This is worse in the summer when windows are opened. Also the noise has been exacerbated by the smoking ban as clients are known to have wedged the outer doors open.

The loud rowdy behaviour of clients sitting outside seriously affects local residents and I have received several complaints about this. Not only are the noise levels from these people unacceptable but a public right of way passes immediately adjacent to the building and some residents are afraid to pass by. In addition the police have been called to attend on several occasions.

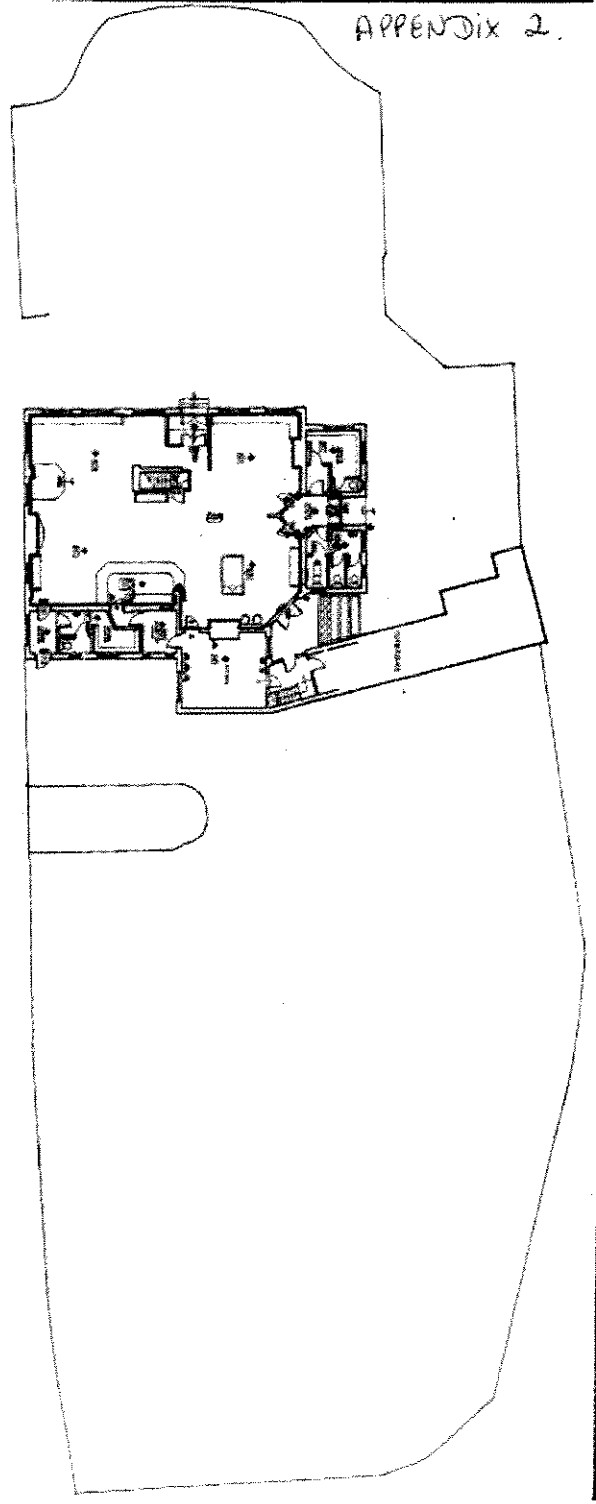
I have no objection to the changes to improve the public house in such a way that it becomes more restaurant-like. What would be entirely unsuitable would be changes

that allow it to become a major entertainment attraction.
The need is that conditions should be put in place, conditional on the licence provision, to prevent noise adversely affecting the neighbourhood, limit the number of cars attending and that the prevention of rowdy/loud behaviour is a management responsibility on or off the premises.

Kind regards,

Bill Gaunt (Councillor)

APPENDIX 2.

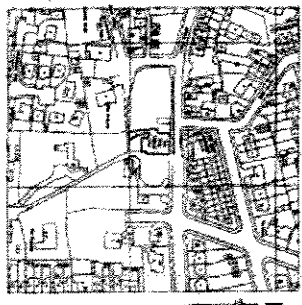


THIS PLAN SHOWS THE LAYOUT OF THE BUILDING AND THE POSITION OF THE VARIOUS ROOMS AND AREAS. IT IS INTENDED TO BE USED AS A REFERENCE FOR THE LOCATION OF THE BUILDING AND THE POSITION OF THE VARIOUS ROOMS AND AREAS. THE PLAN IS NOT TO BE USED AS A BASIS FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE.

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LEGEND

| | |
|---|-----------------------|
| ▣ | Room |
| ▤ | Corridor |
| ▥ | Staircase |
| ▦ | Lift |
| ▧ | Entrance |
| ▨ | Exit |
| ▩ | Window |
| ▪ | Door |
| ▫ | Wall |
| ▬ | Roof |
| ▭ | Foundation |
| ▮ | Structural Column |
| ▯ | Structural Beam |
| ▰ | Structural Slab |
| ▱ | Structural Wall |
| ▲ | Structural Foundation |
| △ | Structural Column |
| ▴ | Structural Beam |
| ▵ | Structural Slab |
| ▾ | Structural Wall |
| ▿ | Structural Foundation |
| ◀ | North Arrow |



LOCATION MAP

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| DEPARTMENT OF THE ENVIRONMENT AND PLANNING PLANNING DIVISION PLANNING OFFICER | PROJECT NO. 12345 DATE 15/10/88 |
| PROJECT NAME PROJECT LOCATION | PROJECT DESCRIPTION PROJECT STATUS |
| PROJECT OFFICER PROJECT MANAGER | PROJECT COORDINATOR PROJECT ASSISTANT |