



## **BARNSLEY 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  
27<sup>th</sup> April 2010**

### **LICENSING ACT 2003**

#### **APPLICATION TO REVIEW A PREMISES LICENCE Tempo/Oxygen (Soul Lounge), Shambles Street, Barnsley**

#### **1. Background**

- 1.1 On the 9<sup>th</sup> March 2010, Sergeant Derek Barker, on behalf of the Chief Constable of South Yorkshire Police, made an application as a Responsible Authority under the provisions of the Licensing Act 2003 for a review of the premises licence for Soul Lounge (formally known as Tempo) and Oxygen, Shambles Street, Barnsley. A copy of this application is attached as Appendix 1.
- 1.2 Members are requested to determine the application to review the premises licence.
- 1.3 Soul Lounge and Oxygen is a split premises with the Soul Lounge Bar accessed at street level from Shambles Street and Oxygen accessed at basement level from the rear of the premises on Grahams Orchard. The premises are in a central location within Barnsley Town Centre.

#### **2 Existing Licence**

- 2.1 The existing premises licence became effective, following a transitional variation application, on the 24th November 2005. A copy of the licence is attached as Appendix 2.
- 2.2 The premises licence is held by Mr Ali Asgari, 97 High Street, Wombwell, Barnsley and Miss Katie Asgari, of the same address, is specified as the Designated Premises Supervisor (DPS) for the premises.

2.3 The licence includes the following licensable activities and opening times:

**SOUL LOUNGE**

**a) Facilities For Dancing, Activity Like Music or Dance, Facility For Making Music, Performances of Dance, Recorded Music, Live Music,**

Every day from 11:00 until 06:00 the following morning.

**b) Sale by Retail of Alcohol**

The premises are licensed for consumption of alcohol on the premises only, every day from 11:00 until 05:30 the following morning.

**c) Opening Times**

Every day from 11:00 until 06:00 the following morning.

**OXYGEN**

The hours on the current licence are specified as they were applied for however, they can be simplified as follows:

**a) Facilities For Dancing, Activity Like Music or Dance, Facility For Making Music, Performances of Dance, Recorded Music, Live Music,**

From 00:00 on Friday through to 00:00 on Monday and Tuesday to Thursday from 11:00 until 06:00 (the following morning)

**b) Sale by Retail of Alcohol**

The premises are licensed for consumption of alcohol on the premises only, from 00:00 on Friday through to 00:00 on Monday and Tuesday to Thursday from 11:00 until 05:30 (the following morning)

**c) Opening Times**

From 00:00 on Friday through to 00:00 on Monday and Tuesday to Thursday from 11:00 until 06:00 (the following morning)

2.4 The current licence also contains the following embedded restrictions:

The maximum permitted number for the premises is:

Ground Floor: 440 – Soul Lounge

Basement: 220 – Oxygen

The conditions from the previous Public Entertainment Licence for this premise remain in force as embedded restrictions.

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

All doors, windows and other acoustic openings to be kept closed at all times whilst the entertainment is in progress, except for access and egress.

A suitable sound limiting device shall be installed in order to restrict levels of amplified sound to a level which will not give rise to a disturbance to occupants of neighbouring premises, not necessarily dwellings. The licensee or other nominated person should control the device. The controls should be readily accessible from behind the bar area.

No speakers to be positioned outside the premises.

The hours during which the premises may be used for entertainment may be reviewed on the advice of the Assistant Director (Regulatory Services) if necessary to prevent unreasonable disturbance to persons in the neighbourhood.

2.5 The licence also contains the following conditions within the operating schedule:

- i) Personal Licence Holder to be on the premises whilst the venue is open for licensable activities
- ii) SIA Operative to be on duty between the hours of 2am and 4am, patrolling the outside queue. The operative must be dressed in a high visibility Jacket.
- iii) The venue to operate a closed door policy from 4am. Customers already inside the venue will be allowed to stay, and may leave at any time. No other admissions after 4am.

#### **4 The Application for a review of the Premises Licence**

4.1 On the 9<sup>th</sup> March 2010, Sergeant Derek Barker, on behalf of the Chief Constable of South Yorkshire Police, made an application as a Responsible Authority under the provisions of the Licensing Act 2003 for a review of the premises licence. The application is made on the following grounds:

- The prevention of crime and disorder
- Public Safety
- The protection of children from harm

The full details and evidence relating to this review application are contained within the application at Appendix 1.

#### **5 Responsible Authorities**

5.1 No other representations have been received from Responsible Authorities.

#### **6 Interested Parties**

6.1 An interested party is defined as:

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.
- (e) a member of the Licensing Authority

6.2 A representation has been received from Gosschalks Solicitors on behalf of Enterprise Inn PLC who are the freehold owners of the premises. A copy of this representation is attached at Appendix 3.

6.3 In addition, a number of letters and petitions in support of the premises have been received from members of the public who visit the premises as customers. Having considered these representations Officers have determined that the majority are

not interested parties as defined within the legislation, do not cover the licensing objectives and as such these have been discounted.

The qualifying representations (including those received after the closing date for representations) are listed below:

Miss KJ Addy, 7 Market hill, Barnsley	Appendix 4
Mr Daniel Addy, Brownes Bar, 10 Grahams Orchard, Barnsley	Appendix 5
Mrs J Addy, Old No 7 Market Hill, Barnsley	Appendix 6

## **7 Options available to Members**

7.1 In determining this application for a review of the premises licence Section 52 of the Licensing Act 2003 provides that the authority must, having regard to the application and any relevant representations, take such 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;

## **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 - Copy of the review application

Appendix 2 - Premises Licence

Appendix 3 - Enterprise Inns representation

Appendix 4 - Miss KJ Addy, 7 Market Hill, Barnsley

Appendix 5 - Mr Daniel Addy, Brownes Bar, 10 Grahams Orchard, Barnsley

Appendix 6 - Mrs J Addy, Olde No 7 Market Hill, Barnsley

Officer Contact: Kevin Rowland    Tel: 01226 772614    Date: 9<sup>th</sup> April 2010

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**APPENDIX 1**

**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 Police Sergeant Derek Barker

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Soul Lounge/Oxygen Shambles Street Barnsley	
<b>Post town</b> Barnsley	<b>Post code (if known)</b> S70 2SW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr Ali Asgari 97 High Street Wombwell Barnsley S73 8HS
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<b>Number of premises licence or club premises certificate (if known)</b> 003902
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**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**

**Telephone number (if any)**

**E-mail address (optional)**



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address PS 1327 Derek Barker South Yorkshire Police Barnsley Police Station Churchfields Barnsley S70 2DL
Telephone number (if any) 01226 736154
E-mail address (optional) derek.barker@southyorks.pnn.police.uk

**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 checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

Evidence to support this application centers around Crime and Disorder both inside and within the vicinity of the venue. However, we cannot negate public safety as it is clear, innocent members of the public are put at risk when in the vicinity of the premises.

Recent history will show that a members of the public (Oxygen Club Customers) report large (20+ persons on one occasion) fights taking place both inside and outside the venue, a 16-yr-old male was rendered unconscious at 04:50 whilst being ejected by a person using excessive force. The Police have also arrested a 17 year old male in possession of drugs at the premises. The majority of these events taking place during the early hours of a Sunday mornings. See attached incident log

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

These premises licence include the Soul Lounge on the first floor and the Oxygen Club in the basement. Both venues are accessible from separate entrances and although there is access from one part of the premises to the other for staff, both 'venues' appear to run as separate ventures although both areas covered by the one premises licence exists.

The incident list attached will show the majority of all problems exist during the early hours on Sunday mornings. Although the times vary, it is clear that the management are unable to control the premises after 1am. It also has to be noted that this venue usually opens for business at around 11pm the previous evening. Therefore suggesting it cannot be controlled whilst open for licensable activities!

Previous attempts at controlling the incidents of crime and disorder have not worked. Also find attached agreements set in place between the Police and Mr Asgari offering voluntary conditions to assist in reducing crime related matters. It is clear these agreements were forgotten/ignored as efforts to resurrect them in early January this year failed.

Some recent video evidence of the more recent incidents exists, but will only be shown at a closed hearing.



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 09<sup>th</sup> March 2010

Capacity Police Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) E-Mail

**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.

## Oxygen Incidents

Time	Day	Inc Number	Date	Type of Incident
04:39	Sun	227	07/03/2010	Member of public reports 20+persons fighting within the premises. Clear fighting can be seen within foyer area <b>VIDEO</b> . Asian male attackerd by 2 black and 1 white males in toilets
04:51	Sun	235	28/02/2010	16 yr old male ejected from the venue by doorman in strangle hold. 16yr old unconscious and thrown to floor causing head injuries. <b>VIDEO</b>
01:52	Sun	111	21/02/2010	Large group fighting outside premises. Members of public calling with concerns. <b>VIDEO</b>
04:28	Fri		01/01/2010	Group of males fighting outside <b>VIDEO</b>
03:16	Sat	243	19/12/2009	Member of staff calling stating there's a fight taking place within the premises.
			07/12/2009	Miss Katie Asgari stated on Licence as DPS
05:50	Sun		22/11/2009	2 males (inc one 17yr old) arrested at venue in possession of controlled drug
03:30	Sat		21/11/2009	4 males fighting outside (inc one 17 yr old) after coming from the Oxygen Club. All arrested, public order.
01:08	Sat	87	14/11/2009	Customer calling stating he and his girlfriend are being assaulted within the premises.
06:23	Sun	394	01/11/2009	5 Males fighting within premises. Male seen with facial injuries. No complaint made

## Oxygen Incidents (page 2)

04:06	Sun	281	27/09/2009	Male taken to BDGH suspected drug overdose.
05:30	Sun	273	20/09/2009	3 males seen to walk from Oxygen club to nearby area, deal drugs. 3 males arrested.
02:43	Sun	221	16/08/2009	Female taken to BDGH. Suspected dugs overdose
02:00	Sun	01/08/1901	02/08/2009	2 Females fighting just outside Oxygen
01:12	Sun	119	19/07/2009	Male conveyed to BDGH suspected duges overdose
01:37	Sun	173	21/06/2009	Public order disturbance outside venue. 3 Males arrested
01:36	Sun	135	07/06/2009	Member of public reports 12 people fighting at venue. 2 person arrested GBH
02:56	Sat	270	23/05/2009	Staff calling stating there is a group outside with weapons although non seen
02:59	Thu	102	30/04/2009	From CCTV. Disturbance going on at premises.
06:24	Sun	319	05/04/2009	Female assaulted by another within premises.
04:00	Sun	464	08/03/2009	Male assaulted by 3 others whilst stood at bar area.
			01/12/2008	Mr Ali Asgari Stated on licence as DPS



**BARNSLEY METROPOLITAN BOROUGH  
COUNCIL**

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

<b>Premises Licence Number</b>	003902
<b>Date of Grant</b>	12th April 2006
<b>Premises Address</b>	Tempo/Oxygen Shambles Street Barnsley
<b>Postcode</b>	S70 2SW
<b>Telephone Number</b>	01226 737151
<b>Activities authorised by this licence</b>	
The sale by retail of alcohol	
The provision of regulated entertainment	
<b>Times authorised to undertake licensable activities</b>	
<b>TEMPO (Ground Floor of the above Premises)</b>	
<b>Live Music</b>	
Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 11:00 until 06:00 (the following morning)	
<b>Recorded Music</b>	
Licensed for recorded music indoors (see times below): Recorded music permitted: Seven days a week from 11:00 until 06:00 (the following morning)	
<b>Performances of Dance</b>	
Licensed for Performances of Dance indoors (see times below): Performances of dance permitted: Seven days a week from 11:00 until 06:00 (the following morning)	
<b>Facility For Making Music</b>	
Licensed to provide facilities for making music indoors (see times below): Provision of facilities for making music available: Seven days a week from 11:00 until 06:00 (the following morning)	
<b>Activity Like Music or Dance</b>	
Provision of facilities for activities similar to music or dance available: Seven days a week from 11:00 until 06:00 (the following morning).	

**Facilities For Dancing**

Licensed to provide facilities for dancing indoors (see times below):

Provision of facilities for dancing available: Seven days a week from 11:00 until 06:00 (the following morning)

**Facilities Like Music/ Dance**

Licensed to provide facilities for activities similar to music or dance indoors (see times below):

Provision of facilities for activities similar to music or dance available: Seven days a week from 11:00 until 06:00 (the following morning).

**Supply of Alcohol**

Supply of alcohol permitted: Seven days a week from 11:00 until 05:30 (the following morning)

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

**OXYGEN (Basement of the above Premises)****Live Music**

Licensed for live music indoors (see times below):

Live music permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Live music permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Live music permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Recorded Music**

Licensed for recorded music indoors (see times below):

Recorded music permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Recorded music permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Recorded music permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Performances of Dance**

Licensed for performances of dance indoors (see times below):

Performances of dance permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Performances of dance permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Performances of dance permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facility For Making Music**

Licensed to provide facilities for making music indoors (see times below):

Provision of facilities for making music available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for making music available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for making music available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Activity Like Music or Dance**



Provision of facilities for activities similar to music or dance available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for activities similar to music or dance available: Tuesday to Thursday from 11:00 until 06:00 the following morning.

Provision of facilities for activities similar to music or dance available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facilities For Dancing**

Licensed to provide facilities for dancing indoors (see times below):

Provision of facilities for dancing available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for dancing available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for dancing available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facilities Like Music/ Dance**

Licensed to provide facilities for activities similiar to music or dance indoors (see times below):

Provision of facilities for activities similiar to music or dance available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for activities similiar to music or dance available: Tuesday to Thursday from 11:00 until 06:00 (the following morning).

Provision of facilities for activities similiar to music or dance available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Supply of Alcohol**

Supply of alcohol permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Supply of alcohol permitted: Tuesday to Thursday from 11:00 until 05:30 (the following morning)

Supply of alcohol permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

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

**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 the premises is:

Ground Floor: **440 (Tempo)**

Basement: **220 (Oxygen)**

The conditions from the previous Public Entertainment Licence for this premises remain in force as embedded restrictions and a copy Barnsley Metropolitan Borough Council Standard Conditions are attached.

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

All doors , windows and other acoustic openings to be kept closed at all times whilst the entertainment is in progress, except for access and egress.

A suitable sound limiting device shall be installed in order to restrict levels of amplified sound to a level which will not give rise to a disturbance to occupants of neighbouring premises, not necessarily dwellings. The licensee or other nominated person should

control the device. The controls should be readily accessible from behind the bar area. No speakers to be positioned outside the premises. The hours during which the premises may be used for entertainment may be reviewed on the advice of the Assistant Director (Regulatory Services) if necessary to prevent unreasonable disturbance to persons in the neighbourhood.

**There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises of an adult nature unless they are specified below:**  
None Specified

**Opening Hours of the Premises**

**TEMPO (Ground Floor of the above Premises)**

Hours premises are open to the public: Seven days a week from 11:00 until 06:00 (the following morning)

**OXYGEN (Basement of the above Premises)**

Hours premises are open to the public: Monday from 00:00 until 00:00 the following day (24hrs)

Hours premises are open to the public: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Hours premises are open to the public: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**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 Ali Asgari  
97 High Street  
Wombwell  
Barnsley

**Registered Number of Company if Applicable**      Not Applicable

**Designated Premises Supervisor**  
*(This section will be blank if the licence does not authorise the sale of alcohol)*

**Name and Address of the designated premises supervisor**      Miss Katie Asgari  
97 High Street  
Wombwell, Barnsley  
South Yorkshire

**Post Code**      S73 8HS

**Personal Licence**      018219

**Number and issuing  
authority of the  
personal licence held  
by the designated  
premises supervisor**

Barnsley Metropolitan Borough Council

**REGULATORY SERVICES TEL: 01226 772468**



**BARNSLEY METROPOLITAN BOROUGH  
COUNCIL**

**PREMISES LICENCE SUMMARY**

<b>Premises Licence No.</b>	003902
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<b>Premises Address:</b>	Tempo/Oxygen Shambles Street Barnsley
<b>Postal Code</b>	S70 2SW

<b>Telephone Number</b>	01226 737151
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<b>Activities authorised by this licence</b>
The sale by retail of alcohol The provision of regulated entertainment

<b>Times authorised to undertake licensable activities</b>
<b>TEMPO (Ground Floor of the above Premises)</b>
<b>Live Music</b> Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 11:00 until 06:00 (the following morning)
<b>Recorded Music</b> Licensed for recorded music indoors (see times below): Recorded music permitted: Seven days a week from 11:00 until 06:00 (the following morning)
<b>Performances of Dance</b> Licensed for Performances of Dance indoors (see times below): Performances of dance permitted: Seven days a week from 11:00 until 06:00 (the following morning)
<b>Facility For Making Music</b> Licensed to provide facilities for making music indoors (see times below): Provision of facilities for making music available: Seven days a week from 11:00 until 06:00 (the following morning)
<b>Activity Like Music or Dance</b> Provision of facilities for activities similar to music or dance available: Seven days a week from 11:00 until 06:00 (the following morning)
<b>Facilities For Dancing</b> Licensed to provide facilities for dancing indoors (see times below): Provision of facilities for dancing available: Seven days a week from 11:00 until 06:00

(the following morning)

**Facilities Like Music/ Dance**

Licensed to provide facilities for activities similiar to music or dance indoors (see times below):

Provision of facilities for activities similiar to music or dance available: Seven days a week from 11:00 until 06:00 (the following morning)

**Supply of Alcohol**

Supply of alcohol permitted: Seven days a week from 11:00 until 05:30 (the following morning)

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

**OXYGEN (Basement of the above Premises)**

**Live Music**

Licensed for live music indoors (see times below):

Live music permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Live music permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Live music permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Recorded Music**

Licensed for recorded music indoors (see times below):

Recorded music permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Recorded music permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Recorded music permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Performances of Dance**

Licensed for performances of dance indoors (see times below):

Performances of dance permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Performances of dance permitted: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Performances of dance permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facility For Making Music**

Licensed to provide facilities for making music indoors (see times below):

Provision of facilities for making music available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for making music available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for making music available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Activity Like Music or Dance**

Provision of facilities for activities similar to music or dance available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for activities similar to music or dance available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for activities similar to music or dance available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facilities For Dancing**

Licensed to provide facilities for dancing indoors (see times below):

Provision of facilities for dancing available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for dancing available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for dancing available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Facilities Like Music/ Dance**

Licensed to provide facilities for activities similiar to music or dance indoors (see times below):

Provision of facilities for activities similiar to music or dance available: Monday from 00:00 until 00:00 the following day (24hrs)

Provision of facilities for activities similiar to music or dance available: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Provision of facilities for activities similiar to music or dance available: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Supply of Alcohol**

Supply of alcohol permitted: Monday from 00:00 until 00:00 the following day (24hrs)

Supply of alcohol permitted: Tuesday to Thursday from 11:00 until 05:30 (the following morning)

Supply of alcohol permitted: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

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

**The opening hours of the premises**

**TEMPO (Ground Floor of the above Premises)**

Hours premises are open to the public: Seven days a week from 11:00 until 06:00 (the following morning)

**OXYGEN (Basement of the above Premises)**

Hours premises are open to the public: Monday from 00:00 until 00:00 the following day (24hrs)

Hours premises are open to the public: Tuesday to Thursday from 11:00 until 06:00 (the following morning)

Hours premises are open to the public: Friday to Sunday from 00:00 until 00:00 the following day (24hrs)

**Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises**

Alcohol-On The Premises

**Granted on:** 12th April 2006



**BARNSELY METROPOLITAN BOROUGH  
COUNCIL**

**PREMISES LICENCE**

**Part B**

Premises Licence Number	003902
Name, (registered) address, telephone number and email(where relevant) of premise holder	Mr Ali Asgari 97 High Street Wombwell Barnsley
Registered Number of Company if Applicable	Not Applicable
Name and Address of the designated premises supervisor	Miss Katie Asgari Tempo/Oxygen 16-18 Shambles Street Barnsley
Post Code	S70 2SW
Personal Licence Number and issuing authority of the personal licence held by the designated permises supervisor	018219 Barnsley Metropolitan Borough Council

**REGULATORY SERVICES TEL: 01226 772468**

# ANNEX 1

## MANDATORY CONDITIONS

### LICENSING ACT 2003

Licence ref no. 003902

#### **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. 003902

1. Personal Licence Holder to be on the premises whilst the venue is open for licensable activities
2. SIA Operative to be on duty between the hours of 2am and 4am, patrolling the outside queue. The operative must be dressed in a high visibility Jacket.
3. The venue to operate a closed door policy from 4am. Customers already inside the venue will be allowed to stay, and may leave at any time. No other admissions after 4am.

## **ANNEX 3**

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

Licence ref no. 003902

Not Applicable

## **ANNEX 4**

### **Plan of the Premises to which this Licence relates:**

Plan as per appendix 1  
(See attached)

**APPENDIX 3**

FAO Kate Liddall  
**Licensing Authority**  
Barnsley MBC  
Regulatory Services  
PO Box 602  
Barnsley  
S70 9FB

**Our ref:** RJT.JB  
**Your ref:**  
**Date:** 7 April 2010  
**E-Mail:** rjt@gosschalks.co.uk  
**Direct Fax:** 0870 600 5958

BY EMAIL AND POST

Dear Madam

**re: Licensing Act 2003**  
**Review of Premises licence - Soul Lounge/Oxygen Shambles Street Barnsley**

We write further to your earlier telephone conversations with Janet Braithwaite at this office and thank you for confirming that you will accept a representation today on the basis that we registered our client's interest with you on the 9<sup>th</sup> March 2010 but had not (until this morning) received details of the review proceedings.

Our client is Enterprise Inns PLC. Our client is the freehold owner of these premises which are currently the subject of a 10 year lease in favour of the current premises licence holder, Ali Asgari and Mr M Shirafkam.

Enterprise Inns PLC is an interested party as far as these review proceedings are concerned. Enterprise Inns PLC owns around 7500 public houses in England and Wales. It does not, however, operate any of these premises. All of the premises that are open and trading do so under leases or tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. In return, our client receives rent and subject to the type of lease, there may be some purchasing obligations from our client.

In the circumstances, therefore, our client is involved in a business in the vicinity and would be affected by the review proceedings. It is therefore an interested party.

These premises are subject of a 10 year lease. The current premises licence holder and partner have been in occupation of these premises since the 16<sup>th</sup> July 2002.

Whilst our client does not have any operational responsibility for the premises, its business interests could be affected by the decision of the licensing committee upon review.


One of the options open to the committee on review is the revocation of the premises licence. If the premises licence was revoked, then our client would be prejudiced for matters entirely and wholly beyond its control. Its business is the leasing of licensed premises and through no fault of its own, it would not be able to lease these premises as licensed premises if the licence were to be revoked.

It is important to note that our client takes a wholly neutral stance with regards to the allegations raised by the police. It remains the case, however, that the licensing objectives can be promoted in ways other than the revocation of the licence.

We would be grateful if you could note our client's interest and advise us of the date of the hearing in order that we may liaise with our client in the event that it wishes to expand upon these representations and appear at the hearing.

We thank you for all of your help and assistance and look forward to hearing from you.

Yours faithfully

A handwritten signature in cursive script that reads "Gosschalks".

**GOSSCHALKS**

Barnsley Metropolitan  
Authority

01 APR 2010

Corporate Mail Room

licensing

Miss K. J. Addy

7 Market Hill

Barnsley

South Yorkshire

S70 2PX

01576533455

24/03/2010

TO Whom it may concern,

I am writing this letter regarding Oxygen nightclub in Barnsley town centre. I go to this club nearly every weekend and it is safe to say I have never witnessed any violence or aggressive behaviour in this club at all. Me and my friends always have a fantastic time and it would be a great loss as if Oxygen is closed down. As a payroll/accounts clerk I have a very busy week working Monday to Friday and on a weekend I like to relax, have fun, and enjoy a brilliant atmosphere and I feel that Oxygen nightclub is the perfect place to do so. Please take my letter into consideration before you decide to close Oxygen down.

Yours sincerely

~~\_\_\_\_\_~~

Barnsley Metropolitan  
Council

01 APR 2010

Corporate Mail Room,

Licensing

Daniel Addy

Brownes Bar

10 Grahams Orchard

Barnsley

S70 2SX

To whom it may concern,

I am writing to you regarding the oxygen night club in barnsley town centre. This is the place where i spend most of my weekends when i have closed brownes bar at 12 p.m. I have been attending oxygen for around 2 years now and find it a great place to go and wind down after a long day. I have made lots of new friends attending oxygen not only from barnsley but all over yorkshire and from all ethnic backgrounds and all ages. Over the last few months i have become very good friends with katie Asgari who runs the venue, and on attending the oxygen

on a regular basis i would definatley put  
my hand on heart and say he does an  
absolute fantastic job with the place.  
There is always top D.J's playing the best  
music, the atmosphere is electrifying and  
the people are friendly. The bar staff are  
also very friendly and helpful. The security here  
is very good, they are polite helpful and very  
professional at their job and this also gives me  
another reason why this is my favourite venue to  
attend. I would class myself as a regular  
customer in the club attending most weekends.  
In all the time i have been attending oxygen  
not once have i ever seen or been in a  
situation where i have felt uncomfortable,  
threatend or in danger. If there has been  
any sign of trouble while i have been here  
it has been dealt with promptly and efficiently  
before it starts. And the trouble i have seen  
is just individuals that have had one or  
two too many and don't know when to go home.

On more than one occasion I have been present when Katie and other staff at Oxygen have assisted Barnsley police i.e.

- letting them use Oxygen premises for any trouble that may have happened at or the street involving passers by.
- letting them work on the door with security searching all customers upon entry to the club.

I have never seen this at any other late night venue in Barnsley and do not think it is very fair as Katie does all she can to help the police and does this puts people off attending Oxygen as it would with any club. My personal opinion is that Oxygen is being singled out, whether it is because there are people attending from out of Barnsley or something else, do not know? I think it is a good thing for Barnsley, bringing in revenue from out of town and providing work for people as there is not a lot about

just now.

All in all the club Oxygen makes for a brilliant end to a night out for anybody. I definitely recommend it for people who go out to have a good time and socialise.

I would like to thank you for taking time to read my letter and hope it helped with any queries.



Daniel Adley

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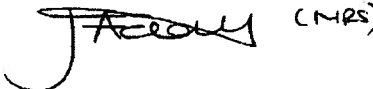
APPENDIX 6

Old No 7  
MARKET HILL  
BARNSLBY.  
STO 2PX.  
01226 213834.

30th March 2010

Dear Sir,

With regard to Oxygen nightclub. I believe this venue is under scrutiny with a view to being closed. I must say Katie is only trying to earn a living, just as the rest of us are. I think it unfair to penalise this lady and her business because of others' misdemeanours. Neither is it fair on our local well behaved youngsters who frequent this venue. Perhaps, with a little help and guidance from third parties, ie police CCTV extra doorstaff there could be an amicable solution agreeable to all concerned parties, working together to make a safe pleasurable environment for all. It is, after all, no fault of Katie's, she is just trying to run a business as best, <sup>honestly</sup> she can.

Yours faithfully,  
 (MRS)

Lucy King  
Barnsley Licensing  
Barnsley Council  
07 APR 2010

07 APR 2010