

Public Document Pack

MEETING:	Statutory Licensing Regulatory Board Sub-Committee
DATE:	Wednesday, 8 June 2022
TIME:	10.00 am
VENUE:	Meeting Room 1 - Barnsley Town Hall

AGENDA

1 Appointment of Chair

2 Declaration of Interests

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

3 Procedure Document (*Pages 3 - 4*)

4 Application for a Premises Licence - Ecco Pizzeria and Grill - 79 Huddersfield Road, Barnsley (*Pages 5 - 42*)

The Principal Officer (Licensing) will submit a report on an application for a premises licence in respect of Ecco Pizzeria and Grill, 79 Huddersfield Road, Barnsley.

To: Chair and Members of Statutory Licensing Regulatory Board Sub-Committee:-

Councillors Cherryholme, Green and Wilson together with Councillor Osborne (Reserve Member)

Shokat Lal, Executive Director Core Services (Monitoring Officer)
Sajeda Khalifa, Solicitor
Debbie Bailey, Senior Licensing Officer
Jamie Impey, Legal Services
John Whittaker, Senior Legal Officer

Please contact William Ward on email governance@barnsley.gov.uk

Thursday 26th May 2022

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Item 3

STATUTORY LICENSING REGULATORY BOARD **SUB-COMMITTEE**

PROCEDURE FOR CONDUCT OF HEARINGS

Chair to open meeting and outline procedure:-

1. Service Director Licensing to present the Local Authority case outlining the application and any relevant representations:-
 - (i) Members to ask relevant questions
 - (ii) Applicant/Representative to ask relevant questions
 - (iii) Interested parties to ask relevant questions
2. Applicant/Representative to present their case:-
 - (i) Members to ask relevant questions
 - (ii) Service Director to ask relevant questions
 - (iii) Interested parties to ask relevant questions
3. Any parties making representations to address the Sub-Committee:-
 - (i) Members to ask relevant questions
 - (ii) Service Director to ask relevant questions
 - (iii) Applicant/Representative to ask relevant questions
4. Summing up of Local Authority case (no new evidence at this stage).
5. Summing up of the Applicant's case (no new evidence at this stage).
6. Summing up of the interested parties' evidence (no new evidence at this stage)
7. All parties to retire.
8. Sub-Committee to make decision.
9. All parties invited back into the meeting and decision announced.

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Item 4

BARNSELEY 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 8th June 2022**

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Ecco Pizzeria and Grill - 79 Huddersfield Road, Barnsley.

1. Background

- 1.1 On 2nd March 2022, a complete application under the provisions of the Licensing Act 2003 was received for, Ecco Pizzeria and Grill, 79 Huddersfield Road, Barnsley. This application was subsequently withdrawn by the applicant and new and complete application was received on the 14th April 2022. A copy of this premises licence application and plan is attached as Appendix 1.
- 1.2 Members are requested to determine the application for a new premises licence.
- 1.3 The premises is situated on the main Huddersfield Road and is within walking distance of the town centre. It is surrounded by a variety of commercial and residential premises.

2 Application for a Premises Licence

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

a) Late Night Refreshment

Sunday - Thursday 07:00 – 23:30

Friday and Saturday 07:00 – 00:00

Late night refreshment is requested for indoors and outdoors as the premises is a food outlet wishing to serve food for consumption on the premises and also to provide takeaway and delivery service.

c) Supply of Alcohol

Sunday – Thursday 11:00 - 23:00

Friday and Saturday 11:00 – 23:30

For consumption on and off the premises

Provision made for a '30 minutes' last orders on the sale of alcohol before closing time. Also to include rule of alcohol only to be served with food and with a minimum spend of £8

d) Opening Times

Sunday – Thursday - 07:30 – 23:30

Friday and Saturday - 07:30 – 00:00

- 2.2 During the 28 day consultation period, discussions have taken place between different responsible authorities including; the Senior Licensing Officer, the Noise Pollution Officer, the Health and Safety Officer, South Yorkshire Police, the applicant for the premises licence and the objectors. As a result of the discussions the applicant has amicably agreed to:-
- Allow customers to use the staff toilet facilities on the premises.

3 Promotion of Licensing Objectives

- 3.1 The applicant has agreed to promote the four licensing objectives, with the measures stated in the application for the premises licence as follows:-

General – all four licensing objectives:-

There will be full supervision and training to all staff.

Various policies and procedures will be in place in order to comply with the four licensing objectives noted below

A Personal Licence holder will be at the premises at all times when alcohol is being sold or at busy times.

The Prevention of Crime and Disorder:-

The whole premises will be covered by internal and external CCTV. The system is on a 24 hour recording and recordings will be stored for 30 days. Police and Council authorities will be given access if required to ensure any incidents can be investigated.

There will be security lighting throughout the building inside and out to help prevent crime and disorder.

We will operate a Challenge 25 policy to prevent the sale of alcohol to under 18's – all staff will be fully trained to request proof of age before alcohol is sold and signage will be displayed at the counter.

Sale of alcohol will be available for consumption on the premises only and no alcohol will be available to takeaway.

Litter bins to be provided to the outside.

Any incidents regarding refusal of alcohol or other incidents will be recorded in an incident book for Police and Council authorities and will be kept on site for a period of 12 months.

Public Safety:-

Fire alarm system will be fitted with audible and visible warning sounders/strobes.

Fire safety, training and evacuation procedures will be given to all staff.

As noted above – full CCTV system in place, and available to local authorities if needed.

Testing and certification of all appliances will be conducted in line with the rules and regulations.

The premises will be maintained in good, clean and tidy condition at all times both internally and externally.

The premises will have suitable Public Liability Insurance and a certificate will be obtained each year and displayed at the premises.

The Prevention of Public Nuisance:-

CCTV system in place as noted above.

Effective and responsible management will be on the premises providing appropriate instructions, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly.

Effective ventilation system in place.

Taking a proactive and risk-based approach to avoid public nuisance.

The main door will be kept closed at all times.

The Protection of Children From Harm:-

Full training and supervision of staff in respect to determining the age of a customer.

Staff will ask all customers that look younger than 25 years old for ID.

4 Responsible Authorities

- 4.1 During the 28 day consultation period, one representations was received from the Health and Safety Officer but this has subsequently been withdrawn following the agreement by the applicant that customers will be allowed to use the staff toilet facilities on the premises.

5 Interested Parties

- 5.1 Following publication of the statutory notice of the application for the premises licence in the local press and the display of notices at the premises, two representations were received from interested parties.

- 5.2 Representations have been received from:

- Ashish Patel
- Jacqueline Parkinson

All representations made relate to the licensing objectives.

All representations are attached as Appendix 2.

- 5.3 Under the provisions of the Licensing Act 2003, representations can be made from Interested Parties who live or have any interest in a business that is located within the vicinity of the premises where the application has been made. In this case the interested parties reside close to, if not within the immediate vicinity of where the application has been made and they both have a business interest in the same location.

6 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant should be afforded the right to make oral representations at the meeting.

It is important to note that the Statutory Licensing Panel can only base its decision in relation to licence applications on evidence that relates to one or more of the licensing objectives, and not speculation.

The Authority will examine the potential for harm and if it is satisfied that this is real, then it may take sufficient measures to prevent this harm from occurring. This principle has been approved by the High Court, in the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (6 May 2008). This High Court case also established the principle that regulation by a local Licensing Authority should be a 'light touch', and that conditions should be attached to licences only so far as is necessary to promote the licensing objectives.

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

7 Financial Implications

Not applicable.

8 List of Appendices

Appendix 1 - Copy of the application received 14th April 2022

Appendix 2 – Representation from Interested Parties

Officer Contact: D Bailey Tel: 07786525961 Date: 19th May 2022

**To: Licensing Section, Barnsley Metropolitan Borough Council,
PO Box 634, Barnsley, South Yorkshire, S70 9GG
Tel: 01226 773555 Fax: 01226 775699**

Application for a premises licence to be granted 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/We Amanda Lowe

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Ecco Pizzeria and Grill 79 Huddersfield Road			
Post town	Barnsley	Postcode	S75 1AA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£4,950

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * ☒ please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership ☐ please complete section (B)
- ii as a partnership (other than limited liability) ☐ please complete section (B)
- iii as an unincorporated association or ☐ please complete section (B)

- iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Lowe			First names Amanda Jane		
Date of birth 14/12/1980		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		61 Huddersfield Road Darton			
Post town	Barnsley			Postcode	S75 5NG
Daytime contact telephone number			07538 683601		
E-mail address (optional)		aloweamanda@yahoo.co.uk			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see					

note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY
01/06/2022

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY

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<p>Please give a general description of the premises (please read guidance note 1)</p> <p>The premise is part of a row of commercial properties, including hairdressers, convenience store, post office and dentist. With ATS, Tesco and The Grapevine being on the same road too.</p> <p>The property is on a main road. The area is mixed with commercial and residential properties and within walking distance to the town centre.</p> <p>The building comprises of basement and ground floor with glass extension to the front for seating area.</p> <p>The license would be a means to expect slightly to enable us to offer wine or beer with food.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>

- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ✓

Supply of alcohol (if ticking yes, fill in box J) ✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>Please give further details here</u> (please read guidance note 4)		
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	✓
				Outdoors	✓
				Both	✓
Day	Start	Finish			
Mon	07.00	23.30	<u>Please give further details here</u> (please read guidance note 4) The premises is a food outlet wishing to serve food for consumption on the premises and also to provide takeaway and delivery service		
Tue	07.00	23.30			
Wed	07.00	23.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) n/a		
Thur	07.00	23.30			
Fri	07.00	00.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) n/a		
Sat	07.00	00.00			
Sun	07.00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	✓
				Off the premises	✓
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	23.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) Provision made for a '30 minutes' last orders on the sale of alcohol before closing time. Also to include rule of alcohol only to be served with food and with a minimum spend of £8		
Fri	11.00	23.30			
Sat	11.00	23.30			
Sun	11.00	23.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Amanda Lowe	
Date of birth 14/12/1980	
Address 61 Huddersfield Road Darton Barnsley	
Postcode	S75 5NG
Personal licence number (if known) 077693	
Issuing licensing authority (if known) Barnsley MBC	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	23.30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	07.00	23.30	
Wed	07.30	23.30	
Thur	07.30	23.30	
Fri	07.30	00.00	
Sat	07.30	00.00	
Sun	07.30	23.30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

There will be full supervision and training to all staff. Various policies and procedures will be in place in order to comply with the four licensing objectives noted below

A Personal Licence holder will be at the premises at all times when alcohol is being sold or at busy times.

b) The prevention of crime and disorder

The whole premises will be covered by internal and external CCTV. The system is on a 24 hour recording and recordings will be stored for 30 days. Police and Council authorities will be given access if required to ensure any incidents can be investigated.

There will be security lighting throughout the building inside and out to help prevent crime and disorder.

We will operate a Challenge 25 policy to prevent the sale of alcohol to under 18's – all staff will be fully trained to request proof of age before alcohol is sold and signage will be displayed at the counter.

Litter bins to be provided to the outside.

Any incidents regarding refusal of alcohol or other incidents will be recorded in an incident book for Police and Council authorities and will be kept on site for a period of 12 months.

c) Public safety

Fire alarm system will be fitted with audible and visible warning sounders/strobes.

Fire safety, training and evacuation procedures will be given to all staff.

As noted above – full CCTV system in place, and available to local authorities if needed.

Testing and certification of all appliances will be conducted in line with the rules and regulations.

The premises will be maintained in good, clean and tidy condition at all times both internally and externally. The premises will have suitable Public Liability Insurance and a certificate will be obtained each year and displayed at the premises.

d) The prevention of public nuisance

CCTV system in place as noted above.

Effective and responsible management will be on the premises providing appropriate instructions, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly.

Effective ventilation system in place.

Taking a proactive and risk-based approach to avoid public nuisance.

The main door will be kept closed at all times.

e) The protection of children from harm

Full training and supervision of staff in respect to determining the age of a customer. Staff will ask all customers that look younger than 25 years old for ID.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ✓
- I have enclosed the plan of the premises. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ✓
- I understand that I must now advertise my application. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE

SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>A Lowe</i>
Date	11 th April 2022
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar

- community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

- premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state

or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

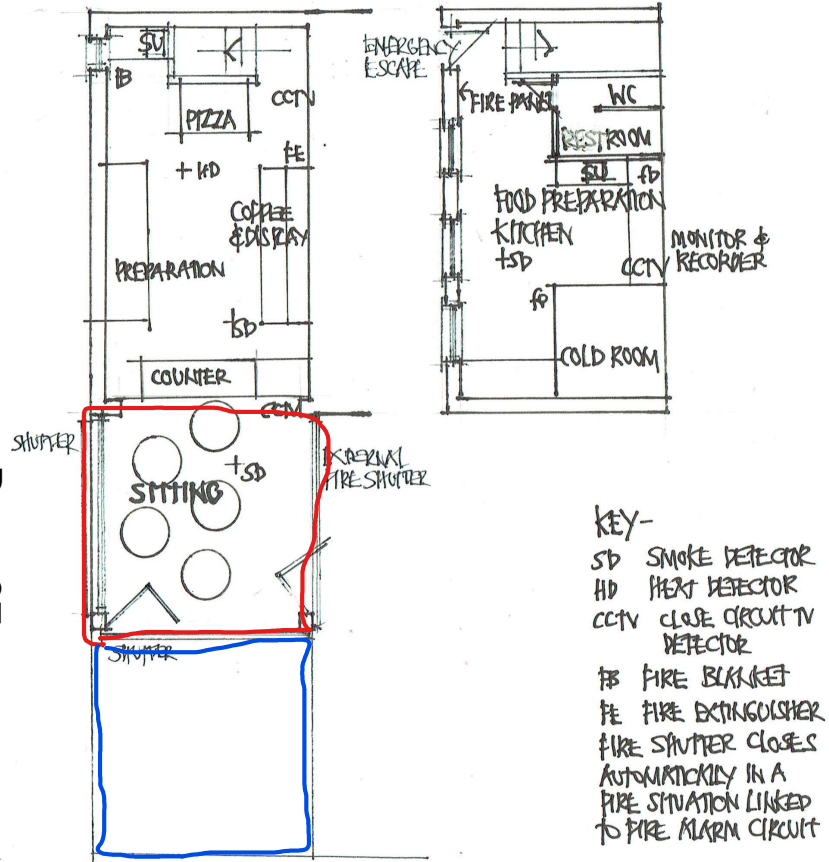
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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79 HUDDERSFIELD ROAD

GROUND FLOOR-SALES

BASEMENT



FOOTPATH

HUDDERSFIELD ROAD

SCALE 1:100

Streetwise



SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 433568, 407599



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Ward , William (COUNCIL GOVERNANCE OFFICER)

Subject: FW: Ecco Pizzeria and grill, 79 Huddersfield Road, Barnsley I, S75 1AA

From: Ashish Patel <[REDACTED]>

Sent: 20 April 2022 12:14

To: Licensing <Licensing@barnsley.gov.uk>

Subject: Ecco Pizzeria and grill, 79 Huddersfield Road, Barnsley I, S75 1AA

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Whom It May Concern,

Please take this email as a formal objection to the application made for supply of alcohol consumption both on and off the premises.

The objectives we are objecting under, these being:

- the prevention of crime and disorder
- public safety :The applicant is using front of the hairdressers(77 Huddersfield road, S75 1AA) to provide alcohol and food.
- the prevention of public nuisance: The above will cause after we close the store at 9pm.
- the protection of children from harm

The premises being unsuitable for the sale of the Alcohol and their are too many premises in this area.

I have lived here since 1992, without any form of disturbance, however this approval would greatly affect my daily life, as I would hear disruption from the neighbouring property till late hours, as the application states trading hours for 7 days a week between 11am - 00.30am.

Not a thought has been made towards the effect it will have on nearby residents or the many just wanting to enjoy the beautiful Wilthorpe Park surrounding the building. Please bear in mind that Wilthorpe Park sits predominantly in a residential area full of families with children, not to mention the nursery at less than half a mile distance. I believe the only suitable use for this property as a business, is a takeaway restaurant, as it has been in previous years.

My objection is based around my concern that this new license may increase the possibility of public nuisance and/or unexpected trouble nearby, as presumably the approved license would mean the serving of alcohol till midnight, every single day of the week. This would increase the possibility of people arguing, screaming and shouting, potentially increasing the level of danger outside my home.

Secondly, the parking facilities, employees alongside customers would have access to park outside this property and my own property during working hours and granting an alcohol license would exacerbate the situation, and customers could potentially leave their parked cars on Huddersfield Road for up to 12 hours at any one time.

I appreciate you taking this information into consideration to make the right choice for the local community.

Therefore, please take this as my objection to the granting of the Premises license as stated in the notice.

I look forward to hearing your response.

Regards

Ashish Patel

M: [REDACTED]

Can you attach this as an objection please.

Martin

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

From: Jacqueline Parkinson >

Sent: 03 May 2022 14:52

To: Cooper , Martin (LICENSING FIELD OFFICER) <MartinCooper@barnsley.gov.uk>

Subject: 79 Huddersfield Road

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Martin

I would like to make a formal representation with regard to the proposed new license to sell liquor for consumption on and off the premises and the provision of late night refreshments indoors and outdoors at 79 Huddersfield Road. S751AA.

My name is Jacqueline Parkinson and I reside at [REDACTED] Huddersfield Rd, Barnsley. [REDACTED] My objection is based on Public Nuisance Our home and business is within 5 meters of 79 Huddersfield Rd, We work full time and our working day starts at 5am every day when the business opens, I am very worried about the levels of noise and the impact this will have on our sleep, sleep deprivation is not good for people's mental health. There is a very big difference between an unlicensed take away that closed at 10pm and the new proposals of restaurant tables outside, restaurant seating inside and liquor off sales as well as take away sales. The new proposals will also be a much bigger issue regarding road-side parking I am also very interested to know what provision has been made for customer toilet facilities, hopefully they won't be using our driveway for that purpose, didn't notice any on the plans.

Following our conversations I also appreciate we need to produce evidence as to why there will be noise and why this will disturb our sleep, unfortunately I am unable too do this as the proposed license has not yet been granted.

I hope my representation is taken into consideration at this time.

Yours

Jacqueline Parkinson

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