

## **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 19th December 2022**

### **LICENSING ACT 2003**

#### **APPLICATION FOR A VARIATION TO A PREMISES LICENCE**

##### **Sugar Club, 7 Pitt Street, Barnsley. S70 1AL.**

#### **1. Background**

- 1.1 Hartwood Estates first licensed 7 Pitt Street, Barnsley on the 9<sup>th</sup> October 2012. A copy of the original premises licence is attached as Appendix 1.
- 1.2 The premises is situated in Barnsley town centre and is surrounded by a variety of local amenities including retail, residential and other licensed premises.
- 1.3 On the 12<sup>th</sup> November 2021, Hartwood Estates made an application to vary the premises licence for 7 Pitt Street, Barnsley. During the 28 consultation period, several conditions were agreed between the applicant and Responsible Authorities and the premises licence was granted with Mr Ashley Stockton named as the designated premises supervisor. A copy of the premises licence is attached as Appendix 2.
- 1.4 On the 1<sup>st</sup> February 2022 the premises licence was transferred from Hartwood Estates to Sugar Events Ltd, a company of which Ashley Stockton is the sole Director.
- 1.5 On the 29<sup>th</sup> March 2022 the position of Designated Premises Supervisor for Sugar Club was transferred to Mr Vlad Sevcic.

- 1.6 On the 21<sup>st</sup> April 2022 an application to review the premises licence for Sugar Club was made by South Yorkshire Police. A copy of the review application is attached as appendix 3.
- 1.7 During the 28 consultation period, discussions were held between the premises licence holder and South Yorkshire Police and it was agreed that a review hearing was not required as conditions were agreed to be added to the premises licence to promote the licensing objectives.
- 1.8 On the 17<sup>th</sup> May 2022 the position of Designated Premises Supervisor for Sugar Club was transferred to Mr Thomas White.
- 1.9 On the 18<sup>th</sup> May 2022 an application for a minor variation was made by Sugar Events Limited to add the conditions agreed to the premises licence for Sugar Club. A new premises licence was issued on the 8<sup>th</sup> June 2022 containing the agreed conditions. A copy of the premises licence is attached as appendix 4.
- 1.10 On the 5<sup>th</sup> September 2022 the position of Designated Premises Supervisor for Sugar Club was transferred to Anna Harper.
- 1.11 On the 28<sup>th</sup> September an application was made to vary the premises licence for Sugar Club to add a second floor to the venue and extend the opening hours. A copy of the variation application and a plan of the premises is attached as appendix 5.
- 1.12 On the 14<sup>th</sup> October 2022 the premises licence holder was notified that the 28 day consultation period would have to start again for the variation application as the notice in the local newspaper had been published outside of the 10 days required by the Licensing Act 2003.
- 1.13 On the 25<sup>th</sup> October 2022 an objection to the variation application for Sugar Club was received from South Yorkshire Police.
- 1.14 Members are requested to determine the application for a variation to the premises licence for Sugar Club.

## **2 Application for a Variation to the Premises Licence for Sugar Club**

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

### **a) Recorded Music**

Monday to Wednesday 11:00 – 05:30

Thursday to Sunday 11:00 – 06:00

The playing of amplified recorded music is requested for indoors and outdoors.

### **d) Late Night Refreshment**

Monday to Wednesday 11:00 – 05:30

Thursday to Sunday 11:00 – 06:00

Late night refreshment is requested for indoors and outdoors.

### **c) Supply of Alcohol**

Monday to Wednesday 11:00 – 05:30

Thursday to Sunday 11:00 – 06:00

For consumption on the premises only.

### **d) Opening Times**

Monday to Wednesday 11:00 – 05:30

Thursday to Sunday 11:00 – 06:00

## **3 Promotion of Licensing Objectives**

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

General – all four licensing objectives:-

Employ an additional security person to be placed upstairs.  
CCTV to be positioned upstairs.

The Prevention of Crime and Disorder:-

Employ an additional security person to be placed upstairs.  
CCTV to be positioned upstairs.

Public Safety:-

Employ an additional security person to be placed upstairs.  
CCTV to be positioned upstairs.

The Prevention of Public Nuisance:-

Continue with the usual sound checks and ensuring customers leave the premises in a socially acceptable manner.

The Protection of Children From Harm:-

Children are not allowed on the premises.

#### **4 Responsible Authorities**

- 4.1 During the 28 day consultation period, one representation was received from South Yorkshire Police as a Responsible Authority under the provisions of the Licensing Act 2003 on the grounds of the prevention of crime and disorder & public safety. The objection states:-

***A number of issues have arisen over the last few months, where breaches of the existing premise licence have been identified. Namely not adhering to conditions set out in their current premise licence, which include opening when the premise had CCTV issues, ID scanners not working correctly, & body cams not being worn by door staff.***

***We have met a number of times with the applicant, along with other authorities, and have provided extensive advice to try to resolve the issues at the premise, unfortunately incidents continued, as a result***

***of these issues, South Yorkshire Police have now submitted a review of the current premise licence.***

***We therefore, have no confidence that the applicant will operate appropriately and in accordance with the licensing conditions listed on the premise licence within the new area proposed.***

***Regrettably, I have no alternative other than to lodge an objection.***

A copy of the full objection and supporting evidence is attached as appendix 6.

- 4.2 No other representations have been received from Responsible Authorities in this matter.

## **5 Interested Parties**

- 5.1 Following publication of the statutory notice of the application for the variation to the premises licence in the local press and the display of notices at the premises, one representation was received from an interested party, however they have subsequently withdrawn their objection stating fear of repercussions.

## **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).

It is necessary for the decision and reasons for the decision to be clearly stated.

**7 Financial Implications**

Not applicable.

**8 List of Appendices**

Appendix 1 – Original Premises Licence of the 9<sup>th</sup> October 2012

Appendix 2 – Premises Licence Following Variation

Appendix 3 – Review Application by SYP – 21<sup>st</sup> April 2022

Appendix 4 – Premises Licence with Agreed Conditions

Appendix 5 – Variation Application and Plan

Appendix 6 - Objection and supporting evidence from SYP

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