

BARNSELY 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 21 November 2017**

**LICENSING ACT 2003
APPLICATION FOR A TRANSFER OF A PREMISES LICENCE**

Whispers, 12a Regent Street, Barnsley

1. Background

1.1 On 16 October 2017, an application was received from Springchoice Leisure Ltd as the premises licence holder for Whispers, 12a Regent Street, Barnsley, to transfer the aforementioned premises licence as set out in Appendix 1.

1.2 On 23 October 2017, an objection to the application to transfer the premises licence for Whispers was received from South Yorkshire Police, as a Responsible Authority under the provisions of Section 42 of the Licensing Act 2003.

1.3 Members are requested to determine the application for the transfer of the premises licence.

1.4 The premise is a town centre venue with the provisions for a number of licensable activities, including the sale of alcohol and regulated entertainment.

2 Premises Licence

2.1 The premises licence has been held by Springchoice Leisure Ltd since 14 May 2013, as set out in Appendix 4.

a) Indoor Sporting Events

Monday to Sunday 12.00 to 01.00 (following morning)

b) Live Music (Indoors Only)

Monday to Sunday 17.00 to 00.00

c) Recorded Music (Indoors Only)

Monday to Sunday 12.00 to 04.00 (following morning)

d) Performance of Dance (Indoors Only)

Monday to Sunday 12.00 to 00.00

e) Light Night Refreshment (Indoors Only)

Monday to Sunday 23.00 to 01.00 (following morning)

f) Supply of Alcohol

Monday to Sunday 12.00 to 03.00 (following morning)

g) Opening Hours of the Premise

Monday to Sunday 11.00 to 04.00

There are a number of conditions attached to Annex 2 of the Operating Schedule contained within the premise licence, as set out in Appendix 3.

3 Objection to the Transfer of the Premises Licence

3.1 On the 23 October 2017, an objection was made by Kirsty Green (on behalf of the Chief Constable of South Yorkshire Police) as a Responsible Authority to the application to transfer the premises licence in respect of Whispers, 12a Regent Street, Bamsley, as set out in Appendix 1.

The objection relates to the following licensing objective:-

Prevention of Crime and Disorder

4 Grounds for Objection

The grounds for objection are contained within Appendix 2, where references have been made to the serious historical issues at the premises and the lack of supporting information and reassurances accompanying the recent application to transfer the premise licence.

Further supporting information is also provided from Kirsty Green detailing the concerns and the premise chronology as set out in appendix 3.

5 Responsible Authorities/Interested Parties

5.1 Under section 42 of the Licensing Act 2003 only the Police can raise objection to an application to transfer a premises licence.

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.

If Members decide to refuse the application to transfer the premises licence then the reasons for the decision must be clearly stated.

7 Options available to the Statutory Licensing Sub-Committee

The Board must, having regard to the application for and any relevant representations, take such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) To grant the application to transfer the premises licence
- b) To refuse the application to transfer the premises licence

8 Financial Implications

N/A

9 List of Appendices

Appendix 1 – Application to transfer the Premises Licence

Appendix 2 – Objection received from South Yorkshire Police

Appendix 3 – Supporting Information from SYP

Appendix 4 – Premises Licence

**Officer Contact: Deborah Bailey Telephone No. 775696 Date: 6 November
2017**



Barnsley
Application to transfer premises licence
Licensing Act 2003

For help contact
licensing@barnsley.gov.uk
Telephone: +44 (0)1225 772468

* required information

Section 1 of 7

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No
 Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual
 A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name []
* Street []
District []
* City or town []
County or administrative area []
* Postcode []
* Country [United Kingdom]

Agent Details

* First name [Woods Whur 2014 Limited]
* Family name []
* E-mail []
Main telephone number [] include country code.
Other telephone number []

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader A sole trader is a business owned by one person without any special legal structure.
 A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number []
Business name [Woods Whur 2014 Limited]
VAT number [GB] []
Legal status [Private Limited Company]
Your position in the business []
Home country [United Kingdom]

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Woods Whur 2014 Limited
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number

Name Of Current Premises Licence Holder

* Name

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Building number or name	Whitpans
Street	12A Regent Street
District	
City or town	Barnsley
County or administrative area	
Postcode	S70 2HG
Country	United Kingdom

Further Details

Please give a brief description of the premises

Bar/Club

Continued from previous page...

Telephone number at the premises if any

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APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- An individual or individuals
- A limited company/limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Please confirm the following:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 7

INDIVIDUAL APPLICANT DETAILS

Continued from previous page...

Applicant Name

Is the name the same as (or similar to) the details given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

David Michael

Family name

Elphick

Is the applicant 18 years of age or older?

Yes

No

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Woods Whur 2014 Limited

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Add another applicant

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FURTHER INFORMATION

Are you the holder of the premises licence under an Interim authority notice?

Yes

No

Continued from previous page...

Do you wish the transfer to have immediate effect?

Yes No

Have you attached the consent form signed by the existing premises licence holder?

Yes No

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

Yes No

Have you attached the previous licence?

Yes No

Please enter your reasons

Premises Licence has not been provided by the current licence holder.

Section 6 of 7

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.

Continued from previous page...

- 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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 EHC 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.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

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DECLARATION

I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bamsley/change-3> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="PW/SPR001-1-2"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Date:23rd October 2017

Licensing Act 2003

**Objection to the application to transfer the Premise License for Whispers, 12A
Regent Street, Barnsley**

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above applications.

The grounds of our objection to the Transfer are based on the prevention of Crime and Disorder & Public Safety

Historically the premise has caused a number of serious issues resulting in stringent conditions being placed on the premise licence and finally leading to revocation of the licence in 2017. Following an appeal by the premise licence holder, discussions were held which resulted in the Council dropping the objection to the appeal, with the proviso that the conditions attached to any transfer was upheld. The transfer didn't happen to the named person, we have now received another transfer to a different applicant, at this time no information is known or been supplied regarding this person, or any confirmation that the conditions agreed at the appeal hearing will be adhered to.

Without the opportunity to meet and discuss further conditions we feel obliged to object to the transfer under the crime and disorder objective.

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Regards

Thanks

South Yorkshire Police Licensing Department

E-mail: Barnsleylicensing@southyorks.pnn.police.uk

Tracey Klein: Ext 0114 252 3948, Int 718948

Kirsty Green (Licensing Enforcement Officer) 07917212736

South Yorkshire Police Licensing Dept
Force Headquarters

Carbrook House
5 Carbrook Hall Road
Sheffield
S9 2EH

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

Tackling child sexual exploitation is a priority for the Force and it is the responsibility of everyone to help spot the signs and say something.

For more information visit www.southyorkshire.police.uk/spotthesigns

If the victim says it's a crime, crime it.

In March 2016, South Yorkshire Police requested a review of the premise licence at Whispers (which was formally known as Hotspot). This was due to serious concerns regarding Protection of Children From Harm and Prevention of Crime and Disorder under the four licensing objectives. There was a number of incidents over a three-month period and scheduled underage events that caused major concerns to both South Yorkshire Police and BMBC, which resulted in an action plan being completed with the venue in November 2015. Following the implementation of the action plan there was a number of breaches, which resulted South Yorkshire Police requesting a review of the premise licence in March 2016. The review hearing took place in July 2016, where members of the licensing board imposed conditions on the licence.

In January 2017, a second review of the licence was requested by South Yorkshire Police following serious concerns about the management of the venue despite their being a change of DPS during this time. Over a three-month period, the licence had been breached five times as a result of management failing to notify SYP and BMBC of the required information for forthcoming events. Over a four-week period there was also four incidents of crime and disorder including an attempted murder at the venue. Following the attempted murder, major concerns were further highlighted about management, staff and security; therefore, due to lack of confidence in the management of the venue, South Yorkshire Police requested a review of the licence.

At the review hearing that was heard in March 2017, members of the licensing panel revoked the premise licence of Whispers.

Following the revocation, the Premise Licence Holder Chris Palmer appealed the decision that resulted in a consent order being agreed and put in place, with various conditions apposed and agreed by all relevant parties. However, the conclusion to this was that the proposed transfer and lease to Mr Potter did not proceed. Due to the time that had then lapsed the appeal could not continue.

On the 23.10.2017, an objection was made by South Yorkshire Police following an application received to transfer the licence over to a David Michael Elphick. In addition to their being no reference to the conditions that were previously agreed as part of the consent order, there was no information disclosed regarding the proposed Premise Licence Holder and no further reassurances given by either party connected to the venue. South Yorkshire Police, still have serious concerns regards the management of this venue and ultimately who will remain in overall control.



**BARNSLEY METROPOLITAN BOROUGH
COUNCIL**

**PREMISES LICENCE
LICENSING ACT 2003**

Schedule 12 Part A
Regulation 33, 34

Premises Licence Number	067102
Date of Grant	1 June 2012
Premises Address	Regents 12A Regent Street Barnsley
Postcode	S70 2HG
Telephone Number	
Activities authorised by this licence	The sale by retail of alcohol, The provision of regulated entertainment, The provision of late night refreshment
Times authorised to undertake licensable activities	
<p>Indoor sporting events Indoor sporting events permitted: Seven days a week from 12:00 until 01:00 (the following morning)</p> <p>Live Music Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 17:00 until 00:00(the following morning)</p> <p>Recorded Music Licensed for recorded music indoors (see times below): Recorded music permitted: Seven days a week from 12:00 until 04:00 (the following morning)</p> <p>Performances of Dance Licensed for Performances of Dance indoors (see times below): Performances of dance permitted: Seven days a week from 12:00 until 01:00 (the following morning)</p>	

Late Night Refreshment

Licensed to provide late night refreshment indoors (see times below):
Provision for late night refreshment available: Seven days a week from
23:00 until 01:00 (the following morning)

Supply of Alcohol

Supply of alcohol permitted: Seven days a week from 12:00 until 03:00
(the following morning)

Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964

Not applicable

Embedded Restrictions

Not applicable

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

Hours premises are open to the public: Seven days a week from 11:00
until 04:00 (the following morning)

**Whether the sale by
retail of alcohol is 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**

Springchoice Lelsure Limited
Hart Moss Doyle
The Old Co-op Building
High Street
Dodworth
Barnsley

**Registered Number of
Company if Applicable**

02674388

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**

Post Code

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

REGULATORY SERVICES TEL: 01226 772468



**BARNSELY METROPOLITAN BOROUGH
COUNCIL**

PREMISES LICENCE SUMMARY

Premises Licence No.	067102
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Premises Address:	Regents 12A Regent Street Barnsley
Postal Code	S70 2HG

Telephone Number	
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Activities authorised by this licence
The sale by retail of alcohol, The provision of regulated entertainment, The provision of late night refreshment

Times authorised to undertake licensable activities
Indoor sporting events Indoor sporting events permitted: Seven days a week from 12:00 until 01:00 (the following morning)
Live Music Licensed for live music indoors (see times below): Live music permitted: Seven days a week from 17:00 until 00:00 (the following morning)
Recorded Music Licensed for recorded music indoors (see times below): Recorded music permitted: Seven days a week from 12:00 until 04:00 (the following morning)
Performances of Dance Licensed for Performances of Dance indoors (see times below): Performances of dance permitted: Seven days a week from 12:00 until

01:00 (the following morning)

Late Night Refreshment

Licensed to provide late night refreshment indoors (see times below):
Provision for late night refreshment available: Seven days a week from
23:00 until 01:00 (the following morning)

Supply of Alcohol

Supply of alcohol permitted: Seven days a week from 12:00 until 03:00
(the following morning)

The opening hours of the premises

Hours premises are open to the public: Seven days a week from 11:00
until 04:00 (the following morning)

**Where the licence authorises the sale by retail of alcohol whether this is for
consumption on and/or off premises**

Alcohol-On The Premises

Granted on: 1 June 2012



**BARNSELY METROPOLITAN BOROUGH
COUNCIL**

PREMISES LICENCE

Part B

Premises Licence Number	067102
Name, (registered) address, telephone number and email(where relevant) of premise holder	Springchoice Leisure Limited Hart Moss Doyle The Old Co-op Building High Street Dodworth Barnsley
Registered Number of Company if Applicable	02674388
Name and Address of the designated premises supervisor	
Post Code	
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	KMCPL 0771 Kirklees Metropolitan Council

REGULATORY SERVICES TEL: 01226 772468

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no.	067102
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1. Supply of Alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

- a) No supply of alcohol may be made under the premises licence-
 - i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Door Supervision (except theatres, cinemas, bingo halls & casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- i) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or**
- ii) Be entitled to carry out that activity by virtue of section 4 of the Act.**

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films);**
or
- (b) in respect of premises in relation to:**
 - i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or**
 - ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.**

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and**
- (b) paragraph 8(5) of that Schedule (Interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.**

3. Exhibition of Films

1. Where this licence authorises the exhibition of films, the licence includes a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where –

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"Film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

4. Irresponsible Promotions (On Licenced Premises only)

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

1) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which causes a significant risk of undermining a licensing objective.
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favorable manner.

5. Dispensing of Alcohol Directly into the Mouth (On Licenced Premises only)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. Tap Water (On Licenced Premises only)

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

7. Age Verification Policy

- 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol,
- 2) The Designated Premises Supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature.

8. Measures (On Licenced Premises only)

The responsible person shall ensure that—

- 1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (b) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9. Alcohol Pricing and Duty

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula --

$$P = D + (D \times V)$$

Where -

- (I) P is the permitted price,
 - (II) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (III) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (II) the designated premises supervisor (if any) in respect of such a licence, or
 - (ii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (f) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (g) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 067102

All incidents, such as refusals to sell alcohol, shall be recorded in an incident book which must be kept on the premises for a period of not less than 12 months. The book shall be made available for inspection by any Authorised Officer from the Police and Licensing Authority.

- A closed circuit television system (CCTV) shall be installed and maintained at the premises, this must cover all public areas including all areas where licensable activities take place and encompass the following:
 - The system shall be in good working order at all times when licensable activities take place at the premises and all recordings must be kept for a minimum of 28 days.
 - Authorised Officer from the Police and Licensing Authority shall be allowed a copy of these recordings at any reasonable hour, and in any case within 48 hours of any such request being made.
 - All recorded materials shall be kept in a safe and secure location and must not be made available or accessible to any unauthorised persons.
 - Clearly visible signage will be provided at all exits to the premises asking customers to leave the premises quietly.
 - A Challenge 21 (or higher age) policy will operate within the licensed premises, with signs predominantly displayed close to every entrance to the premises and at each bar area where the sale of alcohol may take place.
 - No speaker is located near any window, door or door entrance to prevent any noise breaking out from the premises.
- Except for access and egress, all doors and windows remain closed at all times to prevent any noise breaking out from the premises.

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 067102

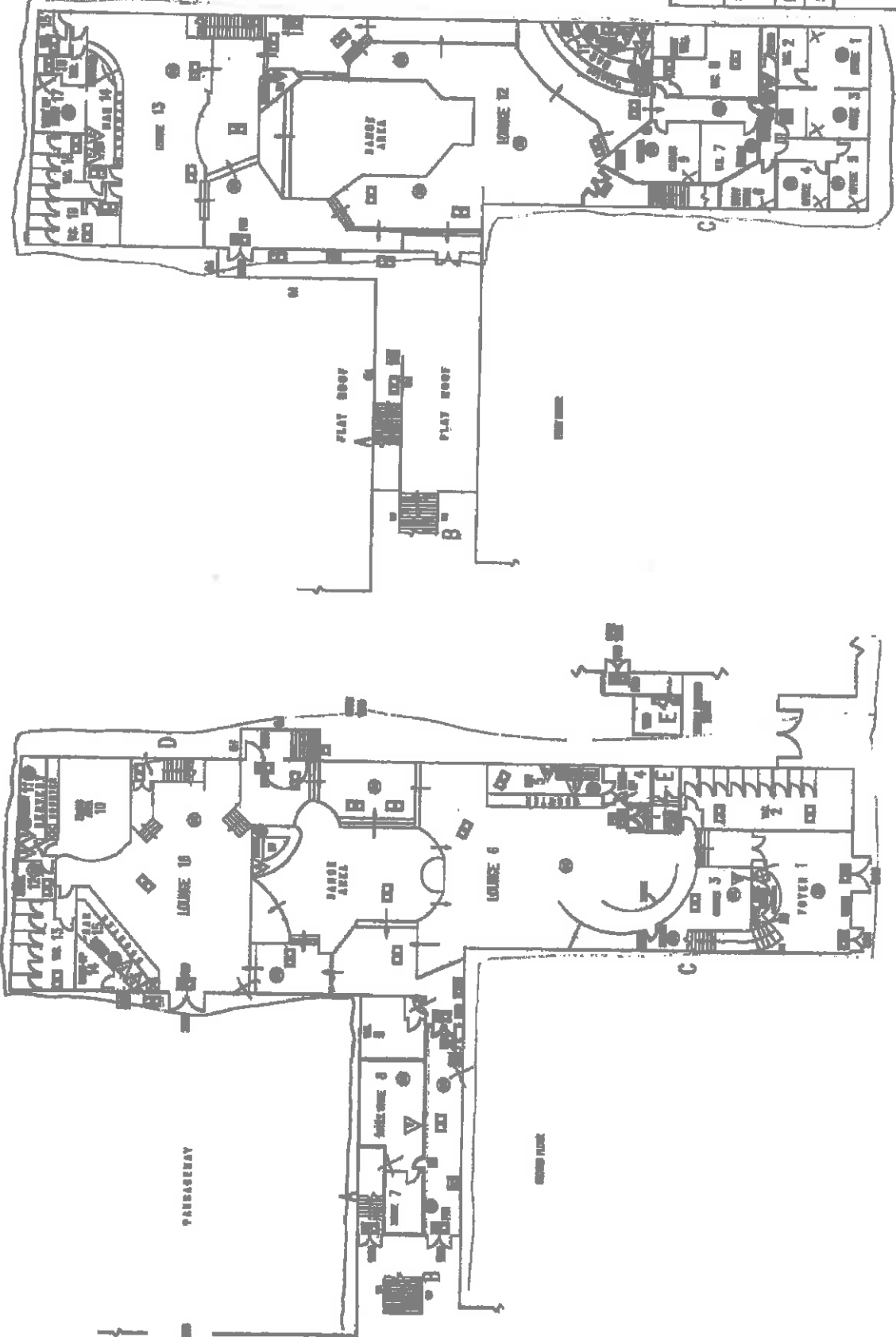
Not Applicable

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1
(See attached)

PLAN NOT PROVIDED



X = fire extinguishers

SOUTH WESTMINSTER 1702 & 2002	
Scale:	Sheet
1:250	1 of 1
Drawn P.F.	Approved
Scheme KL	Plan No NA2148D

12A REGENT STREET
BARNESLEY
S70 2HG

