

## **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 16th March 2022**

### **LICENSING ACT 2003**

#### **APPLICATION FOR A PREMISES LICENCE**

##### **Williams, 214 – 216 Barnsley Road, Cudworth, Barnsley**

### **1. Background**

- 1.1 On 25<sup>th</sup> January 2022, a complete application under the provisions of the Licensing Act 2003 was received for, Williams, 214 – 216 Barnsley Road, Cudworth, Barnsley. A copy of this premises licence application 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 Barnsley Road which runs through Cudworth, it is surrounded by a variety of local amenities including retail 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) Films**

Sunday to Thursday 10:00 – 23.00

Friday and Saturday 10:00 – 01:00

The exhibition of films will take place indoors only and will only be shown on an adhoc basis, for example – seasonal films (Christmas), Themed event (Marvel Night) etc. The sound would be amplified through the in-house system, this system would be limited to appropriate levels using the digital compressor.

#### **b) Live Music**

Sunday to Thursday 10:00 – 23:00

Friday and Saturday 10:00 – 01:00

Live music is requested for indoors only and will be small live performances – Acoustic sets and duo's mainly. No large bands as there isn't the space. The sound would be amplified through the in house system, this system would be limited to appropriate levels using a digital compressor.

#### **c) Recorded Music**

Sunday to Thursday 09:00 – 23:00

Friday and Saturday 09:00 – 01:00

Recorded music is requested for indoors only as background music. The sound would be amplified through the in-house system, this system would be limited to appropriate levels using a digital compressor.

Timings above vary from intended opening hours, we want to be able to facilitate early morning mini bus pick-ups for example, and therefore would need to be licensed to play music. Similarly on occasion we may want to hold special events which run slightly later than regular weekly opening hours.

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

Friday and Saturday 23:00 – 01:00

Late night refreshment is requested for indoors only.

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

Sunday to Thursday 10:00 – 23:00

Friday and Saturday 10:00 – 01:00

For consumption both on and off the premises

### **d) Opening Times**

Sunday to Thursday 10:00 – 23:00

Friday and Saturday 10:00 – 01:00

2.2 During the 28 day consultation period, several discussions have taken place between different responsible authorities including; the Senior Licensing Officer, the Noise Pollution 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:-

- cease all music at the premises at 23:00 on Friday and Saturday nights and
- reduce the times for the sale of alcohol to Sunday to Thursday 10:00 – 22:45 and Friday and Saturday 10:00 to 00:45.
- The restaurant to the rear of the property will be a seated restaurant only with deliveries (no takeaway facility).

It also became apparent during discussions that there is no intention from the applicant to have any indoor sporting events or boxing or wrestling at the premises, there will however be the showing of some televised sporting events, the showing of which does not require a premises licence as this is not a licensable activity under the Licensing Act 2003. In addition the applicant has confirmed that the recorded music applied for will predominantly be for background music which again does not require a premises licence but he may wish to have the recorded music amplified at weekends on occasions when there is no live music being performed at the venue.

### **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 premises licence as follows:-

#### General – all four licensing objectives:-

All members of staff to be thoroughly trained on all licensing objectives. As Stated by Barnsley council

All procedures to be constantly reviewed to ensure they are adequate and appropriate.

The DPS will set Mondays aside weekly to review the previous weeks operation, and ensure all measures put in place have been adhered to.

A 'reserve' premises license holder will be available within the company at all times, should William be unable to attend the venue due to other commitments.

#### The Prevention of Crime and Disorder:-

- A zero tolerance to drugs
- Refusal to serve intoxicated guests
- Incident log book to be kept - And reviewed daily by the DPS
- Full staff training on areas such as conflict management - Any incident to be reported to DPS
- Known offenders barred
- Liaise with other local pubs and bars. For example pub watch

#### Public Safety:-

- CCTV To be installed throughout the premises
- Accident records to be kept, maintained, and reviewed.
- Fire alarm system to be installed, along with firefighting equipment kept

- Full risk assessment carried out, and regularly updated (Review as part of Monday tasks)

#### The Prevention of Public Nuisance:-

- Signage displayed notifying guests to leave quietly
- Digitally limited sound system to prevent noise pollution
- Ash trays located outside to prevent litter from cigarette butts & will be swept and maintained by the venue. Daily check sheet to be kept.
- Doors / Windows to be kept closed after 10pm

#### The Protection of Children From Harm:-

- No Under 18's in the venue after 9pm
- Challenge 25 police adopted
- For certain events the DPS may seem it necessary to have SIA registered security e.g. 18th / 21st birthday parties should we get inquiries for these kind of bookings
- Under the section of adult entertainment (E.g. over 18 Halloween film), children will not be allowed in the premises when this kind of entertainment is shown regardless of time. This kind of event would always be pre-planned.

## **4 Responsible Authorities**

- 4.1 During the 28 day consultation period, one representation was received from the Pollution Control Section of Regulatory Services as a Responsible Authority under the provisions of the Licensing Act 2003. The Environmental Health Officer requested a noise management plan from the applicant to address potential noise concerns at the premises. The noise management plan was provided by the applicant and the Officer subsequently withdrew his objection. A copy of the representation and the noise management plan are attached as Appendix 2.

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 premises licence in the local press and the display of notices at the premises, two representations have been received from interested parties.

5.2 The representations have been received from:

Georgina Ellison, [REDACTED]

Samantha Bitmez, [REDACTED]

All representations relate to the licensing objectives and they are attached as Appendix 3, 4 and 5.

5.3 Following the receipt of the representations the Senior Licensing Officer has spoken to all parties to clarify points of confusion, put questions and points of clarification to the applicant on behalf of the representatives and ensure all involved also received a copy of the noise management plan submitted by the applicant for their information and consideration.

Several e-mails were also shared between the Senior Licensing Officer and the representatives, copies of which are attached as appendix 6, 7 and 8.

5.4 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 25<sup>th</sup> January 2022

Appendix 2 – Representation from Pollution Control and agreed Noise Management Plan

Appendix 3 – Representations from Interested Parties

Appendix 4 – Representations from Interested Parties

Appendix 5 – Representations from Interested Parties

Appendix 6 - E-mail correspondence between the Senior Licensing Officer and Interested Parties

Appendix 7 - E-mail correspondence between the Senior Licensing Officer and Interested Parties

Appendix 8 - E-mail correspondence between the Senior Licensing Officer and Interested Parties

Officer Contact: D Bailey Tel: 07786525961

Date: 23<sup>rd</sup> February 2022



