

## **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 2<sup>nd</sup> 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 This application was subsequently withdrawn by the applicant and new and complete application was received on the 14<sup>th</sup> 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 14<sup>th</sup> April 2022

Appendix 2 – Representation from Interested Parties

Officer Contact: D Bailey Tel: 07786525961 Date: 19<sup>th</sup> May 2022