

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

MINUTES

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

1 Appointment of Chair

RESOLVED that Councillor Green be appointed Chair of this Regulatory Board Sub-Committee hearing.

2 Declaration of Interests

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

3 Application for a Premises Licence - Ecco Pizzeria and Grill - 79 Huddersfield Road, Barnsley

The Principal Officer (Licensing) submitted a report on an application for a new Premises Licence for Ecco Pizzeria and Grill, 79 Huddersfield Road, Barnsley.

The premises is situated on the main Huddersfield Road, within walking distance of the town centre and surrounded by commercial and residential properties.

The premises licence application requested that the license take effect as soon as possible with the following activities and times:-

Late Night Refreshment

- Sunday - Thursday 07:00 – 23:30
- Friday and Saturday 07:00 – 00:00

Late night refreshment was 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.

Supply of Alcohol

- Sunday – Thursday 11:00 - 23:00
- Friday and Saturday 11:00 – 23:30

For consumption on and off the premises with provision made for a '30 minutes' last orders on the sale of alcohol before closing time and to include rule of alcohol only to be served with food and with a minimum spend of £8

Opening Times

- Sunday – Thursday - 07:30 – 23:30
- Friday and Saturday - 07:30 – 00:00

During the 28 day consultation period it was noted that representation had been made by the Healthy and Safety Officer, but this was subsequently withdrawn due to the agreement to let the public use the staff toilet facilities.

Members noted that representations had been made by Mr Patel and Mrs Parkinson who had businesses or resided close to the premises, and the representations received related to the licensing objectives. These representations were attached to the report presented at appendix 2. All parties were given the opportunity to ask questions of the Senior Licensing Officer.

The appellant, represented by Mr L Shelvis presented their case that the appellant had significant experience in operating a similar venue, and had put in place a number of measures in order to mitigate any issue that would prejudice the licensing objectives. All parties were given the opportunity to ask questions of the appellant.

Representations were then received from Mr Patel and Mrs Parkinson, in relation to how they believed the licensing objectives may be prejudiced, which included the issues associated with late night alcohol consumption which may cause a nuisance, and lead to noise disturbance and the nuisance associated with inconsiderate parking. All parties were given the opportunity to ask questions of the parties making representations.

The Sub Committee noted that Statutory Guidance required it to consider only those steps that were necessary and proportionate to promote the four Licensing Objectives. After considering all the evidence presented and having listened to the representations made by all parties it was:

RESOLVED that, the proposal as submitted would not prejudice the licensing objectives and that the application for a licence in respect of Ecco Pizzeria and Grill, 79 Huddersfield Road, Barnsley, be granted in accordance with the proposals on the following grounds:

- The Sub Committee noted that one representation had been received during the 28-day consultation period, from the Health and Safety Officer, which was subsequently withdrawn following confirmation that customers would be able to use the staff toilet on the premises;
- The Sub Committee noted that no other representations or objections had been received from Responsible Authorities in this matter;
- The remaining concerns were those raised by two objectors at the hearing;
- The Sub Committee heard objections from Mr Patel who had raised concerns which he maintained could prejudice all four of the licensing objectives, namely;
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

Particularly in relation to public nuisance due to alcohol being consumed and the associated disruption, and also due to inconsiderate parking;

- The Sub Committee heard objections from Mrs Parkinson who had raised concerns, which she maintained could prejudice the Prevention of Public Nuisance with noise associated from the consumption of alcohol during the late evening. In addition, the issue of public nuisance from inconsiderate parking was raised;
- The Sub Committee had to be satisfied that the Licensing Objectives would be promoted by appropriate and proportionate measures. It heard submissions about the measures that you as applicant has proposed and agreed to take to promote the Licensing Objectives. The Sub Committee was satisfied that the applicant had addressed these issues and there were no concerns in relation to the issues raised;
- The Sub Committee noted that they could only base their decision in relation to the application on evidence that related to one or more of the licensing objectives and not speculation or supposition. There was no evidence provided to substantiate the issues raised;
- In summary, the Sub Committee was of the view that the applicant had set out satisfactory steps you as applicant intended to take to promote the four licensing objectives and had planned as much as foreseeably possible to combat any of the issues raised by objectors under the Licensing Objectives;

The Sub Committee, therefore, determined that the application for a premises licence should be granted in accordance with the operating schedule below, subject to the additional following condition:- That there be no use of the outside seating area after 21:00, save for smoking.

L) Opening Times

Sunday – Thursday - 07:30 – 23:30

Friday and Saturday - 07:30 – 00:00

I) Late night refreshment

Sunday - Thursday 07:00 – 23:30

Friday and Saturday 07:00 – 00:00

Late night refreshment for indoors and outdoors, and via a takeaway and delivery service.

J) Supply of Alcohol

Sunday – Thursday 11:00 - 23:00

Friday and Saturday 11:00 – 23:30

For consumption on and off the premises, with provision made for a '30 minutes' last orders on the sale of alcohol before closing time.

Alcohol only to be served with food, and with a minimum spend of £8.

The decision of the Sub Committee was unanimous.

Chair