

LICENSING SUB-COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Friday, 29 November 2019

Time: 10.30 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Licensing Act 2003 - Licence - Shell Bramley, Bawtry Road, Bramley, Rotherham (Pages 1 - 51)

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 29th November 2019 (10:30 am)

Report Title

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) to Vary the Premises Licence in place at Shell Bramley, Bawtry Road, Bramley, Rotherham, S66 2TP.

Report Author(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene (01709 254955)

Report Summary

On the 10th October 2019, PP Lockett & Co (solicitors acting on behalf of Shell UK Oil Products Ltd) submitted an application to vary the Premises Licence at Shell Bramley, Bawtry Road, Bramley, Rotherham, S66 2TP.

During the statutory consultation period, two representations were received from interested parties that wished to voice their concerns in relation to the application that had been made.

As representations have been made in relation to the application, the application must be considered by the Licensing Sub-Committee.

The process to be adopted at the hearing is outlined prior to the main body of the report.

Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Authority of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Current Premises Licence (number P0893)
- Appendix 3 Application form dated 9th October 2019
- Appendix 4 Representation received from local resident (redacted)
- Appendix 5 Representation received from local Ward Councillor

Background Papers

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Council Approval Required

No

Exempt from the Press and Public

No

Hearing Procedure

- 1 The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 - i. The Licensing Officer will introduce the report.
 - ii. Questions concerning the report can be asked both by Members and the applicant.
 - iii. The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - iv. Members may ask questions of those parties
 - v. With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - vi. The applicant / licensee (or his/her nominated representative) will then be asked to:-
 - a) detail the application;
 - b) provide clarification on the application and respond to the representations made.
 - vii. The applicant / licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - viii. The applicant will then be given the opportunity to sum up the application. The Licensing Officer will then detail the options.
 - ix. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

Notes:

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.

- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) to vary the Premises Licence in place at Shell Bramley, Bawtry Road, Bramley, Rotherham, S66 2TP.

1. Background

- 1.1 On the 10th October 2019, the Council received an application to vary the Premises Licence at Shell Bramley, Bawtry Road, Bramley, Rotherham, S66 2TP. The location of the premises is shown at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence permitting the retail sale of alcohol, a copy of current Premises Licence can be found at Appendix 2. The application to vary the licence can be found at Appendix 3.
- 1.3 During the statutory 28-day consultation period, two representations were received from interested parties that wished to voice their concerns in relation to the application that had been made. A redacted copy of these representations can be found at Appendix 4.

2. Key Issues

The application

- 2.1 The applicant is seeking to vary the licence as follows:

- Amend the times during which the supply of alcohol is permitted.

The licence currently permits the retail sale of alcohol (for consumption off the premises) between 0500 hrs and 2300 hrs Monday - Sunday.

The applicant is seeking to vary the licence so that the retail sale of alcohol (for consumption off the premises) is permitted between of 0000 hrs and 2400 hrs Monday – Sunday (i.e. 24 hours per day, 7 days per week).

- Amend Condition 2 on the licence (detail provided on the application form).

Condition 2 on the premises licence currently reads:

The licence holder shall ensure that staff are trained with regard to their responsibilities in the retail sale alcohol and regular refresher training will also be undertaken. Training records will be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

The applicant is seeking to amend this condition as follows:

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

- Remove Condition 1 from the licence and replace it with a new condition.

Condition 1 on the premises licence currently reads:

The licence holder shall ensure that CCTV is installed at the premises and images made available upon reasonable request by a relevant officer of a responsible authority.

The applicant is seeking to remove this condition and replace it with the one detailed below:

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

Representations received

2.2 Two representations have been received from interested parties, one from a local resident and the other from a local Ward Councillor.

2.3 The representation submitted by the local resident cited the following:

- Noise, light pollution, littering and antisocial activities emanating from the premises.
- Antisocial behaviour by patrons of the premises.
- The close proximity of residential properties to the premises.

This is a summary only – full details are available at Appendix 4.

2.4 The representation submitted by the local Ward Councillor cited the following:

- The site's close proximity to residential properties.
- Lack of benefit to the local community.
- The disruptive effect that the premises will have on local residents should the variation be agreed.

This is a summary only – full details are available at Appendix 5.

2.5 Those that have made representations have been invited to the hearing today and if attending will be given the opportunity to address the Sub-Committee in relation to the matters of concern.

2.6 Members of the Sub-Committee should give full consideration of the issues raised by Licensing Authority and interested parties when determining the application.

3. Options available to the Licensing Sub-Committee

3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Committee are:

- To vary the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application.

3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a

case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 3.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 3.6 The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) – further information in relation to conditions is provided later in this report.
- 3.7 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or

refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 3.13 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 3.15 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

4. Consultation

- 4.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and display of public notices in the vicinity of the site for 28 days.
- 4.2 The public consultation period ran for 28 days and ended on the 7th November 2019.

- 4.3 Relevant ward members have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:

- the end of the period given for appealing against the decision; or
- if the decision is appealed, until the appeal is disposed of.

- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.

- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

6. Financial Implications

- 6.1 There are no specific financial implications arising from this application.

- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

7. Legal Advice and Implications

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.

- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

8. Risks and Mitigation

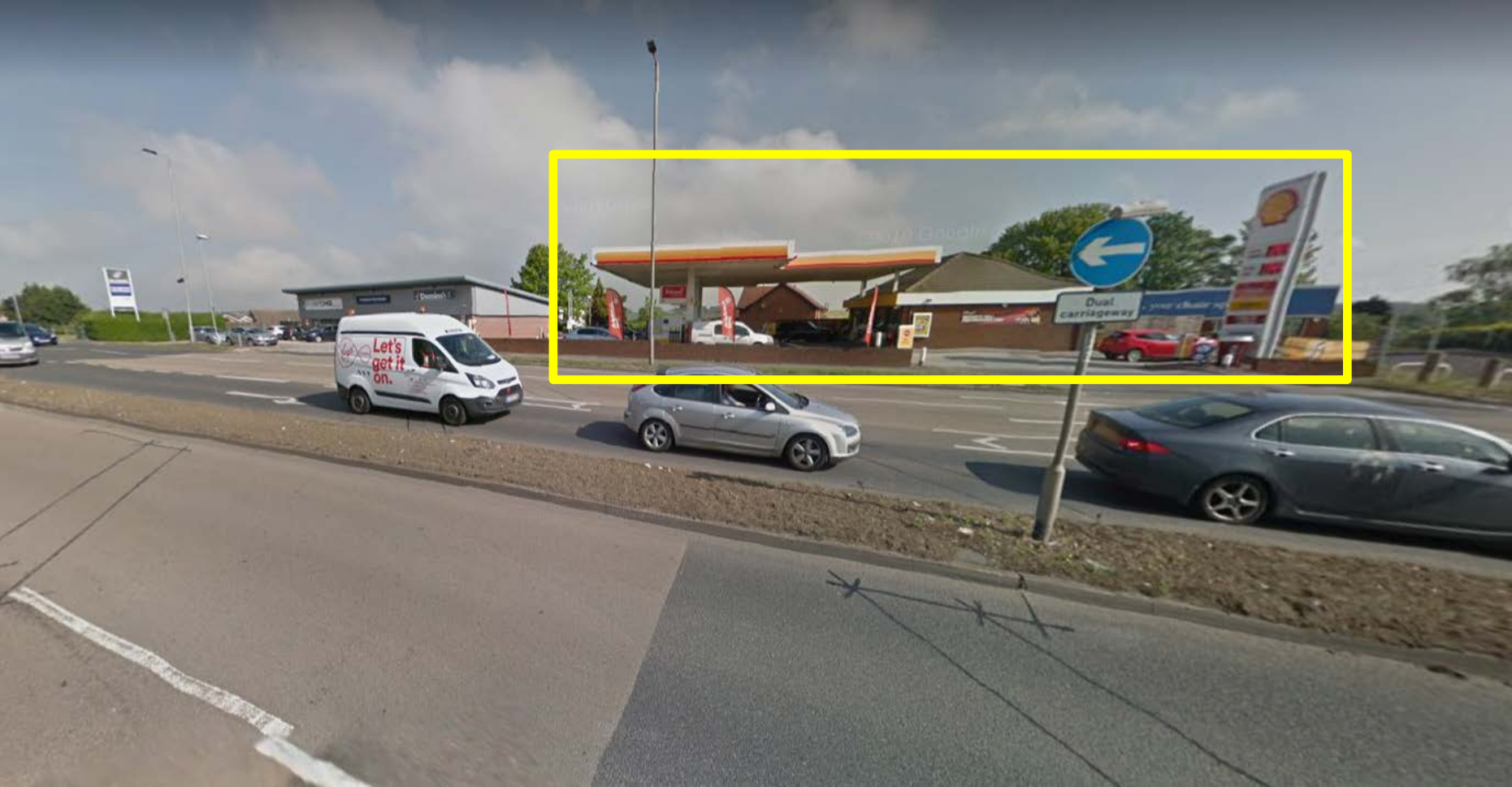
- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance is available for members to review should they wish to do so.

9. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's [website](#).





Licensing Act 2003 Premises Licence

P0893

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION**Shell Bramley**

Bawtry Road, Bramley, Rotherham, South Yorkshire, S66 2TP.

Telephone 01709 547200

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	5:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
No restrictions applicable		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Shell Uk Oil Products Limited

Shell Centre, London, SE1 7NA.
Telephone 0207 934 1234**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Shell Uk Oil Products Limited

3625633

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Umar TARIQ



**Licensing Act 2003
Premises Licence**

P0893

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LEEDS/PERL/09637/18

Issued by Leeds



Licensing Act 2003 Premises Licence

P0893**ANNEXES****Mandatory Conditions****All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (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.
 - (2) 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 carries 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



Licensing Act 2003 Premises Licence

P0893**ANNEXES continued ...**

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 favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of 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) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that -
 - (a) 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
 - (c) 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.

Minimum Drinks Pricing

Licensing Act 2003 Premises Licence

P0893

ANNEXES continued ...

1. 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.
2. 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 amount 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
 - (iii) 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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.
4. (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.



Licensing Act 2003 Premises Licence

P0893**ANNEXES continued ...**

(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.

**If the Premises Licence has conditions in respect of Door Supervision
[except theatres, cinemas, bingo halls and 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:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) 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.

Annex 2 Conditions consistent with Operating Schedule

Prevention of Crime and Disorder

1. The licence holder shall ensure that CCTV is installed at the premises and images made available upon reasonable request by a relevant officer of a responsible authority.



Licensing Act 2003 Premises Licence

P0893**ANNEXES continued ...**

2. The licence holder shall ensure that staff are trained with regard to their responsibilities in the retail sale alcohol and regular refresher training will also be undertaken. Training records will be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
3. The licence holder shall ensure that a refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
4. The licence holder shall ensure that spirits (with the exception of spirit mixers and pre-mixed drinks) will be located behind the counter.
5. The licence holder shall ensure that an incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

Public Safety

None.

Prevention of Public Nuisance

None.

Protection of Children from Harm

6. The licence holder shall ensure that Challenge 25 policy is operated at the premises, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Annex 3 Conditions attached after Hearing of Licensing Authority

None.

Annex 4 Plans

See attached (June 2017)

The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without impediment.



**Licensing Act 2003
Premises Licence**

P0893

ANNEXES continued ...



Licensing Act 2003

Premises Licence Summary P0893

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Shell Bramley

Bawtry Road, Bramley, Rotherham, South Yorkshire, S66 2TP.

Telephone 01709 547200

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	5:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
No restrictions applicable		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Shell Uk Oil Products Limited

Shell Centre, London, SE1 7NA.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Shell Uk Oil Products Limited

3625633

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Umar TARIQ

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None



Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SHELL UK OIL PRODUCTS LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number: P0893

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

**SHELL BRAMLEY
BAWTRY ROAD
BRAMLEY
ROTHERHAM**

Post town

SOUTH YORKSHIRE

Postcode

S66 2TP

Telephone number at premises (if any)

Non-domestic rateable value of premises

£27,250

Part 2 – Applicant details

Daytime contact
telephone number

01562 864488 (AGENTS)

E-mail address (optional)

licensing@lockett.uk.com (AGENTS)

Current postal address if
different from premises
address

**SHELL UK OIL PRODUCTS LIMITED
SHELL CENTRE**

Post town

LONDON

Postcode

SE1 7NA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

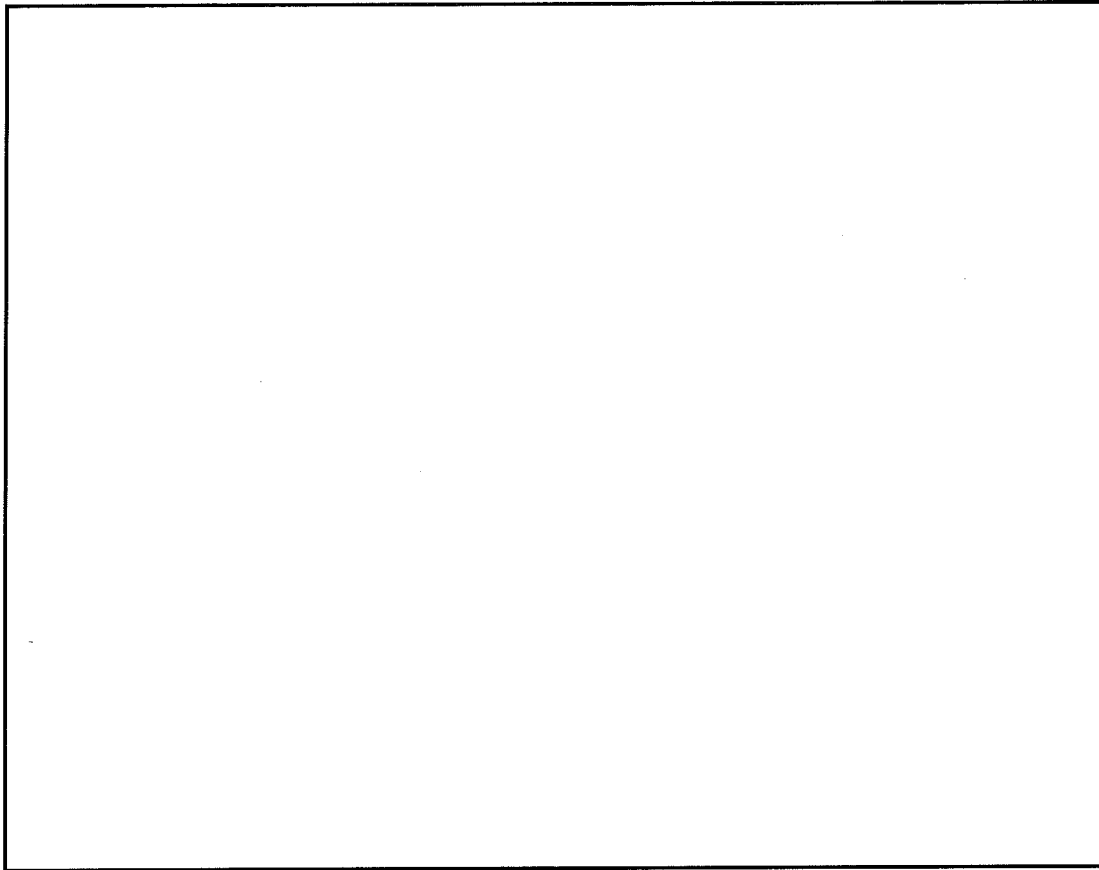
Do you want the proposed variation to have effect in relation to the introduction of the late-night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note

1. EXTEND THE SALE OF ALCOHOL HOURS (CONSUMPTION OFF THE PREMISES) TO 00.00 - 24.00 EACH DAY

2. AMEND CONDITION 2 REFERENCE STAFF TRAINING (SHOWN UNDER ANNEX 2) TO THE WORDING AS DETAILED IN SECTION M OF THIS APPLICATION FORM.

3. REMOVE CONDITION 1 REFERENCE CCTV (SHOWN UNDER ANNEX 2) THIS WILL BE REPLACED WITH THE CCTV CONDITION AS SHOWN IN SECTION M OF THIS APPLICATION FORM.



If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-Standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri			<u>Non-Standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non-Standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-Standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-Standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-Standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri			<u>Non-Standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>Please give further details here</u> (please read guidance note 5)		
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Sat			<u>Non-Standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun			<u>Non-Standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non-Standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) N/A		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
			Non-Standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) N/A		
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NONE</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6) NONE.
Day	Start	Finish	<u>Non-Standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) NONE.
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

1. CONDITION 2 REFERENCE STAFF TRAINING (SHOWN UNDER ANNEX 2). THIS WILL BE REPLACED BY AMENDED WORDING.
2. CONDITION 1 REFERENCE CCTV (SHOWN UNDER ANNEX 2) THIS WILL BE REPLACED WITH THE CCTV CONDITION AS SHOWN IN SECTION M OF THIS APPLICATION FORM.
3. THE HOURS WHICH CURRENTLY RESTRICT THE SALE OF ALCOHOL TO 05.00-23.00 HOURS EACH DAY.

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

WE ARE UNABLE TO PROVIDE THE ORIGINAL PREMISES LICENCE AS WE ARE YET TO RECEIVE THE UPDATED LICENCE FROM THE LOCAL AUTHORITY FOLLOWING A DPS VARIATION SUBMITTED 02/10/2019.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

NONE IN ADDITION TO THOSE ALREADY SHOWN ON THE LICENCE AND WHICH ARE NOT BEING AMENDED/ REPLACED AS PART OF THIS APPLICATION.

AMENDED CONDITION 2:

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

REPLACED CONDITION 1:

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

b) The prevention of crime and disorder

NONE IN ADDITION TO THOSE ALREADY SHOWN ON THE LICENCE AND WHICH ARE NOT BEING AMENDED/ REPLACED AS PART OF THIS APPLICATION.

c) Public safety

NONE IN ADDITION TO THOSE ALREADY SHOWN ON THE LICENCE AND WHICH ARE NOT BEING AMENDED/ REPLACED AS PART OF THIS APPLICATION.

d) The prevention of public nuisance

NONE IN ADDITION TO THOSE ALREADY SHOWN ON THE LICENCE AND WHICH ARE NOT BEING AMENDED/ REPLACED AS PART OF THIS APPLICATION.

e) The protection of children from harm

NONE IN ADDITION TO THOSE ALREADY SHOWN ON THE LICENCE AND WHICH ARE NOT BEING AMENDED/ REPLACED AS PART OF THIS APPLICATION.

Checklist:

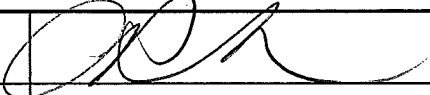
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	 P.P. LOCKETT & CO
Date	9 th October 2019
Capacity	DULY AUTHORISED AGENTS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

CHARLOTTE ATKINS
 LOCKETT & CO
 LOCKETT HOUSE
 13 CHURCH STREET

Post town KIDDERMINSTER

Post code DY10 2AH

Telephone number (if any) 01562 864488

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
 licensing@lockett.uk.com

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

[REDACTED], Bramley, Rotherham S66 [REDACTED]
01709 [REDACTED] Mobile [REDACTED]

20/10/2019 There are 5 pages to this opposition re: Licence Change for Shell Bramley 24-hour application

Dear Sirs

We have seen a notification placed on the Shell Bramley Petrol Station entrance board at the [REDACTED]. We are wishing to place our opposition against this taking effect and being granted and surprised that we have not received direct notification through the post.

This petrol station has previously operated as a 24-hour station, during our 26 years of living at this address it resulted in some of the worst and most distressing times for us living here. Needless to say, we were elated when this was reduced back to its current operating hours even though we still do experience numerous disturbances in the early hours due to car and motorbike engine noise.

Listed below are some of the frequent disturbances we experienced when the station operating on a 24-hour basis: -

- Tanker deliveries in the early hours of the morning anything from Midnight to 4 am creating noisy coupling of tanker hose to the underground storage inlet.
- Shouting between the delivery driver and the staff acknowledging delivery instructions over the tannoy system
- Staff using the tannoy to direct customers to the window rather than the use of the door or telling them which pump to use. The franchisee at the time rudely suggested that had we got triple glazing installed then we wouldn't hear them and had total disregard for us as neighbours.
- Customers using our driveway as a urinal and in some cases, we had to clean up human faeces from between our parked cars where individuals had looked for a private area so that our camera does not pick them up doing what they are doing.
- Security lights on our property constantly being lit up when people came down the drive to use it as a toilet.

We still experience problems with the petrol station even with reduced opening hours and we have contacted Shell Head Office numerous times to complain about the use of the Tannoy at unsuitable hours, I have included 2 examples for you to see. The petrol station had a refit a couple of years ago which included an upgrade of their system and now operate with a twin speaker system making it even louder.

They also now have toilet facilities BUT these will be closed to the public when operating overnight therefore we dread the return of having to clean up after such disgusting individuals looking for a private place to relieve themselves. Only yesterday evening my car headlights disturbed a young man using our drive as a toilet as I returned home at 9.30pm



[REDACTED], Bramley, Rotherham S66 [REDACTED]
01709 [REDACTED] Mobile [REDACTED]

In addition to the above we also experience a problem with litter from the petrol station and collect approx. 30 to 50 plastic gloves every couple of days from our drive and garden area which blow down from their forecourt, please see the photos attached from our collection only yesterday. This amount will only increase with extended operating times.

We really do not understand the '**evidence of need**' for this petrol station to be extended to 24 hours when there are 2 other stations in walking distance let alone driving distance that offer a 24-hour operating service. According to Google Maps it would take 0.6 miles to walk to all 3 as a round trip.

- Shell Bramley Petrol Station postcode is S66 2TP **4 Houses in close proximity**
- Morrisons Petrol Station postcode is S66 1YY (opposite side of dual carriageway) **24 Hours NO houses in close proximity**
- Shell Hellaby Petrol Station postcode is S66 8EY **24 Hours NO houses in close proximity**

We recently sold our other property which shares the same postcode S66 [REDACTED]
[REDACTED] This was a let property, our tenants enjoyed living at the property but had a huge problem with the same issues as us.

The difficulties we experienced selling [REDACTED] was directly due to the locality of the petrol station and the added possibility of HS2 according to the Valuers used to agree mortgages on behalf of the Banks and Building Societies. For this reason, we had to find a cash buyer. The property was originally valued at £375,000 and was eventually sold to a cash buyer for £221,000 (I can share evidence of the above with you) During the initial valuation the Estate Agents comments were – 'at least it's not a 24-hour petrol station '

We are hoping to sell our property at some time in the near future to downgrade as we are now in our 60s, this proposed change to 24 hours will have a massive impact on our house valuation and sale. Who will offer us compensation for a reduced sale price, we only have double glazing, who will offer us compensation to install triple glazing, who will come and clean up disgusting faeces? All these questions need to be asked and taken into consideration

When we moved here 26 years ago, the petrol station was a little 2 pump business surrounded by trees, the property next door was a Little Chef, surrounded by trees, over the years Rotherham Council have agreed the development of a huge Petrol Station and a huge Retail building all of which have impacted on our living conditions. Moving to a 24-Hour service will just exacerbate the current ongoing issues we are experiencing.

We look forward to hearing your views

[REDACTED]

[REDACTED] Bramley, Rotherham S66 [REDACTED]

01709 [REDACTED] Mobile [REDACTED]

Additional Information and evidence

Please see below 2 example emails of the content sent to Shell regards the use of the tannoy

Shell Bramley Staff on Tanoy at 6.04am

[REDACTED] <[REDACTED]@gmail.com>

Tue, Apr 23,
6:19 AM

to generalpublicenquiries-uk@shell.com

Hi

Once again, the staff are using this loudspeaker at a ridiculous time of 6.04. All they are saying to every customer as they pull in is 'Sorry I am closed'

My husband has only been in from work for less than 2 hours and was furious and quickly went up to the forecourt and unfortunately was not as polite as I usually am when this happens

They have now put up bollards so that no one can pull into the Petrol Station however the whole household is now wide awake (6.12)

We have repeatedly asked for the volume of this speaker to be reduced or one taken down it is appalling that this can wake up a family through double glazed windows and we are not the closest to the Petrol Station

Mrs [REDACTED]

COMPLAINT - Shell Petrol Station Intercom 6.01am

[REDACTED]xley <[REDACTED]@gmail.com>

Wed, Sep 12, 2018,
7:16 AM

to generalpublicenquiries-uk@shell.com

Hello

I once again implore you to modify the speaker system on the petrol station located on Bawtry Road S 66 2TP

At 6.52 this morning we were woken to a customer being advised how to operate a pump

I cannot understand why this system is so loud that it transcends through double glazing with such clarity when my own clock alarm next to my bed has difficulty waking me up

[REDACTED]

██████████ Bramley, Rotherham S66 ██████████
01709 () () Mobile ██████████

Evidence of plastic gloves collected from the garden



Here is an overhead view of the location of ██████████ adjoining boundaries and ()
showing proximity of properties/shared drive



████████████████████ Bramley, Rotherham S66 ████████ P

01709 ████████ Mobile ████████████████████

Location of dual tannoy system



**PUBLIC NOTICE OF AN APPLICATION TO VARY A
PREMISES LICENCE UNDER SECTION 34 OF THE
LICENSING ACT 2003**

Notice is hereby given that an application was made to
ROTHERHAM METROPOLITAN BOROUGH COUNCIL to vary a
premises licence under the above Act on the **9th October 2019**

Applicant:

**SHELL UK OIL PRODUCTS
LIMITED**

Address of premises:

**SHELL BRAMLEY, BAWTRY
ROAD, BRAMLEY, ROTHERHAM,
SOUTH YORKSHIRE, S66 2TP**

Proposed variation to the licensable activities:

- 1. EXTEND THE ALCOHOL SALES HOURS FOR
CONSUMPTION OFF THE PREMISES TO 24 HOURS PER
DAYS, SEVEN DAYS A WEEK**
- 2. AMEND A CONDITION ON THE PREMISES LICENCE**
- 3. REMOVE A CONDITION FROM THE PREMISES LICENCE
AND REPLACE IT WITH AN UPDATED CONDITION**

The postal address of the Licensing Authority where the register is
kept and the application may be inspected is:

*** LICENSING DEPARTMENT, ROTHERHAM METROPOLITAN
DISTRICT COUNCIL, RIVERSIDE HOUSE, MAIN STREET,
ROTHERHAM, S60 1AE**

Any person wishing to make representations on this matter shall
give notice, in writing, stating the nature and grounds for making
such representations to The Licensing Officer at the above address

* within 28 days of the date of this notice – by the **7th November
2019**. Further information is available on the web site

www.therham.gov.uk following the links.

It is an offence to make a false statement in connection with an
application and those who make a false statement may be liable
on summary conviction to a fine of any amount.

Lockett & Co – duly authorised agents

Underwood-Parkin, Lisa

From: Read, Chris-Cllr
Sent: 20 October 2019 18:10
To: Underwood-Parkin, Lisa; Ellis, Sue-Cllr; Hoddinott, Emma-Cllr
Cc: 'wickersley@btconnect.com'
Subject: RE: Variation to Premises Licence

Lisa,

Thank you for the notification. When the Shell garage first applied for an alcohol licence, we were agreeable so long as the hours of sale matched those of other nearby licensed premises (the pubs and Morrisons). During that time the restricted hours seem to have worked well, and having spoken to my ward colleagues our view is that this limit is still reasonable. Not only is the Shell garage used by vehicles passing through on the motorway, but also borders on to the residential area of Bramley. There is no advantage to the local community to allowing 24 hour alcohol sales, but it seems reasonable to assume that there is a risk that such sales are disruptive. On this basis we object to the variation of licence.

Regards,

Chris

Cllr Chris Read
Leader, Rotherham Metropolitan Borough Council
01709 822700
www.wickersleyward.org.uk
www.rotherham.gov.uk