

LICENSING SUB-COMMITTEE

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

Date: Thursday, 30 January 2020

Time: 10.00 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. Application (made in accordance with Section 34 of the Licensing Act 2003) to Vary the Premises Licence in place at The Waverley, New Brinsworth Road, Catcliffe, Rotherham (documentation herewith) (Pages 1 - 67)

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 30th January 2020 (10:00 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 The Waverley, New Brinsworth Road, Catcliffe, Rotherham, S60 5RW.

Report Author(s)

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

Report Summary

On the 3rd December 2019, Mr Ronald Woodthorpe submitted an application to vary the Premises Licence at The Waverley, New Brinsworth Road, Catcliffe, Rotherham, S60 5RW.

During the statutory consultation period, 16 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 P0034)
- Appendix 3 Application form dated 3rd December 2019
- Appendix 4 Representations received from interested parties (redacted)

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 The Waverley, New Brinsworth Road, Catcliffe, Rotherham, S60 5RW.

1. Background

- 1.1 On the 3rd December 2019, Mr Ronald Woodthorpe submitted an application to vary the Premises Licence at The Waverley, New Brinsworth Road, Catcliffe, Rotherham, S60 5RW.
- 1.2 The location of the premises is shown at Appendix 1.
- 1.3 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.
- 1.4 During the statutory 28-day consultation period, 16 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 licensable activity is permitted.

The licence currently permits the following activities from 1100hrs until 0000hrs Sunday to Thursday, 1100hrs until 0100hrs on Friday and 1100hrs until 0200hrs on Saturday:

- Retail sale of alcohol (for consumption on and off the premises)
- Performance of live music (indoors)
- Playing of recorded music (indoors)
- Performance of dance (indoors)

The licence holder is seeking to amend these times so that the above licensable activities can commence at 0800hrs, with the exception of the retail sale of alcohol which will commence at 0900hrs.

Terminal hours will remain the same except for:

- Christmas Eve and New Years Eve (when the terminal hour will be 0200hrs), and
 - Bank Holidays (when the terminal hour will be 0100hrs)
- Addition of late night refreshment to the licence.

The current licence does not permit the provision of late night refreshment. The licence holder is seeking to add late night refreshment to the licence so that this activity can take place between during the times that the other licensable activities are undertaken.

- Amend the opening hours of the premises.

The current opening hours specified on the licence are from 1100hrs until 0030hrs Sunday to Thursday, 1100hrs until 0130hrs on Friday and 1100hrs until 0230hrs on Saturday

The licence holder is seeking to amend these times so that the premises opens at 0800hrs. Closing times remain unchanged with the exception of Christmas Eve and New Year's Eve (closing at 0230hrs) and Bank Holidays (closing at 0130hrs).

- Amend the periods during the year when live music takes place outdoors.

The licence currently permits live music to take place outdoors between 1st June and 1st September only – between the hours of 1100hrs and 2230hrs.

The licence holder is seeking to amend this so that live music can take place outdoors between April and October (the date is not specified in the application – this should be confirmed with the applicant prior to any licence being issued).

Representations received

2.2 16 representations have been received from an interested parties, specifically residents from the local area and a local Ward Councillor.

2.3 The representations submitted by the local residents cited the following:

- Antisocial / unsocial behaviour
- Crime and disorder
- Traffic / parking concerns

- Noise / vibration from sound
- Environmental pollution
-

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

- Protection of children from harm.
- Public safety.
- Public nuisance.
- Crime and disorder.

The Councillor has however outlined their support for certain amendments to the licence, subject to specified restrictions.

2.5 Redacted copies of these representations can be found at Appendix 4.

2.6 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. At the time of drafting this report, confirmation had been received that two local residents would be attending the hearing to make their concerns known (both residents will be speaking in relation to one representation).

2.7 Members of the Sub-Committee should give full consideration of the issues raised by the interested party when determining the application.

2.8 The Council has not received any comments / representations from any of the responsible authorities that are identified in the Licensing Act 2003.

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 18th 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

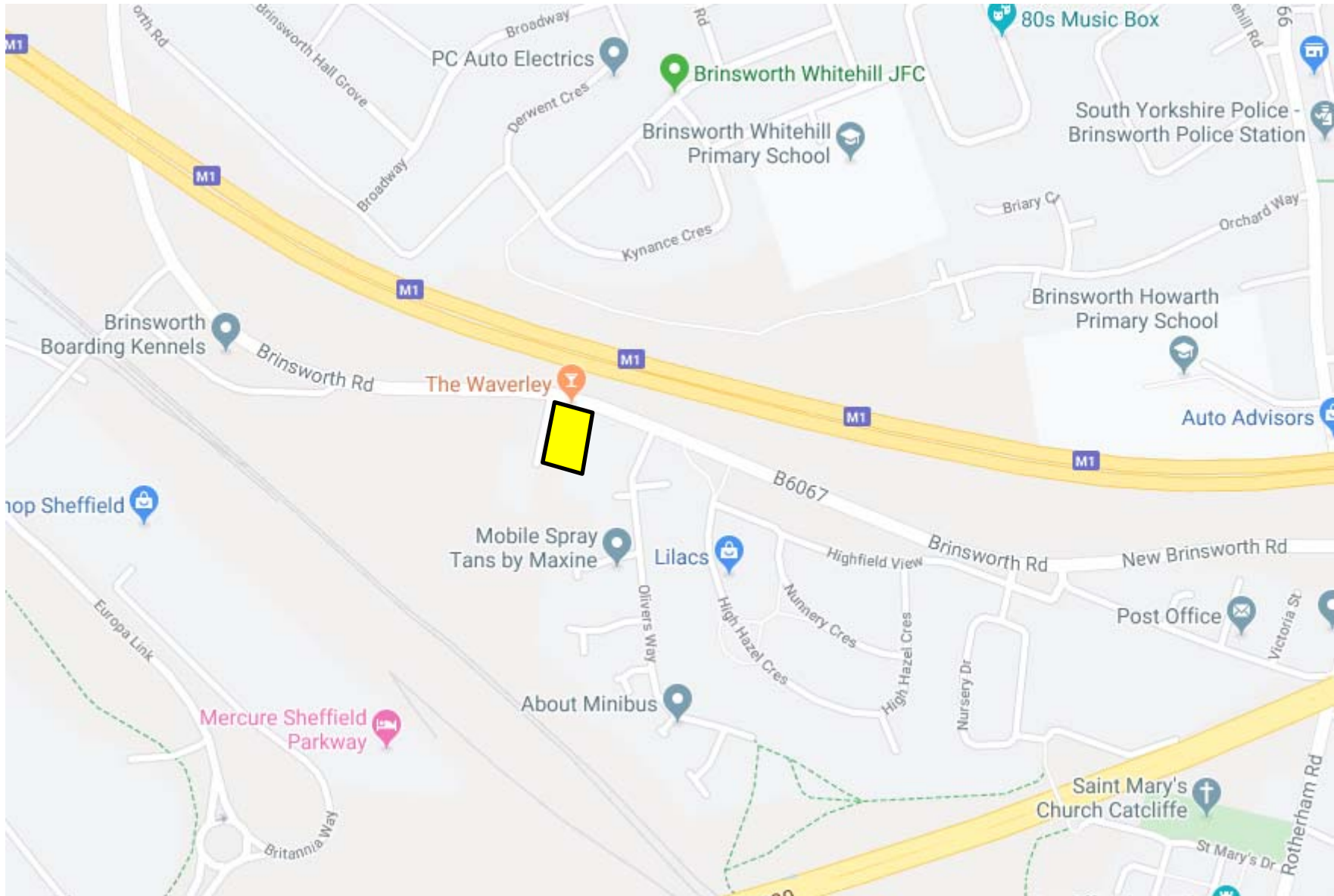
- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.

- 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](#).









Waverley

Licensing Act 2003 Premises Licence

P0034

Part 1 - Premises Details

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

The Waverley

New Brinsworth Road, Catcliffe, Rotherham, South Yorkshire, S60 5RW.

Telephone 01709 360906

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- 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
Performance of live music (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
	Non Standard Timings:		
	<u>Live music outdoors between 1 June and 1 September only: 11.00 to 22.30</u>		
Playing of recorded music (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
	Non Standard Timings:		
	<u>Live music outdoors between 1 June and 1 September only: 11.00 to 22.30</u>		
Performance of dance (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		



Licensing Act 2003 Premises Licence

P0034**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday to Thursday the following morning	11:00am	12:30am
Friday the following morning	11:00am	1:30am
Saturday the following morning	11:00am	2:30am

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

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

Part 2**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Ronald Woodthorpe

The Heights, Upper Whiston Lane, Upper Whiston, Rotherham, S60 4NF.
Telephone

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Alexander Nigel NOCTON

The Waverley, New Brinsworth Road, Catcliffe, Rotherham, South Yorkshire, S60 5RW.
Telephone

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. WD/LN/000003695

Issued by Wealden



Licensing Act 2003 Premises Licence

P0034

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

P0034

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

P0034

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

P0034

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.

Showing of films

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.

The admission of children to an exhibition of a film where the film classification body or this Council has determined the classification must be restricted in accordance with that classification. The film classification body is the British Board of Film Classification. In this condition children means persons under 18 years of age.

Films must be classified in the following way:

- U -** Universal. Suitable for audiences aged four years and over.
- PG -** Parental Guidance. Some scenes may be unsuitable for young children.
- 12A -** Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 -** Passed only for viewing by persons aged 15 years and over.
- 18 -** Passed only for viewing by persons aged 18 years and over.

**If the Premises Licence has conditions in respect of Door Supervision
[except theatres, cinemas, bingo halls and casinos]**



Licensing Act 2003 Premises Licence

P0034

ANNEXES continued ...

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

Last admission to the premises on Fridays and Saturdays: 23.00

Prevention of Crime and Disorder

None.

Public Safety

None.

Prevention of Public Nuisance



Licensing Act 2003 Premises Licence

P0034

ANNEXES continued ...

None.

Protection of Children from Harm

None.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

See attached.





Licensing Act 2003

Premises Licence Summary P0034

Premises Details

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

The Waverley

New Brinsworth Road, Catcliffe, Rotherham, South Yorkshire, S60 5RW.

Telephone 01709 360906

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- 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
Performance of live music (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
	Non Standard Timings:		
	<u>Live music outdoors between 1 June and 1 September only: 11.00 to 22.30</u>		
Playing of recorded music (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
	Non Standard Timings:		
	<u>Live music outdoors between 1 June and 1 September only: 11.00 to 22.30</u>		
Performance of dance (Indoors)	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		
The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	the following morning		
	Saturday	11:00am	2:00am
	the following morning		



THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday the following morning	11:00am	12:30am
Friday the following morning	11:00am	1:30am
Saturday the following morning	11:00am	2:30am

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Ronald Woodthorpe

The Heights, Upper Whiston Lane, Upper Whiston, Rotherham, S60 4NF.

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

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

Alexander Nigel NOCTON

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

None



APPENDIX 3

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 **RONALD WOODTHORPE**

(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

P0034

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
THE WAVERLEY, NEW BRINSWORTH ROAD,
CATCLIFFE

Post town	ROTHERHAM	Post code	S60 5RW

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£7100

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	waverleytaverns@yahoo.com
Current postal address if different from premises address	
Post Town	
Postcode	

Part 3 - Variation

Please tick yes

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

x
☐

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

There are several reasons we are requesting a change to the license.

A change to opening times to help expand a struggling business into the food market of the area.

First by offering breakfast to the locals and others of the area as we are the last pub in Catcliffe. Plus taking advantage of some earlier sporting events whether they be local or transmitted via sky etc.

Offering a place to meet and greet for local mums and the older generation as they are traveling by for refreshments.

We are a large outlet with capacity for a few hundred in our lounge, children's area with car parking to match.

We have also recently invested greatly in the property and created a large south facing decking area with a children's playground next to it.

Making the most of the large carpark and field areas and offering this facility to local groups to hold shows inside and out at this location.

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 tick yes**

- | | |
|--|--------------------------|
| 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) | |
| 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) | x |
| f) recorded music (if ticking yes, fill in box F) | x |
| 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 entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | |
| j) dancing (if ticking yes, fill in box J) | |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

x

Sale by retail of alcohol (if ticking yes, fill in box M)

x

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
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</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) This is for the showing of sporting events via TV.
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		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 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
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 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	08.00	00.00	<u>Please give further details here</u> (please read guidance note 3) Most events take place inside location and are monitored by DPS. Background music is also played outside around the building only.		
Tue	08.00	00.00			
Wed	08.00	00.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) The odd outside event takes place on back of our location onto large field. This can occur between April and October depending on weather and is finished by 22.30hrs. If not already covered Christmas eve and New Years eve closing at a later time 02.30. Closing at a later time on bank holidays 01.30		
Thur	08.00	00.00			
Fri	08.00	01.00	<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 5) Any and all outside music events will be finished by 22.30hrs at the latest.		
Sat	08.00	02.00			
Sun	08.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The playing of recorded and instrumental music inside and outside the location via background system, DJ and Band.		
Mon	08.00	00.00			
Tue	08.00	00.00			
Wed	08.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) During warmer months music will be played outside at a reasonable level not to cause a situation with the neighbours. (April Till October) Depending on weather. If not already covered Christmas eve and New Years eve closing at a later time 02.30. Closing at a later time on bank holidays 01.30		
Thur	08.00	00.00			
Fri	08.00	01.00	<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 5)		
Sat	08.00	02.00			
Sun	08.00	00.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)	
Wed				
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 4)	
Fri				
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 5)	
Sun				

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)	
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	x
Mon	08.00	00.30	<u>Please give further details here</u> (please read guidance note 3) The opening in a morning of our new kitchen for breakfasts, snacks etc.			
Tue	08.00	00.30				
Wed	08.00	00.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) Later opening possible for xmas and new year's eve depending on day it falls 02.30.			
Thur	08.00	00.30				
Fri	08.00	01.30	<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 5) Opening earlier or later depending on sporting events that will be transmitted via sky etc. (For example, World/European Cup football, Rugby and Boxing)			
Sat	08.00	02.30				
Sun	08.00	00.30				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) If not already covered Christmas eve and New Years eve closing at a later time of 02.00. Closing at a later time on bank holidays 01.00		
Mon	09.00	00.00			
Tue	09.00	00.00			
Wed	09.00	00.00			
Thur	09.00	00.00	<u>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</u> (please read guidance note 5) Opening up earlier for any transmitted sporting event via sky etc. Also, for any club that come and show at our location and require use of facilities.		
Fri	09.00	01.00			
Sat	09.00	02.00			
Sun	09.00	00.00			

N

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 8)

We are a children welcoming pub and have in our location a children's side with no 18 years and over gaming machines.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) If not already covered Christmas eve and New Years eve closing at a later time of 02.30. Closing at a later time on bank holidays of 01.30
Day	Start	Finish	
Mon	08.00	00.30	
Tue	08.00	00.30	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 (please read guidance note 5) Opening up earlier for any transmitted sporting event via sky etc. Also for any club that come and show animals cars etc. at our location and require use of facilities.
Wed	08.00	00.30	
Thur	08.00	00.30	
Fri	08.00	01.30	
Sat	08.00	02.30	
Sun	08.00	00.30	

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

Please tick yes

- 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 failed to enclose the premises license or relevant part of premises license
The previous licensee has taken these details with him.

P 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,e) (please read guidance note 9)

The CCTV system has been totally up graded to 16 HD cameras located inside and outside the build. Monitored inside and off premises.
All staff have been trained to handle difficult or awkward customers and to try and resolve any situation as peacefully as possible.
All staff are informed and trained in who they can serve alcohol too and who they need to refuse service to.

b) The prevention of crime and disorder

Location if fully CCTV up inside and out and we are a member of and follow the rules of the local pub watch scheme.

c) Public safety

All measures that can be in place are regarding health and safety and any problems found are corrected expediently.

d) The prevention of public nuisance

All persons are requested to leave the location as peacefully as possible. Any disorder found to be taking place is dealt with in a firm but fair manner.

e) The protection of children from harm

All children and adults with children are monitored by staff and cameras at all times to ensure their safety and steps taken if necessary.

Please tick yes

- I have made or enclosed payment of the fee ☐
- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	03.12.19
Capacity	OWNER

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 12). **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 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			


Please tick yes

- I have made or enclosed payment of the fee ☐
- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	03.12.19
Capacity	OWNER

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 12). 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 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Underwood-Parkin, Lisa

Subject: FW: Website enquiry

-----Original Message-----

From: [REDACTED]
 Sent: 13 January 2020 19:33
 To: Underwood-Parkin, Lisa
 Subject: Re: Website enquiry

Hi

Our property directly back on to the Waverley land, we have already encountered over the years many car shows that dive up to our rear boundary and rev there engines and bang out base music, that much, that our house vibrates, we already feel that there is enough drinking hours around the surrounding areas that encourage unsociable behaviour and drug use, if they want to hold an event or wedding they can just apply for an extension, there is no need for this to be on a permanent basis. This would also create more traffic and late at night (and sometimes in the day) the main road is used as a race track and it is an accident waiting to happen. Also we and other residents don't want this having an impact on the value of our properties, we have already had a temporary container yard set up on the old Marshalling yards which I understand will soon be made permanent, something else which we was not made aware of, will we get a reduction in our council tax, living next to a pub that is open all hours and a container park banging about all day ? (I very much doubt).

Hoping this addresses our concerns.

[REDACTED]

Sent from my iPad

>> -----Original Message-----

>> From: [REDACTED]
 >> Sent: 08 January 2020 13:42
 >> To: Licensing
 >> Subject: Website enquiry
 >>
 >> Waverley pub New Brinsworth Road
 >>

>> I understand the Waverley Pub would like to extend there opening hours and alcohol licence, I am a resident of the a joining housing estate and would like to OBJECT to this application. I would also like to complain that this has not been circulated to the residents of the Oliver's way estate, I have found out about this from a friend who live on the howarth estate in Brinsworth, should this have not been posted out to every resident of the affected estate? Also the time limit given for the objection of this change is not long enough for people to object taking into account that we don't even know about this, i found out on Monday 6th Jan and was on holiday until 7th Jan so have only just been able to respond today the 8th Jan which is the deadline day.

>>
 >> Hoping to hear from you ASAP on this matter and hope this deadline day will be extended and the residents it affects are informed of this application.

>>
 >> Yours faithfully

>> [REDACTED]
 >> [REDACTED]

Underwood-Parkin, Lisa

From: [REDACTED]
Sent: 08 January 2020 13:42
To: Licensing
Subject: Website enquiry

Waverley pub New Brinsworth Road

I understand the Waverley Pub would like to extend there opening hours and alcohol licence, I am a resident of the a joining housing estate and would like to OBJECT to this application. I would also like to complain that this has not been circulated to the residents of the Oliver's way estate, I have found out about this from a friend who live on the howarth estate in Brinsworth, should this have not been posted out to every resident of the affected estate? Also the time limit given for the objection of this change is not long enough for people to object taking into account that we don't even know about this, i found out on Monday 6th Jan and was on holiday until 7th Jan so have only just been able to respond today the 8th Jan which is the deadline day.

Hoping to hear from you ASAP on this matter and hope this deadline day will be extended and the residents it affects are informed of this application.

Yours faithfully

[REDACTED]
[REDACTED]
Sent from my iPad

***n.b. this representation
is from the same
individual as the
previous contact***

Underwood-Parkin, Lisa

Subject: FW: Waverley Variation of Premises License Application
Attachments: Waverley email.JPG

From: [REDACTED]
Sent: 07 January 2020 20:38
To: Licensing
Subject: Waverley Variation of Premises License Application

Dear Sirs/Madam,

My partner and I are residents of [REDACTED] Catcliffe, Rotherham S60 [REDACTED] and have today come home to find the attached communication having been posted through our letter box. This concerns an application to extend their alcohol and music license to 2am in the morning.

Please accept this as evidence of my objections to the the application for the following reasons:

1. Our property abuts the field at the back of the pub. It is a mere 80 yards (estimated) from the back of the pub itself where the bands are situated when playing.
2. Every Friday and Saturday we can hear the music playing to the extent that the songs themselves are easily identified.
3. Even with our windows closed the music can be heard, such is its volume and due to the proximity of our property to the pub.
4. During the recent summer months this has on occasion been unbearable. I recall on one occasion when we had to get up at 4am as we were going on holiday, there was some sort of event being held at the pub. It was a Friday night and it had been a hot day. We got very little sleep and may as well have been sat in the beer garden. There was music playing outside, the speakers were on the decking area, and it went on until midnight. This was a mere 80 yards from our bedroom window which we had to close on a red hot summer night to try and curtail the noise.
5. Our only regret now is not making any complaints to the council about it, but I fully intend to do so going forwards on each and every occasion we are disturbed with the noise levels.
6. To expect residents whose gardens overlook the pub, to listen to rock/pop music until 2am on a weekend and midnight on Thursdays is ludicrous and will incur significant costs for Rotherham Borough Council as a result of them having to investigate noise complaints from residents and calls to the police about the nuisance caused by events being held at the pub.
7. I have only ever attended the pub once (bonfire night) and it is clear that its main residents are those who reside at the council estate nearby, who would not be affected by noise levels at the pub.

Please acknowledge receipt of these objections and provide some explanation as to why this communication has only been received the day before the expiry of the deadline (today). Please clarify what the procedure is for an application of this nature and the notice periods that apply for inviting

objections by residents and whether these have been adhered to by either the council, or the applicants themselves.

Can you please also advise me of the date this application is due to be heard at court and whether there is any opportunity for me to make any representations at the hearing in order that my further objections and those of other residents, are heard before a decision is taken.

Finally, my greatest concern with this application is the ability to be able to sell our property in the future, which is currently valued at in excess of £200,000, as a result of the nuisance caused by a public house with an extended license akin to that of a nightclub, is bound to be of concern to purchasers.

I look forward to hearing from you.

Kind regards



Sent from Outlook

Underwood-Parkin, Lisa

Subject: FW: 2059189 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

From: no-reply@rotherhamgov.uk [mailto:no-reply@rotherhamgov.uk]

Sent: 07 January 2020 16:43

To: Licensing

Subject: Ref: 2059189 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

Page: About you

- Title: [REDACTED]
- First name: [REDACTED]
- Surname: [REDACTED]
- Address: [REDACTED] Catcliffe, Rotherham, S60 [REDACTED]
- Email address: [REDACTED]

Page: About your enquiry

- What is your enquiry about? Report a concern
- Please give us more details about your enquiry: I have received a letter regarding the Waverly pub extending their alcohol & music license. I'm already not happy at the level of noise from the music played over a weekend as I have a 2 year old. Extending the hours to 1am on Friday & 2am on a Saturday will be even worse. I can hear the music with the windows shut so come the summer months when we need to open the windows god knows how loud it will be. We have lived here for nearly 3 years & its only recently the music has been a problem it didn't use to be.

Underwood-Parkin, Lisa

Subject: FW: Extending hours @ The Waverley Pub, Catcliffe

From: [REDACTED]
Sent: 07 January 2020 17:12
To: Licensing
Subject: Extending hours @ The Waverley Pub, Catcliffe

I strongly oppose this application, as the music already keeps our [REDACTED] old daughter awake, in the evenings and at night.

What are the current hours for playing music? As this is currently a nuisance and during the summer, when the doors are open, music keeps our daughter awake all evening / night.

Regards

[REDACTED]

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Underwood-Parkin, Lisa

Subject: FW: 2057508 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Alcohol sales licensing

From: [REDACTED]
Sent: 07 January 2020 14:27
To: Ladlow, Keeley
Subject: Re: 2057508 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Alcohol sales licensing

Hi Keeley, I'd like to put down in writing my objections against the proposed extended hours to the alcohol license put forward by the Waverley pub in Catcliffe Rotherham.
Having grave concerns to the local residents health & safety.

Added Road **traffic on Brinsworth Road** already has a speed limit of 60mph, adjacent to a major motorway the M1 transport accounts for a significant portion of air pollution to Catcliffe, causing serious **pollution** problems like carbon monoxide and smog.
... **Traffic** fumes contain harmful chemicals that pollute the atmosphere.

Road **traffic** emissions produce greenhouse gases that contribute to global warming. **Noise pollution**, also known as environmental **noise** or **sound pollution**, is the propagation of **noise**. The Waverley pub adjacent to a residential development a dog kennel.... and horse riding school, with harmful impact on the activity of human or animal life. The source of outdoor **noise worldwide** is mainly caused by machines, transport, and propagation systems. Later opening hours impact on light pollution. Too much light pollution has consequences: it washes out starlight in the night sky, interferes with astronomical research, disrupts **ecosystems**, has adverse health effects and wastes energy.

I cannot see any need in the local area for the licensing to change as it is, indeed sporting events like the Rugby or Football world cups happen every 4 years ? special dispensation can be requested for these events.
Kind regards
[REDACTED]

From: no-reply@rotherhamgov.uk [mailto:no-reply@rotherhamgov.uk]
Sent: 06 January 2020 11:32
To: Licensing
Subject: Ref: 2057508 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Alcohol sales licensing

Page: About you

- Title: [REDACTED]
- First name: [REDACTED]
- Surname: [REDACTED]
- Address: [REDACTED] Catcliffe, Rotherham, S60 5UR
- Telephone number: [REDACTED]
- Email address: [REDACTED]

Page: About your enquiry

- What is your enquiry about? Alcohol sales licensing
 - Please give us more details about your enquiry: The Waverley pub in Catcliffe ? I'd like to raise questions regards noise pollution? Air pollution ? Impact to local residents? Adjacent a very busy M1? Adjacent to 60 mph road? Adjacent to a Dog kennel? Adjacent to a horse riding school? Kind regards Sleepless in Catcliffe :(
-

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Underwood-Parkin, Lisa

Subject: FW: 2059433 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

From: no-reply@rotherhamgov.uk [mailto:no-reply@rotherhamgov.uk]

Sent: 07 January 2020 22:49

To: Licensing

Subject: Ref: 2059433 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

Page: About you

- Title: [REDACTED]
- First name: [REDACTED]
- Surname: [REDACTED]
- Address: [REDACTED] Catcliffe, Rotherham, S60 [REDACTED]
- Telephone number: [REDACTED]
- Email address: [REDACTED]

Page: About your enquiry

- What is your enquiry about? Report a concern
- Please give us more details about your enquiry: I am writing this as a neighbour has just informed me to my Horror that a public house across the street is trying to extend their licensing hours (THE WAVERLY PUBLIC HOUSE) The pub under normal hours is very noisy and at weekends they have a very loud bass that vibrates around the area while my wife and I are sitting peacefully in our quite back garden trying to read / chat ect. I can think of several reasons why I strongly oppose this. Im sure that in and age of antisocial behaviour we sould be curbing drinking into the early hours rather than promoting it. I would put it to you that if this was on your door step you would not let this happen. Surely we have enough pubs and clubs in central Rotherham that are open until the early hours rather that a quite residential housing estate. Yours [REDACTED]

Underwood-Parkin, Lisa

From: [REDACTED]
Sent: 08 January 2020 13:56
To: Licensing
Subject: Website enquiry

With reference to The Waveley Pub, New Brinsworth Road, Catcliffe, application to extend their alcohol and music license.

I strongly object to this application & only been informed of it from a neighbour last night having never received a letter informing us of this along with many of our neighbours never receiving an letter which results in anyone on this estate who live next door to the waveley pub not having the opportunity to either support or object to this application as apparently the cut off day for any objections is today! This is extremely annoying when residents on this estate including ourselves have not received a letter informing us an application has been made by the landlord of the pub.

Many reasons I strongly object to this application is firstly, as a family with children to have a licence extended to 2am especially on a Sunday when most residents are working the next day & children have schools to attend the is absolutely ridiculous due to music noise levels & anti social behaviour this will cause. Many young drinkers who frequent the three magpies in brinsworth (where many raids, incidents, fighting occurs frequently) will take this opportunity to walk from there at closing time & carry on drinking at the waveley pub if open until 2am.

Anti social behaviour is a problem in may villages & this will have a major impact therefore increasing this problem. If people wish to carry on drinking into the early hours that's what we have town centres for NOT to be subjected to this in villages. We have lived on this lovely estate for the last 16yrs & many property owners here have young families, I we don't want to be subjected to the noise & trouble it will bring, I know you wouldn't want it on your doorstep either, not to mention house prices dropping if this goes ahead.

After speak to residents late last night they all feel the same way but havent had the time or opportunity to submit forms for objection due to never hearing about this or receiving any letters!

I look forward to you keeping us ALL informed & await your reply

[REDACTED]
[REDACTED] resident)

Sent from Mail for Windows 10

***n.b. this representation
is from the same
individual as the
previous online form***

Underwood-Parkin, Lisa

Subject: FW: 2059413 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

From: no-reply@rotherhamgov.uk [mailto:no-reply@rotherhamgov.uk]

Sent: 07 January 2020 21:51

To: Licensing

Subject: Ref: 2059413 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a concern

Page: About you

- Title: [REDACTED]
- First name: [REDACTED]
- Surname: [REDACTED]
- Address: [REDACTED], Catcliffe, Rotherham, S60 [REDACTED]
- Telephone number: 0 [REDACTED]
- Email address: [REDACTED]

Page: About your enquiry

- What is your enquiry about? Report a concern
- Please give us more details about your enquiry: I would like to oppose the proposed extension to opening hours for the Waverley pub at Catcliffe, these are unnecessary and will bring more anti social behaviour to the area as well as increased noise levels for longer periods of time. The pub is situated at the side of a residential estate which has a high number of young families and therefore increased noise levels will impact on residents home lives and reduced levels of sleep due to the extended hours. Weekends are already disturbed due to the current hours and loud music being played on weekends. The extended hours will also provide a further drinking location for patrons of pubs such as magpies in Brinsworth once they close which will increase the antisocial behaviour. There should also be consideration given to the increase in traffic this will bring to a residential area as the pub holds events and the car park is used as a show ground for these so patrons the park all along Brinsworth road and Oliver's way on occasions blocking residents drive ways and creating increased risk for ingress and egress of the Oliver's way junctions as clear sight range is significantly reduced with parked vehicles this will be an accident waiting to happen!

Underwood-Parkin, Lisa

Subject: FW: Waverley pub request for extension to opening hours

-----Original Message-----

From: [REDACTED]
Sent: 07 January 2020 21:34
To: Licensing
Subject: Waverley pub request for extension to opening hours

To whom this may concern I would

Like to strongly object to the proposed extension to opening times for the Waverley pub at Catcliffe.

This public house backs onto a residential housing estate where many homes have young families extending the hours would significantly increase the noise levels as well as encourage pub users from the Brinsworth area (Magpies) to continue drinking for longer periods of time and therefore creating a significant increase risk of anti social behaviour and increased noise levels .

The Waverley already has increased noise levels on weekends due to

Loud music and events which also increase the issue of unsafe parking when visitors to the pub park on Oliver's way rather than the pub car park (particularly summer weekends) where no consideration is given when they block driveways so residents are unable to access or egress there own driveways without creating issues for other residents

I am very much against the proposed request for extended opening hours

Regards

[REDACTED]
Sent from my iPhone

***n.b. this representation
is from the same
individual as the
previous online form***

Underwood-Parkin, Lisa

Subject:

FW: Application to change Licensing hours Waverley Pub, Catcliffe

From: [REDACTED]

Sent: 07 January 2020 18:31

To: Licensing

Subject: Application to change Licensing hours Waverley Pub, Catcliffe

VARIATION OF PREMISES LICENCE

The Waverley

New Brinsworth Road

Catcliffe

S60 5RW

I would like lodge a serious objection to the new licensing hours proposed at The Waverley Pub, Catcliffe.

As residents of the housing estate that backs directly onto the grounds of the pub, we feel that the noise level from the pub is currently too high within the existing licensing hours.

When the doors or windows are open at the weekend and parties are taking place, the noise level is high enough to keep us awake late at night, with very loud music and also customers on the patio area. So we think it is totally unacceptable to ask for longer licensing hours when houses are so close to the pub. We can still hear the music when all the doors and windows are closed.

[REDACTED]

[REDACTED], Catcliffe, Rotherham S60 [REDACTED]

Underwood-Parkin, Lisa

From: Watson, Alix
Sent: 07 January 2020 10:22
To: Underwood-Parkin, Lisa
Subject: FW: Variation of Premises Licence

From: [REDACTED]
Sent: 06 January 2020 21:49
To: Licensing
Subject: Variation of Premises Licence

Dear Sir,
I write in conjunction with the application by:
The Waverley
New Brinsworth Road
Catcliffe
S60 5RW.

I live in one of the houses backing on this establishment, and would like to register my strong objection to any extension of music or alcohol licensing times.
Under the current licence, we are regularly kept awake with music blaring until late on a weekend, and any extension will exacerbate the problem.
Additionally we currently have many weekends spoilt with noise from blaring music from cars, revving of engines from both motor scooters and cars at the many club "meets" held in the grounds.
Any additional disturbance would be (in my opinion) a serious infringement to local residents rights to quiet enjoyment.
I also believe that these proposals would have a detrimental effect on local property prices.

I really hope that you take these comments into consideration before granting any licence extension.

Many Thanks

[REDACTED]
[REDACTED]e
Rotherham
S60 [REDACTED]

Underwood-Parkin, Lisa

From: Watson, Alix
Sent: 07 January 2020 10:21
To: Underwood-Parkin, Lisa
Subject: FW: Waverley pub late Licence

-----Original Message-----

From: [REDACTED]
Sent: 06 January 2020 22:46
To: Licensing
Subject: Waverley pub late Licence

I do not wish this licence to go ahead, the late licence till 2am on Saturdays and 1am Fridays will affect us as we live so close .

We have a toddler who will wake up with the music . Also this will attract the wrong kind of clientele.

This is a family pub in the middle of a residential area , Not a late bar on a high street or town centre

Regards Catcliffe resident

Sent from my iPhone

Underwood-Parkin, Lisa

From: Sykes, Lesley
Sent: 06 January 2020 08:12
To: Underwood-Parkin, Lisa
Subject: FW: Waverley pub Catcliffe

-----Original Message-----

From: [REDACTED]
Sent: 05 January 2020 19:26
To: Licensing
Subject: Waverley pub Catcliffe

To whom it may concern

I wish to object to the landlords request to extend the opening hours, I feel it would encourage extra noise nuisance at unsociable times & disorderly conduct, due to the extra amounts of alcohol consumed. As a local resident living on Olivers Way, next to the Waverley pub, I worry for the extra nuisance.

Thank you

[REDACTED]

Underwood-Parkin, Lisa

From: Watson, Alix
Sent: 06 January 2020 15:01
To: Underwood-Parkin, Lisa
Subject: FW: Waverley Catcliffe

From: [REDACTED]
Sent: 06 January 2020 14:30
To: Licensing
Subject: Waverley Catcliffe

Good Day,

I wish to object to the Waverley at Catcliffe Rotherham, to extend their music and licence hours .

I dont live very far from there and in the dead of night sound carries along way not to mention the possible trouble that it may cause with the extended alcohol being drunk.

We already have The Three Maggpies with constant fighting and glasses left all over the estate, most broken with dangerous glass scattered around .

I realise most of the time the music will be confind to indoors , but in the summer they may move outside , windows open etc.

I can see a nightmare waiting to happen if they are granted this licence.

Regards

[REDACTED]
Resident .

Sent from my Samsung Galaxy smartphone.

Underwood-Parkin, Lisa

Subject: FW: Licensing Act 2003: variation of a premises licence

From: Carter, Adam
Sent: 08 January 2020 19:49
To: Underwood-Parkin, Lisa
Subject: Re: Licensing Act 2003: variation of a premises licence

Hi Lisa,

I would like to object to the extended alcohol licence hours being applied for here. There are residential houses, a kennels, and several animals in nearby houses and my reasoning for objecting to the proposed hours are based on the prevention of public nuisance.

In addition, New Brinsworth Road is a main walking route to Brinsworth Academy so I think that not having the pub open before 10am is conducive to the protection of children from harm, and public safety, on the walk to school in the morning.

I am concerned about the regular late night opening, coupled with early morning opening as I feel this would raise the risk of crime and disorder in the local area.

I would be supportive of an alcohol and live/recorded music licence that was between the following hours:

- Sun-Thurs: 10am-11pm
- Fri-Sat: 10am-midnight

I would also be supportive of temporary licence extensions on special occasions.

In addition, I would like a restriction on deliveries between 8-10am and 2-4pm to reduce the risk of public nuisance on a busy road.

Best wishes,
Cllr Adam Carter

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