

LICENSING SUB-COMMITTEE
5th August, 2020

Present:- Councillor Clark (in the Chair); Councillors Buckley and Wyatt.

10. APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) FOR THE GRANT OF A PREMISES LICENCE FOR SEASONS RESTAURANT, 151 - 152 BAWTRY ROAD, WICKERSLEY, ROTHERHAM

At the commencement of the meeting, it was clarified that Councillor Ellis, although Chair of the Licensing Committee, was in attendance and objecting to the application in the capacity of Ward Councillor.

The Sub-Committee considered an application for the grant of a premises licence, in accordance with Section 17 of the provisions of the Licensing Act 2003, in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham. The premises comprised of what were formerly 3 separate businesses – a delicatessen, a butcher and a health/beauty salon. The applicant was seeking a licence to permit the provision of late night refreshment and sale of alcohol for consumption on and off the premises.

As the premises were located within Wickersley, the application fell under the scope of the Council's Cumulative Impact Policy and should be considered in accordance with this Policy along with the Council's overarching Licensing Act 2003 Statement of Licensing Policy.

In accordance with the procedure the Assistant Director, Community Safety and Street Scene, presented the report which set out the application seeking authority for the following licensable activities to take place at the premises:-

Provision of late night refreshment (for consumption within and outside of the licensed area) between the hours of 2300 hours and 0000 hours Monday to Sunday

- Retail sale of alcohol (for consumption on and off the premises) between the hours of

1100 hours and 0000 hours Monday to Friday

1000 hours and 0000 hours Saturday and Sunday

- The applicant had stated that the opening times of the premises were as follows:-

0800 hours to 0030 hours Monday to Sunday.

Rotherham Council's Planning Service had confirmed that Condition 03 attached to planning reference RB2018/1692 only allowed the business to operate between the hours of 0800 hours and 0000 hours.

The Licensing Authority had received representations from Rotherham Council's Licensing Service (in the role of Responsible Authority) and 5 interested parties. In addition, South Yorkshire Police had agreed conditions with the applicant that were intended to address any concerns that the Police may have had in relation to the application.

The Licensing Service (in the role of Responsible Authority), reported that, since the representations had been made, a significant number of additional conditions had been included in the applicant's proposals. These additional conditions addressed those concerns raised regarding the Cumulative Impact Policy for the Wickersley area and the representations had now been withdrawn.

No objections had been received from the Authority's Environmental Health Officer.

A member of Wickersley Parish Council, a local resident and Councillor Ellis presented their objections to the proposals. There were also 2 written statements by members of the public. The objections were as follows:-

- The recently adopted Wickersley Cumulative Impact Zone and the consultation that had taken place leading to the adoption of the Zone
- Lack of infrastructure to support the industry resulting in a negative impact for local residents
- Increase in crime and disorder
- Public safety/road traffic accidents
- Parking concerns
- Noise and littering nuisance currently experienced
- Vandalism
- Anti-social and unsocial behaviour
- Protection of children from harm
- Lack of management control
- Consultation on the impending Neighbourhood Plan had shown an overwhelming view of too many bars and licensed premises in Wickersley
- Outside drinking

The applicant's representative and the applicant addressed the issues raised by the objectors.

In conclusion, the Sub-Committee took due note of the written and oral representations made, the proposed conditions submitted by Wickersley Parish Council should the licence be granted, the fact that there was no representation from Environmental Health and also that the

representations previously made by South Yorkshire Police and the Licensing Authority had been withdrawn in respect of this application.

The Sub-Committee considered that the measures to be put in place by the applicant company to ensure the prevention of public nuisance, noise nuisance and to ensure that the premises were operated satisfactorily were sufficient and noted that the applicant's representative had submitted 32 additional conditions to address the concerns raised.

The Sub-Committee considered the application for the variation of the Premises Licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Resolved:- (1) That the application for a Premises Licence, under the provisions of the Licensing Act 2003, in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, be approved subject to the following conditions:-

(a) Alcohol will be served to customers seated or to those waiting to be seated.

(b) A 'greeter' shall be employed at Seasons on Friday and Saturday evenings from 20:00hrs until close. The 'greeter' will principally be located in the restaurant's waiting area.

(c) The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evening when the Courtyard is open and trading. These door supervisors will patrol both the Courtyard and Seasons and will closely monitor external areas.

(d) When external areas are being utilised for dining and/or consumption of alcohol by Seasons' customers, a specific member of staff shall be instructed to monitor external areas and remove empty/unrequired glassware from external tables.

(e) The use of non-glass drinking vessels in external areas shall be in accordance with the management's written assessment of risk.

(f) All staff employed at the premises for the purpose of selling or delivering alcohol shall receive training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.

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(g) Where third party agents are utilised for the purpose of delivering food and alcohol orders, the licence holder shall require evidence that delivery staff have received training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.

(h) No drinks to be removed from the premise sealed or unsealed, with the exception of:

- for consumption within the area provided for that purpose
- for home delivery, ancillary to a food order.
- for takeaway pre-ordered by a customer, ancillary to a food order (walk up order will not be accepted by the premises)

(i) No drinks to be removed from the premise sealed or unsealed, with the exception of:

- for consumption within the area provided for that purpose (alcohol not allowed to be removed from the specified outside area)
- for home delivery, ancillary to a food order.
- for takeaway pre-ordered by a customer, ancillary to a food order (walk up order will not be accepted by the premises).

(2) There shall be no change to this operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for a full or minor variation or a new licence is required and the holder shall comply with that direction.

(a) The premises shall operate primarily as a restaurant. The sale of alcohol without food will always remain as an ancillary part of the main use of the premises as a restaurant. The premises will not operate exclusively as a bar.

(b) Non-intoxicating drinks shall be available at all times the premises are trading.

(c) Orders for substantial food shall be accepted up to 1 hour before closure.

(d) Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

(e) The sale of alcohol for consumption off the premises shall be in a sealed vessel other than for alcohol consumed within any external area provided for that purpose by the premises.

(f) Glassware can be used by customers sitting in the outside seating area and a member of staff will be responsible for service in this area and the clearing of glasses for that area.

(g) The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor.

(h) The management of the premises will liaise with police on issues of local concern or disorder.

(i) CCTV shall be provided in the form of a recordable system. Cameras shall encompass all points of public ingress and egress to the premises and provide comprehensive coverage of all internal areas to which the public have access (save for toilets). Equipment shall be maintained in good working order and correctly timed and dated. The licence holder shall take reasonable steps to ensure prompt repairs are carried out as and when required. Recordings will be available for a period of 28 days and handed to Police on receipt of a legal request which accords with Data Protections laws from time to time. The recording equipment shall be kept secure and under the control of the Premises Licence Holder or other responsible named individual.

(j) To comply with the reasonable requirements of the fire officer from time to time.

(k) The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.

(l) Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

(m) Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

(n) Toughened glasses will be used in the premises where appropriate.

(o) Fire Exits and means of escape shall be kept clear and in good operational condition.

(p) No hot food is to be provided for consumption off the premises after 23:00 hours.

(q) No glass or materials or bottles shall be deposited in any skip, bin or container of a like nature, located in the open air outside the premises between the hours of 21:00 and 08:00 and any such skip, bin or container shall not be removed from the premises between those hours.

(r) Notices shall be prominently displayed at the exits requesting customers to respect the needs of local residents and to leave the premises quietly.

(s) Noise, vibration or odours shall not emanate from the premises so as to cause a nuisance to nearby sensitive properties.

(t) The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years (Challenge 25) .

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(u) The premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal.

(v) The premises will prepare a written risk assessment for the day to day operation of Seasons addressing the conduct and safety of the restaurant's customers. This risk assessment shall be available for inspection by Responsible Authorities upon request.

(w) No external speakers shall be fixed to the exterior of the premises.

(Councillor Wyatt declared a personal interest in that he knew the company's registered address but did not know the applicant.)