

LICENSING SUB-COMMITTEE

Venue: Virtual Meeting

Date: Wednesday, 5 August 2020

Time: 9.30 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. 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 (Pages 1 - 64)

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 5th August 2020 (9:30 am)

Report Title

Consideration of an 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, S66 2BW.

Report Author(s)

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

Report Summary

On the 10th June 2020, an application was made on behalf of Seasons Wickersley Ltd for a Premises Licence at Seasons Restaurant, 151 – 152 Bawtry Road, Wickersley, Rotherham, S66 2BW. The premises comprises of what were formerly three separate businesses – a delicatessen, a butcher and a health / beauty salon, which have been converted into one premises. The applicant is 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 is located within Wickersley, the application falls under the scope of the Council's Cumulative Impact Policy. This application should be considered in accordance with this policy along with the Council's overarching Licensing Act 2003 Statement of Licensing Policy.

Following the submission of the application paperwork, representations were received from Rotherham MBC Licensing Service (in the role as a responsible authority) and five interested parties. In addition, South Yorkshire Police have agreed conditions with the applicant that are intended to address any concerns that the police may have had in relation to the application. Further detail on these matters is provided within 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 Manager 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 Application form received on 10th June 2020
- Appendix 3 Plan of premises (provided by applicant)
- Appendix 4 Representation received from the Licensing Authority (acting in the role of a Responsible Authority)
- Appendix 5 Representations received from Interested Parties
- Appendix 6 Rotherham MBC Cumulative Impact Policy

Background Papers

Rotherham MBC Statement of Licensing Policy 2020 -2025
(available at www.rotherham.gov.uk/licensing)

Rotherham MBC Cumulative Impact Policy 2020 – 2023 (available at www.rotherham.gov.uk/licensing - also attached as Appendix 6)

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for the premises described as Seasons Restaurant, 151 – 152 Bawtry Road, Wickersley, Rotherham, S66 2BW.

1. Background

- 1.1 The application has been made on behalf of Seasons Wickersley Ltd for a Premises Licence at Seasons Restaurant, 151 – 152 Bawtry Road, Wickersley, Rotherham, S66 2BW. The applicant is seeking a licence to permit the provision of late night refreshment and sale of alcohol for consumption on and off the premises. The location of the premises is shown at Appendix 1.
- 1.2 The premises does not currently have the benefit of a Premises Licence prompting the submission of the application to which this report relates. A copy of application can be found at Appendix 2. A plan of the premises (provided by the applicant) is attached as Appendix 3.
- 1.3 There is a prescribed period of 28 days following the submission of an application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.4 At the end of the prescribed period, six representations had been received, one from the Licensing Authority (in its role as a Responsible Authority) and the remaining five from the following interested parties:
 - i. Rotherham Borough Councillors representing the Wickersley Ward.
 - ii. Wickersley Parish Council.
 - iii. Mr and Mrs Malpas – local residents.
 - iv. Mr I Postlethwaite – local resident.
 - v. Mrs H Bartholomew – local resident.
- 1.5 In addition to the representations that had been received, South Yorkshire Police have put forward a number of conditions that should be added to the licence should it be granted, this has been discussed with the applicant who as agreed to offer these conditions for inclusion on the licence.

2. Key Issues

The application

- 2.1 The applicant is 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 2300hrs and 0000hrs Monday to Sunday.

- Retail sale of alcohol (for consumption on and off the premises) between the hours of:
 - 1100hrs and 0000hrs Monday to Friday
 - 1000hrs and 0000hrs Saturday and Sunday
- 2.2 The applicant has stated that the opening times of the premises are as follows:
- 0800hrs to 0030hrs Monday to Sunday
- 2.3 Rotherham MBC Planning Service have confirmed that Condition 03 attached to Planning reference RB2018/1692 only allows the business to operate between the hours of 0800hrs and 0000hrs. Members should take this matter into consideration in relation to the terminal hour for the provision of licensable activity.

Representations received

- 2.4 One representation has been received, this was from the Licensing Authority (acting in its role as a Responsible Authority). The representation cited the following concerns:
- Noise nuisance and incidents of crime and disorder.
 - Worsening of the existing issues already prevalent in the area.
 - Inadequate provision for door supervision.
- 2.5 Full details of the representation can be found in Appendix 4.
- 2.6 Five representations were received from interested parties, these are summarised as follows:
- i. The representation from Rotherham Borough Councillors representing the Wickersley Ward cited:
 - Lack of infrastructure to support the industry resulting in a negative impact for local residents.
 - Increase in crime and disorder.
 - Public safety concerns.
 - Concerns regarding noise and littering.
 - Impact on young people.
 - ii. The representation from Wickersley Parish Council cited:
 - Noise nuisance.
 - Anti-social behaviour.

- Increase in excessive drinking leading to public nuisance, public safety concerns and crime and disorder problems.
- iii. The representation from Mr and Mrs Malpas cited:
- Noise nuisance.
 - Lack of management control.
- iv. The representation from Mr I Postlethwaite cited:
- Noise.
 - Litter.
 - Unruly behaviour.
- v. The representation from Mrs H Bartholomew cited:
- Noise.
 - Litter.
 - Anti-social behaviour.

2.7 Full details of the above representations can be found at Appendix 5.

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

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

2.10 In addition, South Yorkshire Police have agreed the following licence conditions with the applicant:

- i. Alcohol will be served to customers seated or to those waiting to be seated.
- ii. 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.
- iii. The use of door staff will be risk assessed on an ongoing basis by the licence holder of 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.

- iv. 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.
- v. The use of non-glass drinking vessels in external areas shall be in accordance with the management's written assessment of risk.
- vi. 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'.
- vii. 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'.
- viii. 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).
- ix. 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)."

2.11 These conditions should be added to the licence should it be granted.

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 grant 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 from the 10th June 2020 to the 8th July 2020.
- 4.3 All Responsible Authorities, relevant ward members, and the Town / Parish Council 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 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 7.8 Departure from the guidance and / or Statement of Licensing Policy 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.

Cumulative Impact Policy

- 7.9 As this application relates to a premises in Wickersley, the application falls within the scope of the Council's Cumulative Impact Policy. This policy is attached for information as Appendix 6.
- 7.10 The Cumulative Impact Policy makes reference to a Cumulative Impact Assessment that has been carried out in the Wickersley area (in accordance with Section 5(a) of the Licensing Act 2003).
- 7.11 The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives. There is therefore a presumption against the granting of new (or the varying of existing) licences in the area covered by the assessment.
- 7.12 When considering the presumption against granting or varying a licence in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.
- 7.13 Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:
- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
 - Premises which are not alcohol-led and operate during the day-time economy.
 - Instances where a business is relocating to a new premise but retaining the same style of business.
 - Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.
- 7.14 Examples of factors the Council will not consider include:
- That the premise will be well managed and well run.
 - That the premise will be constructed to a high specification
 - That the applicant operates similar premises in other areas without complaint.

- 7.15 Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.

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 and Statement of Licensing Policy 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](#).

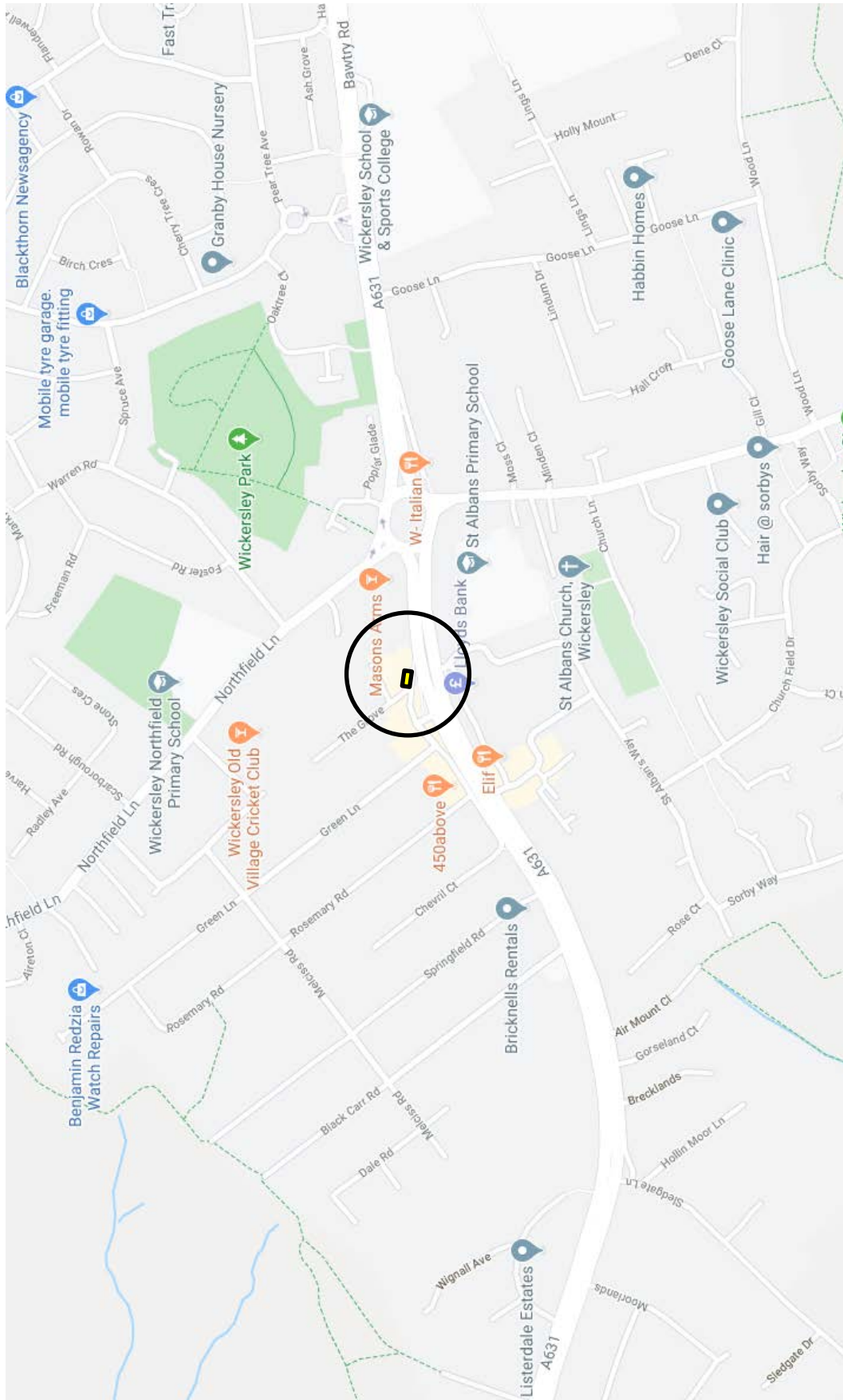
Hearing Procedure

- 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.

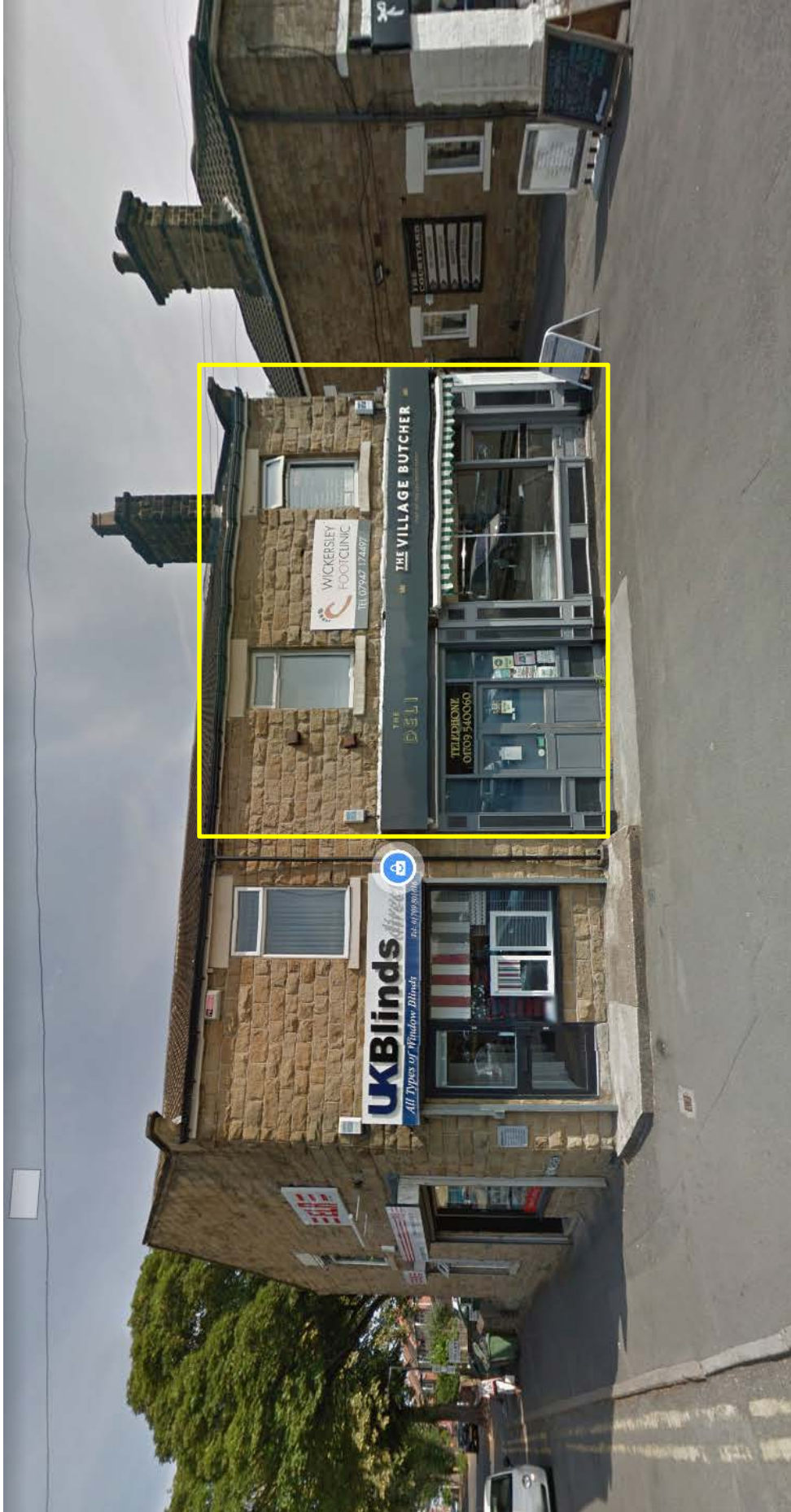
Notes:

- 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.

APPENDIX 1







**Application for a premises licence to be granted
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.

We, Seasons (Wickersley) Ltd, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Seasons Restaurant 151 -152 Bawtry Road Wickersley	
Post town Rotherham	Post code S66 2BW

Telephone number of premises (if any)

TBC

Non-domestic rateable value of premises

£4,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

a) An individual or individuals*

Please tick ✓

☐

please complete section (A)

b) a person other than an individual*

- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or
- iv. other (for example a statutory corporation)

☒

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

c) a recognised club

☐

please complete section (B)

d) a charity

☐

please complete section (B)

e) the proprietor of an educational establishment

☐

please complete section (B)

f) a health service body

☐

please complete section (B)

g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

☐

please complete section (B)

h) the chief officer of police of a police force in England and Wales

☐

please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ☐ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - Statutory function or ☐
 - A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(For example, Rev) ☐

Surname

First names

Date of Birth:

I am 18 years old or over

Please tick ☐

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(For example, Rev) ☐

Surname

First names

Date of Birth:

I am 18 years old or over

Please tick ☐

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Seasons (Wickersley) Ltd
Address 39-43 Bridge Street Swinton, Mexborough, United Kingdom, S64 8AP
Registered number (where applicable) 11581232
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

A	S	A	P
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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please give a general description of the premises (please read guidance note 1)

Seasons is a new project representing in the region of £400,000 of investment and it is anticipated will lead to 12 fulltime and 18 part time positions.

The restaurant will be open for breakfast, brunch, lunch and dinner in response to customer demand. The ground floor was granted a change of use application to class A3 (specific to restaurants and cafes) on 5th April 2019. Following the first floor tenant recently vacating the property, a lease has been agreed and a planning application is to be submitted to enlarge the proposed restaurant to include the first floor.

The substantial investment includes the creation of a substantial catering kitchen on the first floor and a minimum of 50 covers.

The Applicant is seeking permission to provide late night refreshment until midnight daily, in line with the terms of the approved planning permission and other restaurants in the vicinity.

The Applicant further seeks permission for the sale of alcohol up to midnight daily.

The commencement for the sale of alcohol is proposed to be 11am (Monday to Friday), and 10am (Saturday and Sunday) when a more significant demand for a brunch offering is anticipated.

Off licence requirements are to be utilised for home deliveries (in sealed containers) or for guests who wish to take part consumed bottles of wine home (which will be re-sealed). The permission would allow service to customers seated in the private courtyard associated with the premises, if permitted by the landlord.

The Applicant does not seek permission for any regulated entertainments.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ☐ yes**Provision of regulated entertainment** (please read guidance note 2)

- a) Plays (If ticking yes, fill in box A) ☐
- b) Films (If ticking yes, fill in box B) ☐
- c) indoor sporting events (If ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (If ticking yes, fill in box D) ☐
- e) live music (If ticking yes, fill in box E) ☐
- f) recorded music (If ticking yes, fill in box F) ☐
- g) performances of dance (If ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (If ticking yes, fill in box H) ☐

Provision of late night refreshment (If ticking yes, fill in box I)☒**Supply of alcohol** (If ticking yes, fill in box J)☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri					
Sat					
Sun					
			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 (please read guidance note 6)		

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur			
Fri			
Sat			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 (please read guidance note 6)
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors
				Outdoors
				Both
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat				
Sun			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)	

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
				Both	X
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
			Hot food and drink for consumption within and outwith the licensed area.		
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00			
Sat	23:00	00:00	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 (please read guidance note 6)		
Sun	23:00	00:00			
			None		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	X
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name: To Be Confirmed	
Date of Birth:	
Address:	
Postcode:	
Personal Licence number (If known):	
Issuing licensing authority (If known):	

K

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 9)	
NONE	

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)
Day	Start	Finish	N/A
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

Non standard timings. Where you intend to use 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 6)

None.

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

No further risks have been identified which need to be addressed, save as below:

1. 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.
2. 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.
3. Non-intoxicating drinks shall be available at all times the premises are trading.
4. Orders for substantial food shall be accepted up to 1 hours before closure.
5. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below:

1. 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.
2. 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.
3. The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor.
4. The management of the premises will liaise with police on issues of local concern or disorder.
5. 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 area 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 28days 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.

<p>No further risks have been identified which need to be addressed, save as below:</p> <ol style="list-style-type: none"> 1. To comply with the reasonable requirements of the fire officer from time to time. 2. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order. 3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required. 4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff. 5. Toughened glasses will be used in the premises where appropriate. 6. Fire Exits and means of escape shall be kept clear and in good operational condition. 	
<p>d) The prevention of public nuisance</p> <p>No further risks have been identified which need to be addressed, save as below:</p> <ol style="list-style-type: none"> 1. No hot food is to be provided for consumption off the premises after 23:00 hours. 2. 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. 3. Notices shall be prominently displayed at the exits requesting customers to respect the needs of local residents and to leave the premises quietly. 4. Noise, vibration or odours shall not emanate from the premises so as to cause a nuisance to nearby sensitive properties 	
<p>e) The protection of children from harm</p> <p>No further risks have been identified which need to be addressed, save as below:</p> <ol style="list-style-type: none"> 1. 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) 	

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant 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.**

Declaration	<ul style="list-style-type: none"> {Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).
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Signature: John Gaunt & Partners Date: 10th June 2020

Capacity: Solicitors.....

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature:

Date:

Capacity:

Converted to Word by
John Gaunt & Partners
Licensing Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any)	0114 2668664
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) cgrunert@john-gaunt.co.uk	

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

 - does not have the right to live and work in the UK; or
 - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

The site plan shows a property layout with several buildings and lots. A large building is labeled 'THE CHURCH'. To its left is a smaller building labeled 'LOT 100'. Further left is another building labeled 'LOT 101'. The plan also shows a road labeled 'THE DRIVE' and another road labeled 'BLANKY ROAD'. The property is divided into several lots, some of which are marked with numbers like '100', '101', '102', '103', '104', '105', '106', '107', '108', '109', '110', '111', '112', '113', '114', '115', '116', '117', '118', '119', '120', '121', '122', '123', '124', '125', '126', '127', '128', '129', '130', '131', '132', '133', '134', '135', '136', '137', '138', '139', '140', '141', '142', '143', '144', '145', '146', '147', '148', '149', '150', '151', '152', '153', '154', '155', '156', '157', '158', '159', '160', '161', '162', '163', '164', '165', '166', '167', '168', '169', '170', '171', '172', '173', '174', '175', '176', '177', '178', '179', '180', '181', '182', '183', '184', '185', '186', '187', '188', '189', '190', '191', '192', '193', '194', '195', '196', '197', '198', '199', '200', '201', '202', '203', '204', '205', '206', '207', '208', '209', '210', '211', '212', '213', '214', '215', '216', '217', '218', '219', '220', '221', '222', '223', '224', '225', '226', '227', '228', '229', 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The floor plan shows a building layout with the following features:

- Top Left:** A staircase labeled "Stairwell" with an arrow pointing "Up".
- Top Center:** A "Room" with a door opening into a central corridor.
- Top Right:** Two "Room"s, each with a door opening into the central corridor.
- Center:** A central corridor connecting various areas. It includes a "Staff Room" and a "Toilet" on the left side.
- Bottom Left:** Two "Store" rooms, each with a door opening into the central corridor.
- Bottom Center:** A "Room" with a door opening into the central corridor.
- Bottom Right:** Two "Room"s, each with a door opening into the central corridor.
- Bottom Far Right:** A staircase labeled "Stairwell" with an arrow pointing "Down".

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REPRESENTATION AGAINST THE APPLICATION FOR A PREMISES LICENCE.SEASONS RESTAURANT, 151-152 BAWTRY ROAD, WICKERSLEY, S66 2BW.

I am the Senior Licensing Enforcement Officer employed by Rotherham Metropolitan Borough Council.

On behalf of Rotherham Council carrying out its functions as a Responsible Authority I wish to make a representation in respect of an application for a premises licence for a restaurant to be located at 151-152 Bawtry Road, Wickersley, S66 2BW.

The grounds of the representation are based on prevention of crime and disorder, prevention of public nuisance and public safety.

The applicant Seasons Wickersley Ltd submitted a premises licence application for a shop unit which has been converted to a restaurant having formerly been a local butcher.

The applicant has stated the premises will be open daily for breakfast, lunch and dinner and will be over two floors. It is stated the restaurant will be able to provide a minimum of 50 covers at any one time.

The applicant has requested the sale of alcohol Monday to Friday 11.00am until midnight, Saturday and Sunday 10.00am until midnight.

The applicant has further requested late night refreshment Monday to Sunday until midnight.

The proposed opening hours of the premises are Monday to Sunday 08.00am until 00.30.

The applicant has requested a licence for consumption off the premises for customers to consume alcohol and receive table service in the courtyard area adjacent to the premises. In addition to this, customers would be permitted to take part consumed wine home in a resealed bottle and receive home deliveries in sealed containers.

The outside area proposed by the applicant is not included within the proposed licensed area of the premises. The proposed area is currently used by another licensed premises also occupied by the applicant, it is an outdoor courtyard area that links both premises together. The applicant's intention is to share the use of the outside area and segregate a section for Season's customers.

The outside area becomes very busy with customers drinking outside on a Friday and Saturday evening – this area contributes to high levels of noise nuisance and has had incidents of disorder. Should the applicant be granted off sales and the

outside area be used this will add further customers into this relatively small area and further increase the noise nuisance and likelihood for disorder.

The premises are cited in an area in which residential properties are negatively affected by licensed premises in the locality. A Cumulative Impact Assessment (CIA) has been put in place in the area following consultation.

Should the premises licence application be granted this will have a negative impact on the licensing objectives and further contribute to existing issues already prevalent within the area.

During the consultation process the applicant put forward several conditions to be attached to the licence should it be granted, one of the proposed conditions related specifically to door supervision.

The applicant proposed the use of door staff be risk assessed by the licence holder or designated premises supervisor. In addition to this the applicant proposed a minimum of 3 SIA door supervisors be employed on a Friday and Saturday evening from 22.00 to manage customers from both the Seasons and the adjacent premises with shared use of the external courtyard area.

The adjacent premises currently employ three door supervisors to monitor inside the premises and the external courtyard. Therefore, the proposed condition does not offer any additional door supervision to what is already in place. The premises will attract further customers into the area and increase the number of persons requiring monitoring by door supervision. Should an incident take place inside the Seasons and door staff respond, this will leave the adjacent premises and external courtyard area with no door supervision. This may also result in the Seasons having no door supervision should an incident take place inside the adjacent premises.

I will be able to deliver evidence at a Licensing Hearing if required.



Keeley Ladlow

Senior Licensing Enforcement Officer

Rotherham MBC

Representation from Rotherham Borough Councillors representing the Wickersley Ward

This is an objection to the recent application being sought for the proposed restaurant known as Seasons. The application is for the sale of alcohol from 11am to midnight Monday to Friday and 10am to Midnight on Saturday and Sunday. Thus, the premises will be open every day of the week all year round. This is for both inside and outside of the premises and appears to extend to the first floor seating area for which planning permission has not yet been given.

It is widely recognised that the night-time economy for Rotherham has changed and Wickersley has become the location of choice for a good night out with customers coming from all over Rotherham, Sheffield and Doncaster into Wickersley. However, this displacement of Licensed premises from the Town Centre to Wickersley causes a conflict between the positive impact on the economy and the negative effects in relationship to local residents. Wickersley does not have the infrastructure to support the burdens of such a growing industry. This conflict has recently been acknowledged and evidenced by the new Cumulative Impact Zone(CIZ) that was recently adopted at a full Council meeting (3rd June 2020). The CIZ was supported by the Police and the Public Health Department. Since this is such a recent decision Ward Councillors feel that all the evidence that the report quoted is relevant and up to date. During this process extensive consultation with Wickersley residents was undertaken. Further consultation was also part of Wickersley Parish Council's Neighbourhood Plan exercise. When public meetings were held they were attended by over 50 people. All consultation agrees that the people of Wickersley feel there are sufficient pubs, restaurants and licensed premises in the area and that Wickersley's general amenity is now threatened by negative effects of the night-time economy. The CIZ recognises that the "Wickersley Zone" has become saturated as new businesses open up or existing businesses vary the use of a particular premise. The "Seasons" site was bought and covers 3 previously viable businesses, a butchers, a delicatessen and a beauticians.

The 4 Licensing objectives are undermined by the amount of Licensed premises in Wickersley.

1. Prevention of Crime and Disorder

The Community Action Partnerships (CAP) for Wickersley Ward meetings in the last 2 years have always had this on each and every agenda as an area of concern with regard to crime and the night-time economy. These concerns have been with regard to serious assaults, spiking of drinks and anti-social behaviour. The Police have made resources available to cope with the problems at the weekends where possible. However, this has not eradicated the problems and they continue. As quoted in the CIZ report. 65% of crimes recorded in Wickersley West could be linked to the night-time economy in the area. Peak levels occur between 21:00 and 01:00 and at weekends and there were clear links between Licensed premises and crime. Of particular concern has been the violent and sexual offences. An FOI in 2019 highlighted that over a period of 10 months there were 158 incidents reported and this was at a time when Atlas Court was so overwhelmed it ceased to

take referrals. So these figures do not take in account abandoned calls which means that a level of incidents would have been far higher.

2. Public Safety

It is concerning to note that Wickersley West is in the top quartile with regard to ambulance call outs relating to alcohol across Yorkshire and Humberside. This is not consistent with the demographics of the area which show that Wickersley's residents are older than the Rotherham average and predominantly over 60. Therefore, this statistic can be attributed to the large number of Licensed premises selling alcohol.

The Seasons Restaurant is sited on the A631 which is a busy road linking the M1 and M18 Motorways. The danger of people who may be drunk walking between premises and causing accidents is very real. Road traffic accident figures at the weekend and late-night support this. It is also exacerbated by the fact that people are unable to leave the area quickly as transport infrastructure is lacking, there is no taxi ranks/rail stations. This means people are spending much longer hanging around waiting for transport home.

3. Prevention of Public Nuisance

Noise: Noise nuisance is of particular concern to local residents which was evidenced at all consultations held. Over the years there have been concerns/complaints from all residents and in particular the residents of the Cottages, the Grove and Sheltered Accommodation on Willow Court which are all in close proximity to the Seasons Restaurant. This application will exacerbate the existing problem due to the outside seating area that has just been completed and so allow the additional noise to travel unimpeded to the houses behind and adjacent to the site. This will not be a problem confined to good weather but an all year-round problem. It is normal in Wickersley for the wine bars, restaurants and outside areas to be provide outdoor heating, overhead canopies and rugs/blankets. To keep the clientele warm and drinking during the winter months and bad weather. However, it is true that residents tell us that in the Summer it is even worse and they are unable to enjoy their gardens, have their friends round, open their windows to get a good nice sleep, all due to excessive noise they have to endure because of the sheer volume of people congregating in the Courtyard.

The Seasons application shows bi-folding doors to the front of the building. This is presumably so that they can be opened out, enabling the noise inside to spill out and may indicate further use of the pavement area for people to gather and drink. Thus making the location even noisier.

Noise from customers as they leave the area has a huge impact in the early hours of the morning. At this time people are often intoxicated which means that it is common for people to be shouting, swearing and banging car doors. Taxis are lined up in nearby streets and thus people living in those streets are either unable to get to sleep or are woken up and the impact of this should not be underestimated.

Littering: Customers often visit more than one establishment and work their way along "The Strip" this is 300m section of Bawtry Road that has 16 licensed premises on it. The Seasons Restaurant is on that strip and it is highly likely that people will have drinks at different venues before and after going into Seasons. It is therefore inevitable that like many other people they will leave their glasses on the pavement

and walls after they have finished their drinks. It is common that glasses and shattered glass are there the following morning. Not only do customers leave their glasses either empty or full of liquid but they also leave the contents of their stomachs, vomit is not an uncommon site on the pavements between licensed premises. Wickersley Parish Council employ people to clear up the aftermath of visitors having a good night out, however, this is not always possible and is a detriment to the village with all the hard work to make the public realm clean and welcoming being totally undermined.

4. The protection of children from harm

Wickersley is attractive to both adults and children. This year in the past few months young people have been congregating in the areas with growing numbers 40-50 nights and weekends. The general language and behaviours by some visitors to licensed premises cannot be a good example to young people. The associated health risks associated with alcohol consumption are well documented as are the increased crime statistics.

Conclusion

We do not believe that the applicant has evidenced at all that their proposal will not add to the cumulative impact within the Wickersley area. The CIZ firmly states it is their obligation to demonstrate that the application is suitable for the area. The Council's own policy states "that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area (Wickersley), and restrict any changes to licensable activities of existing licenses". We therefore urge the Licensing Committee to reject this application.

Councillor Sue Ellis
Councillor Chris Read
Councillor Emma Hoddinott

Representation from Wickersley Parish Council

A licensing application has been sought for the proposed restaurant at the premises to be known as 'Seasons' on Bawtry Road, Wickersley. This application seeks a license to sell alcohol 7 days a week from 11am to midnight Monday to Friday and 10am to midnight on Saturday and Sunday. The license is sought for both inside and outside the premises but there is no indication of the extent of the outside area to be included. Planning permission has been granted for an A3 restaurant use for the ground floor of the premises but this application also seeks a license for the upstairs area from which planning permission has not yet been granted.

Wickersley Parish Council wishes to **object** to the granting of this license on the basis that it would be contrary to the objectives of the recently adopted Cumulative Impact Policy for Wickersley which seeks to prevent any further adverse effects of licensed premises on the local area. The policy has recognised that Wickersley is suffering from the high concentration of restaurants and bars in the village centre which has resulted in a number of adverse effects being experienced by the local population in so far as 3 of the licensing objectives are concerned. These related to public safety through excessive drinking and lack of capacity to move people from the area when the premises close; public nuisance through late night noise and disturbance, litter, broken glass etc; crime and disorder through higher crime associated with the night time economy and anti social behaviour impacting in particular on the higher than average elderly population in Wickersley. There is therefore now a presumption against granting any further licenses unless the applicant can demonstrate that their proposal will not further add to the impact already being felt from the existing licensed premises in Wickersley.

The basis on which the Parish Council considers that the granting of this license would add to the cumulative impact is as follows:

- **Scale** The proposal is for a large restaurant which would have some 62 covers as well as a bar area and serve alcohol until 12 midnight 7 days a week. This would inevitably lead to significantly more people being attracted to Wickersley to eat and drink, leaving the premises late at night, adding to the late night noise nuisance as well as more people lingering while waiting for taxis or public transport to take them home.
- **Outdoor Noise and Activity** Of particular concern is the proposal for the license to be for the outside of the premises as well as the inside. The application does not indicate the extent of the area proposed but is likely include the extensive courtyard at the side of the premises which the applicant also owns as part of the restaurant and bar known as 'The Courtyard'. Indeed the applicant received planning permission last year to construct a large permanent winter canopy over the upper part of that open area as well as other physical changes to the lower section linking through to the side entrance to the Seasons restaurant. The canopy has already been erected and construction is now underway with regard to the laying out of the lower patio area. This investment in the open courtyard area is clearly intended to attract many more customers to eat and drink in this outside area from where noise travels much more easily into the residential streets behind. Indeed, residents from the Grove complain about late night noise

disturbance from the existing premises which already attracts large numbers of customers who congregate in the open courtyard especially at weekends when those premises function solely as a bar. If a license were granted to the Seasons to serve alcohol to customers using the open courtyard area then this would further add to the number of people drinking in that extensive area until late at night, significantly adding to the level of noise being experienced by local residents.

- The proposed bi folding doors shown on the front of the premises also suggests the intention to use the hard surfaced area to the front of the premises up to the public footpath as part of the restaurant offer. This again is of particular concern as it not only means that late night noise nuisance would increase as it would not be contained within the building itself, but it would also mean that passers by could be subject to drunken behaviour spilling out onto the streets. If the outside areas of the premises were to be granted a license then the scale of the business would also significantly increase from the 62 covers shown on the submitted plan to a significantly larger number thus further adding to the cumulative impact being experienced from the existing premises.
- **Track Record** As already stated, the applicant already owns the premises known as 'The Courtyard' which residents frequently cite as a cause of late night noise nuisance. Prior to the current restrictions from the coronavirus pandemic, those premises were very busy especially at weekends and open until 1am despite a condition imposed on appeal in 2010 that requires the premises to close by 12.30 am. Furthermore, local residents frequently complain about not being able to sleep due to music levels until the early hours of the morning despite a planning condition that required self closing doors to be fitted to all entrances to and exits from the premises. This history does not therefore indicate sensitivity being shown towards the local resident population, nor an adherence to the conditions being imposed by regulatory bodies. The Parish Council would not therefore have any confidence that any conditions imposed on a license to control the impact of the business would be strictly followed.
- **Intensity of Use** At present 'Seasons' only has planning permission for an A3 restaurant use which means that the sale of drink should only be in association with the sale of food. However, the trend within Wickersley has been for premises that originally were food focused to become more focused on serving drink especially at weekends irrespective of the nature of the planning permission. This is true, for example, of the premises known as 'Gaslamp' which has an A3 planning consent but which functions solely as a bar in the evenings. It is the premises that operate in this manner that cause the main impacts for the local population with regard to noise, drunken and anti-social behaviour. It also means that the intensity of use of those premises significantly increases because the space is given over to higher densities of people standing. It is therefore of concern that the 'Seasons' would also become more focused on serving drinks during weekend evenings like the other premises in Wickersley due to the difficulty of enforcing the planning requirements. Furthermore, if an alcohol license were to be granted for the outside areas then it would be difficult to distinguish between the customers from the 'Courtyard' who can legitimately be

served only drink and those from 'Seasons' who should really only be drinking while being served food.

- **Concentration of Licensed Premises** 'Seasons' is located on the stretch of Bawtry Road which houses the highest concentration of licensed premises and it would therefore add to the high intensity of impact being felt in that particular area. This concentration of premises also encourages some punters to move between premises on a 'pub crawl' thus increasing the likelihood of excessive drinking. To allow a further licensed premise would therefore exacerbate the public nuisance, public safety and crime and disorder problems already experienced by the local population living on the north side of Bawtry Road.

For all the reasons set out above the Parish Council object to the granting of a license being granted to these premises. The applicant has not taken account of the introduction of the Cumulative Impact Policy and failed to put forward any evidence to demonstrate how his business would operate to ensure it did not add to the existing impacts being felt in this locality. Indeed, the application provides little background information and does not even show the extent of the outside areas for which a license is sought. It is therefore an application that falls woefully short of what is expected from a responsible licensee.

Representation from Mr and Mrs Malpas – local residents

We are writing to object to the above premises being granted a license. We feel the granting of a license will not take into account additional noise levels under the Cumulative Impact Policy (CIP) for Wickersley.

As local residents of the Grove, including our next door neighbour Mrs Green we already have to endure high noise levels particularly from the Courtyard and other outlets including The Three Horse Shoes, The Olive Lounge, and the Masons Pub. Footfall and cars are another cause of noise.

Every Friday and Saturday night since 2016 when Mr Green took over the Courtyard things have got progressively worse. There appears to be no management control, all we can hear is tub thumping music and screaming and shouting by his customers which generally starts up between 9.30pm to 1am Fridays and Saturdays. This disturbs our sleep as you can appreciate and more often than not we get up and make a drink. This has been reported to Environmental on numerous occasions.

Prior to Mr Green taking over in 2016 there was an order put in place that all doors had to be closed and no music heard in the Courtyard. Now we see Mr Green has put in for a license for his new premises, Seasons on Bawtry Road connecting to the Courtyard and that this will operate 7 days a week until midnight.

This will have an additional impact upon our quality of life, perhaps Mr Green could inform us when we can get a decent nights sleep.

Should the Licensing Authority require any additional documentation, then we will be pleased to forward this to your department.

Regards

Mr & Mrs Malpas

Representation from Mr I Postlethwaite – a local resident

Dear Sir/Madam

I would like to register my objection to the licensing application of Seasons (Wickersley) Ltd, 151-152 Bawtry Road.

This is for the sale of alcohol (via a restaurant) on and off the premises up to midnight, seven days a week.

I have been a resident of Wickersley for 33 years now and have witnessed the steady increase of noise, litter and unruly behaviour attributed to the premises that are selling alcohol.

After attending a meeting in Wickersley library I, and many others, had hoped that there would be action taken to halt this trend.

I live on the Grove so am within earshot of many of the establishments and also have to walk past the debris left behind.

The balance and mix of premises has now tipped too far towards the alcohol selling venues and what attracted people to this area is being eroded.

Best regards

Ian Postlethwaite

Representation from Mrs H Bartholomew – a local resident

Good Evening,

I wish to object to the above Licensing Application on the basis that the recently installed Cumulative Impact Policy for Wickersley has been brought in to prevent anymore drinking establishments to the village. Wickersley is currently over run with bars/restaurants and takeaways. By having yet another licensed premises will result in yet more late night noise disturbance to residents, more litter, more broken glass and more anti social behaviour. Having elderly parents living on The Grove, along with other surrounding residents they have pretty much given up getting any sleep on a Friday or Saturday night for the last 10 years, if its' not the loud music blaring from the Courtyard, it's drunks shouting and screaming at all hours, car doors slamming, driveways being blocked by inconsiderate people who think this is totally acceptable, but lets also not forget about the regular drug use that is being carried out behind the back of the proposed new premises. As already proven, the owner of the Courtyard has a track record with environmental health, having received numerous visits asking them to turn there music down. I would love my children to stay at my parents house more often, however with the children also finding it hard to sleep, it isn't fair on my parents. Based on this the owner has absolutely no consideration for local residents and I would ask that the council refuse the above licensing application.

Kind regards

Mrs H Bartholomew.

Rotherham Metropolitan Borough Council

Cumulative Impact Policy 2020-2023

Licensing Act 2003

Background

The concept of Cumulative Impact has been included within Section 182 Licensing Guidance issued by the Home Office since the implementation of the Licensing Act 2003.

The Licensing Act regulates the sale of alcohol, late night refreshment and the provision of entertainment. Section 5 of the Act requires licensing authorities to publish a Statement of Licensing Policy every five years (amended by the Police Reform and Social Responsibility Act). This Statement of Policy sets out the Council's framework in regulating the trade.

The Council's Statement of Licensing Policy has been reviewed and consulted upon between June 2019 and March 2020. A reviewed policy was introduced in June 2020.

The Policing and Crime Act 2017 gave Cumulative Impact a statutory basis and this is now included in primary legislation. A licensing authority may publish a 'cumulative impact assessment' stating that it considers that the number of premises licenses or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licenses.

The inclusion of cumulative impact within primary legislation gives licensing authorities a prescribed method for implementing cumulative impact assessments and provides guidance for the level of evidence required for an assessment to be successfully included and upheld. This part of the Act was commenced in April 2018, alongside revised Section 182 Guidance issues to licensing authorities.

Prior to this change in legislation, the Council had not published a Cumulative Impact Policy. However, as this is now part of primary legislation, the Council believes this is the correct time to identify any areas that may benefit from the introduction of a Cumulative Impact Assessment.

Any cumulative impact assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, must be reviewed every three years as a minimum, and any review must be consulted upon and any revisions must be published alongside an evidence base.

Implementing a Cumulative Impact Assessment

Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.

Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.

However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.

This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.

The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

Evidencing a Cumulative Impact Assessment

This Cumulative Impact Assessment has been carried out in accordance with Section 5a of the Licensing Act 2003.

A large variety of data has been included for analysis within this policy, to evidence the need for a Cumulative Impact Assessment. The following methods and data have been included in this policy:

Public Health Licensing Toolkit:

As a responsible authority, Public Health has a meaningful contribution to make to licensing decisions. However, as health is not explicitly mentioned as part of any licensing objective, it is challenging for Public Health to fully engage with licensing decision making. However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process, within the boundaries of the legislation.

One way in which Public Health are now able to input into licensing decisions is through a 'toolkit', which uses a wide range of data from responsible authorities, including public health. This toolkit has created a rating system of each Lower Super Output Area (LSOA) within the borough to inform decision makers of the 'risk rating' associated to the location of any application.

The data sources included have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data which allows decision-makers to understand the wider implications of granting an application within certain areas. All responsible authorities, as well as the public, will have access to this toolkit and can use it when deciding to make a representation against a licence, or when negotiating appropriate licensing conditions.

This toolkit is in-line with recommendations made by Public Health England.

Police and Crime Data:

South Yorkshire Police publish crime data monthly through the police data portal (data.police.gov.uk). This data has been used alongside confidential intelligence reports shared between the police and its partner agencies, including the Council. These reports focus on specific areas and give further information and analysis around particular areas and its associated crime.

All crime data records offence type, location, date and time which has been used to analyse crime statistics within the borough. Although a borough-wide assessment has been undertaken, only relevant information to the Cumulative Impact Assessments

undertaken has been included within this report. This is partly due to the sensitive nature of some crime statistics and some of these are not able to be published. Further information is available through the Licensing Service if needed.

Community Protection and Regulation Data:

Data provided by the Community Protection and Regulation service was focused on noise complaints which are recorded by the Environmental Health unit. This data stores information regarding every noise complaint which is sent to the Council, alongside the case information which is updated as and when the Council assess the complaint received.

Public Consultation:

In June 2019, the Cabinet took the decision to undertake a two-stage consultation process in reviewing the Licensing Act 2003 Statement of Licensing Policy. The first stage of this consultation focused on broad issues to help guide the focus of the revised policy and gauge the local position in terms of licensing issues.

As part of the first stage of consultation, members of the public were invited to engage with the Council to highlight particular areas where the number or density of licensed premises were causing an issue which may undermine the licensing objectives. Officers also attended six drop-in sessions across the borough in areas where there are a high number of premises and statistically, higher levels of issues associated to licensed premises such as anti-social behaviour. This consultation survey received 70 responses whilst approximately 50 residents attended drop-in sessions, although 80% of those residents attended the session in Wickersley.

A further consultation period occurred between January and February 2020 which asked specific questions regarding Cumulative Impact Assessments and the issues associated to a large number of licensed premises. The survey received 41 responses whilst approximately 40 residents attended drop-in sessions, although all but two of these residents attended the session in Wickersley.

An assessment of the above data brought to attention two main areas of interest in regards to Cumulative Impact. These are:

1. Rotherham Town Centre
2. Wickersley

These became areas of focus after the first stage of consultation and other areas should be considered out of scope for the remainder of this policy. However, this could be reviewed at a later stage if further evidence became apparent.

Rotherham Town Centre:

Rotherham Town Centre is the largest urban centre within the borough.

The data provided through the consultation process shows that crime, anti-social behaviour and environmental health rates are at their highest in this area and that there could be links between these statistics and licensed premises, although this does reflect the town centre being the largest urban centre in the borough.

The Council is looking to encourage responsible licensable activity within the Town Centre to create a thriving and bustling historic market town as part of its ambition set out in the Town Centre Masterplan. This vision relies on diversifying the offer within the Town Centre, creating new leisure and entertainment venues incorporating places to eat out, as well as bars and cafes. Currently, the density of licensed premises in the centre is decreasing, meaning that CIA may have very little use.

The focus on improving licensed premises in the town centre should focus on those premises that are already licensed. There are a number of measures in place to improve the centre, including a Public Space Protection Order, alongside significant resource deployed by responsible authorities.

Currently, the Council believe that the Town Centre would not benefit from a Cumulative Impact Zone. Taking a decision to implement a zone may detract from the overarching ambition of regenerating the Town Centre and attracting new businesses, increasing footfall and diversifying the current offer. However, this decision will be regularly reviewed and amended if the licensing objectives are being undermined within the town centre.

The Town Centre Masterplan also focuses on improving the residential offer which could mean that a Cumulative Impact Assessment may be relevant in the future.

Wickersley:

Wickersley is a village which is situated on the urban fringe of Rotherham town centre. Although the village is well served by road, with direct links to the M1, M18 and A1(M) motorways, it is a settled, residential community with distinct heritage and associated characteristics. It has a population of approximately 8,000 people, with 23% of people aged over 65 (compared to an average of 19.4%), whilst having significantly less young people than the borough average, at just 26% aged under 24, compared to an average of 29.2%.

There are currently nineteen premises within Wickersley. In total, sixteen premises are located along a 300 metre section of Bawtry Road, with all nineteen located within a 350 metre radius of one another. Of these nineteen premises, ten are on-licensed drinking establishments.

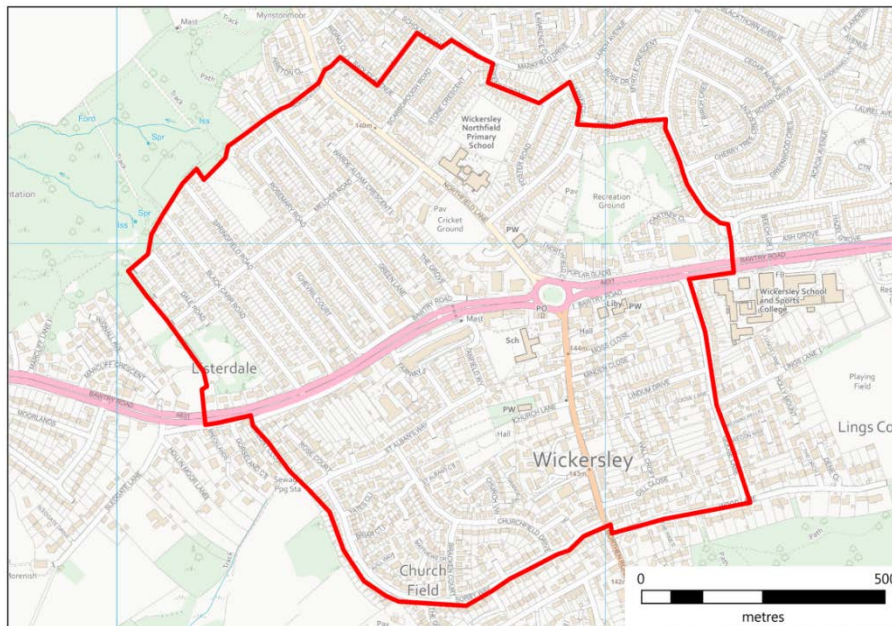
In recent years, Wickersley has become an urban centre with a significantly increased range and number of licensed premises. The area attracts a large amount of people from across the borough and surrounding areas of South Yorkshire. Currently, the density of premises within Wickersley West LSOA is 37.6 premises per square kilometre (pkm²). Across the broader Middle Super Output Area (MSOA) of Bramley and Wickersley, the average density is 12.7 pkm², whilst the average across the borough is 2.2 pkm². The MSOA covering Rotherham Town Centre has a density of 23.6 pkm², which suggests that proportionately, Wickersley's evening economy is the busiest within Rotherham.

However, the centre does not have the required infrastructure to deal with a large and sustained night-time economy, and the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to designated retail space.

There are less resources designated to Wickersley currently by the responsible authorities to deal with the impacts of licensed premises, which maximises the impact of these premises on those who live there.

The Council believes that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area, and restrict any changes to licensable activities of existing licences.

Wickersley Cumulative Impact Assessment



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The Wickersley Cumulative Impact Zone (CIZ) is situated in the centre of Wickersley and covers parts of both the Wickersley and Hellaby wards. Bawtry Road acts as a boundary between the two wards and this runs throughout the zone. The CIZ is related to the sale of alcohol for consumption on, or on and off the premises, including premises such as, but not limited to, pubs, bars, late night opening restaurants and clubs. The CIZ is saturated with premises of these types.

This zone has been selected by overlaying current premises, LSOA boundaries, local plan data, crime, anti-social behaviour, noise complaints and areas which were raised by residents through consultation. The zone is the outcome of this analysis.

Whilst each individual premise may comply with their licence conditions, and where problems are found they can be dealt with through action plans, or subsequently a review of the licence, this particular zone has become saturated as new businesses open, or existing businesses vary the use of a particular premise.

The Council considers the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in the Wickersley Cumulative Impact Zone, and to restrict changes to licensable activities of existing licenses.

Therefore, it is the Council's policy on receipt of relevant representations that applications for the sale of alcohol for consumption on, or on and off, the premises will be refused, unless the applicant can show that their licensed premise would not increase the impact of such premises on the zone, as described in this assessment.

To set out the Council's opinion, evidence has been gathered from the responsible authorities and residents. This data has been divided into the four licensing objectives.

1. Public Safety

The Public Safety licensing objective concerns the physical safety of people whilst within the vicinity of licensed premises. This includes both the prevention of accidents and the immediate harms that can result from alcohol consumption, such as alcohol poisoning.

Alcohol-related ambulance call-outs are ranked a 'medium' risk within Wickersley West LSOA (where 16 of the 19 licensed premises within Wickersley are located). Between 2016 and 2018, there were 50 ambulance call-outs which were directly related to alcohol. The high level of alcohol-related call outs indicates that those who come to the area can drink excessive amounts, sometimes across a number of premises which leads to a medical emergency such as alcohol poisoning. Wickersley West is in the top quartile of LSOAs across Yorkshire and the Humber which does not reflect the demography of the area.

Furthermore, the Council believe that the setting of Wickersley centre on either side of the A631 (Bawtry Road) should also be considered when assessing public safety, as this is a busy road which links the M1 and M18, as well as Rotherham town centre with outlying urban areas. The density of premises within the area often leads to people, who may be intoxicated, walking between multiple premises within an evening, which is dangerous due to the proximity of this A-road. Between 2018 and 2019, three road traffic collisions were recorded within the Cumulative Impact Zone. Two of these incidents happened at a weekend whilst the other occurred at 22:15, which broadly matches what would be expected from a night-time economy.

Public safety also concerns the safe departure of those using the premises. Currently, there is one agreement in place between a licensed premise and a private hire operator, which has an operator base within its car park. Apart from this, there are not any permanent transport options in Wickersley which would meet the demand of a night-time economy such as a taxi rank, late night bus network or railway station. Although individual premises may advertise private hire companies to their customers, as well as a small number of Hackney Carriages who may ply for hire on side streets, this does not give an adequate and sustainable capacity to move people from the area when premises close. This correlates to the temporal analysis of crime which shows a peak between the hours of 2300-0200. This trend, especially when dealing with offences categorised as anti-social behaviour, suggests that when people are leaving premises, they are not leaving the area immediately, which may be due, in part, to a lack of suitable transport.

2. Prevention of public nuisance

When considering the licensing objectives, the Council and responsible authorities should focus on the effect of licensable activities on any person living and working in the area around the premises, which may be considered disproportionate and unreasonable. This will usually concern noise nuisance, light pollution, noxious smells and litter.

Although not given a statutory definition in the Licensing Act 2003, it covers anything which may be considered to reduce the living and working amenity and environment of persons living and working in the proximity of premises. It may also cover the impacts of licensed premises where they are prejudicial to the health of residents.

Within Wickersley, there are two key areas of concern which fall under this licensing objective. Many residents cited noise nuisance from premises as a key issue in the area, alongside issues with street scene such as broken glass, fouling and vomiting.

The Council's Environmental Health team record noise complaints and those concerning licensed premises within Wickersley between January 2016 and present have been analysed below:

Complaint Month	Number of Complaints
January	1
February	1
March	3
April	2
May	7
June	3
July	3
August	19
September	1
October	0
November	2
December	0
Total	42

Complaint Type	Number of Complaints
Bank Holiday	4
Music	27
Noise	11
Total	42

Complaint Day	Number of Complaints
Monday	4
Tuesday	1
Wednesday	1
Thursday	0
Friday	4
Saturday	15
Sunday	2
Total	27

From 2016, forty-two noise complaints were made about licensed premises within Wickersley. Of these, twenty-seven related to a particular date, of which twenty-one occurred between Friday night and Sunday night. A further four issues were identified on a Bank Holiday Monday. The number of complaints was highest in summer months, with August being the peak month for reports of noise nuisance.

Levels of noise complaints have decreased between 2016 and 2019. 2016 saw a peak of complaints (17), followed by two static years (11, 11). However, complaints decreased sharply in 2019 (3). Although this clearly shows that some premises are dealing with real concerns from residents, it also reflects that residents do not feel empowered to report noise complaints against licensed premises as they do not feel as though these complaints have been remedied in the past. This view was aired multiple times through meetings with residents, who believed that their concerns were not being dealt with seriously.

In a resident's session in October 2019, noise was still the largest concern of residents, but many said that they did not feel that the current systems in place could deal with noise issues from premises. Residents cited three main areas of concern:

1. Outside drinking and live music in gardens and terraced areas in summer months
2. Noise from customers leaving premises and staying in the area after licensed times
3. Noise from premises staff after licensed hours, such as continuing to play loud music or emptying glass bins outside.

Although the Council understand that these issues are not breaching individual licence conditions, the impact of the noise of several premises to residential properties within close proximity has a detrimental and consistent negative impact. This is intensified in summer months when multiple events happen in the same evening, or when multiple premises clean the outside of premises after licensable hours. This means that residents are not only being impacted to the early hours of the morning by the noise of a licensed premise, but also by other activities related to the running of a licensed premise through the night.

Another key issue raised under this licensing objective is the negative impact of licensed premises on the overall cleanliness and appearance of the community. Residents are very concerned at the amount of litter that is left in and around premises, which often includes broken glass. Further concern was raised around urine and vomit being present on streets, especially at a weekend, both of which are clearly linked to the use of licensed premises.

The Parish Council litter pick the centre of Wickersley daily and have been doing this for many years. Two 'handymen' are employed directly by the Parish to maintain the the village and although they cover the whole Parish, work is concentrated on the Tanyard area. Overall, three commercial waste bins are filled weekly.

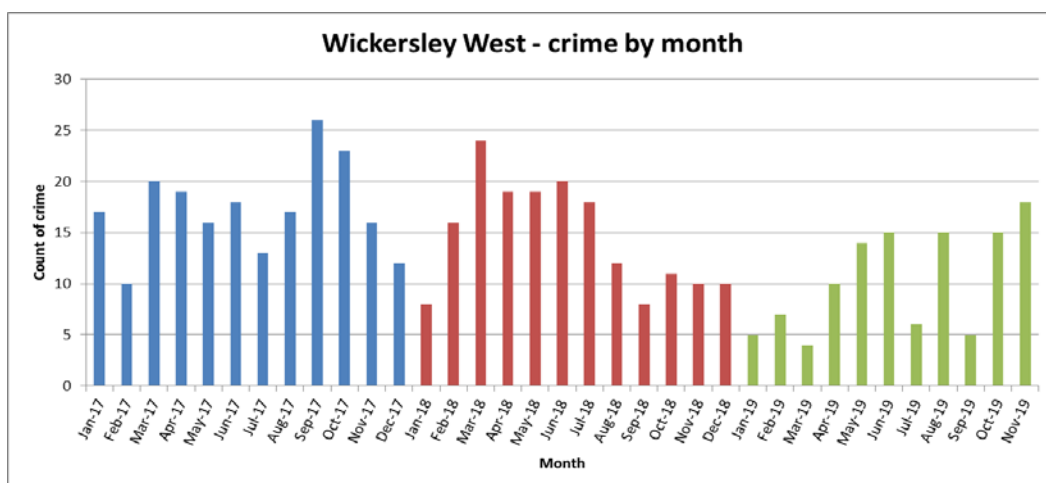
“There is a lot of waste which is particularly noticeable at the weekend. Our personnel work seven days a week and although they have been in post for several years, more litter has certainly been noticed in recent years”

Wickersley Parish Council Clerk

Nine residents of Wickersley cited litter, especially glass, as their largest concern and stated that “glass bottles or glasses are always left on walls outside” and that “establishments do not think they are responsible for picking up broken glass in the environment around them”. One resident cited that glass had been “thrown at their house and driveway by drinkers”.

3. Prevention of Crime and Disorder

This licensing objective relates to any disorder which takes place on or around premises, including offences such as anti-social behaviour, drug-dealing, theft and assault. South Yorkshire Police is the main partner agency who advises on these matters, although the Council also have teams in place to deal with anti-social behaviour and community protection. Data from both of these sources has been used when evidencing this section.



The previous three years of crime data for Wickersley West LSOA indicates that crime rates were consistently high in both 2017 and 2018. September 2017 had the highest number of crimes recorded within a month (26), followed by March 2018. There were sixteen months across the three year period where more than fifteen crimes were committed. In the six month period between February-July 2018, the crime rate stayed above this level continuously. On average, spring and summer months have higher levels of recorded crime across the period, although

July 2019 does not correlate with this pattern. Winter months have much lower crime rates with January recording the lowest rate of crime in 2018, and second lowest in 2019. However, in 2017, this was not the case.

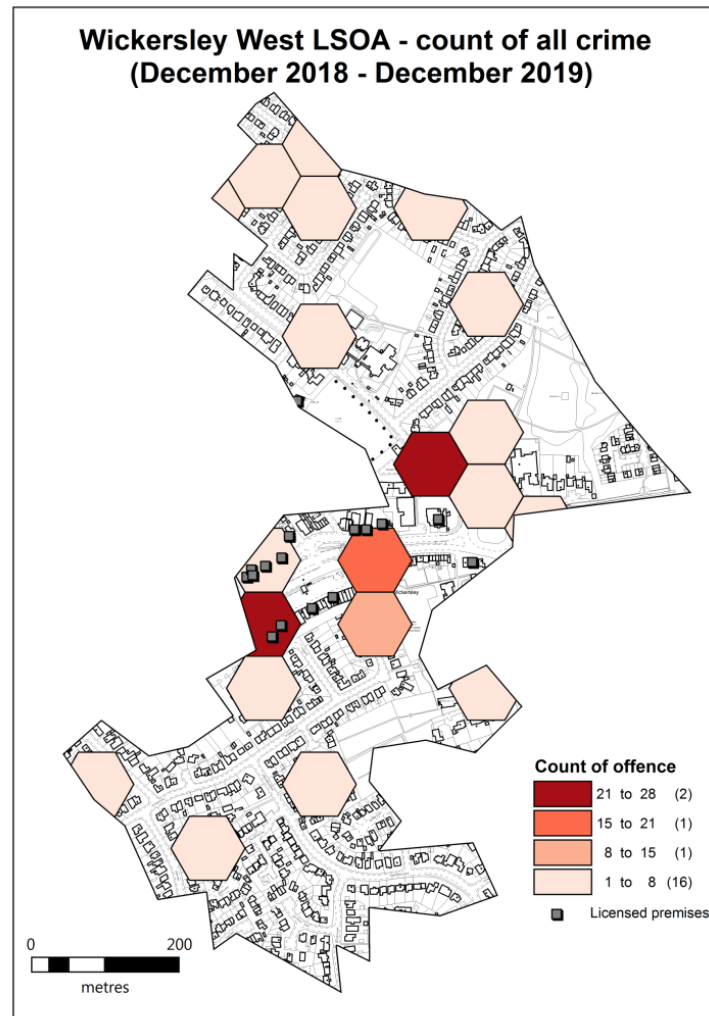
It is also of note that October and November 2019 have recorded significantly higher levels of crime than the same months in 2018 and that crime levels has increased since September, which has not been seen previously over the period.

The most common crime committed between December 2018 and December 2019 were offences of a violent or sexual nature, which includes offences such as violence against the person, grievous bodily harm and sexual assault. This was followed by anti-social behaviour which consists of personal and environmental issues, as well as nuisance behaviour. Both of these offence types have a clear link to a night-time economy, or to those people who have visited a licensed premise before committing an offence.

Offence	Count
Violence and sexual offences	33
Anti-social behaviour	23
Shoplifting	14
Other theft	11
Criminal damage and arson	10
Public order	10
Vehicle crime	10
Burglary	8
Drugs	2
Other crime	1
Robbery	1
Theft from the person	1

Other offences listed which could be associated to a night-time economy are theft, public order, drugs and theft from the person. Taking all of these offences into account, 65% of all crime recorded in Wickersley West could be linked to the night-time economy within the area.

Further analysis of these crimes looks at the temporal and spatial distribution within Wickersley West, which is shown below.



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The hexagonal map divides the LSOA into 50 metre segments. There are three segments where more than fifteen offences took place within the past calendar year (December 2018 – December 2019). These are all situated alongside Bawtry Road within close proximity to licensed premises. The most prevalent hotspot is located just north of the junction where Northfield Lane joins Bawtry Road, where a total of 28 offences took place. There is a licensed premise located on this junction which may signify that a number of these offences were attributable to this premise.

Location	Count
On or near Willow Court	28
On or near Supermarket	24

On or near Pedestrian Subway	15
On or near Tanfield Way	12

To assess the spatial distribution of offences further, street level data has been provided by the police. This shows that Willow Court, a large, age restricted housing scheme, located directly behind the largest capacity premises within the centre, has the highest recorded level of crime within the area. Each of the three other streets which had a count higher than 10 are all located on or perpendicular to Bawtry Road and are all within 75 metres of a licensed premise.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0000	7	2	3	6	3	6	8	35
0100	2	1	2	0	1	2	5	13
0200	2	2	0	1	2	4	2	13
0300	1	0	2	0	1	1	0	5
0400	0	1	0	0	0	0	0	1
0500	0	0	0	0	0	1	1	2
0600	1	0	0	2	0	1	0	4
0700	1	0	0	0	0	0	1	2
0800	1	2	0	1	0	1	0	5
0900	2	4	4	2	1	0	1	14
1000	3	2	1	2	1	2	2	13
1100	0	1	3	2	4	0	11	21
1200	5	2	4	6	5	2	1	25
1300	4	5	0	5	5	1	2	22
1400	1	3	0	3	2	3	1	13
1500	1	3	1	5	4	7	3	24
1600	5	8	2	3	1	4	1	24
1700	1	3	6	1	3	3	4	21
1800	3	3	4	4	1	2	4	21
1900	1	4	2	5	2	3	4	21
2000	2	4	1	2	1	1	3	14
2100	7	1	5	1	3	5	2	24
2200	3	4	7	2	5	4	2	27
2300	6	1	1	3	2	1	10	24
Total	59	56	48	56	47	54	68	388

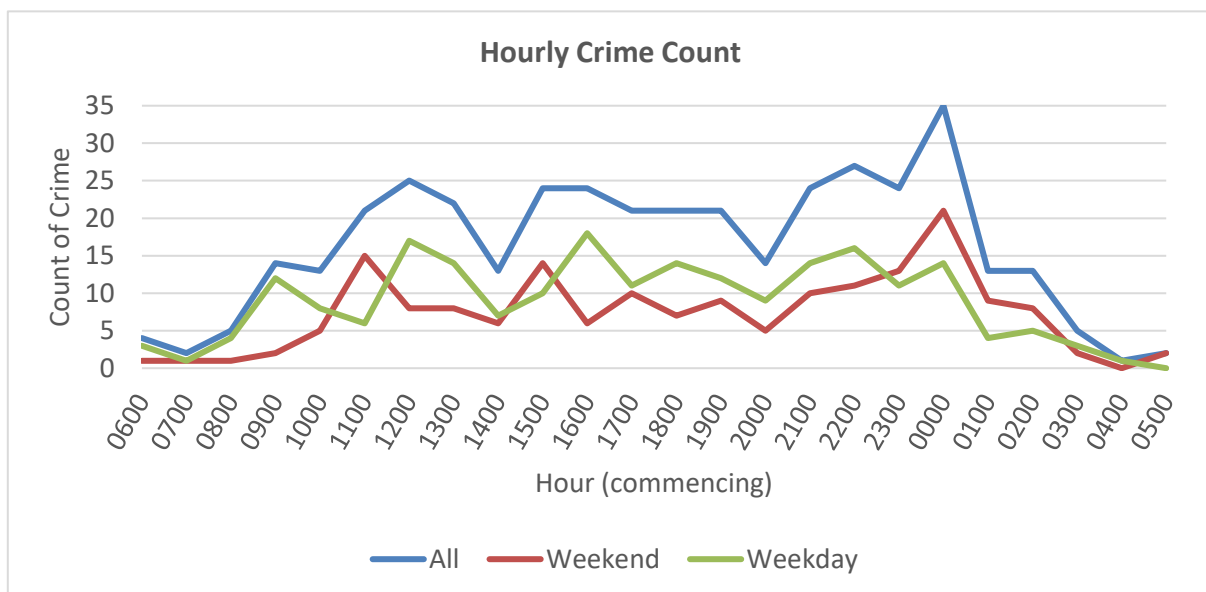
Highest risk	
Moderately high risk	
Moderate risk	
Low Risk	

Temporal Analysis: Crime figures for Wickersley West and Wickersley South between January 2016 and December 2019. Included with the permission of South Yorkshire Police.

The temporal analysis above also shows a clear correlation to the night-time economy in Wickersley, with the main peak of offences taking place between 2100-0100. Within this four hour period, 28.3% of all crimes occurred. An increase

of crime during these hours is common within an area that has a large night-time economy and coincides with the variety of licensing hours within the centre. Furthermore, the peak seen between these hours is magnified over the weekend (Friday 0600 – Monday 0600) which sees higher and more consistent peaks between 00:00 and 01:00, with a slower return to a base level, which takes until 03:00. The graph below demonstrates this point.

Seven of the eight 'highest risk' hours identified by the police are either between 2100-0100, or at a weekend. This also shows the impact of licensed premises and can be apportioned, at least in part, to the number of drinking establishments within the centre of the area.



The temporal analysis undertaken only includes reported crimes. Although unaudited, ASB data was also made available to the Council by the police which further exacerbated the peaks seen over the weekend, with peak levels of offending occurring again between 2100-0100 across the weekend. Although this data cannot be made available in this document, further information can be requested from the Licensing Service if required.

Although the Council recognise that crime levels have decreased in 2019, offences can have a disproportionate impact on the residents of Wickersley due to the large amount of residential areas within very close proximity to licensed premises. Furthermore, the demographic of Wickersley shows that there are more people aged 65 and older compared to the borough average, which increases the impact felt by residents due to crime and anti-social behaviour, especially for disturbance that takes place within the hours of a night-time economy.

The concerns of residents were expressed through an online survey and residents meeting and some of these responses focused on feeling unsafe in the area where they live.

“People of all ages are scared to go out in the evening due to the amount of people drinking outside”.

“I would never go into the village from late-afternoon onwards. I do not feel safe”.

Furthermore, in its formal written response to the consultation, Wickersley Parish Council expressed a number of concerns, including the perception that residents are excluded from the night-time economy, partly due to crime.

“Wickersley has become out-of-bounds for many residents at weekends”.

4. Protection of Children from Harm

There is no evidence to show that this licensing objective is being undermined within the Cumulative Impact Zone.

Conclusion

The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives.

Factors considered when granting applications in a Cumulative Impact Zone

When considering the presumption against granting or varying a licence in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.

Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:

- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
- Premises which are not alcohol-led and operate during the day-time economy.
- Instances where a business is relocating to a new premise but retaining the same style of business.
- Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.

Examples of factors the Council will not consider include:

- That the premise will be well managed and well run.
- That the premise will be constructed to a high specification
- That the applicant operates similar premises in other areas without complaint.

Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.