

LICENSING SUB-COMMITTEE

Venue: Virtual Meeting

Date: Tuesday, 22 September 2020

Time: 10.00 a.m.

A G E N D A

1. To determine whether the following item 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. Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for The Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, S60 5JQ. (Pages 1 - 59)

Sub-Committee Hearing Procedure

- 1 The Chair of the Licensing Sub-Committee will introduce the Sub-Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Assistant Director, Community Safety and Street Scene, will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 - i. The Assistant Director, Community Safety and Street Scene will introduce the report.
 - ii. Questions concerning the report can be asked both by Members and the applicant.
 - iii. The Assistant Director, Community Safety and Street Scene 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 Assistant Director, Community Safety and Street Scene 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 Sub-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 Sub-Committee may request legal advice from the Solicitor to the Sub-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 Sub-Committee determine that the public should be excluded.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 22nd September 2020 (10:00 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 The Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, S60 5JQ.

Report Author(s)

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

Report Summary

On the 7th August 2020, an application was made for a premises licence in relation to The Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, S60 5JQ. The premises is a public house that and has previously been licensed by Rotherham MBC for the retail sale of alcohol and other licensable activities (licence number P0204). However this licence was surrendered on 28th May 2020 by the former licence holder, and since this time the premises has been operating under the authority of Temporary Event Notices.

The applicant is seeking a licence to permit the provision of late-night refreshment, regulated entertainment and the retail sale of alcohol for consumption on and off the premises.

Following the submission of the application paperwork, representations were received from 11 interested parties. In addition, South Yorkshire Police, RMBC Community Protection Unit and RMBC Licensing have agreed conditions with the applicant that are intended to address any concerns that the Responsible Authorities 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 7th August 2020
- Appendix 3 Representations received from Interested Parties
- Appendix 4 Conditions agreed with South Yorkshire Police
- Appendix 5 Conditions agreed with Rotherham MBC Community Protection Unit
- Appendix 6 Conditions agreed with Rotherham MBC Licensing

Background Papers

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

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 The Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, S60 5JQ.

1. Background

- 1.1 The application has been made on behalf of Seasons Wickersley Ltd for a Premises Licence at The Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, S60 5JQ. The applicant is seeking a licence to permit the provision of late night refreshment, sale of alcohol for consumption on and off the premises and the provision of regulated entertainment. The location of the premises is shown at Appendix 1.
- 1.2 The premises does not currently have the benefit of a Premises Licence – the previous licence being surrendered by the former licence holder on 28th May 2020. The absence of the licence has prompted the submission of the application to which this report relates. A copy of application can be found at Appendix 2.
- 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, 11 representations had been received, all of which were from local residents:
 - i. Mr DL
 - ii. Ms VP
 - iii. Ms LP
 - iv. Ms LH
 - v. Mr MB
 - vi. Ms KH
 - vii. Ms CW
 - viii. Ms EH
 - ix. Ms NB
 - x. Ms BM
 - xi. Mr DB
- 1.5 In addition to the representations that had been received, the following Responsible Authorities have put forward 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:
 - South Yorkshire Police
 - Rotherham MBC Community Protection Unit
 - Rotherham MBC Licensing

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 0030hrs Sunday to Thursday
 - 2300hrs and 0100hrs Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200hrs
 - If a large televised sporting event takes place outside any of these hours, depending on timings 1hr before event and up to 1hr after.
- Retail sale of alcohol (for consumption on and off the premises) between the hours of:
 - 1000hrs and 0030hrs Sunday to Thursday
 - 1000hrs and 0100hrs Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200hrs
 - If a large televised sporting event takes place outside any of these hours, depending on timings 1hr before event and up to 1hr after.
- Provision of Regulated Entertainment (Live and Recorded Music) between the hours of:
 - 1000hrs and 0000hrs Sunday to Thursday
 - 1000hrs and 0100hrs Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200hrs
- If a large televised sporting event takes place outside any of these hours, depending on timings 1hr before event and up to 1hr after.

The applicant has made the following additional comments as part of the application:

- In relation to live music – disco / karaoke, plus the odd live band may perform outside but be finished for 2230hrs at latest.
- In relation to recorded music - playing of record music via juke box etc. with outside at a lower level and off by 2230hrs at latest.

2.2 The applicant has stated that the opening times of the premises are as follows:

- 1000hrs and 0100hrs Sunday to Thursday
- 1000hrs and 0130hrs Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0230hrs
- If a large televised sporting event takes place outside any of these hours, depending on timings 1hr before event and up to 1hr after.

Representations received

2.3 Eleven representations have been received, all of which are from local residents. The representations cite the following concerns:

- Noise nuisance and incidents of crime and disorder.
- Antisocial behaviour including littering.
- Negative impact on wellbeing of local residents.

2.4 Full details of the representations can be found in Appendix 3.

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

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

Agreed conditions

2.7 In addition to the above, a number of Responsible Authorities have agreed licence conditions with the applicant, these are attached to this report as follows:

- Appendix 4 – conditions agreed with South Yorkshire Police
- Appendix 5 – conditions agreed with Rotherham MBC Community Protection Unit

- Appendix 6 – conditions agreed with Rotherham MBC Licensing

2.8 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 until 25th August 2020, all representations received by this date have been included in this report.
- 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.

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.

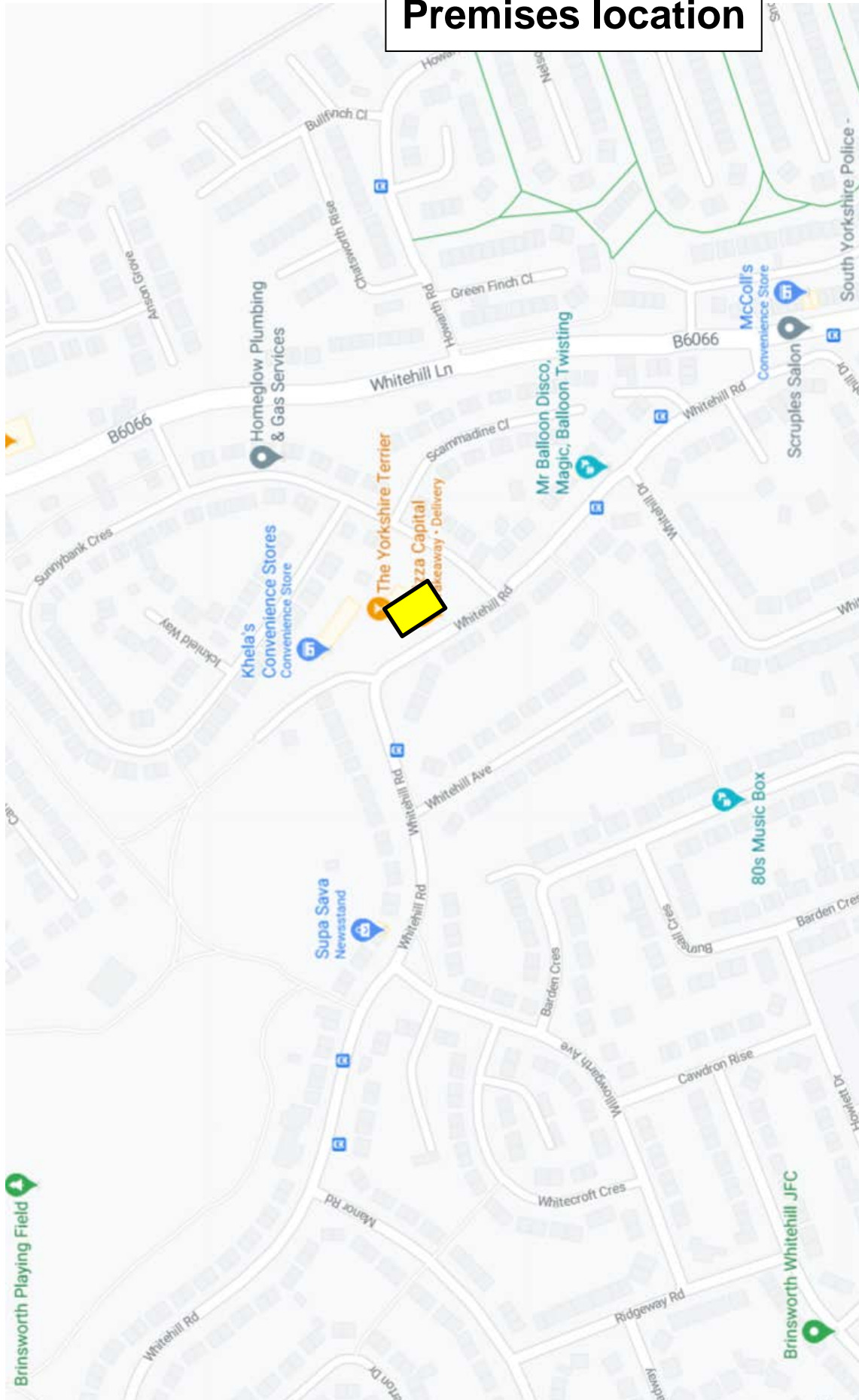
9. Accountable Officer(s)

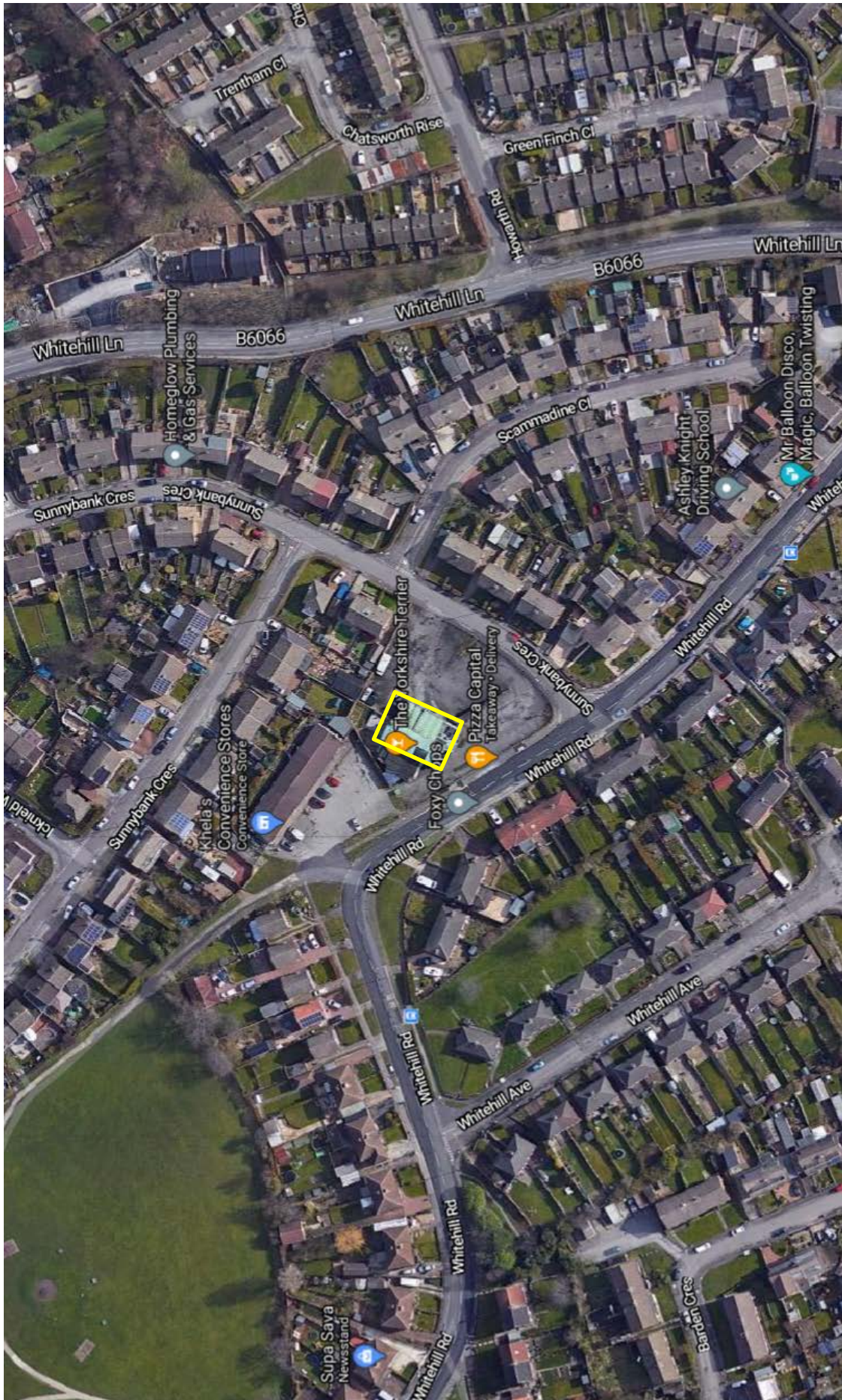
Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

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

Appendix 1

Premises location







**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.

I/We ALEXANDER NIGEL NOCTON

(Insert name(s) of applicant)

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
THE YORKSHIRE TERRIER, WHITEHILL ROAD, BRINSWORTH

Post town	ROTHERHAM	Postcode	S60 5JQ
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Telephone number at premises (if any)	01709377271
Non-domestic rateable value of premises	£10500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | | |
|----|--|--|-----------------------------|
| a) | an individual or individuals * | <input checked="checked" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | <input type="checkbox"/> | |
| | i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | 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 in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ 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 (by ticking yes to one box below):

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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NOCTON			First names ALEXANDER NIGEL		
Date of birth 11.12.1969		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality BRITISH					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)	Alex_nocton@yahoo.co.uk				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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Surname		First names	
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	4	0 8 2 0 2 0

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☒

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

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish			
Mon	10.00	00.00	<u>Please give further details here</u> (please read guidance note 4) DISCO/KARAOKE. PLUS THE ODD LIVE BAND MAY PERFORM OUTSIDE BUT BE FINISHED FOR 22.30HRS AT LATEST.		
Tue	10.00	00.00			
Wed	10.00	00.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	10.00	00.00			
Fri	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) CHRISTMAS EVE AND NEW YEARS EVE AND BANK HOLIDAYS UNTIL NO LATER THAN 02.00 IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.		
Sat	10.00	01.00			
Sun	10.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) PLAYING OF RECORD MUSIC VIA JUKE BOX ETC WITH OUTSIDE AT A LOWER LEVEL AND OFF BY 22.30 AT LATEST		
Mon	10.00	00.00			
Tue	10.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	10.00	00.00			
Thur	10.00	00.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) XMAS EVE NEW YEARS EVE AND BANK HOLIDAYS INSIDE ONLY TILL 02.00 IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
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 RECORDED AND ON OCCASION LIVE BAND		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	10.00	00.00		Outdoors	<input type="checkbox"/>
				Both	X
Tue	10.00	00.00	<u>Please give further details here</u> (please read guidance note 4) ANYTHING REGARDING THE PLAYING OF MUSIC VIA AMP SYSTEM OR TV NOT COVERED ABOVE. DURING ANY PERIOD, ANY MUSIC PLAYED OUTSIDE WILL BE TERMINATE BY 22.30HRS		
Wed	10.00	00.00			
Thur	10.00	00.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	10.00	01.00			
Sat	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) XMAS EVE NEW YEARS EVE AND BANK HOLIDAYS INSIDE ONLY TILL 02.00 IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.		
Sun	10.00	00.00			

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 (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Possibility of serving of food and hot drinks		
Mon		00.30			
Tue		00.30			
Wed		00.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur		00.30			
Fri		01.00			
Sat		01.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) XMAS EVE NEW YEARS EVE AND BANK HOLIDAYS INSIDE ONLY TILL 02.00 IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.		
Sun		00.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	10.00	00.30			
Tue	10.00	00.30			
Wed	10.00	00.30			
Thur	10.00	00.30			
Fri	10.00	01.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) XMAS EVE NEW YEARS EVE AND BANK HOLIDAYS INSIDE ONLY TILL 02.00. IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.		
Sat	10.00	01.00			
Sun	10.00	00.30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name ANDREW BARTRAM	
Date of birth 26.11.1987	
YORKSHIRE TERRIER, WHITEHILL ROAD, BRINSWORTH, ROTHERHAM	
Postcode	S60 5JQ
Personal licence number (if known)	
Issuing licensing authority (if known) ROTHERHAM	

☐☐☐☐

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 TO OUR KNOWLEDGE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10.00	01.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) XMAS EVE NEW YEARS EVE AND BANK HOLIDAYS INSIDE ONLY TILL 02.30. IF A LARGE TELEVISED SPORTING EVENT TAKES PLACE OUTSIDE ANY OF THESE HOURS, DEPENDING ON TIMINGS 1HR BEFORE EVENT AND UPTO 1HR AFTER.
Tue	10.00	01.00	
Wed	10.00	01.00	
Thur	10.00	01.00	
Fri	10.00	01.30	
Sat	10.00	01.30	
Sun	10.00	01.00	

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

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

THE LOCATION HAS CCTV INSIDE AND OUT ALL STAFF ARE TRAINED TO DEAL WITH MOST SITUATIONS THAT CAN ARISE. SIGNS ARE PLACE IN MOST LOCATIONS REGARDING PUBWATCH AND HOW TO LEAVE THE PREMISES AT ANYTIME. CHILDREN ARE REQUIRED TO LEAVE BY 21.00HRS.

b) The prevention of crime and disorder

AS ABOVE

c) Public safety

AS ABOVE

d) The prevention of public nuisance

AS ABOVE

e) The protection of children from harm

AS ABOVE

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 designated 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 (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 (see guidance note 12). **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, if appropriate (please see note 15)
Signature	A. NOCTON
Date	21.7.2020
Capacity	LICENSEE

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	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

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

Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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.

APPENDIX 3

Representations from local residents

Representation from Mr DL

To whom it may concern

I write to you to make representation in opposition to certain aspects of the licence application for The Yorkshire Terrier, Brinsworth.

Applicant Mr Alexander Nigel Nocton. Application 046395.

As a local resident, living approximately 100yards from the premises, I have several concerns regarding the application.

The open hours request of closing times of 01:30 during the week and 02:00 and 02:30 for Friday and Saturday are unreasonable.

The applicant is asking that an estate pub, in a built up area inhabited by young families, has a later closing time than a city centre bar or nightclub. Which is blatantly unreasonable.

A group of people leaving a premises under the effects of alcohol at such a late hour would represent a serious public nuisance, with the potential for an increase in crime and disorder.

Being the only licensed premises for a large surrounding area still open at such a late time would lead to an increased number of people travelling into the area once their local pubs close. Having groups from different areas mixing whilst under the influence of alcohol could lead to an increase in violence and disorder.

The noise we currently experience when the pub closes and people are walking home can be excessive and disruptive, but at least it is not too late. However it does disturb my 10 month old child and on occasion leads to her waking up.

Up until recently, the establishment has been playing loud music which can be a nuisance and a disturbance to us and our child. However, this is an issue that will only be exacerbated should the applicants request for music to continue until midnight during the week and 01:00 at the weekend be approved.

Quite often I find discarded bottles and glasses outside my house or on the road that have been smashed by people leaving the pub. An extension of opening hours would surely lead to an increase in the occurrence of these incidents. The broken glass represents a clear risk to public safety and is a concern for those of us with young children (of whom there are many in the houses surrounding the premises). This, coupled with the noise issue, contravenes the licensing objective of the protection of children from harm.

I also notice that the applicant has made the request to have the ability to sell alcohol to be consumed OFF the premises. This situation would undoubtedly lead to an increase in bottles and cans being dropped as people leave the premises and make their way home, being both a public nuisance and a safety risk to the public and young children. There is also the potential for customers to purchase take away alcohol and then consume it on the benches outside the pub causing further noise and disruption until an even later hour.

Please note, we are not opposed to the applicant or the establishment acquiring a licence, and welcome the presence of a friendly local pub in our community. We have frequented the premises ourselves on numerous occasions and have never had any issue. We also accept there will be an element of noise and rowdiness associated with a pub and have accepted it until this point. The issues we DO have are purely connected to this new application and are outlined in this representation. I am available for contact if there are any questions or points to be discussed.

Yours faithfully

[REDACTED]

Brinsworth resident

Representation from Ms VP

I write with reference to the proposed opening times for the Yorkshire Terrier public house in Brinsworth.

1. Extending the opening hours will only contribute to crime and disorder.

Who wants to listen to people screaming and shouting at each other at 2 o'clock in the morning? It's bad enough as it is when people are fuelled with alcohol and pass my house. I've also had my car vandalised 3 times in the past 3 years.

2. Are residents going to feel safe passing a venue with large crowds? Numourous crowds only attract trouble when they are fuelled with alcohol. I've worked in public houses for 20 years and have seen this first hand.

Why aren't these proposals for the Waverley? This would be a much better venue. The Yorkshire Terrier is surrounded by hundreds of houses with residents who have lived in their property for 50 years. I don't want the disruption at my age, it isn't any good for my mental health or wellbeing.

3. How can you prevent people making a nuisance of themselves at 2 o'clock in a morning? I'm too frightened to go out at that time.

4. How can you protect your children from harm, when you are close to a venue with people talking, and loud music playing?

This is no good for their mental health or wellbeing, when they turn up to school tired because they haven't had any sleep.

The noise from the Yorkshire Terrier carries, especially if there is music playing and people are talking outside or in the smoking area.

I live [REDACTED] Brinsworth. This [REDACTED] years. I DON'T WANT to listen to loud music from somewhere else when I'm in my own home. When I go to bed I want to go to sleep, NOT be kept awake by this, and be anxious wondering if there's going to be any trouble.

So I STRONGLY OBJECT to these proposals.

Kind regards

██████████

Representation from Ms LP

Referring to the above application I would like to object to this for the following reasons:-

1. These premises are too close to residents houses for live music indoor/outdoor
2. Unsociable opening hours for residents who have to go to work every day
3. The sale of alcohol off these premises will encourage street drinking and unsocial behaviour
4. The late night refreshment indoor/outdoors until is unacceptable for surrounding residents

I strongly object to this licence this is a family oriented area with many small children and babies and elderly people and will create unsociable behaviour and public safety.

Regards

[REDACTED]

Representation from Ms LH

Hello

I would like to object to the licensing application made by The Yorkshire Terrier Pub on Whitehill Road in Brinsworth, ref 046395.

As you will be aware, this particular pub is surrounded by residential properties on Whitehill road, Sunnnybank Crescent and Icknield way to name just a few.

Opening until 1:30am during the week is too late and the noise from customers leaving the pub at this time will disturb local residents who expect to enjoy a peaceful nights sleep. People work and have children who need to get up for school. I can't imagine their is actually even a demand for the pub to be open that late in the first place but of it is allowed, it will encourage more and more people to be drinking until closing time which will increase noise and antisocial/drunken behaviour and it's us who live in the surrounding properties who will have to put up with it.

The same applies for the proposed closing time at the weekend. Why so late? 2.30am is taking the mick! It's not fair on those of us who live within a stones throw of the pub. As for the entertainment licence, I would have less of an issue if this was for indoors only. But allowing live or recorded music to be played outdoors until these time's is unacceptable. I am all for entertainment in pubs but these times are unreasonable. Residents should not have to have to put up with loud music being played outside until these times. It wouldn't be so bad if it was indoors only.

I'd like to point out that during lockdown, there were a small number of local DJs who played music outside their homes until around 8pm on Thursdays to show their respect and thanks to NHS and key workers. One was on Whitehill Road. I didn't have an issue with this personally as the music ended at a very reasonable time. However Environmental Health received complaints and the DJs were informed to stop and threatened with having their equipment confiscated if they failed to cease. So please explain how the council can stop someone playing music outdoors once a week because it's considered unreasonable to be played past 8pm and a nuisance to local residents yet you will consider granting a licence for this pub to play live or recorded music outside until 1am!!! Totally unacceptable and it's us who will suffer.

Myself and my partner like to support local businesses and would encourage most things that will provide more jobs for local people but these suggested times are too late and unreasonable, especially paying music outside.

Please accept this as a formal objection from me and my partner and provide a response to the comments I have made.

Kind regards



Representation from MR MB

Yorkshire Terrier Brinsworth

Application for Premises Licence 046395

I wish to express my concern at the application to change the activities at The Yorkshire Terrier public house, Whitehill Road, Brinsworth.

I feel that the proposed changes to the opening hours to 10:00 to 01:30 Sunday to Thursday, 10:00 to 02:00 Friday and 10:00 to 02:30 Saturday to be excessive, as are the proposed changes to the various activities.

The Yorkshire Terrier is an Public House in a Residential Area, consisting of various age groups and with a number of council oap bungalows nearby.

I have lived in the area for 49 years and have frequented the Yorkshire Terrier on many occasions during this time. However I feel the changes applied for will have a detrimental impact on the area.

I therefore object to the application on the following grounds:-

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of Public Nuisance.

Signed :-

[Redacted Signature]

Brinsworth, Rotherham S60

Representation from Ms KH

The Yorkshire Terrier licence application

To whom this may concern

I write this letter in relation to the new Licence application 046395 (Yorkshire Terrier-Brinsworth).

The application has been brought to our attention by a neighbour, who must have found out about the application one way or another, and posted notification of the applicants intentions through our door.

We find this rather underhanded, why has every household within the vicinity not been notified directly about this application, to give everyone the opportunity to reject this ludicrous request?

I live around 100yds away from the pub. Regularly we hear the noise from the pub, i.e. music up to around 1130pm on Fridays and Saturday, which we have no problems with as we accept that we live near the pub and that is normal opening hours. What we don't find acceptable is the drunken antics of the terrier's customers as they leave. Shouting, fighting, throwing bottles/glasses about smashing them, causing potential harm to both children and animals. I feel the pub should take responsibility when serving people that they are just as responsible as the drunken person causing public nuisance outside its premises. They are clearly not interested in the aftermath and believe granting this new application will only see an increase in public nuisance. The new licence proposes longer open hours than that of Bars in Town centres. That in itself says it all. We are a residential area, not a city centre.

I as a resident within the vicinity and a mother to a young baby, we do not want to have to listen and see the trouble which this will bring. This will only attract people from other areas as it will be open the latest in surrounding villages.

The consumption of alcohol both on and off the premises in theory means at 2.00am they can serve beer to then be consumed off the premises. Meaning they could then sit outside the pub and drink it? Again causing public nuisance.

We are not in any way against the pub, just to the request for extended hours / music. I used to live on one of the worst streets in Brinsworth, which I left due to antisocial behaviour. I did not spend all my money to then move and buy this house to now potentially be harassed with yet more antisocial behaviour and noise caused by essentially a night club.

If you would like to discuss this further, please do not hesitate to contact me via email

Kind regards

■

Representation from Ms CW

Dear Licensing Team,

My name is [REDACTED] and I live at [REDACTED] Brinsworth S60 [REDACTED],
[REDACTED].

I called your office today 19th October, with regards to this application, and was told to put my objections in writing or by email, I also explained that one of my neighbours posted the application through my letterbox,

The member of staff I called said there should be a blue notice up either on the door window or lamp post, the lady asked me to call back if this wasn't showing has it contains information on how to object and by which date, on my return from work I checked this, and did find the application in the front window in the top right hand corner and unless you have ladders or you 8 foot tall you cant read this. So for a lady who is 5 foot 4 ish I couldn't read it, am so thankful my neighbour posted the application. See attached photo

I am strongly objecting against the application for a new premises licence for the hours that are purposed.

I have two small grandchildren age 5 and age 3 months who stay with me every weekend, and both sleep in the front room. I also work 5 days a week Monday to Friday and have early starts. I live in a residential area, which is across the road from the pub. I don't want to be disturbed by live or recorded music playing outdoors has I don't get no quite time on my own back garden, listening to music whether indoors or outdoors will be extremely disturbing and loud, Things are bad enough now at the weekends, let alone extended hours, the landlord also does lock ins to which shouldn't be aloud, I have complained to both the council and landlord but nothing happens, all you can hear at the weekends is laughing and shouting, from the smoking area which is located at the front of the pub, and also outside the pubs front door depending on where people smoke, 8 out of 10 times in ends in fights, also the smashed glass in the car park from arguing. And not forgetting the taxis to and from beeping their horns .At the weekends I have to keep my windows closed but yet the sounds still comes through, not ideal in hot weather. Landlord has a speaker outside the front door, I can hear music now when pubs open in my back garden and upstairs in my two front bedrooms. I am also objecting against the consumption of alcoholic to be sold off the premises till the early hours of the morning, we already have an Premier Inn off-licence that is open 7am - 9 p.m. on the same site. of The Yorkshire Terrier, The landlord already has outside space with decking at the front of the pub and again is extremely loud in the summer, noise comes straight through my front room window.

I would also like to add, like I have said before the is a residential area with other local pubs in the area that open and close at reasonable times. So can I ask why would you think it is appropriate to turn it into nightclub,

If you need anything else from me then please don't hesitate to email me.

I do hope you take my objections seriously, "How would you like to live across the road from a nightclub"

Kind Regards

[REDACTED]

Representation from Ms EH

Good morning,

We believe the license application will be detrimental to the residents of the immediate area, bearing in mind this premise is in the middle of a housing estate full of families.

The extended music license will allow the premise to become a "nightclub" bringing with it the associated clientele, anti-social behaviour even later at night than we currently get.

I implore you to decline this application.

Thank you,

[REDACTED]

Text from online form submission:

My family and I live [REDACTED] away from The Yorkshire Terrier.

Over the past 7 years of living here, there is seldom a weekend where noise nuisance from the pub is experienced, within its current operating hours. We tolerate this. However, there is also seldom a weekend where late leavers or evictees of the pub aren't causing a public nuisance, shouting at each other at unsociable hours, smashing bottles (significant broken glass in the immediate vicinity), fighting, continuing to drink own beverages outside the pub & in the ...,. 2 bustops, one immediately outside the pub the one immediately opposite our property . This type of behaviour is also experienced during the week .

We have 2 children, both under school age, whose sleep is disturbed by the current nuisance. Our sleep & our neighbours sleep is also disturbed . If the current licensing is extended as requested, this would draw many more customers to the pub upon other local facilities shutting, increasing noise, nuisance, unsociable behaviour.

The pub is in the middle of a housing estate with many properties far closer to the pub than ours . We find the music under the current license to be clearly audible on a Friday and Saturday night . The extension of the license would be completely unacceptable and would very likely see an increase in crime.

We would suggest opening hours are not extended, music is not played during the week and license does not allow for the sale of alcohol for consumption off premise.

Representation from Ms NB

To whom it may concern,

It has come to light that the Yorkshire terrier is currently running with a temporary license and the proposal for the new license seems to have altered opening and closing times. Does this mean that people will have extra drinking time on a Saturday night/Sunday morning?

I am a resident of Brinsworth and live within close proximity of the pub. There has always been a little bit of noise at kick out time, the occasional fight in the street after a bit too much alcohol at the weekend etc and we have somewhat become used to it. On a few occasions, these disturbances would wake up my children which isn't welcomed as I'm unfortunate enough to have 2 kids that don't like to go to sleep anyway! Also on a few occasions, the police have had to get involved in street brawls. Going back around 2/3 years, a group of young men were thrown out of the pub as they had started fighting. This brawl went in to the street and these men were destroying people's property to create weapons in their little spat. The landlord never called the police, that was left to the residents. It's as though the trouble cannot be reported if it's on his premises. I don't see the need for a local pub to be open until 2am, especially when events like this happen under the current opening times.

Since lockdown has eased and the pub was allowed to reopen, it's as though social distancing doesn't apply to anyone and there obviously isn't anyone reinforcing any rules either. Up to now, the latest time that a group of people (guessing all from different households as they go different ways when reaching the pub) have been heard leaving is possibly 3am on a Sunday morning. I have friends who went in for a quiet drink, just a few weeks ago, to be greeted by someone stood at the bar vaping! Surely that's not the best thing to be doing in the middle of a pandemic!

In summary, I doubt I am the only person who will have these concerns and I hope that people will be aware of what the proposal involves.

I hope my concerns are looked at seriously and taken in to consideration when approving anything to do with this pub. It could be a lovely pub, but I'm presuming any extended hours will just attract an even more rowdy crowd at the weekend.

Thank you for your time.

██████████

Representation from Ms SM

Application Number: 046395

Premises: The Yorkshire Terrier Whitehill Road, Brinsworth, Rotherham, South Yorkshire, S60 5JQ

Dear Sir/ Madam

I would like to make a representation against the application and proposed new opening time for The Yorkshire Terrier Pub located in Brinsworth on Whitehill Road. It comes as a great surprise to myself and my husband that Mr Nocton wishes to extend his hours, as we were under the impression his licence already covered these hours. For the last five years of us leaving on Whitehill Road there have been patrons drinking, smoking, shouting and being generally obnoxious as well as the disco music and lighting going on until 2am already with no regard for the surrounding homes!

The prevention of Crime and Disorder-

Weekly there are fights outside The Yorkshire Terrier, glasses smashed, people shouting, screaming, and swearing at each other especially in the smoker's area/shed. All I have seen Mr Nocton put in place to prevent such scenes is simply lock the front door, leaving residents to have to listen to the chaos until the early hours in the morning.

Public Safety-

I fear that if allowed to extend his hours Mr Nocton will continue his behaviour of 'Lock-ins' until even more obscene times of the day and this will result in an increase in drunken behaviour that will lead to property being damaged. I have already had condoms, underwear and litter left on my fence and gardens as well as smashed up glasses left in front of my drive and property entrance. I feel given the opportunity this behaviour will escalate and result in cars being damaged and even theft.

The constant sleep deprivation is getting too much, a plus side of the Covid-19 pandemic is that it has meant that The Yorkshire Terrier has been shut and we have been able to rest especially with the arrival of our first child.

The prevention of public nuisance-

I do not believe Mr Nocton will do anything to prevent any kind of nuisance or disruption to residents. I have made several complaints to the council and nothing has been put in place to reduce or stop the nightly bombardment of noise and vulgarity seeping from the establishment.

Working nights at the hospital has been difficult as I have been unable to sleep during the day due to music being played on the outside stereo system at extraordinary volumes when there hasn't been anyone outside the establishment, continuing to be played up to and past 10pm. Equally when coming home after working a weekend shift it sets off my anxiety of going to bed as I know I won't sleep for my shift the next day because of the constant noise.

The Protection of children from harm-

During lockdown I had my first child, who is woken up as well as myself at early hours in the morning from people being loud and generally obnoxious in the smoker's area/shed. A few weeks after pubs were able to reopen.

I feel legally extended hours will be detrimental to my son and other children in the area as they will definitely keep them up and inevitably will not be sheltered from the vulgar language and noise as you can hear it throughout our home; we even attempted to move into our backroom and you can still clearly hear the music playing and people arguing.

I wish for my details to not be made public due to the fact we are in such close proximity to The Yorkshire Terrier, we feel we can be easily pointed out and targeted as we have already had vandalism to our property and do not wish for any inebriated patron to take matters into their own hands.

Representation from Mr DB

As requested my concerns over the New licence application for the above premises are on the grounds of Prevention of Public Nuisance and to grant a licence to allow the premises to open Sun to Thurs 10.00am till 01.30 am and Friday till 02.00 and Saturday till 02.30 this public house is surrounded by private housing if the licence holder of the premises (if granted) was to consider opening till midnight with all business taking place within the confines of the building then until any behavior problems surface, i have no problems I suggest that the applicant can apply for extensions for Xmas/ New Year/Bank holidays etc. I should be obliged if you do not reveal my identity as certain users of this PH are the type that would take it badly.
Regards, [REDACTED]

Conditions agreed with South Yorkshire Police

1. Drinks may not be removed from the premise in open containers except for consumption in the area provided for that purpose. If the external area is being used, a risk assessment for the use of alternative drinkware to be carried out, details of risk assessment to be kept for 6 months
2. It is considered that for the nature of the operation door supervisors will not be required however, the use of door supervisors will be risk assessed on an event-by-event basis and a written record of the risk assessment be kept at site for 6 months and made available to the Police or an Officer of the Licensing Authority upon request. Where engaged, door staff shall be licensed by the SIA.
3. A colour CCTV system to be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police on request. Members of the management team will be trained in the use of the system.
4. Incident and refusal book maintained, such records to be retained for at least 12 months and available for inspection on request.
5. Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. Records of such training will be kept and made available for inspection of the authorities.
6. The Challenge 21 scheme must operate including a refusals log, signage and the maintenance of staff training records.
7. Persons under the age of 18 years must be accompanied and supervised by a responsible adult and are not permitted after 21:00 hours.

Conditions agreed with Rotherham MBC Community Protection Unit

1. The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time.

Note: For the purposes of this condition noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

2. The holder of the premises licence shall take reasonable steps to ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of nearby residential properties.
3. Prominent, clear notices shall be displayed at all exits and any outdoor areas requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly.
4. Disposal of waste bottles (or other waste items likely to result in noise) into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00 and 07:00 hours.
5. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 23:00 and 07:00 hours.
6. An adequate number of suitable lidded receptacles shall be provided to receive and store refuse from the premises..
7. The Premises Licence Holder shall ensure that adequate measures are in place to ensure waste does not accumulate externally at their premises.
8. Receptacles for waste shall be emptied regularly to avoid causing a public nuisance through smells or odours and shall be maintained in a clean condition.
9. Trade waste containers will only be left out for collection of waste and will be stored off the public right of way at all other times.

Conditions agreed with Rotherham MBC Licensing

1. Alcohol sold for consumption off the premises shall be sold in a sealed container with the exception of alcohol to be consumed in an external area provided for that purpose.
2. The licence holder shall ensure regular drinking vessel collecting is undertaken to ensure children under the age of 18 do not have access to unattended open vessels containing alcoholic products, both inside and outside the premises.
3. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The log must be reviewed and signed on a weekly basis by a relevant supervisor for the premises.
4. The licence holder shall take reasonable steps to report incidents to the Police as soon as possible during or after the event. The incident must be recorded within the incident register.
5. The DPS or a suitably trained manager shall be on site at all times when the premises are conducting licensable activities. It must be kept on written record who the authorised people in place of the DPS are.
6. A refusals register shall be maintained and kept on site at all times to record all occasions where refusal to sell alcohol has taken place. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, and a description of the person(s) refused. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing. All refusals logs shall be checked and signed for weekly by relevant supervision for the premises.
7. The premises must display clear, visible notices at all entrances and exits requesting asking customers leave the premises in a quiet manner out of consideration for local residents. The signs must never be concealed whilst the premises are open.
8. The licence holder shall ensure that the 'Challenge 25' scheme is employed at the premises.
9. The relevant Challenge 25 signage will be in use throughout the venue at all times, including entrances to the venue to give plenty of notice to customers that this is what will be in operation. It will be easily visible to customers at all times

including in all areas where alcohol is served. It will be displayed in any temporary sales locations on the premises. The signs must never be covered up whilst the premises are open.

10. New staff shall receive induction training prior to the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons who are drunk.
11. Staff refresher training shall take place on an annual basis and shall be recorded
12. All staff training (including refresher) records shall be retained on the premises, maintained by the DPS, authorised manager or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.
13. The licence holder shall ensure that all children under 16 are supervised by a responsible adult at all times. No person under the age of 18 will be served at any bar area
14. All staff will be aware of the policy of not serving anyone under the age of 18 as part of their responsible sales training. Signs will be placed in the vicinity of all points of sale making customers aware.
15. The licence holder shall ensure that all staff are vigilant and have an understanding of safeguarding children
16. When the premises are open especially on non-standard timings for events such as New Year's Eve the sale of alcohol will cease 30 minutes prior to the closing of the premises
17. There must be at least one member of staff trained in the use and download of CCTV on the premises at all times when open
18. CCTV shall be downloaded and provided to police and/or relevant local authority officer on request.