

LICENSING SUB-COMMITTEE
Tuesday 15 December 2020

Present:- Councillor Ellis (in the Chair); Councillors Vjestica and Jones.

15. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.34 OF THE LICENSING ACT 2003) TO VARY THE PREMISES LICENCE IN PLACE AT MALTBY SERVICE STATION, ROTHERHAM ROAD, MALTBY, ROTHERHAM, S66 8ND

Consideration was given to an application to vary the Premises Licence in accordance with the provisions of Section 34 of the Licensing Act 2003, in respect of the premises known as Maltby Service Station, Rotherham Road, Rotherham. During the statutory consultation period, 14 representations had been received from interested parties that had not been withdrawn.

Ms. G. Sherratt, representing MPK Garages, and Mr. W. Harrand, Retail Director, MPK Garages, were in attendance.

The premises currently had a Premises Licence permitting the retail sale of alcohol. However, the applicant was seeking to vary the licence as follows:-

- Amend the times during which licensable activity was permitted
The current licence permitted the retail sale of alcohol (for consumption off the premises only) from 0600 hours until 2300 hours Monday to Sunday.

The licence holder was seeking to amend these times so that the retail sale of alcohol was permitted from 0000 hours to 2350 hours Monday to Sunday.

- Amend the opening times of the premises
The current licence detailed the opening times of the premises to be 0600 hours until 2300 hours Monday to Sunday.

The licence holder was seeking to amend the times to permit the retail sale of alcohol from 0000 hours to 2359 hours Monday to Sunday.

- Addition of late night refreshment to the licence
The current licence did not permit the provision of late night refreshment (due to the premises closing between 2300 hours and 0600 hours). The licence holder was seeking to add late night refreshment to the licence so that this activity could take place between 2300 hours and 0500 hours the following morning.

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- Remove conditions from the licence and replace with others that were proposed by the licence holders
The applicant wished to remove the current conditions attached to the licence and replace with alternative conditions based on the operating schedule which formed part of the application (Appendix 3 of the report submitted).
- Amend the floorplan associated with the premises
The applicant was seeking to amend the layout of the premises as detailed in the plan attached to the application form (Appendix 3 of the report submitted).

The Sub-Committee heard representations from:-

Ms. K. Brumbill, Resident
Mrs. Ironmonger, Resident
Maltby Town Council – Councillor Biggin
RMBC Borough Councillor Beaumont

The objections centred around:-

- Noise/nuisance
- Anti-social behaviour
- Anti-social drinking
- Impact upon the vulnerable people who resided in the area
- Longstanding issue with alcohol and substance misuse in the area and associated crime and disorder with which there had been prolonged involvement with the PCSO, Borough Councillors and Neighbourhood Officers
- Impact of increased traffic at unsociable hours
- Protection of children from harm

No comments/objections had been received from any of the Responsible Authorities as identified in the Licensing Act 2003.

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

The prevention of crime and disorder
The protection of children from harm

Resolved:- That the application to vary the Premises Licence, in accordance with the provisions of Section 34 of the Licensing Act 2003, in respect of the premises known as Maltby Service Station, Rotherham Road, Rotherham, be approved subject to the following conditions:-

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(1) That between the hours of 2300 and 0600 the store will not be accessible by the public and customers will not be allowed access to the shop. All transactions will only take place via a hatch and night pay window which is covered directly by CCTV.

(2) That on first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters prior to commencing employment on site. Training shall be regularly refreshed at no less than 6 monthly intervals. The training must be recorded (by way of either a paper or online system) and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

(3) A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the Police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

(4) That an incident register be maintained at the premises and made available to the authorities upon request.

(5) That all spirits will be located behind the counter.

(6) That a register of refusals of alcohol be maintained at the premises. The register shall be examined every 31 days by the Duty Manager/Designated Premises Supervisor and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other responsible authorities within 48 hours.

(7) That the premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age to provide that they are 18 years or older.

(8) That the only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licence, military ID and cards bearing the 'PASS' hologram.